

NEVADA LEGISLATURE

SIXTY-EIGHTH SESSION

1995

SUMMARY OF LEGISLATION



PREPARED BY

RESEARCH DIVISION

LEGISLATIVE COUNSEL BUREAU

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INTRODUCTION

The 1995 Nevada Legislature considered 1547 legislative measures. Of this total, 730 bills were enacted, and 173 resolutions were adopted. Six bills were vetoed by the Governor: two vetoes were sustained by the 1995 Legislature, and the remaining four will be considered during the 1997 Session.

The *Summary of Legislation* reviews each bill, concurrent resolution, and joint resolution (including the vetoed bills) passed by the 1995 Legislature. These summaries do not constitute legal analyses and are not intended for use by the legal community in place of the actual statutes. Further, each bill contains many provisions that cannot be included in a brief summary; those interested in a particular measure should consult the *Statutes of Nevada 1995* for the entire text. Detailed descriptions of appropriations acts are available in the *Nevada Legislative Appropriations Report*, prepared by the Fiscal Analysis Division of the Legislative Counsel Bureau.

Unless otherwise noted, the measures passed during the 1995 Legislative Session become effective on October 1, 1995.

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

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APPROPRIATIONS AND AUTHORIZATIONS

S.B. 1 (Chapter 1)

Senate Bill 1 transfers \$5 million to the Legislative Fund to provide finances for the 1995 Legislative Session.

This bill is effective on February 2, 1995.

S.B. 16 (Chapter 648)

Senate Bill 16 prospectively increases the salaries of Supreme Court justices and district court judges. As of the first Monday in 1997, the successors in office of Supreme Court justices whose terms expire on that day receive \$107,600. Similar provisions apply to the successors in office of justices whose terms expire on the first Monday in 1999 and the first Monday in 2001.

The bill also provides that district court judges shall receive an annual salary of \$100,000 after the first Monday in January 1997. In addition, the measure decreases, from 6 to 5, the number of years of service after which a district court judge receives an additional 1 percent of the base salary.

To implement this legislation, S.B. 16 appropriates \$29,883 for the support of the Supreme Court and \$654,189 for the support of district judges' salaries and pensions of justices, judges, and surviving spouses.

The appropriations sections are effective on July 1, 1996. The provisions concerning salaries for district court judges are effective on January 6, 1997. The remainder of the bill is effective on October 1, 1995.

S.B. 18 (Chapter 456)

Senate Bill 18 appropriates \$26,370 to the Board of Regents for a study of the rates charged for grazing rights on private property in Nevada. The study is to be conducted by the Department of Agricultural Economics of the College of Agriculture at the University of Nevada, Reno. The bill requires the Board of Regents to report the results of the study and any recommended legislation to the Director of the Legislative Counsel Bureau not later than January 1, 1997, for distribution to the 69th Legislative Session.

This measure is effective on July 1, 1995.

S.B. 78 (Chapter 458)

Senate Bill 78 appropriates \$80,000 for each year of the biennium to the Department of Education for a grant to the Nevada Project of Leadership in Education Administration Development for the training of school administrators in Nevada.

This measure is effective on July 1, 1995.

S.B. 117 (Chapter 93)

Senate Bill 117 expands the permissible uses of revenue bonds for projects at the University of Nevada, Las Vegas, and the University of Nevada, Reno. The 1991 Legislature authorized the issuance of up to \$10 million in revenue bonds at each campus for student housing and dining facilities. This measure increases the amounts authorized and expands the permissible uses to include the construction of parking facilities at each campus. The ceiling for the bonds issued to fund these projects at the Reno campus is \$12 million. The cap for the Las Vegas project is set at \$17.5 million. The bill also extends the time allowed for issuing the bonds for an additional 4 years, until the year 2000.

This measure is effective on May 16, 1995.

S.B. 135 (Chapter 441)

Senate Bill 135 appropriates \$1,730,020 to the Legislative Fund for additional equipment and software for information systems for the Legislative Counsel Bureau.

This measure is effective on June 30, 1995.

S.B. 136 (Chapter 440)

Senate Bill 136 appropriates \$64,000 to the Legislative Fund for computer equipment and software to allow interaction between the Legislature and other entities through INTERNET.

This measure is effective on June 30, 1995.

S.B. 146 (Chapter 12)

Senate Bill 146 appropriates \$2,106,672 to the State Board of Examiners to be allocated as follows:

- The sum of \$51,162 to the emergency account to restore the account's balance to approximately \$400,000;
- The sum of \$1,504,000 to the stale claims account to restore the account's balance to approximately \$1 million; and
- The sum of \$551,510 to the reserve for statutory contingency account to restore the account's balance to approximately \$1.2 million.

This measure is effective on March 27, 1995.

S.B. 147 (Chapter 8)

Senate Bill 147 makes a supplemental appropriation of \$80,677 to the Office of the Military for additional utility expenses.

This measure is effective on March 27, 1995.

S.B. 148 (Chapter 71)

Senate Bill 148 makes a supplemental appropriation of \$3,423 to the State Board of Parole Commissioners for retroactive retirement contributions.

This measure is effective May 9, 1995.

S.B. 149 (Chapter 392)

Senate Bill 149 transfers to Nevada's Superintendent of Public Instruction the responsibility to provide and administer special education programs and related benefits for persons with certain disabilities. The bill also creates an interagency panel to make recommendations to the superintendent, who has final authority regarding placement of these persons into foster homes or residential facilities. The interagency panel must study existing programs and develop new programs for persons with disabilities. These provisions are effective on July 1, 1995.

In addition, S.B. 149 makes a supplemental appropriation of \$603,311 to the State Department of Education for additional expenses of residential and educational needs for children with disabilities. This provision is effective June 28, 1995.

The remainder of the bill is effective July 1, 1995.

S.B. 150 (Chapter 5)

Senate Bill 150 provides a supplemental appropriation of \$7,283 to the Commission on Ethics for salary, travel, and per diem expenses for members to attend six additional meetings in Fiscal Year 1995.

The bill is effective on March 21, 1995.

S.B. 197 (Chapter 169)

Senate Bill 197 appropriates \$390,406 to the State Gaming Control Board for computer and office equipment.

This measure is effective on June 8, 1995.

S.B. 198 (Chapter 451)

Senate Bill 198 appropriates \$2,557,834 to the Department of Prisons for new and replacement equipment, computer hardware and software, and vehicles. The bill authorizes the transfer of the appropriated funds among the department's various facilities, offices, and divisions, upon the recommendation of the Governor and approval of the Interim Finance Committee.

This measure is effective on June 30, 1995.

S.B. 199 (Chapter 583)

Senate Bill 199 appropriates \$81,942,218 to the fund to stabilize the operation of the state government to increase the fund's balance to the statutory maximum of \$100 million.

This measure is effective on June 30, 1995.

S.B. 200 (Chapter 170)

Senate Bill 200 appropriates \$8,200 to the Commission on Ethics for the purchase of equipment.

This measure is effective on June 8, 1995.

S.B. 201 (Chapter 155)

Senate Bill 201 appropriates \$19,068 to the Office of the State Treasurer for an automated check distribution machine, computer hardware and printers, and office equipment.

The bill is effective June 7, 1995.

S.B. 202 (Chapter 202)

Senate Bill 202 appropriates \$47,238 to the Office of the State Controller for the purchase of equipment and computer enhancements and the expenses of remodeling the basement of the capitol annex.

This measure is effective on June 14, 1995.

S.B. 204 (Chapter 710)

Senate Bill 204 appropriates \$5 million to the University and Community College System of Nevada and \$3 million to the State Department of Education for the purchase of computer equipment and other services necessary to develop a statewide system of pupil information and to improve access to educational programs through INTERNET and interactive video.

The measure requires the system and the department to enter into a cooperative agreement to implement this legislation and to report to the 1997 Legislature the expenditures of these funds and the status of the network.

This bill is effective on June 30, 1995.

S.B. 205 (Chapter 94)

Senate Bill 205 appropriates \$7 million to the University and Community College System of Nevada for scholarships for students.

As this appropriation comes from surplus funds, these additional scholarships are considered one-time expenses and must not be built into the base budget for the next Legislative Session. Since each campus must finalize its scholarship offers to students for the forthcoming academic year, the early appropriation is needed to allow these commitments to be made.

This measure is effective on May 16, 1995.

S.B. 206 (Chapter 236)

Senate Bill 206 appropriates \$275,000 to the Budget Division of the Department of Administration for enhancements to the executive budget system.

This measure is effective on June 15, 1995.

S.B. 207 (Chapter 185)

Senate Bill 207 appropriates \$50,520 to the State Gaming Control Board for a system that facilitates the electronic payment of taxes.

This measure is effective on June 12, 1995.

S.B. 208 (Chapter 316)

Senate Bill 208 appropriates \$105,461 to the Office of Labor Commissioner of the Department of Business and Industry for computer hardware and software and office equipment.

This measure is effective on June 26, 1995.

S.B. 209 (Chapter 237)

Senate Bill 209 appropriates \$16,200 to the Division of Economic Development of the Commission on Economic Development for replacement of the existing telephone system.

This measure is effective on June 15, 1995.

S.B. 210 (Chapter 711)

Senate Bill 210 appropriates \$675,436 to the Department of Human Resources, to finance the state's share of a business process re-engineering for all of the department's divisions, except the Division of Child and Family Services. This money may not be spent until the Interim Finance Committee (IFC) approves the department's proposed business process re-engineering plan.

The bill also appropriates \$350,000 to the Department of Business and Industry for a joint business process re-engineering to be conducted cooperatively between this department and the Department of Taxation.

Finally, S.B. 210 appropriates \$250,000 to the Department of Administration to conduct a study on business process re-engineering. The department is required to provide the final report on the study to the IFC by September 30, 1996.

This measure is effective on June 30, 1995.

S.B. 211 (Chapter 314)

Senate Bill 211 appropriates \$713,763 to the Mental Hygiene and Mental Retardation Division of the Department of Human Resources for the cost of vehicles, computers, office equipment, and refurbishment of mental health facilities.

This measure is effective on June 26, 1995.

S.B. 212 (Chapter 235)

Senate Bill 212 appropriates \$1,361,521 to the Health Division of the Department of Human Resources for various equipment. The appropriation is distributed to four division programs, including Community Health Nursing, Health Administration, Radiological Health, and the State Health Laboratory. The funds will be used to purchase computer equipment and new and replacement laboratory equipment.

This measure is effective June 15, 1995.

S.B. 213 (Chapter 205)

Senate Bill 213 appropriates \$7,852 to the Welfare Division of the Department of Human Resources to replace room dividers and office equipment relating to Nevada Medicaid.

The measure is effective June 14, 1995.

S.B. 214 (Chapter 712)

Senate Bill 214 exempts health maintenance organizations (HMOs) that provide services to Medicaid managed care recipients from certain statutory requirements. These exemptions apply only to Medicaid managed care contracts. Further, the bill appropriates \$12,854,622 to the Department of Human Resources to pay for the accrued costs of services rendered on a fee-for-service basis for Aid to Dependent Children, Child Health Assurance Program, and other child welfare recipients prior to the implementation of the managed care program.

APPROPRIATIONS (continued)

A 1993 interim study determined that HMOs are the most appropriate entity to manage services to Medicaid managed care clients. However, current statutes that address the operation of commercial HMOs are inadequate to allow for the operation of a commercial HMO involved in the Medicaid managed care business.

This measure is effective on June 30, 1995.

S.B. 215 (Chapter 229)

Senate Bill 215 appropriates \$206,194 to the Division of Child and Family Services of the Department of Human Resources for vehicles, equipment, supplies, and building maintenance for the Nevada Youth Training Center, the Caliente Youth Center, and the Youth Parole Bureau.

The bill is effective June 15, 1995.

S.B. 216 (Chapter 173)

Senate Bill 216 appropriates \$227,427 to the Department of Employment, Training and Rehabilitation for the developmental disabilities program.

This measure is effective on June 8, 1995.

S.B. 217 (Chapter 450)

Senate Bill 217 appropriates \$85,605 to the Department of Prisons for expenses related to the Stewart Conservation Camp.

This measure is effective on June 30, 1995.

S.B. 218 (Chapter 636)

Senate Bill 218 appropriates \$595,000 from the State Highway Fund to the Department of Motor Vehicles and Public Safety for a business process re-engineering study.

The bill also appropriates \$340,388 from the State Highway Fund to the Interim Finance Committee for allocation to the Department of Motor Vehicles and Public Safety for computer programming related to the revision of existing motor vehicle operating

applications. The Interim Finance Committee must allocate this money when the business process re-engineering study is completed and the committee approves the department's plan to implement the study's recommendations.

This measure is effective on June 30, 1995.

S.B. 219 (Chapter 317)

Senate Bill 219 appropriates \$699,525 to the Investigation Division of the Department of Motor Vehicles and Public Safety for replacement of vehicles.

This measure is effective on June 26, 1995.

S.B. 221 (Chapter 206)

Senate Bill 221 appropriates \$41,737 to the Division of Water Resources of the State Department of Conservation and Natural Resources for equipment.

This measure is effective on June 14, 1995.

S.B. 222 (Chapter 207)

Senate Bill 222 appropriates \$24,350 to the Division of State Lands of the State Department of Conservation and Natural Resources for equipment.

This measure is effective on June 14, 1995.

S.B. 223 (Chapter 345)

Senate Bill 223 creates the account for the channel clearance, surveying and monumenting program. Money in the account must be administered by the State Engineer and expended to aid local governments in the clearance, surveying, and monumenting of navigable rivers.

The bill authorizes restoration of the balance in the account from the contingency fund. It further authorizes payment from the reserve for statutory contingency account of obligations arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous.

Further, S.B. 223 appropriates \$50,000 to the Account for the channel clearance, surveying and monumenting program. It also appropriates \$190,900 to the Division of Water Resources for repairs to the outlet channel, abutment, and access road at

South Fork Dam; removal of debris, recontouring of dike crests and the surrounding channel; and construction of a gauging station upstream of the dam on the South Fork of the Humboldt River; and equipment for the gauging station.

Finally, the measure authorizes the Division of Water Resources of the State Department of Conservation and Natural Resources to accept federal funds to offset the state's cost incurred for work on the gauging station.

This measure is effective on June 26, 1995.

S.B. 274 (Chapter 677)

Senate Bill 274 appropriates \$250,000 to the Lincoln County School District for increased costs of construction of the elementary school located in Alamo and for books and materials for the 1995-1996 school year.

This measure is effective on July 6, 1995.

S.B. 278 (Chapter 656)

Senate Bill 278 appropriates \$790,000 to the State Public Works Board for the design of additional housing units and related facilities at the Lovelock Correctional Center.

The bill also requires the State Board of Examiners to issue general obligation bonds in an amount not to exceed \$6,982,015 to be allocated to the Men's Prison No. 7 at Indian Springs for certain designs and planning. The measure allows the State Controller to advance to the State Public Works Board an amount of money necessary to facilitate the start of the project. Any money advanced for this purpose must be repaid immediately upon the sale of the bonds.

In addition, S.B. 278 requires the Department of Prisons to enter into a contract for the construction and operation of a new correctional facility for women in southern Nevada.

This measure is effective on June 30, 1995.

S.B. 346 (Chapter 107)

Senate Bill 346 makes a supplemental appropriation of \$4,000 to the Department of Administration for personnel expenses of the Office of Internal Audits.

This measure is effective on May 22, 1995.

S.B. 366 (Chapter 340)

Senate Bill 366 increases, from six to eight, the number of family court judges in the eighth judicial district and provides for the election and terms of the new judges. The bill also appropriates \$100,251 for the salaries and pensions of the additional judges.

The appropriation section is effective on July 1, 1996, and the provisions concerning the increase in the number of judges are effective on November 5, 1996. The remainder of the bill is effective on October 1, 1995.

S.B. 368 (Chapter 95)

Senate Bill 368 appropriates \$3.6 million to the Legislative Fund.

This measure is effective on May 16, 1995.

S.B. 386 (Chapter 525)

Senate Bill 386 revises certain provisions governing the program for school accountability. (See also: Education.) In addition, the bill appropriates \$670,030 to the State Department of Education to pay for statewide accountability and proficiency testing, using a nationally norm-referenced test that is scored by a single private entity.

The appropriation provision is effective on June 30, 1995. The section concerning the administration and scoring of the statewide tests is effective on July 1, 1996. The remainder of the bill is effective on July 1, 1995.

S.B. 387 (Chapter 96)

Senate Bill 387 makes a supplemental appropriation of \$59,500 to the Department of Employment, Training and Rehabilitation for personnel and operating expenses for the remainder of Fiscal Year 1995. On or before June 30, 1996, the department is required to use federal funds to reimburse the State General Fund for this appropriation.

This measure is effective on May 16, 1995.

S.B. 405 (Chapter 721)

Senate Bill 405 requires the Department of Human Resources (DHR) to create and administer a program that establishes family resource centers in at-risk neighborhoods. (See also: Family Topics.) The bill also appropriates \$1.13 million to DHR to develop the program. The director is authorized to make grants to local governing boards or

the centers and may require matching funds as a condition of accepting the grant. Before receiving any state funding, the center's neighborhood action plan must be approved by the director.

Senate Bill 405 requires local governing boards, by April 1 of each year, to report to the director about their expenditures of state funds and progress towards achieving goals outlined in the neighborhood action plans. By September 30 of each year, the director must report to the Interim Finance Committee concerning the funds appropriated for this program.

This measure is effective on July 1, 1995.

S.B. 413 (Chapter 140)

Senate Bill 413 appropriates \$5.454 million to the State Public Works Board for the construction of two armories for the Office of the Military. This measure authorizes \$900,000 in state funds and over \$6.3 million in other funds for a new Washoe County Armory. In addition, the bill authorizes \$4.554 million in state funds and \$10.4 million in other funds for a Southern Nevada Armory Complex.

This measure is effective on May 31, 1995.

S.B. 430 (Chapter 662)

Senate Bill 430 removes the regulatory oversight responsibility for emergency medical services in Washoe County from the District Health Department and places the responsibility under the jurisdiction of the State Health Division. These oversight responsibilities include licensing of ambulance attendants; inspecting and the operational monitoring of emergency vehicles and equipment; certifying emergency medical technicians; permitting ambulance services; implementing standards for emergency medical service training; reviewing and approving training programs; and investigating emergency medical service complaints. Senate Bill 430 provides an appropriation of \$357,481 from the State General Fund to the Health Division to support this change.

The measure is effective on July 1, 1995.

S.B. 441 (Chapter 624)

Senate Bill 441 prohibits the Department of Motor Vehicles and Public Safety (DMV&PS) from renewing the registration of a motor vehicle if the vehicle's owner owes any civil penalty, criminal fine, or other charge imposed for illegally stopping, standing, or parking a vehicle. (See also: Drivers' Licenses and Vehicle Registration.) Senate Bill 441 authorizes the expenditure of \$290,622 by the DMV&PS during the Fiscal Year

(FY) beginning July 1, 1995, and ending June 30, 1996, to implement this act. Also authorized is the expenditure of \$316,640 by the department during FY 1996-1997.

This measure is effective on July 1, 1995, for the purposes of adopting the necessary regulations, authorizing expenditures, and conducting any preliminary activities to implement the provisions of the bill. The other provisions of the act are effective on July 1, 1996.

S.B. 444 (Chapter 663)

Senate Bill 444 appropriates \$250,000 to the Mineral County School District for a portion of the costs of construction of a school to replace Schurz School. This appropriation is contingent upon the district obtaining money from any public or private source in an amount that, when combined with this appropriation, is sufficient to fund construction of the school.

This measure is effective on June 30, 1995.

S.B. 470 (Chapter 477)

Senate Bill 470 appropriates \$511,677 the State Department of Education to develop and carry out a new high school proficiency examination. Money appropriated by this bill is available for either fiscal year of the biennium.

This measure is effective on July 1, 1995.

S.B. 574 (Chapter 447)

Senate Bill 574 authorizes the expenditures (for Fiscal Years 1996 and 1997) by various state agencies of money not appropriated from the State General Fund or the State Highway Fund. In addition, the measure authorizes expenditures from the State General Fund for the administration of gaming licensing and control. It also provides for expenditure, by the University and Community College System of Nevada, of revenue from student registration fees and the system's endowment fund.

The measure also requires the assessment of each professional or licensing board for its proportionate share of the costs associated with a Budget Division employee who is responsible for monitoring the budget-related activities of these boards. In addition, the bill specifies the amount of money to be collected from each county for the services provided by the State Public Defender.

Finally, S.B. 574 repeals statutory provisions regarding the Advocate for Insurance Customers.

This measure is effective on July 1, 1995.

S.B. 576 (Chapter 592)

Senate Bill 576 appropriates a total of \$43,446,173 in the first year of the biennium, and \$55,713,459 in the second year, to cover salaries and benefits for teachers hired to meet the required ratios for Nevada's class-size reduction program. The measure notes that, although the Legislature's goal is a pupil-to-teacher ratio of 15 to 1, the current funding is sufficient to maintain such ratios at 16 to 1 in at-risk kindergartens and first and second grades. Funding is included for the second year of the biennium to hire an additional 195 teachers to begin reducing the ratio in the third grade. Under certain circumstances and upon approval by the Superintendent of Public Instruction, school districts may use the class-size reduction funds for an alternate plan to improve pupil achievement in grades 1, 2, and 3. To receive class-size reduction funding, school districts must file a plan with the State Department of Education. Class-size reduction funds may not be used to adjust district-wide salary schedules or to settle or arbitrate disputes or contract negotiations.

The bill also continues a scholarship program for 90 prospective teachers, transferring \$130,680 in estate tax revenues to the University and Community College System for that purpose.

Most of the bill is effective on July 1, 1995. The provisions concerning the second year of the biennium are effective on July 1, 1996.

S.B. 577 (Chapter 628)

Senate Bill 577 appropriates various amounts of money from the State General Fund and the State Highway Fund to increase, by 5 percent in the first year of the biennium and 3 percent in the second, the salaries of certain employees of the State of Nevada. The bill also establishes maximum annual salaries for certain positions in the classified service. In addition, S.B. 577 provides an appropriation to increase the salaries of uniformed highway patrol positions.

This measure is effective on July 1, 1995.

S.B. 579 (Chapter 694)

Senate Bill 579 makes various appropriations. A trust fund for the support of the Division of Museums and History is created and \$300,000 is appropriated to this fund on the condition that an equal amount of money is donated to the Museum, Library and

Arts Foundation for the support of this division on or before June 30, 1997. In addition, Senate Bill 579 appropriates \$110,000 to the State Engineer to implement a program to map water rights statewide on a geographic information system.

For each fiscal year in the next biennium, \$32,000 is appropriated to the Retired Senior Volunteer Program to expand the Home Companion Program. The sum of \$200,000 is appropriated to the Life Line Pregnancy Assistance and Vocational Training Center for the continuation of its nonprofit pregnancy assistance, educational, and vocational training center. To establish a pilot project that provides grants for the purchase of books and library materials, \$200,000 is appropriated to the State Librarian and \$250,000 to the Division of State Library and Archives.

Conditioned upon the City of Reno obtaining \$6.4 million in matching funds from other sources, \$3.2 million is appropriated to the City of Reno for the repayment of the construction cost of the National Automobile Museum. The bill appropriates \$620,000 to Nevada's Department of Transportation to construct a sound barrier along certain portions of U.S. Highway 95 in Las Vegas. Areas burned by fires may be reseeded with \$218,000 appropriated to the Division of Forestry.

Senate Bill 579 also appropriates \$150,000 for repairs or replacement of the well and appurtenant equipment at the China Springs Youth Camp. An appropriation of \$2.5 million is made to the Division of Museums and History for improvements to the Nevada State Railroad Museum in Boulder City.

For the development of a system of communication for the search and rescue unit in Clark County, \$30,000 is appropriated to Clark County. In addition, \$60,000 is appropriated to Clark County for the purchase of equipment and supplies necessary for identifying victims of a mass disaster and \$45,000 for the purchase of equipment used to trace stolen property. Computer equipment and specialized equipment for the forensic laboratory in Washoe County may be purchased with the \$90,000 appropriated in Senate Bill 579 for this purpose.

This measure is effective on July 1, 1995.

S.B. 580 (Chapter 627)

Senate Bill 580 authorizes the Department of Information Services to enter into contracts for the purchase of equipment to upgrade the mainframe of the computer. The total debt incurred by entering into these contracts is limited to \$5 million and must be repaid within 20 years after the date of passage of this act.

This bill is effective on July 1, 1995.

S.B. 581 (Chapter 727)

Senate Bill 581 appropriates \$91,000 to the Gerlach General Improvement District for the replacement of a water tank.

This measure is effective on July 1, 1995.

A.B. 32 (Chapter 62)

Assembly Bill 32 appropriates \$45,000 to the Legislative Counsel Bureau for the cost of reproducing volumes of *Nevada Reports* that are out of print or in limited supply.

This measure is effective on May 1, 1995.

A.B. 34 (Chapter 82)

Assembly Bill 34 appropriates \$125,000 to the Budget Division of the Department of Administration to reimburse the Legal Division of the Legislative Counsel Bureau for the cost of drafting bills requested by agencies of the executive branch.

This measure is effective on May 16, 1995.

A.B. 71 (Chapter 81)

Assembly Bill 71 increases, from \$20,000 to \$40,000, the amount in the motor vehicle revolving account by appropriating \$20,000 from the State Highway Fund.

This measure is effective on July 1, 1995.

A.B. 73 (Chapter 553)

Assembly Bill 73 appropriates \$118,714.84 to Pershing County for expenses related to the trial of Michael Sonner for the murder of Highway Patrolman Carlos J. Borland.

This bill is effective on July 5, 1995.

A.B. 88 (Chapter 387)

Assembly Bill 88 appropriates \$250,000 to the Eighth Judicial District Court (Clark County) to expand its program of treatment for the abuse of alcohol or drugs.

An additional \$100,000 is appropriated to the Second Judicial District Court (Washoe County) to establish a program of treatment for the abuse of alcohol or drugs.

This act measure is effective on July 1, 1995.

A.B. 113 (Chapter 676)

Assembly Bill 113 appropriates \$5 million to the Tricounty Railway Commission of Carson City and Lyon and Storey Counties for the establishment of a railroad line similar to the former Virginia & Truckee Railroad from Virginia City through the Gold Hill area to Carson City. This appropriation is contingent upon the commission obtaining an additional \$15 million from any public or private source, entering into a written agreement to repay the appropriation, and giving the State of Nevada first security interest in the commission's assets as necessary to ensure repayment of the appropriation.

This measure becomes effective on July 1, 1995.

A.B. 116 (Chapter 556)

Assembly Bill 116 repeals the prospective expiration of the Nevada Commission for Women and appropriates \$10,000 to the commission for operating expenses.

The measure is effective on June 30, 1995.

A.B. 126 (Chapter 29)

Assembly Bill 126 makes a supplemental appropriation of \$66,250 to the Division of Forestry for expenses related to helicopters used during the fire season. The supplemental appropriation will allow necessary maintenance and repair of the Division of Forestry's existing helicopter and upgrading of a second helicopter before the start of the fire season.

The bill is effective on April 13, 1995.

A.B. 127 (Chapter 28)

Assembly Bill 127 makes a supplemental appropriation of \$2,198 to the Division of Agriculture of the Department of Business and Industry for additional veterinary medical services.

The bill is effective on April 13, 1995.

A.B. 128 (Chapter 27)

Assembly Bill 128 makes a supplemental appropriation of \$1,510,223 to the Department of Taxation for additional data processing expenses and to cover a shortfall in revenues from the audits of state agencies.

The bill is effective on April 13, 1995.

A.B. 129 (Chapter 26)

Assembly Bill 129 makes a supplemental appropriation of \$38,748 to the State Department of Conservation and Natural Resources for additional staff and equipment for the administrative offices of the department and its Division of Forestry.

The bill is effective on April 10, 1995.

A.B. 130 (Chapter 461)

Assembly Bill 130 transfers the state's Agency for Nuclear Projects from the Department of Conservation and Natural Resources to the Governor's Office. The bill also authorizes the agency to expend from sources other than the State General Fund approximately \$7 million the first year of the 1995-1997 biennium and \$8 million the second year.

The bill is effective on July 1, 1995.

A.B. 148 (Chapter 557)

Assembly Bill 148 requires the State Conservation Commission to adopt regulations to establish a program for distributing grants in equal amounts to each qualifying conservation district. A conservation district may use the grant for reasonable and necessary expenses incurred in carrying out its statutory duties and authorities, pursuant to an annual budget approved by the commission.

The bill also appropriates \$85,000 to the commission for each of the next 2 fiscal years for grants to conservation districts.

Nevada's 28 conservation districts, which carry out a variety of technical assistance programs, have until now not received money from the state.

This measure is effective on July 1, 1995.

A.B. 181 (Chapter 508)

Assembly Bill 181 appropriates \$166,500 for Fiscal Year 1996 and \$229,000 for Fiscal Year 1997 to the University and Community College System of Nevada for the support of the health service corps.

This measure is effective on July 1, 1995.

A.B. 182 (Chapter 216)

Assembly Bill 182 requires the Office of the Court Administrator to transfer to the Supreme Court \$177,198 from money allocated for continuing judicial education and \$71,000 from money allocated to pay for the services of retired justices and retired district judges for Fiscal Year 1994-1995. The bill also makes a supplemental appropriation of \$25,428 to the Supreme Court for an anticipated shortfall in administrative assessments. The supplemental appropriation may not be used until the funds transferred to the court by the Office of the Court Administrator are exhausted.

This measure is effective on June 14, 1995.

A.B. 184 (Chapter 222)

Assembly Bill 184 appropriates \$150,000 to the Division of Water Resources of the State Department of Conservation and Natural Resources for the costs of litigation involving the stream systems of the Truckee, Carson, and Walker Rivers and for costs related to consultants on the statewide administration of water resources.

This measure is effective on June 15, 1995.

A.B. 193 (Chapter 15)

Assembly Bill 193 makes an appropriation of \$6 million for the purchase of furniture and equipment for the Cheyenne and West Charleston campuses of the Community College of Southern Nevada. Although the funding is included in the Governor's capital improvement budget for the next biennium, the furniture and equipment need to be ordered and installed as soon as possible to meet the anticipated need for the facilities during the fall 1995 semester. The Community College of Southern Nevada estimated that it would have to turn away approximately 5,000 students if the facilities were not completed by the time classes began.

The bill is effective on April 6, 1995.

A.B. 217 (Chapter 363)

Assembly Bill 217 appropriates \$199,967 to the Division of Child and Family Services of the Department of Human Resources for vehicles, equipment, supplies, and building maintenance for the northern and southern Child and Adolescent Services.

This measure is effective on June 26, 1995.

A.B. 218 (Chapter 364)

Assembly Bill 218 appropriates \$434,484 to the Division of Child and Family Services of the Department of Human Resources for vehicles, computers, and miscellaneous equipment. The bill also authorizes the division to expend \$118,151 for office equipment, if this amount is received in federal funding. If the division receives the federal money, the bill requires the division to make repayments to the State General Fund.

This measure is effective on June 26, 1995.

A.B. 219 (Chapter 365)

Assembly Bill 219 appropriates \$560,218 to the Department of Museums, Library and Arts for enhancing the computer system, and for equipment, painting, compact shelving, and a truck. The bill also appropriates \$171,968 to the department for remodeling the basement in the State Library. Additionally, the measure requires the State Public Works Board to transfer \$144,032 for the remodeling project and \$45,000 to parking for the capitol complex.

The measure is effective on June 26, 1995.

A.B. 220 (Chapter 366)

Assembly Bill 220 appropriates \$165,000 to the Budget Division, Department of Administration, for the development of the requirements for an integrated financial system.

This measure is effective on June 26, 1995.

A.B. 221 (Chapter 224)

Assembly Bill 221 appropriates \$31,730 to the Real Estate Division of the Department of Business and Industry for telephone and computer upgrades. The bill also appropriates \$877 to the Employee-Management Relations Board for office equipment.

This measure is effective on June 15, 1995.

A.B. 223 (Chapter 562)

Assembly Bill 223 appropriates \$20 million to the University and Community College System of Nevada (UCCSN) for the acquisition of administrative and academic equipment. The bill also appropriates \$200,000 to the Desert Research Institute of the UCCSN for expenses related to the operation and maintenance of the institute's facilities.

This measure is effective on June 30, 1995.

A.B. 224 (Chapter 563)

Assembly Bill 224 establishes additional requirements for the annual audit of a local government. Each annual audit is required to include a statement from the auditor detailing whether each fund was being used expressly for the purpose for which it was created. The bill also revises the sources of revenue that may be expended for labor negotiations between a local government and its employee organization to include a reserve in any fund if the reserve exceeds an amount considered to be reasonable and necessary to carry out the purposes for which the fund was created.

In addition, A.B. 224 appropriates \$33.7 million to the State Department of Education for distribution to school districts to be used for locally identified needs. The funds received by the school districts must be allocated on the basis of each district's proportionate share of basic support in Fiscal Year 1995 and must be used to supplement the funds the district uses for textbooks, library books, and other educational materials.

The bill also appropriates \$300,000 to the Legislative Commission to conduct an interim study of the feasibility of reconfiguring the structure of school districts in Nevada.

This measure is effective on July 1, 1995.

A.B. 225 (Chapter 564)

Assembly Bill 225 appropriates \$242,000 to the State Department of Education for the development and implementation of a computer system for the licensing of teachers and other educational personnel.

This measure is effective on June 30, 1995.

A.B. 226 (Chapter 436)

Assembly Bill 226 appropriates \$20,000 to the Office of the Attorney General for applying for federal grants concerning family violence and for expenses related to the Nevada Domestic Violence Prevention Council.

This measure is effective on June 29, 1995.

A.B. 227 (Chapter 367)

Assembly Bill 227 appropriates \$223,909 to the Office of the Attorney General for computer hardware and software, communication enhancements, and other office equipment.

This measure is effective on June 26, 1995.

A.B. 228 (Chapter 565)

Assembly Bill 228 appropriates \$163,975 to the Office of the Governor for the installation of an enhanced security system and related equipment for the governor's mansion.

The measure also appropriates \$25,147 for Fiscal Year 1996 and \$25,261 for Fiscal Year 1997 to the Department of Conservation and Natural Resources to employ a State Climatologist.

This measure is effective on July 1, 1995.

A.B. 229 (Chapter 368)

Assembly Bill 229 appropriates \$67,220 to the Office of the Governor for upgrades in computer equipment and software.

This measure is effective on June 26, 1995.

A.B. 230 (Chapter 80)

Assembly Bill 230 appropriates \$510,769 for Fiscal Year 1996 and \$1,503,024 for Fiscal Year 1997 to the Department of Prisons for expenses related to the opening of the Lovelock Correctional Center. The bill specifies the manner in which these appropriations are to be allocated.

This measure is effective on May 10, 1995.

A.B. 231 (Chapter 371)

Assembly Bill 231 appropriates \$250,000 to the Division of Wildlife for construction of an airplane hangar at the Minden airport.

This measure is effective on June 26, 1995.

A.B. 232 (Chapter 372)

Assembly Bill 232 appropriates \$2,375,947 to the Division of Forestry. This sum of money is to be expended as follows:

- To remove and replace underground fuel storage tanks, \$170,980;
- For fire-resistant clothing and safety equipment for fire fighters, \$126,500;
- For repairs to the agency's aircraft and radios for aircraft or aircraft operations, \$203,314;
- For radios, communication equipment, and improvements to communications systems, \$195,223;
- For training pilots employed by the Division of Wildlife, State Department of Conservation and Natural Resources, in fire suppression techniques, \$12,000;
- To replace certain vehicles of the Division of Forestry and to equip them with radios, \$1,634,403; and
- For computer software and hardware, \$33,527.

This measure is effective on June 26, 1995.

A.B. 233 (Chapter 121)

Assembly Bill 233 appropriates \$1,200 to the State Department of Conservation and Natural Resources for a flat file in which the Tahoe Regional Planning Agency can store maps.

This measure is effective on May 26, 1995.

A.B. 234 (Chapter 225)

Assembly Bill 234 appropriates \$91,160 to the Division of Water Planning of the State Department of Conservation and Natural Resources for office equipment and computer hardware and software.

This measure is effective on June 15, 1995.

A.B. 235 (Chapter 123)

Assembly Bill 235 appropriates \$6,642 to the Division of Conservation Districts in the State Department of Conservation and Natural Resources for office equipment and computer hardware and software.

This measure is effective on May 26, 1995.

A.B. 236 (Chapter 370)

Assembly Bill 236 appropriates \$737,971 to the Division of Parole and Probation for office equipment, computer hardware and software; and certain security items such as weapons and protective vests.

This measure is effective on June 26, 1995.

A.B. 237 (Chapter 279)

Assembly Bill 237 appropriates \$42,000 to the Nevada Commissioner for Veteran Affairs of the Department of Motor Vehicles and Public Safety to replace a backhoe at the Boulder City veterans' cemetery.

This measure is effective on June 19, 1995.

A.B. 238 (Chapter 278)

Assembly Bill 238 appropriates \$237,200 to the Nevada Commissioner on Veteran Affairs of the Department of Motor Vehicles and Public Safety for improvements to the veterans' cemeteries. Of this amount, \$22,200 must be expended for preburial vaults. This appropriation will be supplemented by federal matching funds and by in-kind use of existing land.

This measure is effective on June 19, 1995.

A.B. 239 (Chapter 226)

Assembly Bill 239 appropriates \$553,224 to the Department of Prisons for maintenance and minor construction projects.

This measure is effective on June 15, 1995.

A.B. 240 (Chapter 369)

Assembly Bill 240 appropriates \$275,000 to the Bureau of Alcohol and Drug Abuse for the cost of air filters at residential treatment centers to prevent employees and clients from becoming infected with tuberculosis.

This measure is effective on June 26, 1995.

A.B. 241 (Chapter 277)

Assembly Bill 241 appropriates \$17,300 to the Commission on Postsecondary Education for the development of a computerized data base and office management system to automate the agency's functions.

The bill is effective June 19, 1995.

A.B. 243 (Chapter 566)

Assembly Bill 243 appropriates \$300,000 to the State Department of Education for the support of nonprofit public broadcasting stations in this state whose programs serve educational, informational, and cultural needs of Nevada communities.

This measure is effective on June 30, 1995.

A.B. 244 (Chapter 276)

Assembly Bill 244 appropriates \$200,000 to the Department of Business and Industry for a program to provide small businesses with access to financing not otherwise available. The bill authorizes the department to contract with a private corporation to manage a privately capitalized fund or pool of funds and requires the private corporation to obtain legally binding commitments of at least \$3 million. The measure requires any corporation receiving these funds to submit a report to the 69th Session of the Nevada Legislature.

The bill is effective on June 19, 1995.

A.B. 245 (Chapter 373)

Assembly Bill 245 appropriates \$428,907 to the Department of Taxation for the cost of computer and office equipment.

This measure is effective on June 26, 1995.

A.B. 246 (Chapter 374)

Assembly Bill 246 appropriates \$983,368 to the Motor Pool Division of the Department of Administration for the purchase of 73 vehicles.

This measure is effective on June 26, 1995.

A.B. 247 (Chapter 275)

Assembly Bill 247 appropriates \$15,985 to the Division of Agriculture for the maintenance and repair of facilities leased by the division.

The bill is effective on June 19, 1995.

A.B. 248 (Chapter 274)

Assembly Bill 248 appropriates \$170,617 to the Division of Agriculture of the Department of Business and Industry for trucks, safety clothing, and equipment for the plant industry program.

The measure is effective on June 19, 1995.

A.B. 249 (Chapter 273)

Assembly Bill 249 appropriates \$46,643 to the Division of Agriculture of the Department of Business and Industry to replace two vehicles, laboratory equipment, cooling units, and a refrigerator for veterinary medical services.

The measure is effective on June 19, 1995.

A.B. 250 (Chapter 272)

Assembly Bill 250 appropriates \$13,780 to the State Predatory Animal and Rodent Committee for equipment.

The measure is effective on June 19, 1995.

A.B. 251 (Chapter 271)

Assembly Bill 251 appropriates \$5,040 to the Nevada Junior Livestock Show Board for gate panels to ensure safety at the annual livestock show.

The measure is effective on June 19, 1995.

A.B. 252 (Chapter 375)

Assembly Bill 252 appropriates \$9,546 to the Office of State Public Defender for the cost of computer hardware and software. This money may not be expended until an additional \$12,654 in county contributions has been received by the department.

The \$9,546 State General Fund portion represents 43 percent of the total cost of \$22,200, and the county fund portion of \$12,654 represents 57 percent.

This measure is effective on June 26, 1995.

A.B. 253 (Chapter 376)

Assembly Bill 253 appropriates \$246,646 to the Welfare Division for the cost of safety and security equipment, computer equipment, and vehicles.

This measure is effective on June 26, 1995.

A.B. 254 (Chapter 180)

Assembly Bill 254 appropriates \$9,070 to the Aging Services Division of the Department of Human Resources for equipment.

This measure is effective on June 12, 1995.

A.B. 255 (Chapter 567)

Assembly Bill 255 requires the Division of Child and Family Services of the Department of Human Resources to establish a standardized system of specified information concerning juvenile justice. The bill provides for the release of information in the system under certain conditions and requires the submission of reports to the Legislature. Finally, A.B. 255 appropriates \$1,687,500 to the division for the planning, design, and partial implementation of the state automated child welfare information system.

The measure is effective on June 30, 1995.

A.B. 270 (Chapter 675)

Assembly Bill 270 appropriates \$1.5 million to the Department of Transportation for construction of a highway between the Patrick interchange of Interstate Highway 80 and Storey County.

This measure is effective on July 1, 1995.

A.B. 271 (Chapter 568)

Assembly Bill 271 appropriates \$150,000 to the account for local cultural activities.

This measure is effective on July 1, 1995.

A.B. 303 (Chapter 570)

Assembly Bill 303 requires the State Board of Education to establish a program to provide pupils with the skills to make the transition from school to work. (See also: Education.) In addition, the bill appropriates \$4 million to the fund for improvement of occupational education. The State Board of Education is required to establish an annual basic allocation of \$25,000 to each school district and community college approved to participate in the program. The remaining money in the fund must be allocated to school districts with approved applications in proportion to the total

number of pupils enrolled in grades 7 through 12 and community colleges with approved applications in proportion to the total number of full-time students.

To receive funding and participate in the program, a school district or community college must apply to the board.

The measure is effective on June 30, 1995.

A.B. 310 (Chapter 452)

Assembly Bill 310 requires the Aging Services Division of the Department of Human Resources to produce and distribute a directory that lists all public and private transportation services for the elderly and handicapped in each county and provides essential information regarding those services. The bill appropriates \$14,000 for the next biennium to pay associated costs.

A.B. 315 (Chapter 217)

Assembly Bill 315 provides a supplemental appropriation of \$135,829 to the School of Medical Sciences of the University and Community College System of Nevada for unforeseen expenses relating to the Family Practice Residency Program and the Family Medicine Center.

These funds address a revenue shortfall from the 1993-1995 biennium, which resulted from a reduction of the administrative and case management fee, from \$7 to \$3 per person, for Medicaid patients receiving medical care through these programs.

The bill is effective June 14, 1995.

A.B. 325 (Chapter 37)

Assembly Bill 325 authorizes a supplemental appropriation of \$1,252,500 to the Department of Prisons for costs associated with the unanticipated increase in the number of prisoners. This appropriation will provide funding for additional beds at the Northern Nevada Correctional Center and for the early hiring of staff required to operate Phase One of the Lovelock Correctional Center, which was scheduled to open on July 1, 1995.

This measure is effective on April 20, 1995.

A.B. 326 (Chapter 571)

Assembly Bill 326 appropriates \$185,521 for Fiscal Year 1996 and \$121,411 for Fiscal Year 1997 from the State Highway Fund to the Department of Motor Vehicles and Public Safety for the creation and maintenance of a branch office of the department in Laughlin.

This measure is effective on July 1, 1995.

A.B. 351 (Chapter 678)

Assembly Bill 351 appropriates \$250,000 to the City of Las Vegas for funding of the activities of the California-Nevada Super Speed Ground Transportation Commission.

This measure is effective on July 1, 1995.

A.B. 388 (Chapter 638)

Assembly Bill 388 requires the Governor's Advisory Council on Education Relating to the Holocaust to develop programs to raise money for the council and to submit to the Superintendent of Public Instruction and to the Director of the Legislative Counsel Bureau a report that describes the resulting programs and expenditures. The bill also appropriates \$60,000 to the council for carrying out its duties.

This measure is effective on July 1, 1995.

A.B. 391 (Chapter 55)

Assembly Bill 391 makes a supplemental appropriation of \$70,483 to the Division of Child and Family Services of the Department of Human Resources for the increased cost of utilities at the Caliente Youth Center.

This measure is effective on May 1, 1995.

A.B. 406 (Chapter 674)

Assembly Bill 406 appropriates \$250,000 to Clark County for improvements to the fairgrounds for the Clark County fair. This money may not be transferred until the county presents evidence to the State Controller that at least an equal amount of money has been committed from a source other than the State of Nevada.

This measure is effective on July 1, 1995.

A.B. 426 (Chapter 90)

Assembly Bill 426 makes a supplemental appropriation of \$3,150 to the Committee to Hire the Handicapped of the Department of Employment, Training and Rehabilitation for personnel expenses in the Las Vegas office.

This measure is effective on May 16, 1995.

A.B. 430 (Chapter 384)

Assembly Bill 430 revises provisions governing the operating fund of the Department of Administration. The bill requires that the operating budget of certain enumerated state entities must include an amount representing that entity's share of the operating costs of the central accounting function of the department.

This measure becomes effective on July 1, 1995.

A.B. 443 (Chapter 597)

Assembly Bill 443 establishes a program to pay certain costs of undergraduate education incurred by the dependent child of a police officer, fireman, or Nevada Highway Patrol officer killed in the line of duty. The bill provides for payment of the registration and laboratory fees as well as the cost of textbooks for classes taken to satisfy the requirements of an undergraduate degree at a school within the University and Community College System of Nevada. No payment may be made for any fee assessed after the child reaches the age of 23 years. The measure also creates, and appropriates \$20,000 to, a trust fund for the education of dependent children in the State Treasury.

This bill is effective on July 1, 1995.

A.B. 458 (Chapter 701)

Assembly Bill 458 appropriates \$40,000 to the Churchill County School District for the Turnabout AmeriCorps Child Care Program to include child care and instructional classes for mothers under the age of 17 years.

This measure is effective on July 1, 1995.

A.B. 487 (Chapter 599)

Assembly Bill 487 requires the Chief of the Purchasing Division of the Department of Administration to establish a supplemental food program. The bill requires the division to acquire commodities to supplement the food and services provided by programs for indigent persons. The measure mandates that not less than 95 percent of the donated commodities funds be used to purchase and distribute nutritious foods that are infrequently donated. Any remaining funds may be used for educational purposes regarding nutrition and the preparation of food.

In addition, A.B. 487 appropriates \$200,000 to the Donated Commodities Account.

This measure is effective on July 1, 1995.

A.B. 629 (Chapter 353)

Assembly Bill 629 appropriates \$10,000 to the Department of Museums, Library and Arts for operating expenses of the Nevada Historical Society.

This measure is effective on June 26, 1995.

A.B. 637 (Chapter 683)

Assembly Bill 637 appropriates \$60,000 for each year of the next biennium to the Attorney General to enforce current laws forbidding the sale of tobacco products to minors.

This measure is effective on July 1, 1995.

A.B. 695 (Chapter 685)

Assembly Bill 695 creates a presidential preference primary election in Nevada on the fourth Tuesday in March 1996. (See also: Elections.) Furthermore, upon recommendation of the Secretary of State and approval by the State Board of Examiners, the cost of the election will be charged against the state's statutory contingency account. The bill appropriates \$200,000 from the State General Fund to the statutory contingency account.

The appropriation is effective on June 30, 1995, and the remainder of the act is effective on October 1, 1995. This measure expires by limitation on July 1, 1997.

A.B. 697 (Chapter 398)

Assembly Bill 697 makes a supplemental appropriation of \$1,717,568 to the Department of Prisons for costs relating to the provision of medical care to prisoners.

This measure is effective on June 28, 1995.

A.B. 734 (Chapter 446)

Assembly Bill 734 is the general appropriations act to support Nevada state government during the 1995-1997 biennium. This measure makes appropriations from the State General Fund and the State Highway Fund for all state agencies and the University and Community College System of Nevada. General fund appropriations for the support of public schools, grades kindergarten through 12, are provided in separate legislation.

Assembly Bill 734 appropriates more than \$742 million in Fiscal Year (FY) 1995-1996 and almost \$799 million in FY 1996-1997 from the State General Fund. From the State Highway Fund, the bill appropriates over \$55 million in the first year and over \$59 million in the second year. The amount of the 1995-1997 general fund appropriations represents an increase of approximately 17 percent over the general fund budget approved by the 1993 Legislature for the past 2-year period.

Some sections of this bill are effective on June 30, 1995; most are effective on July 1, 1995.

A.B. 737 (Chapter 639)

Assembly Bill 737 appropriates \$785,777,104 over the biennium to the State Distributive School Account, increasing the statewide average basic support per pupil by approximately 11 percent, from the current \$3,323 to \$3,497 per pupil next year and \$3,621 per pupil the following year. Total state responsibility for aid to elementary and secondary education will exceed \$959.5 million for the 1995-1997 biennium, a 13 percent increase over the past biennium. The number of special education units are increased from the current 1,645 to 1,746 in the first year of the biennium and 1,857 in the second year. The unit cost is \$26,739.76 and \$27,151.22, respectively, for those fiscal years. Forty discretionary units are reserved for allocation by the State Board of Education to address school district shortfalls. Additional funding of \$18.7 million is appropriated for adult education programs.

This measure is effective on July 1, 1995.

A.B. 738 (Chapter 619)

Assembly Bill 738 makes appropriations and authorizes the issuance of general obligation bonds for capital improvement projects for state agencies and the University and Community College System of Nevada (UCCSN). The total amount of money approved is approximately \$191 million, including, among other sources, \$94.8 million from the State General Fund and \$79.2 million from general obligation bonds. The bill provides money for various capital improvement projects throughout the state, and the major funding allocations include:

- Approximately \$85.6 million for projects for the UCCSN, with money allocated to one or more projects at each campus or institution;
- Approximately \$59.4 million for the Department of Prisons;
- Approximately \$17.7 million for the Department of Human Resources; and
- Approximately \$10.1 million (\$9.3 million from the State Highway Fund) for the Department of Motor Vehicles and Public Safety.

This measure also establishes a statewide property tax rate of 15 cents on each \$100 of assessed value per year for Fiscal Years 1995-1996 and 1996-1997 to redeem certain state bonds, including the capital improvement program authorized by the 1995 Legislature.

The bill authorizes, from the consolidated bond interest and redemption account, the expenditure of approximately \$68.3 million in Fiscal Year 1995-1996 and \$78.8 million in Fiscal Year 1996-1997 for the principal and interest payments on the state's general obligation debt.

This measure is effective on June 30, 1995.

A.B. 741 (Chapter 629)

Assembly Bill 741 appropriates \$100,000 to the Health Division of the Department of Human Resources for the establishment of a perinatal care and obstetrical access pilot program for women who reside in areas of Las Vegas that have been designated by the Federal Government as having a shortage of primary health care professionals and who are at a high risk of having health-related problems during pregnancy or childbirth.

The measure appropriates \$175,000 to the Canyon General Improvement District in Lockwood, Nevada, to repair damages caused by flooding.

In addition, A.B. 741 appropriates \$800,000 to the Clark County School District for the establishment of a pilot program for the supervision of pupils before and after school.

The bill also appropriates \$200,000 to the district for the establishment of a pilot program for the instruction of pupils whose primary language is not English.

This measure is effective on July 1, 1995.

CAPITAL IMPROVEMENTS AND PUBLIC WORKS

S.B. 117 (Chapter 93)

Senate Bill 117 expands the permissible uses of revenue bonds for projects at the University of Nevada, Las Vegas, and the University of Nevada, Reno. The 1991 Legislature authorized the issuance of up to \$10 million in revenue bonds at each campus for student housing and dining facilities. This measure increases the amounts authorized and expands the permissible uses to include the construction of parking facilities at each campus. The ceiling for the bonds issued to fund these projects at the Reno campus is \$12 million. The cap for the Las Vegas project is set at \$17.5 million. The bill also extends the time allowed for issuing the bonds for an additional 4 years, until the year 2000.

This measure is effective on May 16, 1995.

S.B. 265 (Chapter 257)

Senate Bill 265 directs the State Council on the Arts, the Public Works Board, and the Buildings and Grounds Division to cooperate in planning the potential purchase and placement of works of art inside or on the grounds of a state building.

The measure also requires the council to examine periodically the physical condition of the art acquired for public works projects to determine which pieces need repair, restoration, or replacement. Such information is to be reported to the Legislature.

S.B. 296 (Chapter 111)

Senate Bill 296 eliminates the provision that requires Nevada's Department of Transportation (NDOT) to use certified mail in mailing bid invitations for projects estimated to cost no more than \$250,000. The bill requires that such bid invitations be mailed to all bidders on record as desiring to receive them.

This measure addresses concerns that mailing such bids by certified mail is costly and unnecessary. According to NDOT, such bids would continue to be published in statewide and local newspapers, noticed in the department's "Contractor Bulletin," and posted in all the department's offices.

S.B. 413 (Chapter 140)

Senate Bill 413 appropriates \$5.454 million to the State Public Works Board for the construction of two armories for the Office of the Military. This measure authorizes \$900,000 in state funds and over \$6.3 million in other funds for a new Washoe County

CAPITAL IMPROVEMENTS (continued)

Armory. In addition, the bill authorizes \$4.554 million in state funds and \$10.4 million in other funds for a Southern Nevada Armory Complex.

This measure is effective on May 31, 1995.

A.B. 183 (Chapter 129)

Assembly Bill 183 authorizes the issuance of revenue bonds in an amount not to exceed \$1.2 million to pay a portion of the cost of constructing a building for an applied technology center at the Truckee Meadows Community College. Funds raised by the community college will be combined with the proceeds from the issuance of the revenue bonds for the construction of this project.

This facility was designed to meet State Public Works Board standards with an initial cost estimate of \$2.2 million, although subsequent bids for the project were much higher. The Truckee Meadows Community College foundation has raised approximately \$700,000 in private donations, and the community college has secured a loan of almost \$1.2 million.

The bill is effective on May 30, 1995.

A.B. 219 (Chapter 365)

Assembly Bill 219 appropriates \$560,218 to the Department of Museums, Library and Arts for enhancing the computer system, and for equipment, painting, compact shelving, and a truck. The bill also appropriates \$171,968 to the department for remodeling the basement in the State Library. Additionally, the measure requires the State Public Works Board to transfer \$144,032 for the remodeling project and \$45,000 to parking for the capitol complex.

The measure is effective on June 26, 1995.

A.B. 263 (Chapter 125)

Assembly Bill 263 authorizes the issuance of revenue bonds in an amount not to exceed \$1.4 million to pay a portion of the cost of constructing improvements to the Student Union Building at the University of Nevada, Reno. The bonds will be repaid from the student union capital improvement fees currently assessed to all students. The revenue bonds will be repaid over a 15-year period. The total estimated cost of the building project is \$2.4 million. The additional \$1 million needed to complete the construction will be funded by the Associated Students of the University of Nevada.

The bill is effective on July 1, 1995.

A.B. 597 (Chapter 581)

Assembly Bill 597 authorizes a city or county with a building inspector or similar official to allow independent contractors to review plans and inspect buildings on behalf of that inspector or official. The bill also provides that any public works contract expected to cost less than \$250,000 is exempt from provisions that give preference to a bidder who has paid certain sales and use taxes or motor vehicle privilege taxes in this state.

This measure is effective on July 5, 1995.

A.B. 738 (Chapter 619)

Assembly Bill 738 makes appropriations and authorizes the issuance of general obligation bonds for capital improvement projects for state agencies and the University and Community College System of Nevada (UCCSN). The total amount of money approved is approximately \$191 million, including, among other sources, \$94.8 million from the State General Fund and \$79.2 million from general obligation bonds. The bill provides money for various capital improvement projects throughout the state, and the major funding allocations include:

- Approximately \$85.6 million for projects for the UCCSN, with money allocated to one or more projects at each campus or institution;
- Approximately \$59.4 million for the Department of Prisons;
- Approximately \$17.7 million for the Department of Human Resources; and
- Approximately \$10.1 million (\$9.3 million from the State Highway Fund) for the Department of Motor Vehicles and Public Safety.

This measure also establishes a statewide property tax rate of 15 cents on each \$100 of assessed value per year for Fiscal Years 1995-1996 and 1996-1997 to redeem certain state bonds, including the capital improvement program authorized by the 1995 Legislature.

The bill authorizes, from the consolidated bond interest and redemption account, the expenditure of approximately \$68.3 million in Fiscal Year 1995-1996 and \$78.8 million in Fiscal Year 1996-1997 for the principal and interest payments on the state's general obligation debt.

This measure is effective on June 30, 1995.

COMMERCE

S.B. 272 (Chapter 421)

Senate Bill 272 authorizes the Department of Taxation to charge an annual fee of \$50 to issue and renew a certificate of compliance to an out-of-state vendor of liquor.

Out-of-state suppliers who sell liquor in Nevada are required to provide the department with assurances that they will comply with the laws of this state. After these assurances are given, the department issues a certificate of compliance. This measure allows the department to recover its costs for the issuance of these documents.

This measure is effective July 1, 1995.

S.B. 479 (Chapter 589)

Senate Bill 479 makes various changes to provisions governing deceptive trade practices. The bill authorizes the Commissioner of Consumer Affairs and the Director of the Department of Business and Industry (DBI) to create and appoint advisory committees to assist them in their duties. Such a committee must include a representative of the affected business or industry. Committee members serve without compensation, unless a legislative appropriation authorizes payment. The bill also allows the commissioner to order a show cause hearing to determine why a cease and desist order should not be issued if, after an investigation, he has reasonable cause to believe a person has engaged in a deceptive trade practice. The commissioner may order a person to cease and desist from certain conduct after the hearing and may also impose certain costs and fees associated with the hearing. Additionally, the bill authorizes the Attorney General to enforce the commissioner's order in a court of law if the person fails to comply with the decision. Furthermore, S.B. 479 authorizes the commissioner to release, under certain conditions, information regarding consumer complaints concerning a business. Finally, the bill provides that the commissioner and the director of the DBI are immune from civil and criminal liability for disclosing such information in certain situations.

S.B. 488 (Chapter 386)

Senate Bill 488 amends the laws regarding trade practices. The bill provides that fees, civil penalties, and other money, except criminal fines and restitution, collected by the Attorney General in actions brought to enforce the laws regarding trade practices must be deposited in the State General Fund.

The bill also amends the laws governing solicitation by telephone. The exemption from registration for nonprofit organizations is narrowed. Organizations that represent to consumers that they will receive a prize in return for their donation are required to register as telephone solicitors, unless they solicit donations of \$50 or less or offer

prizes of minimal value. Exceptions are made for volunteer services or organizations that solicit dues or assessments from members. Recovery services that represent to consumers that they will, for a fee, recover money the consumer has previously paid to other telephone solicitors are also required to register and are prohibited from collecting any fee from the consumer until the service has been performed.

According to testimony concerning the measure, the provision exempting nonprofit organizations from registration as telephone sellers has been abused by organizations that offer the chance of winning substantial prizes in return for large donations. Consumers have also been cheated by recovery services. These services contact persons who have previously been the victims of fraudulent telephone solicitations and offer to recover the money that they have lost in return for a fee.

This measure is effective July 1, 1995.

A.B. 191 (Chapter 57)

Assembly Bill 191 amends the laws relating to trademarks, trade names, and service marks. The bill provides a procedure for amending applications to correct inaccuracies and clarifies a provision regarding marks that have been abandoned. Finally, the bill provides that an assignment of a mark must be signed and acknowledged by the registrant or a successor or by an officer of the company or organization in whose name the mark is registered.

A.B. 594 (Chapter 484)

Assembly Bill 594 amends the statutes relating to brew pubs and wholesalers of alcoholic beverages. This measure defines brew pubs, revises the requirements for the licensure of these establishments, and establishes a license fee of \$75.

Current law authorizes the licensure of brew pubs in redevelopment areas and historic districts. This measure extends licensure to brew pubs in retail liquor stores and any other area designated by the appropriate local governing body for the operation of such an establishment. In counties with a population of more than 400,000, the maximum amount of beer that a brew pub, or a group of pubs operated by a single owner, is allowed to brew is increased from 5,000 to 10,000 barrels. In other counties, the maximum amount is increased from 3,000 to 5,000 barrels. On January 1, 1997, the maximum amount that a pub located in a county with more than 400,000 inhabitants may brew is increased to 15,000.

Assembly Bill 594 also regulates the relationship between wholesalers and suppliers of alcoholic beverages. A supplier may terminate or refuse to renew the franchise of a wholesaler only for good cause, defined as the failure by the wholesaler to comply with essential and reasonable requirements imposed by the supplier or bad faith in

carrying out the terms of the franchise agreement. The supplier has the burden of proof in such actions.

The bill forbids suppliers to require wholesalers to increase the payment for any product after it has been delivered to the wholesaler. In addition, a supplier may not grant more than one franchise for any brand of alcoholic beverage in the same marketing area unless authorized by a contract between the supplier and the wholesaler.

Assembly Bill 594 requires a supplier to give a wholesaler at least 90 days' notice before terminating or refusing to renew a franchise. The notice must specify the cause for the termination or refusal to renew, and the wholesaler must be given 60 days to correct the problem. The franchise may not be terminated if the wholesaler takes appropriate corrective action. Notice is not required if the wholesaler becomes insolvent, is liquidated, is convicted of a felony, commits fraud or misrepresentation in dealing with the supplier, sells beverages to a retailer outside the specified market area, fails to pay the supplier, discontinues the sale of the supplier's product, or assigns or transfers the business to a person not approved by the supplier.

Most of the bill is effective on July 2, 1995. The provision increasing the maximum amount that may be brewed by specified pubs is effective on January 1, 1997.

Corporations, Partnerships, and Other Business Associations

S.B. 68 (Chapter 417)

Senate Bill 68 provides that the transfer of real property between one corporation sole and another is not subject to the real property transfer tax.

A corporation sole is a corporation established in the name of a single individual, usually a bishop or other religious authority, to hold property for a church or religious society. Nevada law currently provides a number of other exemptions from the real property transfer tax. For example, transfers between close family members are exempt, as are transfers of unpatented mining claims and transfers between wholly owned corporate affiliates.

This measure is effective on July 1, 1995.

S.B. 154 (Chapter 460)

Senate Bill 154 revises certain provisions relating to securities. This measure defines representatives of investment advisers and requires such persons to be licensed in the same manner as broker-dealers and investment advisers under existing law. This

measure prohibits a licensed person from sharing fees with an unlicensed person who is attempting to effect a purchase or sale of securities.

The definition of the term "security" is expanded to include an interest in a limited-liability company. Senate Bill 154 also provides that licensing fees are non-refundable and that renewal fees are payable immediately upon becoming due. In addition, the bill eliminates the expiration notice issued 3 days after a license expires.

In addition, S.B. 154 clarifies the authority of an officer or employee designated by the Securities Division to conduct hearings and render findings of fact and conclusions of law for the purposes of an investigation or proceeding relating to securities. An individual who allegedly violated a provision of the securities laws must request a hearing within 45 days of receiving notice, or the right to a hearing is waived and the administrator must issue a permanent order. If a hearing is requested, it must be set within 15 to 60 days after receipt of the request.

Senate Bill 154 also exempts certain broker-dealers, investment advisers, and representatives of investment advisers from the provisions governing financial planners.

The portion of the bill that requires the licensing of representatives of investment advisers is effective on January 1, 1996. The remainder of the bill is effective on October 1, 1995.

S.B. 347 (Chapter 465)

Senate Bill 347 authorizes certain business organizations to form limited-liability partnerships. The measure establishes the requirements for such partnerships, which include filing a certificate of registration and list of managing partners with the Secretary of State, designating and maintaining a resident agent for service of process, and paying any necessary fees. The partners in a limited-liability partnership are not liable for the debts, obligations, or liabilities of the partnership that arise from the omissions, negligence, or wrongful acts of another partner, employee, or agent of the partnership. In addition, limited-liability partnerships may be formed only for the purpose of rendering a personal service that may legally be performed pursuant to a license or certificate of registration.

Finally, Senate Bill 347 authorizes accountants to organize as limited-liability partnerships and amends the accounting statutes to effect this authorization.

S.B. 404 (Chapter 284)

Senate Bill 404 authorizes banks to organize as limited-liability companies and amends the banking statutes to effect this authorization. The measure also permits banks to issue dividends with the prior approval of the Commissioner of Financial Institutions and two-thirds of the stockholders or members with an interest in the bank.

Testimony indicated that authorizing banks to organize as limited-liability corporations will enhance Nevada's status as the "Delaware of the West." Privately owned banks from outside the state will have a larger incentive to relocate their headquarters to Nevada to take advantage of the combination of limited-liability status and interstate banking. The tax savings to banks so organized will permit them to be more competitive in the pricing of loan rates, deposit interest rates, and service charges. Investment will be encouraged in the creation and expansion of local financial institutions, and more "after-tax" dollars will remain in Nevada.

This measure is effective on June 20, 1995.

S.B. 433 (Chapter 586)

Senate Bill 433 creates a new chapter of *Nevada Revised Statutes* to govern the mergers of business corporations, nonprofit corporations, limited-liability companies, and limited partnerships. Existing pertinent statutes are moved into this new chapter.

Senate Bill 433 also authorizes any person, including a business entity, to serve as a resident agent. Existing law limits this authority to a natural person or a corporation. This measure also authorizes officers of a corporation to replace resident agents and to file a restatement of the articles of incorporation with the Secretary of State. An officer or director of a corporation whose charter has been revoked may revive a corporation with no stockholders by filing the appropriate documents with the Secretary of State. Otherwise, the revival of the corporation must be approved by written consent of all stockholders.

The bill also makes various changes regarding limited-liability companies. Under this measure, one person may form a limited-liability company. In addition, the procedures for filing articles of organization and the rights of resigning members are clarified.

S.B. 462 (Chapter 435)

Senate Bill 462 makes various changes regarding the filing of certain documents by business entities with the Secretary of State. This measure requires all documents written in a language other than English that are submitted for filing to be accompanied by a verified translation of the document. In addition, certain documents from corporations whose business is subject to the supervision of the Commissioner of Financial Institutions cannot be accepted for filing without the Commissioner's approval of the documents. The measure establishes uniform fees for filing certain documents, including articles of merger and certificates of amendment to articles of incorporation.

Senate Bill 462 also revises the duties of the Secretary of State with regard to business entities in default of the fees required by existing law. The Secretary of State must provide notification and a statement to the resident agent of the business entity in default of the fees, penalties, and costs that have not been paid.

Finally, Senate Bill 462 authorizes a corporation to renew or revive its charter under certain circumstances if the appropriate documents are filed with the Secretary of State. All rights, privileges, immunities, debts, and liabilities are also revived.

Economic Development

A.B. 244 (Chapter 276)

Assembly Bill 244 appropriates \$200,000 to the Department of Business and Industry for a program to provide small businesses with access to financing not otherwise available. The bill authorizes the department to contract with a private corporation to manage a privately capitalized fund or pool of funds and requires the private corporation to obtain legally binding commitments of at least \$3 million. The measure requires any corporation receiving these funds to submit a report to the 69th Session of the Nevada Legislature.

The bill is effective on June 19, 1995.

A.B. 386 (Chapter 594)

Assembly Bill 386 provides for the confidentiality of certain documents concerning clients of local organizations for economic development. This measure requires such agencies to keep confidential any record or document concerning the initial contact with, and research and planning for, their clients. These documents must remain confidential until a client initiates any process regarding a business location.

Assembly Bill 386 is intended to protect businesses that have requested information from Nevada's local economic development agencies prior to making a decision to relocate.

A.B. 581 (Chapter 606)

Assembly Bill 581 creates the account for special projects to assist in the development of services for business and industry. Money in the account may be used by the Director of the Department of Business and Industry (DBI) to develop and administer special projects to provide services for business and industry.

The bill also authorizes the establishment of an Office of Business Finance and Planning within the department. Responsibilities of this office include administering programs related to financing for the assistance of entities engaged in business and industry, providing public information regarding regulatory programs and other activities of the department, and improving access to the department's programs related to the

growth and retention of business and industry in Nevada. In addition, A.B. 581 authorizes the creation of a Center for Business Advocacy and Services, as part of the office.

Further, the measure authorizes the DBI to use, in certain circumstances, alternative means of dispute resolution and transfers the department's Office for Hospital Patients from the Division of Insurance to the Consumer Affairs Division.

Finally, the bill clarifies the duties and responsibilities of the department's director and authorizes the establishment of a trust account for the deposit of certain money related to bond programs.

This measure is effective on July 1, 1995.

A.J.R. 35 - 67th Session (File No. 134)

Assembly Joint Resolution No. 35 of the 67th Session proposes to amend the *Constitution of the State of Nevada* to allow the investment of state funds in a company, association, or corporation to stimulate economic development. The proposed amendment requires that these investments be approved by a two-thirds vote of the Legislature. Further, the Legislature must find that such investments encourage economic development or the creation of new employment; are reasonably expected to generate a fair rate of return; and will be made in cooperation with private investors on terms at least as favorable as those offered to private investors.

This measure, enacted in identical form by both the 1993 and 1995 Legislatures, will be submitted to voters at the 1996 General Election for final approval or disapproval.

Financial Institutions and Procedures

S.B. 91 (Chapter 109)

Senate Bill 91 makes various changes to the provisions governing admissibility and maintenance of certain duplicate records. The bill authorizes the creation of a duplicate counterpart document by means of an optical imaging system. The measure also allows a mortgage company to maintain copies of mortgage transactions in lieu of the original records. Furthermore, this measure provides that a bank may reproduce records using optical disk imaging or any equivalent technique designed to ensure an accurate reproduction of the original. Finally, the bill authorizes the use of copies of loan documents as evidence that a mortgage or other security has been paid in full.

S.B. 131 (Chapter 204)

Senate Bill 131 authorizes sellers of goods and services to charge a fee of up to \$25 for bad checks. The fee may be collected if the purchaser stops payment on the check, does not have an account with the institution on which the check was drawn, or has insufficient funds to cover the check.

S.B. 155 (Chapter 177)

Senate Bill 155 revises certain provisions governing unclaimed property. The measure requires the Division of Unclaimed Property of the Department of Business and Industry to take all actions reasonably calculated to give actual notice to the owners of property that is presumed abandoned. In addition, the bill removes the requirements of the division to publish a second notice in the newspaper or provide notice by mail to owners of property that is presumed abandoned.

Senate Bill 155 also provides that the abandoned property specified in the Abandoned Property Report must be delivered to the division concurrently with the filing of the report. The administrator of the division must accept all property removed from a safe-deposit box or other safekeeping repository. Wills removed from a safe-deposit box must be retained for 10 years by the division. Finally, certain references to unclaimed property in the banking code are made consistent with the other provisions of law regarding such property.

S.B. 285 (Chapter 87)

Senate Bill 285 provides that service of a writ of garnishment on an officer or agent of a bank constitutes a valid levy on any debt, credit, or other personal property owing to any other branch of the bank.

Senate Bill 285 is intended to simplify the existing statute in light of modern technology. In the past, each individual bank maintained its own records, and one branch was not aware of the records in another branch. Today, each branch office is informed through a computer system of any debts, credits, or mortgages held by another branch.

S.B. 404 (Chapter 284)

Senate Bill 404 authorizes banks to organize as limited-liability companies and amends the banking statutes to effect this authorization. The measure also permits banks to issue dividends with the prior approval of the commissioner of financial institutions and two-thirds of the stockholders or members with an interest in the bank.

Testimony indicated that authorizing banks to organize as limited-liability corporations will enhance Nevada's status as the "Delaware of the West." Privately owned banks from outside the state will have a larger incentive to relocate their headquarters to Nevada to take advantage of the combination of limited-liability status and interstate banking. The tax savings to banks so organized will permit them to be more competitive in the pricing of loan rates, deposit interest rates, and service charges. Investment will be encouraged in the creation and expansion of local financial institutions, and more "after-tax" dollars will remain in Nevada.

The bill is effective on June 20, 1995.

S.B. 424 (Chapter 426)

Senate Bill 424 clarifies the provisions governing deposits held in joint tenancy. Under this measure, the use by the depositor of the terms "joint," "joint account," "jointly held," "joint tenants," or "joint tenants with the right of survivorship" indicates the intent of the depositor that the account be held in joint tenancy.

Senate Bill 424 specifies the meaning of joint tenancy as it applies to bank accounts. The measure addresses a 1994 Nevada Supreme Court decision (*Starr v. Rousselet*) that concluded that a joint tenancy could not be created without the right of survivorship language. This conclusion is contrary to the traditional creation of a joint tenancy, which does not require such language. Under the provisions of S.B. 424, a joint tenancy can be created through a variety of terms, including right of survivorship, that indicate the intent of a depositor to form such an account.

S.B. 516 (Chapter 680)

Senate Bill 516 creates a new chapter under Title 8 of *Nevada Revised Statutes* governing credit cards issued by financial institutions. In addition to defining the key terms, this measure requires the financial institution issuing a credit card to provide the cardholder with the terms, conditions, and fees or charges related to use of the card. A cardholder is personally liable for all charges on the credit card account incurred by the cardholder, the authorized user, or any other person if the charges benefit the cardholder.

Senate Bill 516 also establishes the procedure under which an action may be brought to collect a debt owed to the issuer. Finally, this measure authorizes the transfer and use of information relating to a credit card account between the subsidiaries of a bank holding company.

S.B. 517 (Chapter 535)

Senate Bill 517 revises the statutes governing retail installment sales. The provisions governing credit cards issued by financial institutions or their agents are repealed. Financial institutions are eliminated from the definition of a retail seller, which is expanded to include a person engaged in the leasing of goods and services or a licensee or affiliate of such a person. Senate Bill 517 also changes the terms used to describe credit transactions. The term for the cost for utilizing credit in retail transactions is changed from "interest" to "finance charge." The term that describes the sales price of goods or services less the down payment is changed from "initial balance" to "amount financed." The term describing the total amount of payments is changed from "time balance" to "total of payments." Any charge payable by the buyer as a condition of the credit extended by the retail seller is included in the definition of a finance charge.

In addition, the measure deems the retail seller to be a payee with respect to any payment made on the account of a buyer with a check or other negotiable instrument and clarifies that a payment made on the account of a buyer is received in good faith if the seller did not have actual knowledge that the check or instrument was forged.

S.B. 541 (Chapter 528)

Senate Bill 541 provides that documents prepared for or created by a committee reviewing the compliance of a financial institution with state and federal law are confidential and privileged. These documents are not subject to discovery or admissible into evidence in a civil action unless the privilege is waived by the financial institution. A member of the committee cannot be required to testify in a civil action regarding the documents or the procedures of the committee.

S.B. 561 (Chapter 482)

Senate Bill 561 authorizes interstate and international banking. The bill defines "foreign" to mean a bank organized under the laws of a foreign country, Puerto Rico, Guam, American Samoa, the Virgin Islands, or a territory of the United States. The measure authorizes a foreign bank to transact business in this state under certain conditions. The bill allows a foreign bank to establish an interstate Nevada branch in the same manner as an out-of-state, United States domestic bank. In addition, S.B. 561 authorizes an out-of-state depository or its holding company to acquire control of, acquire the assets of, or merge with a Nevada chartered bank. The laws of the out-of-state depository institution's home state apply to its Nevada branches, except in the areas of customer protection, fair lending, intrastate branching, and any instance where the Commissioner of Financial Institutions determines by regulation that the application of Nevada law is necessary to preserve the sound operation of the branch or to protect Nevada residents.

The bill prohibits an out-of-state depository institution without a branch in Nevada from acquiring and converting a Nevada depository institution to a branch of the out-of-state entity, unless the Nevada institution has been in existence for at least 5 years. Senate Bill 561 also prohibits an out-of-state depository institution without a branch in Nevada from establishing a de novo branch or acquiring a branch of a Nevada institution unless the out-of-state entity acquires the Nevada institution or its charter. The bill authorizes an out-of-state depository institution to establish a de novo branch in a county with a population of less than 100,000, however, if the commissioner approves it in writing. Finally, S.B. 561 grants the commissioner certain authority to regulate the transactions authorized in the bill.

Testimony indicated that S.B. 561 is designed to implement portions of the federal Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994. The Riegle-Neal Act gives states until June 1, 1997, to decide whether or not to allow interstate branching within their borders. States may "opt in" prior to June 1, 1997, and must affirmatively enact legislation that would allow their state-chartered banks to branch interstate.

This measure is effective on September 28, 1995.

A.B. 362 (Chapter 143)

Assembly Bill 362 authorizes a trustee to present a certificate of trust instead of the actual trust document. Persons may rely on the certificate of trust as reflecting the essential elements of the trust as stated in the certification.

This measure is intended to codify the practice of utilizing trust certificates in lieu of the actual trust instrument. Testimony indicated that the use of trusts as estate planning tools has expanded significantly. The trust often contains all of a person's major assets and is affected by most financial transactions. A living trust also may contain the final disposition of a person's assets in the same manner as a will. A trust certificate allows a person to disclose the assets and other necessary information concerning the authority of a trustee without disclosing that person's desires concerning the disposition of property upon death.

A.B. 504 (Chapter 402)

Assembly Bill 504 amends the statutes governing collection agencies. The bill defines a claim as any obligation that is past due. Currently, a claim is defined as an obligation arising in the course of a business or profession.

The bill deletes the requirement that an applicant for a collection agency license promote the convenience and advantage of the community in which it is located. Also deleted is a requirement that, before licensing a new collection agency, the

Commissioner of Financial Institutions make a survey to determine whether an additional agency is needed in the community.

In addition, A.B. 504 revises the licensing criteria for agencies and managers. Requirements regarding the moral character of applicants are revised to refer specifically to those aspects of character that are relevant to the operation of a collection agency. The bill prohibits the licensing of an applicant who has had a collection agency license revoked or suspended in the preceding 10 years; has been convicted or pleaded guilty to a crime involving fraud, misrepresentation, or moral turpitude; or has made a false statement in an application. The bill removes the authority of the commissioner to refuse to allow an applicant for a manager's license to take the examination if he has declared bankruptcy in the previous 5 years.

Finally, A.B. 504 revises the bonding requirements to provide that the size of the bond, which collection agencies are required to post for the protection of their customers, is determined by a sliding scale based upon the amount held in their trust accounts.

A.B. 575 (Chapter 354)

Assembly Bill 575 allows the guardian of an estate to invest property of a ward in money market mutual funds consisting of savings accounts and certain government issued or guaranteed securities.

Professions (See also: Health Care)

S.B. 2 (Chapter 182)

Senate Bill 2 authorizes the Private Investigator's Licensing Board to appoint an executive director in the unclassified service of the state and employ other staff as necessary. Further, S.B. 2 clarifies that only board employees who work as investigators have peace officer status. The bill also repeals the requirement that private investigators spend at least 51 percent of their business hours in Nevada as a condition for licensure.

According to testimony concerning the measure, the 51 percent requirement is being repealed because the Attorney General has determined that it is an unconstitutional restraint on trade, which violates the Commerce Clause of the *United States Constitution*.

S.B. 3 (Chapter 74)

Senate Bill 3 revises the method for appointing members to Nevada's Board of Occupational Therapy. This bill deletes the requirement that the Governor select new board members from a list of candidates provided by the Nevada Occupational Therapy Association and allows him to appoint qualified people without using a list.

This measure is effective on July 1, 1995.

S.B. 4 (Chapter 73)

Senate Bill 4 changes the name of Nevada's Board for Registration of Public Health Sanitarians to the Board of Registered Environmental Health Specialists. In addition, S.B. 4 designates registered sanitarians as environmental health specialists. The bill also revises the manner in which board disciplinary hearings are scheduled.

S.B. 69 (Chapter 176)

Senate Bill 69 makes various changes to the provisions governing the licensing of dentists and dental hygienists. The bill authorizes the members of the Board of Dental Examiners of Nevada who are dental hygienists to vote on the discipline of dentists. The measure changes the designation of board secretary to executive director. Additionally, S.B. 69 provides that an applicant for licensure as a dentist must score at least 75 on the test given by the National Board of Dental Examiners. The bill also specifies that the public member and the board members who are dentists must sign the certificate of registration for dentists.

This bill was requested by the board. The public member of the board is authorized to participate in the discipline of dentists. The board determined that it is appropriate for the dental hygienist members to be involved as well. Currently, the board has a secretary and a secretary-treasurer. According to testimony, there was confusion concerning these officers. Therefore, the secretary's title has been changed to executive director. The passing grade on the national examination was reduced from 80 to 75. Testimony indicated that all other states require a grade of 75.

S.B. 71 (Chapter 156)

Senate Bill 71 authorizes the State Contractors' Board to order a licensee to correct a condition resulting from an act that constitutes a cause for discipline. The correction must be made at the licensee's cost.

The measure eliminates the need for consumers to file lawsuits to force contractors to correct mistakes.

S.B. 125 (Chapter 184)

Senate Bill 125 eliminates the provision that prohibits certain members of the State Board of Architecture from participating on matters relating solely to architects. The bill allows the public member and the registered residential designer member to vote on applications for certification of architects and disciplinary matters affecting architects. The measure also requires five board members for a quorum.

S.B. 193 (Chapter 654)

Senate Bill 193 provides for the registration of dietitians and prohibits people from using the designations "Dietitian," "Licensed Dietitian," "Registered Dietitian," and the letters "L.D." or "R.D.," unless they are registered with the Commission on Dietetic Registration.

S.B. 232 (Chapter 83)

Senate Bill 232 authorizes the certification of public library personnel by the State Librarian. The bill requires the State Librarian to adopt regulations to establish the certification standards, which apply only to a public library whose governing authority has approved the regulations. The regulations must include the required qualifications for certification, standards for the certification of various categories of library personnel, and standards for the approval of courses or training offered by an educational institution. Because the public library also serves as the school library in many rural communities, this measure conforms most of the requirements for personnel in public libraries with those for personnel in school libraries. The formal certification process allows public librarians to receive recognition for maintaining their education and training.

S.B. 258 (Chapter 78)

Senate Bill 258 revises the applicability of the provisions governing the licensure of reposseors. The bill clarifies that private investigators, private patrolmen, process servers, dog handlers, and security consultants do not need to be licensed by the Private Investigator's Licensing Board if they work as employees of licensed companies. The bill also exempts from the licensing requirements a reposseor employed exclusively by one licensed employer.

Some reposseors work for numerous businesses simultaneously. The reposseors usually work under an independent contractor arrangement that insulates the business from liability for the reposseors' actions. According to testimony on the measure, these reposseors often do not carry liability insurance. By requiring a reposseor to either work as an employee for one licensed business at a time or obtain a license,

backers of the bill maintain there would be more control over repossessioners' activities and more financial responsibility.

This measure is effective on July 1, 1995.

S.B. 355 (Chapter 175)

Senate Bill 355 makes various changes to the provisions relating to the administration of the State Board of Funeral Directors, Embalmers and Operators of Cemeteries and Crematories. The bill requires the owner of a funeral establishment to obtain from the board an operating permit for each establishment owned. A permit must be renewed annually at a fee not to exceed \$200. The measure also directs the board to make annually an unannounced inspection of each establishment before renewing a permit.

In addition, S.B. 355 revises the maximum amount that can be charged for certain application and renewal fees.

This measure is effective June 12, 1995, for the purpose of adopting regulations to carry out the amendatory provisions, and on October 1, 1995, for all other purposes.

S.B. 359 (Chapter 163)

Senate Bill 359 revises the provisions relating to the registration of persons who repair or adjust weighing or measuring devices in the state. The bill also allows the State Sealer of Weights and Measures to authorize a registered repairman to test devices used to weigh or measure propane.

In addition to "cleaning up" the statutory procedures relating to the registration of repairmen, S.B. 359 allows privatization of the testing of devices used to weigh or measure propane.

S.B. 422 (Chapter 425)

Senate Bill 422 makes various changes relating to landscape architects. The bill provides that all proceedings after the filing of a complaint are confidential until the Board of Landscape Architecture decides to institute disciplinary action. The measure also establishes procedures for processing complaints filed with the board. In addition, S.B. 422 authorizes a civil penalty of not more than \$5,000 for each violation of the provisions relating to landscape architects and provides for the disposition of money collected by the board. Further, certain fines and application fees are increased. The bill expands the types of disciplinary action that may be imposed by the board and requires that advertising and business cards of certificate holders include their certificate numbers. Finally, S.B. 422 changes the time period for reinstating an expired certificate without requiring the applicant to pass an examination.

S.B. 448 (Chapter 640)

Senate Bill 448 revises provisions governing the licensing and regulation of psychologists. The bill authorizes the Board of Psychological Examiners to adopt regulations providing for the registration of a firm, corporation, or partnership that engages in the practice of psychology. The measure also defines the terms "practice of psychology" and "patient." In addition, S.B. 448 authorizes the board to discipline a licensee who engages in sexual activity with a patient or who has been convicted of medical provider fraud. The bill also mandates that certain communications between a patient and a psychologist are confidential. Psychologists are required to declare their areas of competence and to limit their practice to those areas. Finally, the board is required to evaluate applications for licensure within 120 days and respond to the applicant in writing. If the board determines that an applicant is not eligible for licensure, it must describe in detail the reasons for that determination.

Firms that engage in the practice of psychology are not required to register with the board until January 1, 1996.

The provision authorizing the adoption of regulations is effective on July 5, 1995. The remainder of the bill is effective October 1, 1995.

S.B. 492 (Chapter 724)

Senate Bill 492 makes various changes relating to homeopathic medicine. The measure provides for the licensing and regulation of advanced practitioners of homeopathy and homeopathic assistants.

The provisions concerning the adoption of regulations by the Board of Homeopathic Medical Examiners are effective on July 7, 1995. The remainder of the bill is effective on January 1, 1996.

S.B. 506 (Chapter 512)

Senate Bill 506 provides for the registration and regulation of interior designers. The bill defines the terms "practice of interior design" and "registered interior designer" and establishes educational requirements for registration. A person who practices interior design is not required to hold a certificate of registration before January 1, 1998, however. The board is authorized to issue a certificate of registration to practice interior design to any person who submits to the board, not later than December 31, 1999, a form indicating completion of at least 2 years of education in a program of interior design and 4 years of experience, and thereafter complies with certain other requirements by December 31, 2004.

The bill creates exemptions for an employee of a registered interior designer and certain persons who provide assistance in the selection or preparation of materials or furnishings used in interior design.

In addition, S.B. 506 changes the name of the State Board of Architecture to the State Board of Architecture, Interior Design and Residential Design and increases the number of members to nine. Two of the members must be registered interior designers.

Some portions of the act are effective on July 1, 1995, others take effect on October 1, 1995, and the certification requirements are effective January 1, 2000.

S.B. 536 (Chapter 510)

Senate Bill 536 makes various changes concerning the licensure and regulation of veterinarians. The bill requires the Nevada State Board of Veterinary Medical Examiners to adopt regulations for the registration of facilities where veterinary medicine is practiced. The measure prohibits a licensee from providing medical treatment to a human being. In addition, S.B. 536 stipulates that all vaccinations for zoonotic diseases, which are those that affect both humans and animals, must be performed by, or under the direct supervision of, a licensed veterinarian. Furthermore, the bill expands the definition of "practice of veterinary medicine" to include embryo collection, acupuncture, dentistry, chiropractic care, and cosmetic surgery. Finally, S.B. 536 makes certain changes to testing, licensing, and disciplining of veterinarians, and to the administrative procedures of the board.

Some portions of the bill are effective on July 1, 1995, others take effect on July 2, 1995, and the remainder of the bill is effective January 1, 1996.

S.B. 557 (Chapter 670)

Senate Bill 557 authorizes optometrists to form certain business relationships with physicians. If an association or business relationship is formed, the measure permits the location of an optometrist's office in the same place of business as the physician without a physical separation between the office and the place of business. In addition, the bill allows the optometrist to give the physician access to medical records of patients treated by both professionals and to advertise and promote the services of the association or business in accordance with certain restrictions.

A.B. 26 (Chapter 42)

Assembly Bill 26 requires the State Board of Professional Engineers and Land Surveyors to adopt regulations concerning continuing education. These regulations must include the number of hours of credit required annually, the criteria used to accredit each course, and requirements for the submission of proof of attendance.

A.B. 62 (Chapter 198)

Assembly Bill 62 revises the requirement for establishing a quorum of the Occupational Safety and Health Review Board. The board consists of five members: two from organized labor, two from management, and one from the general public. This bill provides that a quorum consists of three members, at least one of whom must represent labor and one of whom must represent management.

This measure also requires the appointment of an alternate for the member representing the general public. Additionally, at least one member other than the general public representative must be knowledgeable regarding occupational safety or health.

The bill addresses situations in which, because of a last minute scheduling conflict, a quorum is not achieved because the member representing the general public or the members representing either organized labor or management are unable to attend a meeting.

This bill is effective July 1, 1995.

A.B. 63 (Chapter 41)

Assembly Bill 63 revises the licensing requirements for professional engineers and land surveyors who have not graduated from an approved 4-year course of study. The bill increases, from 8 to 10 years, the amount of active experience required of these applicants. The change is similar to licensing requirements in other states.

A.B. 192 (Chapter 507)

Assembly Bill 192 makes various changes concerning hearing aid specialists. The bill prohibits a person whose license has been revoked from participating in the fitting or dispensing of a hearing aid. The measure also regulates the sale of hearing aids through the mail or by catalogue.

In addition, A.B. 192 revises certain provisions regarding disciplinary action against a licensee including expanding the grounds for disciplinary action. Further, the bill provides a statutory definition of incompetence and negligence. The measure also increases the penalties which may be imposed for violations and the administrative penalty that the board may impose.

Finally, the bill makes various changes to the license application process and repeals the authority of the board to issue a temporary license to a person authorized to practice in another jurisdiction.

A.B. 280 (Chapter 137)

Assembly Bill 280 revises various provisions concerning notaries public. As a clarification, the measure moves certain definitions within Chapter 240 of the *Nevada Revised Statutes* and repeals corresponding sections. In addition, the bill requires notaries to be residents of Nevada and, if resident aliens, to be lawfully admitted, and provides for the revocation or suspension of a notary's appointment. Further, the measure establishes procedures concerning a lost notary stamp and changes of address, name, or signature. The measure also provides for the certification of documents of subscribing or credible witnesses. Certain acts are prohibited, including reproducing a notary's signature; untruthfully representing oneself as a notary; and allowing another person to use a notary's stamp.

Finally, A.B. 280 authorizes the Secretary of State to establish regulations concerning the voluntary training of notaries.

A.B. 296 (Chapter 128)

Assembly Bill 296 revises the provisions governing the licensing fees for teachers and other educational personnel. The measure increases, from \$25 to \$65, the minimum fee for the issuance, renewal, and duplication of a license. In addition, A.B. 296 specifies that the portion of the licensing fee used to conduct fingerprinting and background investigations be provided directly to the Department of Motor Vehicles and Public Safety. The bill credits the remaining fees to the State Department of Education.

The bill is effective July 1, 1995.

A.B. 298 (Chapter 40)

Assembly Bill 298 revises provisions governing professional engineers and land surveyors. The bill changes the term "engineer-in-training" to "engineer intern" and the term "land surveyor-in-training" to "land-surveying intern." The change in terminology brings Nevada law closer to the occupational titles used in other parts of the country.

The bill also makes several changes regarding testing. A requirement that part one of the professional engineering examination cover general engineering is removed from the law. The bill also authorizes the State Board of Professional Engineers and Land Surveyors or an accredited college or university to administer this part of the examination to persons who are not candidates for licensure. The word "percent" in reference to the passing score required on the licensing examination for land surveyors is deleted because that test is given a weighted score rather than a percent grade.

Finally, the bill removes the stipulation that a certificate issued to an engineer-in-training or a land surveyor-in-training expires after 8 years.

A.B. 344 (Chapter 124)

Assembly Bill 344 amends the law relating to the Real Estate Division and the licensing of real estate brokers, broker-salesmen, and salesmen. The bill allows the division to establish by regulation the fee for licensing examinations. Currently, this fee is set by statute. The bill also clarifies that the division may evaluate courses of continuing education offered by colleges and universities to determine whether the subject matter is appropriate. Finally, this measure requires that the division maintain records of rulings or decisions, investigations, and license denials in each district office rather than only in its main office.

For purposes of adopting regulations to establish the examination fees, the bill is effective on May 26, 1995 so that the regulations may take effect on October 1, 1995. The provisions regarding continuing education and records take effect on July 1, 1995.

A.B. 399 (Chapter 383)

Assembly Bill 399 concerns unlicensed contractors. The bill provides that a member of the State Contractors' Board who becomes aware of a violation of the contractors' law may inform the executive director of the board, who must then take appropriate action. The board is authorized to impose an administrative fine, between \$1,000 and \$10,000, on unlicensed contractors. The Attorney General and the district attorney of each county are required to prosecute unlicensed contractors at the request of the board. The bill also establishes the standard of proof that must be met to obtain an injunction against unlicensed activity and makes it clear that the person against whom injunctive relief is sought is not relieved of criminal prosecution and may be required to pay court costs, costs of investigation, and damages.

A.B. 440 (Chapter 403)

Assembly Bill 440 amends the law regarding escrow agents and agencies. The bill increases the amount of the bond which these licensees must deposit with the Commissioner of Financial Institutions from \$25,000 to \$50,000 and allows this bond to be held in a form other than a surety bond, such as a certificate of deposit, a United States Treasury obligation, or a municipal bond.

The bill also provides that, when an escrow officer licensed by the Commissioner of Insurance applies to the Commissioner of Financial Institutions for licensure as an escrow agent, the background investigation may be waived. Escrow agents may, however, be licensed as escrow officers without again taking a licensing examination and meeting certain experience requirements.

According to testimony concerning the bill, the increase in the amount of the bond affords greater protection to the customers of escrow agents and agencies. Allowing

these licensees to hold the bond in the form of an interest bearing security rather than posting a surety bond reduces the financial burden of providing this security.

At the present time, escrow agents and agencies are licensed and regulated by the Division of Financial Institutions, while escrow officers, who are employed by title insurers or title agents, are licensed by the Commissioner of Insurance. Both types of licensees perform the same functions and meet the same licensing requirements. This bill is intended to simplify the process of changing from one type of license to another.

A.B. 472 (Chapter 291)

Assembly Bill 472 requires that the course of instruction for an applicant for a real estate salesman's license include the subject of disclosure of information in real estate transactions and the methods the seller may use to obtain this information.

The bill also increases, from 15 to 18, the number of hours of classroom instruction in real estate law and principles of real estate that must be completed by an applicant for a license as a real estate broker or broker-salesman.

This measure is effective on January 1, 1996.

A.B. 477 (Chapter 268)

Assembly Bill 477 makes various changes concerning the practice of social work. The bill provides that records received by the Board of Examiners for Social Workers regarding licensees or applicants for licenses are confidential. Records of an investigation of a licensee or applicant become public if the board imposes a disciplinary action or if the licensee or applicant requests their release. The board is also allowed to release records to licensing boards in other states or law enforcement agencies investigating a licensee.

The measure also authorizes the board to issue subpoenas for the attendance of witnesses or the production of books and records. In addition, the bill eliminates various obsolete provisions, including those providing for the licensing of associates in social work. Further, the bill revises the grounds for refusing to issue a license to an applicant to include acts committed in another state in connection with the practice of social work that would have been a violation of Nevada's licensing law.

The bill also revises the schedule of fees charged by the board. The initial application fee is increased from a maximum of \$25 to a maximum of \$40; the fee for the restoration of a revoked license is increased from \$100 to \$150; and new fees are provided for the restoration of an expired license and renewal of a delinquent license.

Finally, the bill revises the grounds for disciplinary action to include the practice of social work without a license and amends the provisions regarding disciplinary hearings to conform with the state's Open Meeting Law and Administrative Procedures Act.

This measure is effective on June 19, 1995.

A.B. 488 (Chapter 267)

Assembly Bill 488 revises the educational requirements for certified public accountants. The bill removes a requirement that an applicant for certification complete a Bachelor of Science or Bachelor of Arts degree, although the degree must include a baccalaureate or equivalent.

This bill amends a provision of the 1993 session laws that increased the amount of course work required for certification. This provision applies after January 1, 2001. The specific requirement that applicants complete a bachelor's degree is removed because some institutions plan to replace their 4-year bachelor's degree in accounting with a 5-year program leading to a master's degree.

A.B. 504 (Chapter 402)

Assembly Bill 504 amends the statutes governing collection agencies. The bill defines a claim as any obligation that is past due. Currently, a claim is defined as an obligation arising in the course of a business or profession.

The bill deletes the requirement that an applicant for a collection agency license promote the convenience and advantage of the community in which it is located. Also deleted is a requirement that, before licensing a new collection agency, the Commissioner of Financial Institutions make a survey to determine whether an additional agency is needed in the community.

In addition, A.B. 504 revises the licensing criteria for agencies and managers. Requirements regarding the moral character of applicants are revised to refer specifically to those aspects of character that are relevant to the operation of a collection agency. The bill prohibits the licensing of an applicant who has had a collection agency license revoked or suspended in the preceding 10 years; has been convicted or pleaded guilty to a crime involving fraud, misrepresentation, or moral turpitude; or has made a false statement in an application. The bill removes the authority of the commissioner to refuse to allow an applicant for a manager's license to take the examination if he has declared bankruptcy in the previous 5 years.

Finally, A.B. 504 revises the bonding requirements to provide that the size of the bond, which collection agencies are required to post for the protection of their customers, is determined by a sliding scale based upon the amount held in their trust accounts.

A.B. 531 (Chapter 280)

Assembly Bill 531 provides for the licensing and regulation of hair designers by the State Board of Cosmetology. Hair designers are authorized to cleanse, cut, bleach, color, straighten, curl, and perform other treatments of the hair, and to massage or stimulate the scalp. The bill specifies the qualifications for licensure, the contents of the licensing examination, and license fees.

A.B. 553 (Chapter 250)

Assembly Bill 553 clarifies the situations under which an attorney who has been appointed as a special prosecutor for a limited duration with limited jurisdiction may act as defense counsel in other matters. An attorney who has been appointed special prosecutor may accept an appointment or engage in private employment for the purposes of acting as defense counsel, provided such representation does not result in a direct legal or ethical conflict of interest with his appointment as a special prosecutor.

This measure is effective on June 16, 1995.

A.B. 554 (Chapter 248)

Assembly Bill 554 prohibits the use of certain titles relating to professionals in industrial hygiene and safety without the certification or recognition of the American Board of Industrial Hygiene or the Board of Certified Safety Professionals. This measure requires the Division of Industrial Relations to report any alleged violations of this act to the district attorney of the county in which the alleged violation occurred. If a person is convicted of a violation, A.B. 554 requires the revocation of that person's license to conduct business in this state as an associate safety professional, a certified industrial hygienist, a certified safety professional, an industrial hygienist in training, or an occupational health and safety technologist. In addition, a person convicted of a violation is guilty of a misdemeanor.

A.B. 641 (Chapter 394)

Assembly Bill 641 authorizes cities to adopt ordinances regulating the qualifications of taxi drivers. These ordinances must be consistent with the regulations of the Public Service Commission of Nevada.

This measure is effective on June 28, 1995.

A.B. 696 (Chapter 492)

Assembly Bill 696 makes various changes concerning the collection of certain license taxes. The measure requires a newly incorporated city or town to continue to collect certain professional, occupational, or trade license taxes, which before incorporation were levied by the county, for the payment of bonds or obligations related to the furnishing of recreational facilities.

In addition, the measure requires a county whose population is 400,000 or more, and cities located therein, to continue to levy any professional, occupational, or trade license taxes in effect on January 1, 1995, for as long as any bonds or obligations issued pertaining to county fair and recreation boards remain outstanding or unpaid.

This measure is effective on July 2, 1995.

A.B. 722 (Chapter 489)

Assembly Bill 722 increases the compensation of court reporters. For traditional business hours on any day except Sunday, the fee is increased from \$120 to \$140 per day. On Sundays and beyond traditional business hours, if the reporter is available for more than 4 hours, the fee is \$30 per hour for each hour of availability. If the reporter is available for less than 4 hours on such days, the fee is a pro rata amount of the \$140 daily fee that applies during traditional business hours and days.

The transcription fee is increased from \$2.25 per page to \$3.25 per page for the original draft. Civil litigants who are ordering the original draft and are represented by a nonprofit legal corporation or a program for pro bono legal assistance are charged only a \$2.50 per page fee for the original rather than \$3.25.

This measure also authorizes court reporters to transcribe proceedings which a judge has ordered to be transcribed by sound recording equipment. Finally, the bill authorizes the appointment of certified court reporters as notaries public with the limited powers of administering oaths and affirmations, but not the other powers of a notary. Such limited appointment does not require the posting of a bond that is required of full power notaries.

**CORRECTIONS, CRIMES, PUNISHMENTS,
AND VICTIMS OF CRIME**
(See also: Courts)

Correctional Procedures and Facilities

S.B. 61 (Chapter 25)

Senate Bill 61 requires a person in custody to sign a document that waives the right to extradition proceedings as a condition of release on bail, probation, residential confinement, or parole. The document also states any conditions of release imposed on the individual by the court.

This measure is effective on April 10, 1995.

S.B. 278 (Chapter 656)

Senate Bill 278 appropriates \$790,000 to the State Public Works Board for the design of additional housing units and related facilities at the Lovelock Correctional Center.

The bill also requires the State Board of Examiners to issue general obligation bonds in an amount not to exceed \$6,982,015 to be allocated to the Men's Prison No. 7 at Indian Springs for certain designs and planning. The measure allows the State Controller to advance to the State Public Works Board an amount of money necessary to facilitate the start of the project. Any money advanced for this purpose must be repaid immediately upon the sale of the bonds.

In addition, S.B. 278 requires the Department of Prisons to enter into a contract for the construction and operation of a new correctional facility for women in southern Nevada.

This measure is effective on June 30, 1995.

S.B. 392 (Chapter 679)

Senate Bill 392 makes various changes regarding the employment and accounts of inmates in the Department of Prisons. This measure clarifies that the income and interest that accrues on the money in each inmate's account is placed in a collective fund used for the benefit of all inmates and is not credited to an individual inmate's account. Senate Bill 392 requires any inmate who wishes to participate in vocational training or employment to sign an authorization for certain deductions to his wages required by existing law.

In addition, S.B. 392 requires the Department of Prisons to provide transportation for inmates who are ordered to appear in court. If transportation is not available, the department must make the offender available to provide testimony by telephone or video, if so requested by the court, or provide special transportation, if so ordered and paid for by the court. The court may also order the county sheriff to provide transportation for an inmate to and from the required appearance at county expense.

Finally, S.B. 392 clarifies that existing law does not create a right on behalf of the inmate to employment or to receive federal or state minimum wage for employment.

S.B. 454 (Chapter 474)

Senate Bill 454 requires prisoners and former prisoners to exhaust administrative remedies before pursuing tort action against the Department of Prisons for property damage, personal injury, or any other claim arising out of tort. Such a claim must be filed within 6 months after the alleged damage or injury. Existing law only requires prisoners to exhaust administrative remedies for loss of personal property before proceeding with any action against the department.

Testimony concerning the measure indicated that, in many situations, the department is not given an opportunity to resolve or correct a problem before litigation arises; many prisoners who file a grievance with the department simultaneously file an action with a court. According to testimony, this measure applies only to actions filed in state court and does not apply to actions based on constitutional grounds, as these actions are filed in federal court.

S.B. 463 (Chapter 515)

Senate Bill 463 prohibits a court from entering an order that affects the conditions of confinement of a prisoner, unless the court notifies the sheriff, chief of police, or town marshal that it intends to enter such an order and provides an opportunity for those officers to be heard. This notice is not required if the prisoner has filed an action challenging the conditions of confinement.

Senate Bill 463 also authorizes the sheriff, chief of police, or town marshal who arranges for medical care for a prisoner to attempt to collect the cost of the care and necessary transportation from the prisoner. The measure requires the full cooperation of the prisoner and the insurance carrier in collecting such costs.

S.C.R. 59 (File No. 164)

Senate Concurrent Resolution No. 59 directs the Legislative Commission to conduct an interim study of the treatment of mentally ill offenders in the criminal justice system. The study must include an evaluation of the effectiveness of current programs for

treatment provided for mentally ill offenders in the criminal justice system, treatment programs used in other states, and the rate of recidivism of those who have been convicted of offenses involving sexually deviant behavior and who received treatment before their release.

A.B. 106 (Chapter 142)

Assembly Bill 106 provides for the forfeiture of good time credits for inmates who commence frivolous civil actions in state or federal court. The bill establishes the standards the court may consider in determining whether an action is frivolous.

This bill addresses the growing number of inmates who are "arm chair" litigators. Testimony indicated that the state expends vast resources defending frivolous claims by inmates. Legitimate claims will not be affected by the bill, and existing law requires the Department of Prisons to give notice to the offender and have proof of the offense before credits may be forfeited.

Credits earned prior to October 1, 1995, are subject to forfeiture for frivolous cases filed after October 1, 1995.

A.B. 230 (Chapter 80)

Assembly Bill 230 appropriates \$510,769 for Fiscal Year 1996 and \$1,503,024 for Fiscal Year 1997 to the Department of Prisons for expenses related to the opening of the Lovelock Correctional Center. The bill specifies the manner in which these appropriations are to be allocated.

This measure is effective on May 10, 1995.

A.B. 293 (Chapter 406)

Assembly Bill 293 removes the references to county jail in the provisions of the law that provide penalties for certain domestic violence crimes. This technical revision is necessary because justices of the peace and municipal court judges in certain jurisdictions utilize city jails rather than county jails for misdemeanor crimes involving the violation of a protective order.

This bill is effective on June 18, 1995.

A.B. 325 (Chapter 37)

Assembly Bill 325 authorizes a supplemental appropriation of \$1,252,500 to the Department of Prisons for costs associated with the unanticipated increase in the number of prisoners. This appropriation will provide funding for additional beds at the Northern Nevada Correctional Center and for the early hiring of staff required to operate Phase One of the Lovelock Correctional Center, which was scheduled to open on July 1, 1995.

This measure is effective on April 20, 1995.

A.B. 389 (Chapter 219)

Assembly Bill 389 provides for the transfer of funds from an offender's store fund to repay or defray costs assessed to the offender when the amount in the offender's personal property fund is insufficient. The bill also expands the purposes for which funds may be deducted from a prisoner's personal account and clarifies that an offender does not have a right to any interest or income that accrues on money in the offender's store fund.

This measure is effective on June 15, 1995, for the purpose of adopting administrative regulations and on August 15, 1995, for other purposes.

A.B. 512 (Chapter 333)

Assembly Bill 512 authorizes counties and cities to seek reimbursement of the costs of maintenance and support of non-indigent inmates housed in local jails. The amount may not exceed the actual cost per day for maintenance and support. The governing body must investigate the financial status of a prisoner before seeking reimbursement. The procedures for collection, including civil action, are outlined in the bill. A prisoner may be ordered to satisfy the debt through community service in certain circumstances. This measure also provides for the withdrawal of money from the prisoner's trust fund to pay the reimbursement costs.

Crime and Punishment

S.B. 39 (Chapter 22)

Senate Bill 39 increases the penalty for committing an assault or battery against a member of the judiciary by including these individuals in the definition of "officer." The bill identifies such a member as a Supreme Court justice, district or municipal

judge, justice of the peace, magistrate, court commissioner, master, or referee. Also included is any person acting in one of these capacities.

According to existing law, an assault or battery committed against an officer in the line of duty is a gross misdemeanor. If a deadly weapon is used in an assault, the crime is a felony punishable by 1 to 6 years in prison. A battery committed upon an officer in the line of duty in which the officer suffers substantial bodily harm also is a felony.

The enhanced penalty for members of the judiciary is intended to maintain control in the courtroom, especially in criminal cases and in rural courtrooms that do not have bailiffs.

S.B. 113 (Chapter 3)

Senate Bill 113 authorizes an additional aggravating circumstance for which the death penalty may be imposed. The measure provides that a murder committed upon a person less than 14 years of age constitutes an aggravating circumstance.

This bill applies only to murders committed after October 1, 1995.

S.B. 114 (Chapter 50)

Senate Bill 114 provides that a person who commits the crime of stalking on a spouse while divorce proceedings are pending, or within 6 months after the entry of a decree, is guilty of aggravated stalking. In addition, committing the crime of stalking on a person with whom one has a child in common while custody proceedings are pending also constitutes aggravated stalking. Actual or legal notice of the pending divorce or custody proceedings is required. The penalty for a first offense is a gross misdemeanor, and subsequent offenses are felonies.

The measure also authorizes the court to issue a temporary or extended order in response to a petition from a person who believes himself the victim of stalking, aggravated stalking, or harassment. A temporary order may be granted with or without notice to the adverse party, but the adverse party may appear before the court to move to dismiss or modify the order. Temporary orders expire within 30 days, but may be converted into extended orders, which may be granted for a period up to 1 year. Before the court may grant an extended order, the adverse party must receive notice and a hearing on the petition. Extended orders may be appealed to the district court.

Finally, this measure requires the court to transmit the order to all law enforcement agencies within its jurisdiction and authorizes peace officers to enforce the order. The violation of a temporary order is a gross misdemeanor, and the violation of an extended order is a felony.

S.B. 139 (Chapter 110)

Senate Bill 139 expands the aggravating circumstances for which the death penalty may be imposed. The measure provides that the murder of any person upon whom certain powers of a peace officer have been conferred constitutes an aggravating circumstance. Senate Bill 139 also includes as an aggravating circumstance the murder of an employee of the Department of Prisons who comes into contact with inmates in the normal course of the employee's duties, but who does not exercise general control over inmates.

In addition, the murder of a person by reason of race, color, religion, national origin, or sexual orientation constitutes an aggravating circumstance under this measure.

This bill applies only to murders committed after October 1, 1995.

S.B. 192 (Chapter 256)

Senate Bill 192 increases the penalties for certain sex-related offenses, provides for community notification of the release of offenders who have committed sexual offenses, and imposes a sentence of lifetime supervision on such offenders.

The bill provides that a person who commits a sexual assault against a child under 16 years of age, resulting in substantial bodily harm, must be punished by imprisonment for life without the possibility of parole. If no substantial bodily harm to the victim results, the offender must be punished by imprisonment for life with the possibility of parole after a minimum of 20 years has been served or for a period of 5 to 10 years without the possibility of parole.

Senate Bill 192 also provides that a person convicted of battery with the intent to commit a sexual assault, resulting in substantial bodily harm, must be punished by life in prison with or without the possibility of parole. If the crime does not result in substantial bodily harm, and the victim is over 16 years of age, the penalty is imprisonment for 2 to 10 years. If the victim is under 16, a sentence of 5 to 15 years in prison without the possibility of parole must be imposed.

Lifetime Sentence

Senate Bill 192 requires a special sentence of lifetime supervision for individuals convicted of certain sex-related offenses. This lifetime supervision begins after the conclusion of any term of imprisonment or any period of probation or parole. Upon a petition, the court may release an individual from lifetime supervision if the person has not committed a crime for 15 years since being released from incarceration or last convicted, whichever occurs later, and is not likely to pose a threat to the safety of others.

Central Repository for Nevada Records of Criminal History

Senate Bill 192 adds the following to the list of crimes for which the court is required to submit the results of blood and saliva tests to the Central Repository for Nevada Records of Criminal History: battery with intent to commit a sexual assault; possession of child pornography; solicitation of a minor to engage in acts constituting the crime against nature; indecent or obscene exposure; necrophilia; molestation or annoyance of a minor; or any attempt to commit these offenses.

Community Notification

Senate Bill 192 creates an advisory council for community notification composed of three members appointed by the Governor and four members appointed by the Legislative Commission. The council must consult with and provide recommendations to the Attorney General concerning the guidelines for community notification upon the release of a sex offender on parole. The Attorney General is responsible for establishing these guidelines, which must identify factors relevant to the risk of recidivism. These factors include therapy, treatment, advanced age, debilitating illness, and the criminal history of the offender.

The law enforcement agency responsible for the jurisdiction in which the offender is to be released provides the notification required by the guidelines. If the risk of recidivism is low, other law enforcement agencies must be notified. If the risk is moderate, law enforcement agencies, schools, and religious and youth organizations must be notified. If the risk is high, members of the public likely to encounter the offender must be notified in addition to the entities in the other two categories.

Sexual Offenses

An offender may receive a sentence of lifetime supervision, and community notification may be required, if the offender is convicted of a sexual offense or other crime deemed sexually-motivated. An act is deemed sexually-motivated if one of the reasons the person committed the act was sexual gratification. The court must conduct a separate hearing into the issue of sexual motivation if the prosecuting attorney requests such a hearing prior to the trial and notifies the defendant. This hearing must be conducted before the court imposes its sentence or before a separate penalty hearing.

Following are the sexual offenses for which an offender may receive a sentence of lifetime supervision or for which community notice may be required:

- Sexual assault;
- Battery with the intent to commit sexual assault, resulting in substantial bodily harm;
- Using a minor in producing pornography;
- Promotion of the sexual performance of a minor;

CORRECTIONS (continued)

- Subsequent offense of possession of visual presentation depicting the sexual conduct of a person under 16 years of age;
- Incest;
- Solicitation of a minor to engage in acts constituting the crime against nature where the minor engaged in the act;
- Subsequent offense of solicitation of a minor to engage in acts constituting the crime against nature where a minor did not engage in such acts;
- Lewdness with a child under 14 years of age;
- Necrophilia; or
- An attempt to commit any of the crimes listed above.

S.B. 314 (Chapter 637)

Senate Bill 314 revises certain criminal procedures. This measure abolishes the defense of insanity and adds the plea of guilty but mentally ill. A defendant who enters such a plea is subject to the same penalties as the defendant who pleads guilty, and this plea is not a defense to the alleged offense.

The measure provides that, prior to accepting a plea of guilty but mentally ill, the court must hold a hearing to determine whether the defendant was mentally ill at the time of the offense. The court may order an examination of the defendant and receive testimony of expert witnesses.

If a court accepts a plea of guilty but mentally ill, S.B. 314 requires the court to provide the opportunity to present evidence of the defendant's present mental condition prior to sentencing. If the court determines that the defendant is mentally ill at sentencing, it shall include in the sentence an order that the defendant receive during confinement such treatment as is available for the illness. Before ordering treatment, the court must also determine that relative risks and benefits of the treatment are such that a reasonable man would consent to the treatment. The bill authorizes the Department of Prisons to provide treatment pursuant to existing law.

S.B. 335 (Chapter 657)

Senate Bill 335 provides that actual physical possession of a firearm while under the influence of alcohol or a controlled substance is unlawful, unless the person was at home and had possession of the firearm solely for self defense. A person who violates these provisions is guilty of a misdemeanor, and the firearm is subject to forfeiture if the

person brandished, aimed, or handled the firearm in a manner which endangered others.

This measure also requires that any evidentiary tests must be administered in the same manner as the tests used to determine whether a person is driving under the influence of alcohol or a controlled substance. A person suspected of violating the law may not refuse to take such a test.

S.B. 371 (Chapter 517)

Senate Bill 371 expands the circumstances under which a driver of a motor vehicle who attempts to elude a peace officer, after being signaled to stop, is guilty of a felony. Under existing law, any driver who causes substantial bodily harm or death while fleeing a peace officer is guilty of a felony. Senate Bill 371 adds operating a vehicle in a manner likely to endanger a person or property and causing damage to the property of another person to the circumstances under which such a driver may be guilty of a felony.

S.B. 374 (Chapter 467)

Senate Bill 374 removes "depravity of mind" from the list of aggravating circumstances for which the death penalty may be imposed. This bill applies only to murders committed after October 1, 1995.

Testimony concerning this measure indicated that the phrase "depravity of mind" has been challenged numerous times on appeal because of its broad interpretation and vagueness.

S.B. 375 (Chapter 282)

Senate Bill 375 makes unlawful any act or any neglect of duty imposed by law that is conducted in a willful or wanton disregard of the safety of persons or property. Any person who violates these provisions is guilty of a felony if substantial bodily harm or death results. If no such harm occurs, the person is guilty of a gross misdemeanor.

Testimony indicated that this measure, known as the "Fan Man" bill, addresses a void in the criminal law that was identified after an individual in Las Vegas parachuted into an outdoor championship boxing match and injured several people. No mechanism exists in the current law for holding a person criminally liable for this type of behavior.

This measure is effective on June 19, 1995.

S.B. 378 (Chapter 424)

Senate Bill 378 prohibits a person from knowingly operating a motor vehicle that contains a part with an altered identification number and allows any police officer, without a warrant, to seize such a vehicle. This measure also prohibits a person from intentionally defacing, destroying, or altering the identification number of a motor vehicle part.

Senate Bill 378 is intended to provide Nevada law enforcement with another tool to combat automobile theft.

S.B. 416 (Chapter 443)

Senate Bill 416 modifies the sentencing of persons convicted of felonies. The measure requires the judge to sentence an offender to a minimum and a maximum term of imprisonment within the limits prescribed by statute. The minimum sentence imposed must not be more than 40 percent of the maximum sentence. An offender is required to serve the minimum sentence imposed by the judge, and there is no parole eligibility during this period. In addition, no credits earned in prison apply to reduce the minimum sentence. After serving the minimum sentence, the offender is eligible for parole and sentence-reducing credits which are applied to reduce the maximum.

Senate Bill 416 categorizes each felony in state law based on the type of sentence that may be imposed:

- *Category A* contains the felonies for which the judge may impose a sentence of life or life without the possibility of parole. Felonies carrying a potential sentence of death also are included in this category.
- *Category B* contains the felonies for which the judge may impose a sentence that is not less than 1 year nor more than 20 years.
- *Category C* contains the felonies for which the judge may impose a sentence of not less than 1 year nor more than 5 years.
- *Category D* contains the felonies for which the judge may impose a sentence of not less than 1 year nor more than 4 years.
- *Category E* contains the felonies for which probation is mandatory, but the judge imposes an underlying prison sentence of not less than 1 year nor more than 4 years.

Senate Bill 416 also increases the penalty for certain felonies, including murder, rape, burglary, and child abuse, and decreases the penalty for other felonies, such as possession and trafficking of controlled substances. This measure also amends the

drug trafficking statutes by changing the mandatory minimum fines to mandatory maximum fines.

Senate Bill 416 authorizes judges to design programs unique to an offender's situation and requires the judge to monitor the program to determine whether the offender is responding appropriately. Offenders may be required to obtain a private bond, if they have the financial resources to do so, as a condition of probation or an alternative program. In addition, restitution is required for felonies that involve fraud.

Senate Bill 416 also creates a "super" habitual criminal provision, which is a Category A felony. Under this measure, the prosecutor must charge the offender as a habitual felon if the offender's current charge is one of the violent or sex-related felonies listed in these provisions and the offender has two prior convictions for such felonies. If an offender is convicted, the penalty is life without the possibility of parole, life with the possibility of parole after 10 years, or a definite term of 25 years with parole eligibility after 10 years have been served. Such a conviction operates only to increase, not reduce, the sentence for the principal crime.

Senate Bill 416 also prohibits the Board of Pardons Commissioners from reducing a sentence of death or life without the possibility of parole to a sentence that allows parole.

This measure is effective on July 1, 1995.

S.B. 513 (Chapter 261)

Senate Bill 513 brings Nevada law into conformity with federal law regarding the exchange of money obtained from illegal activity ("money laundering") through gaming establishments. This measure specifically prohibits such activity and expands the State Gaming Control Board's authority to investigate criminal activity into this area. Finally, S.B. 513 increases from \$10,000 to \$25,000 the minimum fine for certain crimes related to gaming.

A.B. 108 (Chapter 14)

Assembly Bill 108 increases the penalty for the theft of certain firearms and for the possession of certain stolen firearms. Under existing law, theft of firearms valued at less than \$250, or possession of such stolen firearms, is a misdemeanor. The bill provides that the theft of a firearm, regardless of its value, is grand larceny, punishable by imprisonment in the state prison for 1 to 10 years and a fine of not more than \$10,000. In addition, A.B. 108 provides that possession of a stolen firearm is a felony, which carries the same criminal penalty as the theft of a firearm.

The measure does not apply to any offenses committed before October 1, 1995.

A.B. 132 (Chapter 696)

Assembly Bill 132 revises the criminal provisions relating to the use of federal food stamps. The bill provides that the sentence imposed for a misdemeanor violation include restoration of the amount criminally obtained. Further, A.B. 132 allows separate offenses and amounts involved in such offenses to be combined for the purpose of imposing criminal penalties. The court is authorized to consider, as a mitigating factor, evidence that the food stamps were sold for the purpose of obtaining necessities that may not be obtained with food stamps.

Some of the bill's provisions are needed to comply with changes to the federal food stamp laws. Further, the authorization to combine separate offenses will allow repeat offenses to be treated as felonies. Testimony indicated that some persons who commit food stamp fraud purposely limit each transaction to less than \$250 to avoid the felony provisions, even though the total amount fraudulently sold or transferred is substantially in excess of the \$250 threshold.

The bill is effective on July 1, 1995.

A.B. 256 (Chapter 320)

Assembly Bill 256 raises the minimum penalty for child abuse from 1 to 2 years imprisonment. In addition, if a court determines that the parent or guardian of a child who is in protective custody has been convicted of child abuse, the court must not release that child to the parent or guardian unless the court determines by clear and convincing evidence that the child will not be physically or psychologically harmed.

The amendatory provisions of this act do not apply to offenses committed before October 1, 1995.

A.B. 277 (Chapter 172)

Assembly Bill 277 authorizes a sentence of residential confinement for a person who is convicted of driving under the influence and later convicted of driving with a revoked or suspended license. The court may sentence such an offender to jail for not less than 30 days or to residential confinement for not less than 60 days nor more than 6 months.

The measure is intended to provide the courts with more flexibility in punishing persons who drive while their licenses are revoked or suspended. This punishment is in addition to any other penalty that may be imposed for a crime that led to the discovery the person was driving with a suspended license. Offenders sentenced to residential confinement are able to maintain employment, support their families, and pay restitution to victims.

A.B. 317 (Chapter 444)

Assembly Bill 317 makes various changes to Nevada's criminal laws affecting both adults and juveniles. With regard to juveniles, the bill provides that a person 16 years or older who commits either a sexual assault involving force or violence or an offense involving a weapon, and who has been previously adjudicated delinquent for an offense that would have been a felony if committed by an adult, must be automatically certified as an adult and tried in adult court. A mechanism is provided to certify such persons back to juvenile court under certain circumstances. In addition, existing law allows a judge the discretion to certify a person over 16 to adult court; this measure lowers the age threshold to 14 for discretionary certification.

Furthermore, a child 14 years of age or older who is charged with sexual assault involving the use of force or violence or with an offense involving the use of a weapon may be certified as an adult unless the court finds that the child was not the principal actor in the offense or that exceptional circumstances exist.

Existing law provides that juvenile court proceedings are confidential. Assembly Bill 317 requires that such proceedings be open to the public, unless the court determines that closing the proceedings would be in the best interests of the juvenile or the general public. The list of remedies available to a juvenile court judge is expanded by including within his powers the ability to order a parent or other persons living with a juvenile to obtain counseling at their own costs. In addition, the court may order the parent to pay restitution to the victim. The court may also order the suspension or delay of the child's driver's license for up to 2 years. Law enforcement entities are authorized to fingerprint or photograph a child, regardless of age.

For adults in the criminal justice system, the habitual criminal statutes are strengthened. A new category of habitually violent felon is created. A person who commits one of the enumerated violent felonies and who has been previously convicted twice of one of these felonies may be charged as a habitual violent felon, which carries a sentence of life with or without parole. For life with parole, minimum eligibility may begin only after 10 years have been served. If the facts of a case indicate that the person qualifies as a habitually violent offender, the prosecutor is required to charge as such, and the judge must sentence accordingly.

This measure also authorizes the Department of Prisons to assign certain offenders to residential confinement. These offenders continue their status as prisoners, but serve that time in residential confinement. The bill sets forth the requirements for program eligibility, which include that the offender cannot have committed a violent or sex-related crime or have more than one prior felony of any kind.

Assembly Bill 317 diminishes the State Board of Pardons Commissioners' authority. The measure prohibits the board from reducing a sentence of death or life without parole for first degree murder to a sentence that allows parole. In addition, no person's sentence of death or life imprisonment for any other crime may be commuted for persons sentenced after July 1, 1995.

Finally, A.B. 317 establishes the Advisory Commission on Sentencing. The bill sets forth the broad-based membership of the commission and its duties, as well as the duties of critical state agencies involved in the criminal justice system. The commission is an ongoing body that analyzes sentencing policies and their implementation, and it must report to the Governor and Legislature concerning any recommendations that may be necessary in the future.

This measure is effective July 1, 1995.

A.B. 374 (Chapter 295)

Assembly Bill 374 creates various penalties for placing graffiti. This measure defines graffiti and provides that a person who places graffiti on the property of another is guilty of a public offense proportionate to the value of the property damaged. In addition, the bill requires persons who violate the graffiti laws to perform community service, and the length of the service increases for repeat offenders. Parents of juveniles under the age of 17 years who violate the law are liable for all fines and penalties imposed against the juveniles. The courts are authorized to suspend the driver's license of a person, either juvenile or adult, for up to 6 months for a violation of the law.

The measure requires persons who violate the state graffiti law to pay an administrative assessment of \$250 for each violation. The money is credited to the graffiti reward fund, which operates to provide rewards to people who provide information leading to the conviction of a person who unlawfully places graffiti.

Similarly, A.B. 374 requires counties and cities to establish graffiti award and abatement funds, into which are deposited revenue from administrative assessments against violators of city and county graffiti ordinances. A county, city, or superintendent of state buildings must abate graffiti on property it owns or controls within 15 days of discovery or as soon as practicable.

Assembly Bill 374 addresses the growing problem of gang graffiti and the recent outbreak of "tagger" graffiti. Testimony indicated that these activities tend to escalate violence among gang members.

The penalty provisions of the bill do not apply to offenses committed before October 1, 1995.

A.B. 378 (Chapter 359)

Assembly Bill 378 revises the laws related to domestic violence. This measure changes the time frames for a probable cause arrest of a person who is suspected of committing domestic violence to within 24 hours of the act, rather than 4 hours. This measure also expands the list of activities that constitute domestic violence by including, among other things, arson and stalking. The bill also authorizes the issuance

of a temporary protective order against a perpetrator of domestic violence, if the parties had or are having a "dating relationship." Existing law requires the parties to be living together or related. For the purpose of issuing such orders, the courts in counties whose population is 400,000 or greater are required to be available 24 hours a day, 7 days a week. Such access is authorized, but not required, in the other counties.

This measure also broadens the definition of "domestic violence" for purposes of the victims of crime fund and other victim provisions in Chapter 217 of *Nevada Revised Statutes*. Finally, a provision simplifying and clarifying the method of using 9-1-1 tapes as evidence is included, if the tapes are otherwise admissible under the existing rules of evidence. This provision is modeled after the existing law regarding the method of admitting casino records into evidence.

A.B. 405 (Chapter 389)

Assembly Bill 405 revises the provisions governing sexual exploitation of children. The bill defines the term "sexual portrayal" as the depiction of a person in a manner that appeals to the prurient interest in sex and does not have serious literary, artistic, political, or scientific value. Any person who knowingly prepares, advertises, or distributes material that depicts a minor engaging in sexual conduct is guilty of a felony punishable by 1 to 15 years in prison. The knowing use of a minor in a sexual portrayal is a felony punishable by 5 years to life in prison. The knowing promotion of a performance that involves a sexual portrayal of a minor is subject to the same penalties. In addition, the penalty for possession of child pornography is increased from a gross misdemeanor to a felony with a prison term of 1 to 10 years and a fine of not more than \$5,000.

A.B. 534 (Chapter 401)

Assembly Bill 534 prescribes a criminal penalty for a person with joint legal custody of a child who willfully conceals or removes the child from the custody of the other parent with the specific intent to deprive the other parent of the parent-child relationship. The punishment for such conduct is 1 to 6 years imprisonment, or a fine of not more than \$5,000, or both.

Existing law regarding child abduction by a parent who has joint custody rights prohibits such conduct, but provides no criminal penalty.

A.B. 535 (Chapter 168)

Assembly Bill 535 clarifies that, in first degree murder cases where the death penalty is not sought, the existence of aggravating circumstances is not necessary for the imposition of a sentence of life in prison. Also, this measure clarifies that the trial judge

shall impose the sentence in cases where the death penalty is not sought and the jury is unable to reach a unanimous verdict regarding the sentence.

Existing law requires proof of aggravating circumstances only when the death penalty is sought, but not for the imposition of a life sentence in a murder case where the death penalty is not sought. However, a bill enacted by the 1993 Legislature that was intended to address separate hearings for the guilt and penalty phases of a murder trial created an opportunity to argue that aggravating circumstances are required for a life sentence. This measure makes it clear that proof of aggravating circumstances is only required in murder cases where the death penalty is sought, not murder cases where a life sentence is sought.

This measure is effective on June 8, 1995.

A.B. 570 (Chapter 341)

Assembly Bill 570 provides a penalty for certain convicted habitually fraudulent felons. The bill defines "habitually fraudulent felon" and mandates that such a person shall be punished by imprisonment in the state prison for not less than 5 years nor more than 20 years if the victim of each offense is 65 years of age or older or is mentally disabled. In addition, A.B. 570 establishes procedures for a prosecuting attorney to charge a habitually fraudulent felon and procedures for proving the charge in court. Finally, the bill amends A.B. 396 of this session by revising the provisions for granting probation to certain offenders.

This bill is effective on July 1, 1995.

A.B. 585 (Chapter 607)

Assembly Bill 585 makes various changes relating to the abuse, neglect, and exploitation of older persons. An agency investigating the abuse of an older person may disclose investigative information to other agencies if it is in the best interest of the person and ensures confidentiality. The ability of an investigating agency to inspect records relevant to the abuse is expanded, provided the agency obtains the consent of the older person or guardian. The investigating agency is authorized to file a petition for removal of a guardian if it appears the guardian is abusing, neglecting, or exploiting an older person.

The bill also expands the definition of exploitation to include acts by persons in a position of trust and confidence and the improper use of a power of attorney or guardianship. The penalty for abuse of an older person is increased from a gross misdemeanor to a felony. If the abuse results in substantial harm or death, the penalty is 1 to 20 years in prison. A person who neglects an older person or permits that person to suffer is guilty of a gross misdemeanor. If the neglect results in substantial harm or death, the penalty is 1 to 6 years in prison. A person who exploits an older

person is guilty of a gross misdemeanor if the amount involved is less than \$250. If the amount is more than \$250, but less than \$5,000, the punishment is 1 to 10 years in prison, a fine of not more than \$10,000, or both. If the amount exceeds \$5,000, the punishment is 1 to 20 years in prison, a fine of not more than \$25,000, or both.

A.B. 606 (Chapter 703)

Assembly Bill 606 provides that any person who willfully commits certain felonies because of the victim's physical or mental disability, or because the victim's race, color, religion, national origin, or sexual orientation is different from that of the perpetrator, may be punished by an additional term in prison that is not more than 25 percent of the prison term prescribed by statute for the felony. In addition, this measure authorizes the victim of a crime motivated by the victim's characteristics to bring an action for the recovery of actual and punitive damages. If the victim prevails in such an action, the court may also award costs and attorney's fees.

The bill also requires the Director of the Department of Motor Vehicles and Public Safety to establish, within the Central Repository for Nevada Records of Criminal History, a program for reporting crimes that are motivated by the victim's characteristics. The data collected under this program must only be used for research or statistical purposes and must not contain information that reveals the identity of a crime victim.

A.B. 622 (Chapter 682)

Assembly Bill 622 requires the Attorney General to conduct random, unannounced inspections at locations where tobacco products are sold or distributed to determine whether the laws pertaining to the sale of tobacco are being enforced. Such inspections must be conducted as necessary to comply with federal law. The Attorney General may contract with law enforcement officials for assistance with the inspection. In addition, an inspector may enlist the assistance of a child under the age of 18 if written permission from the child's parent is obtained.

Assembly Bill 622 prohibits the sale or distribution of cigarettes or smokeless tobacco products in any form other than the original unopened package. A person who violates this provision must be punished by a fine of \$100 and a civil penalty of \$100. A person who sells or distributes tobacco products to a minor shall be punished by a fine of not more than \$500 and a civil penalty of not more than \$500, unless prior to the sale the person demands valid identification that shows that the purchaser is 18 years of age or older and reasonably relies on this identification.

Finally, the measure prohibits any agency board, commission, or political subdivision of the state or a local government from imposing more stringent restrictions on tobacco products.

This measure is effective on July 1, 1995.

A.B. 624 (Chapter 455)

Assembly Bill 624 defines the term "deadly weapon" for the purpose of applying the enhanced penalties for the commission of crimes involving firearms or other deadly weapons. The definition includes any instrument that may cause substantial bodily harm or death if used in the ordinary manner contemplated by its design and construction. The term also includes any instrument, device, or material that is used in a manner capable of causing substantial bodily harm or death, or any weapons specifically defined by statute.

A.B. 676 (Chapter 613)

Assembly Bill 676 prohibits certain advertising activities related to prostitution. This measure makes it unlawful for any person who is engaged in unlawful prostitution to advertise such activities. It is also unlawful for a person to knowingly prepare or print an advertisement concerning a house of prostitution that is not licensed pursuant to law or an advertisement that describes illegal prostitution in a county, city, or town where prostitution is prohibited. Similarly, in areas where prostitution is prohibited by local or state law, it is unlawful for a person to knowingly allow a person engaged in illegal prostitution to advertise such activities in his place of business.

Parole and Probation

S.B. 312 (Chapter 584)

Senate Bill 312 makes various changes regarding the release of offenders on parole. Existing law requires the Executive Secretary of the State Board of Parole Commissioners to prepare a list of the prisoners eligible for parole and send this list to all law enforcement agencies in Nevada at least 30 days before the board schedules any action. Senate Bill 312 directs law enforcement agencies to make this list available for public inspection.

In addition, the bill provides that the board, when evaluating a prisoner's application for parole, must consider any documents or testimony submitted by a victim for the proceedings. The parole application must include the prisoner's county of residence, if the prisoner is to be paroled in Nevada. Senate Bill 312 also requires information

concerning an offender's status on parole or probation to be included in the record of criminal history maintained by law enforcement agencies.

Finally, S.B. 312 authorizes a peace officer to detain any person the officer believes has violated or is violating the conditions of parole or probation.

This measure is effective July 1, 1995.

S.B. 313 (Chapter 254)

Senate Bill 313 requires the Parole Board, in appropriate circumstances, to include as a condition of parole an assignment of wages by the parolee to the Division of Parole and Probation for the payment of restitution. This measure also requires a court to include such an assignment by a probationer or an individual who receives a suspended sentence as a condition of release.

Testimony indicated that it is difficult for the Division of Parole and Probation to collect restitution from offenders. In the majority of circumstances, restitution is not paid. An assignment of wages authorizes the division to collect this restitution before the offender spends the money on non-essential items.

S.B. 373 (Chapter 253)

Senate Bill 373 requires the Parole Board to notify, within 5 days after the date is established for a parole consideration, to notify those victims who request such notification or whose current address is known by the board. In addition, S.B. 373 requires the board to notify these victims of the final decision of the board regarding the parole application.

S.B. 464 (Chapter 665)

Senate Bill 464 decreases, from 15 working days to 5 working days, the amount of time in which the Division of Parole and Probation must take custody of a parolee housed in a county jail. This measure also requires the division to reimburse the jail for the cost of housing these parolees for more than 5 days unless the division certifies in writing that continued incarceration of the parolee is necessary. The provisions of this bill do not apply if the division has entered into an agreement with a county that provides otherwise.

S.B. 475 (Chapter 428)

Senate Bill 475 requires the court to disclose, upon request, the factual content of the report of a presentence investigation conducted by the Division of Parole and Probation to the United States Immigration and Naturalization Service (INS). Such a disclosure must be for the limited purpose of performing the duties of INS, including conducting hearings for the deportation of aliens.

Testimony concerning the measure indicated that the presentence reports contain information on a defendant's criminal background, which can be effectively utilized by INS in the deportation hearings of defendants who are aliens. Such information is difficult and time-consuming for INS to obtain.

This measure is effective on June 29, 1995.

S.C.R. 52 (File No. 163)

Senate Concurrent Resolution No. 52 directs the Legislative Commission to conduct an interim study of the parole and probation system in Nevada and appoint an advisory committee. The study must include a review and evaluation of the standards used for determining eligibility for parole or probation, the supervision of offenders released on parole or probation, and the qualifications of members of the State Board of Parole Commissioners, parole and probation officers, and personnel involved in the support of offenders who have been released.

A.B. 288 (Chapter 611)

Assembly Bill 288 makes various changes concerning the State Board of Parole Commissioners. This measure increases the number of commissioners from six to seven and establishes experience or education qualifications for the members and case hearing representatives. Each member must attend annual courses in subject areas relevant to the board's duties. All decisions of the board must be concurred in by four members, rather than two.

Assembly Bill 288 limits to two the number of terms that a commissioner may serve. The board is required to adopt regulations specifying standards for release on parole for repeat offenders and for others who have committed serious violent or sex-related crimes. This bill also prescribes factors that must be considered by the board in parole release decisions. The measure eliminates the ability of a case hearing representative to consider cases without a board member involved. The board is required to adopt regulations describing the size and type of hearing panels, but any hearing concerning an offender who has committed a serious violent or sex-related offense must be conducted by at least three members of the board.

This bill sets forth the standards to be used in bail admission determinations when a person who is on parole or probation is arrested for a subsequent felony offense. Finally, this measure specifies the procedures for appointment of the additional commissioner and provides that the term of any member appointed after July 1, 1995, expires on July 1, 1997.

This measure is effective on July 1, 1995.

A.B. 396 (Chapter 152)

Assembly Bill 396 restricts the use of probation for a person convicted of attempted sexual assault of a child who is less than 16 years of age.

The measure addresses cases in which an offender plea bargains to a charge of attempted sexual assault because sexual assault is non-probationable. This measure prevents those persons from pleading down and requires jail time for those who attempt to sexually assault children.

A.B. 677 (Chapter 349)

Assembly Bill 677 authorizes counties to establish a department of alternative sentencing. These departments, similar to Nevada's Division of Parole and Probation, provide for the supervision of misdemeanants who have received a suspended sentence, usually conditioned on the completion of counseling, restitution, or community service. The bill describes the operation of the departments and the duties of the departments' chiefs and their assistants. The bill authorizes counties that have not created such departments to contract for the service of supervising persons whose sentences have been suspended.

In addition, the chief and the assistants are granted peace officer powers with regard to supervising offenders.

Substance Abuse

S.B. 36 (Chapter 457)

Senate Bill 36 requires the Board of Pharmacy and the Investigation Division of the Department of Motor Vehicles and Public Safety to develop a computerized program to track prescriptions for certain controlled substances filled by pharmacies. This measure specifies that the program must be designed to provide information to pharmacies, practitioners, and state agencies regarding the inappropriate use of specified controlled substances. The bill stipulates that the program must not infringe

on the legal use of a controlled substance for the management of severe or intractable pain. The board and the division are directed to report any suspected fraudulent or illegal activity to the appropriate law enforcement agency or occupational licensing board. With the approval of the Legislature or the Interim Finance Committee, the board may charge an additional fee for dispensing controlled substances to cover the cost of developing and maintaining the computerized program.

Finally, S.B. 36 requires that the computerized program be operational no later than January 1, 1996.

The provision concerning the imposition of fees is effective on July 1, 1995. The remainder of the bill is effective on October 1, 1995.

A.B. 84 (Chapter 157)

Assembly Bill 84 expands the eligibility for persons who have committed certain crimes and are alcoholics or drug addicts to elect to enter a treatment program before sentencing. Existing law prohibits from participating in the program those persons who have one or more convictions of drug trafficking or a crime against the person. Instead, this measure prohibits eligibility if the person has had two or more prior convictions of such crimes. Existing law also prohibits eligibility if the person has two or more prior felonies; this measure prohibits participation if the person has three or more prior felonies.

In addition, existing law prohibits a person from electing treatment if he has elected treatment within the preceding 5 years. This measure prohibits election for treatment if the person has made such an election not more than twice within the preceding 5 years. The bill also excludes an offender who has a current conviction of a crime involving domestic violence. A person with a prior felony record may not have his conviction set aside after completion of the treatment program.

Finally, A.B. 84 requires a person who elects treatment to pay the costs of that treatment as much as possible. The court is authorized to order an offender to perform community service in lieu of payment and may enter a judgment against an offender who has failed to pay.

A.B. 88 (Chapter 387)

Assembly Bill 88 appropriates \$250,000 to the Eighth Judicial District Court (Clark County) to expand its program of treatment for the abuse of alcohol or drugs. An additional \$100,000 is appropriated to the Second Judicial District Court (Washoe County) to establish a program of treatment for the abuse of alcohol or drugs.

This measure is effective on July 1, 1995.

A.B. 91 (Chapter 258)

Assembly Bill 91 requires the juvenile court, or adult court if appropriate, to order the evaluation of a person under the age of 21 who has been convicted of driving under the influence (DUI) to determine if that person is an abuser of alcohol or drugs. The evaluation must be conducted by a certified or approved evaluator. The results of the evaluation must be reported to the judge prior to sentencing and must include any recommendations concerning the type and length of treatment that may be appropriate.

The court is authorized to order the person to undergo treatment and to pay the costs of such treatment to the extent of his resources. If the person is less than 18 years of age, the court may order the parents or guardian to pay for the treatment. Persons who cannot pay for the treatment may be required to perform community service in lieu of payment.

Records evidencing the fact that a juvenile has been convicted of DUI must be included on that person's driving record for 7 years.

This measure only applies to persons who are found to violate the DUI provisions on or after October 1, 1995.

A.B. 93 (Chapter 391)

Assembly Bill 93 requires the Director of the Department of Prisons to consider the likelihood that an offender will complete the entire program of treatment for substance abuse before assigning the offender to such a program. The director must give preference to those offenders who appear capable of successfully completing the entire program.

The bill also requires the Division of Parole and Probation to consider the same factors in determining whether an offender should be allowed to participate in the program. If the offender has completed the first phase of the program and refuses to enter the second phase, the director may cause a forfeiture of that inmate's credits for good behavior.

Assembly Bill 93 revises the provisions of the prison and parole treatment program for driving under the influence of alcohol offenders. The program, commonly referred to as the "305" program because it was established pursuant to Assembly Bill 305 of the 1991 Legislative Session, has two phases. The first phase is completed in prison and the second while on parole in residential confinement. Testimony indicated that this program is cost-effective and successful in reducing the recidivism rates of such offenders. This is true of both the in-prison phase and the parole phase, but recidivism rates for the persons who complete both phases are considerably reduced. This measure encourages offenders to complete both phases and gives preference to those persons who appear capable of completing the entire program.

Victims of Crime

S.B. 373 (Chapter 253)

Senate Bill 373 requires the Parole Board, within 5 days after the date is established for a parole consideration, to notify those victims who request such notification or whose current address is known by the board. In addition, S.B. 373 requires the board to notify these victims of the final decision of the board regarding the parole application.

S.J.R. 2 - 67th Session (File No. 19)

Senate Joint Resolution No. 2 of the 67th Session proposes to amend the *Constitution of the State of Nevada* to direct the Legislature to provide by law for the rights of victims of crime. The resolution enumerates those rights as the right to be informed of the status of criminal proceedings related to the crime, to be present at all public hearings, and to be heard at proceedings for sentencing or release of a convicted person.

The measure stipulates that no cause of action arises from a violation of laws pertaining to the rights of victims nor does a violation give cause to set aside a conviction or sentence. A person may initiate an action to compel a public officer or employee to carry out duties associated with victims' rights.

Existing law grants victims many of the rights outlined in the resolution. Senate Joint Resolution No. 2 would elevate those rights to constitutional recognition.

This measure was approved by the 1993 Legislature. Since approved in identical form by the 1995 Legislature, S.J.R. 2 will be submitted to the voters at the 1996 General Election for final approval or disapproval.

A.B. 105 (Chapter 308)

Assembly Bill 105 authorizes the State Board of Education to adopt regulations to include instruction relating to crimes within the existing American government course of study at the secondary level. The instruction may be developed by the board of trustees of each school district and may include information concerning crimes, punishments, and the effects of the crime on the victim and the family of a victim.

This measure is effective on July 1, 1995, and expires by limitation on July 1, 1999.

A.B. 110 (Chapter 61)

Assembly Bill 110 provides that a witness who is testifying primarily for the purpose of identifying the victim may not be excluded from attending other portions of the judicial proceeding, except at the discretion of the judge or magistrate. The measure addresses concerns of relatives and friends of victims who have a serious interest in observing the proceedings.

A.B. 186 (Chapter 223)

Assembly Bill 186 expands the list of persons who may appear before the court at the time an offender is sentenced. The measure allows a personal representative to appear on behalf of the victim. In addition, the definition of victim is expanded to include relatives of victims and governmental entities against whom a crime has been committed.

This measure clarifies that the prosecutor must notify the following individuals of a sentencing hearing: the person against whom the crime was committed; the person injured during the crime; the surviving spouse, parents, or children of a person killed as a result of the crime; and any other relative or victim who requests notification in writing.

Existing law permits only the victim to appear personally or through counsel to express views concerning the crime and its impact on the victim. Testimony indicated that it is sometimes difficult for victims to appear, so this bill creates a mechanism for the expression of views relevant to sentencing by persons other than the direct victim. Also, governmental entities are often the victim of fraud crimes; this bill allows a representative of the affected entity to provide the court with information relative to sentencing.

A.B. 427 (Chapter 252)

Assembly Bill 427 expands the list of persons who must be notified by the warden of a prison before releasing an offender who has been convicted of child abuse or sexual assault upon a child. Existing law provides that the victim or a witness must be notified; this measure adds adult relatives of the victim living in the victim's household and members of the victim's family related within the third degree of consanguinity to the list of persons who must be notified. Persons desiring to be notified must provide their names and current addresses to the warden. Members of the victim's family not living in the victim's household also must request such notification in writing.

A.B. 467 (Chapter 598)

Assembly Bill 467 expands the eligibility of certain victims who may be compensated by the fund for the compensation of victims of crime. The bill provides eligibility for victims of hit-and-run crimes and crime victims who lived with or are related to the offender if the offender does not profit from the compensation. Also, the measure increases, from \$1,000 to \$2,500, the amount available for funeral expenses. Finally, the limitation on the total amount awardable is revised to provide a cap of \$15,000 for crimes not resulting in serious physical injury and \$25,000 for crimes involving serious physical injury.

A.B. 469 (Chapter 233)

Assembly Bill 469 authorizes certain relatives of murder victims or their representatives to submit a written request to the Director of the Department of Prisons to be informed of, and in attendance at, the execution of the offender. The director is required to notify such victims of the date, time, and place of the execution.

The existing provision that expressly limits the number of citizens the director may invite is deleted. The director is authorized to determine the maximum number of persons who may attend, but must give preference to those victims who have requested to attend.

A.B. 598 (Chapter 400)

Assembly Bill 598 limits the exclusion of certain persons from attendance at criminal proceedings. This measure provides that the court may, if good cause is shown, exclude certain persons from the proceeding. The bill adds to the list of persons who may not be excluded an investigating officer after having testified, the victim after having testified, and the victim's counsel. The exclusion provisions and exceptions to those provisions apply at trials and during preliminary hearings.

A.B. 606 (Chapter 703)

Assembly Bill 606 provides that any person who willfully commits certain felonies because of the victim's physical or mental disability, or because the victim's race, color, religion, national origin, or sexual orientation is different from that of the perpetrator, may be punished by an additional term in prison that is not more than 25 percent of the prison term prescribed by statute for the felony. In addition, this measure authorizes the victim of a crime motivated by the victim's characteristics to bring an action for the recovery of actual and punitive damages. If the victim prevails in such an action, the court may also award costs and attorney's fees.

The bill also requires the Director of the Department of Motor Vehicles and Public Safety to establish, within the Central Repository for Nevada Records of Criminal History, a program for reporting crimes that are motivated by the victim's characteristics. The data collected under this program must only be used for research or statistical purposes and must not contain information that reveals the identity of the victim of a crime.

Juvenile Crime and Delinquency

S.B. 85 (Chapter 706)

Senate Bill 85 revises the provisions governing the suspension or expulsion of a pupil who possesses a firearm or dangerous weapon at any public school or school-sponsored function or on any school bus. This measure requires that the pupil be expelled for at least 1 year or placed in an alternate school not to exceed the period of expulsion. The bill permits the superintendent of a school district to allow an exception to the expulsion requirement and removes the requirement that the board of trustees of a school district approve an expulsion of a pupil in grades 1 through 6 found in possession of a firearm. In addition, the bill requires the suspension or expulsion of a pupil found in possession of a dangerous weapon, the definition of which is modified to include any object that is used, or threatened to be used, to cause bodily injury.

This measure is effective on July 1, 1995.

A.B. 92 (Chapter 555)

Assembly Bill 92 requires a juvenile court to revoke the driver's license of a person less than 18 years of age who is convicted of driving under the influence (DUI) of alcohol or drugs. Existing law authorizes the judge to revoke the license for up to 6 months for possession, use, or consumption of alcohol or drugs. This bill mandates a 6-month revocation specifically for DUI by juveniles. In addition, the judge must require that the child submit to any tests required by regulation for the reinstatement of a license.

This measure does not prohibit the Department of Motor Vehicles and Public Safety from reporting a license revocation to an insurance company that inquires about the child's driving record.

A.B. 125 (Chapter 60)

Assembly Bill 125 authorizes the juvenile court to place a child who is within its jurisdiction under the supervision of a public agency to work on projects to eradicate graffiti. Also, the court may order the child, or the child's parent or guardian, to deposit

money with the court to pay the costs of any liability insurance policy that may be necessary for the child to work on the public project.

A.B. 255 (Chapter 567)

Assembly Bill 255 requires the Division of Child and Family Services of the Department of Human Resources to establish a standardized system of specified information concerning juvenile justice. The bill provides for the release of information in the system under certain conditions and requires the submission of reports to the Legislature. Finally, A.B. 255 appropriates \$1,687,500 to the division for the planning, design, and partial implementation of the state automated child welfare information system.

The measure is effective on June 30, 1995.

A.B. 297 (Chapter 300)

Assembly Bill 297 authorizes the juvenile court to require the parent of a delinquent child under 17 years of age to participate in counseling, alone or together with the child. The court may also require the parent to pay any fines and penalties imposed for the delinquent. If the parent is unable to pay, community service may be required.

A.B. 319 (Chapter 379)

Assembly Bill 319 authorizes the appointment of a public defender in juvenile delinquency cases under certain circumstances. If the parents of a child are indigent, the court may require them to reimburse the county or state for the fees of an appointed attorney in accordance with their ability to pay. Assembly Bill 319 also clarifies that an attorney may be appointed to represent the parent of a child during delinquency proceedings only if such an appointment is required in the interest of justice.

This measure is effective on June 26, 1995.

A.B. 385 (Chapter 453)

Assembly Bill 385 makes various changes relating to criminal gangs and schools. This measure doubles the existing sentence for persons who commit felonies on school property or at a school-sponsored activity. The bill also provides for the forfeiture of personal property used in the commission of a crime by a criminal gang. The existing statutory definition of "criminal gang" is added to Chapters 213, 388, and 392 of *Nevada Revised Statutes*. The State Board of Education may seek the cooperation of

the private sector in developing programs to reduce the number of pupils who participate in criminal gangs. Each school district may adopt a policy that prohibits criminal gang activities, such as wearing gang symbols and clothing. The policy may include provisions for the suspension or expulsion of students who violate the policy.

The bill is effective July 1, 1995.

A.B. 646 (Chapter 609)

Assembly Bill 646 makes various changes to procedures in juvenile cases. This measure stipulates that a child who is being detained must be released if a petition alleging delinquency is not filed within 8 days. Also, the bill allows a juvenile judge in adjudicatory hearings to extend the time for final disposition of a case in excess of 60 days if the court, after considering the gravity of the act, the reasons for the delay, and the consequences to the child and other interested persons, makes a specific determination that the extension would serve the interests of justice. In no event may the extension exceed 1 year from the filing of the petition.

Finally, this measure expressly authorizes the issuance of subpoenas by both the prosecuting attorney and the defense attorney.

COURTS AND PROCEDURES

S.B. 394 (Chapter 469)

Senate Bill 394 revises the requirements concerning courses of instruction for district court and family court judges. All judges elected to district court must receive instruction in the procedures and substantive law pertaining to this court within 12 months after taking office. Family court judges must receive this same instruction within 24 months after taking office. In addition, family court judges must take classes in the substantive laws and procedures relevant to juvenile and family court within 12 months after taking office.

Senate Bill 394 also requires district court judges who are elected in areas that do not include a county of more than 100,000 people to receive training in juvenile and family court procedures and laws within 24 months after taking office.

A.B. 338 (Chapter 382)

Assembly Bill 338 removes the restriction that certain fees imposed by the justices' courts must be used only for costs related to the annual estimate of the population of townships. The bill also removes the authority of the Director of the Department of Taxation to refund the surplus money from such fees for credit to the county general fund.

The measure is effective on July 1, 1995.

A.B. 364 (Chapter 410)

Assembly Bill 364 authorizes a county with a population of 400,000 or more, or a city located within such a county, to impose a \$10 administrative assessment for the provision of court facilities, including the acquisition of land, construction of new court facilities, renovation or remodeling of existing court facilities, acquisition of advanced technology, and payment of specified debt service. The assessment must be imposed on each defendant who pleads or is found guilty of a misdemeanor. The bill also includes certain restrictions regarding the imposition and collection of the assessment.

This measure is effective on July 1, 1995.

A.B. 625 (Chapter 494)

Assembly Bill 625 authorizes the owner of a motor vehicle that has been towed from private property to file a civil action in justice's court to determine whether the towing was lawful. If the court finds that the vehicle was unlawfully towed, the person who authorized the towing must pay the cost and have the vehicle released immediately.

Towing companies are required to post a sign, where towed vehicles are stored, that informs owners of their rights under the provisions of this bill.

The bill also authorizes the owner or person in possession of a single-family residence to have towed any vehicle parked in an unauthorized manner on that property, whether or not a sign prohibiting public parking is posted on the property. Currently, vehicle owners can challenge the legality of a tow only by filing a civil action in district court, a procedure that is costly and time consuming. This bill provides a fast and cost-effective alternative. It is anticipated that the justices' courts will hold these expedited hearings in much the same way they currently handle eviction proceedings.

A.B. 722 (Chapter 489)

Assembly Bill 722 increases the compensation of court reporters. For traditional business hours on any day except Sunday, the fee is increased from \$120 to \$140 per day. On Sundays and beyond traditional business hours, if the reporter is available for more than 4 hours, the fee is \$30 per hour for each hour of availability. If the reporter is available for less than 4 hours on such days, the fee is a pro rata amount of the \$140 daily fee that applies during traditional business hours and days.

The transcription fee is increased from \$2.25 per page to \$3.25 per page for the original draft. Civil litigants who are ordering the original draft and are represented by a nonprofit legal corporation or a program for pro bono legal assistance are charged only a \$2.50 per page fee for the original rather than \$3.25.

This measure also authorizes court reporters to transcribe proceedings which a judge has ordered to be transcribed by sound recording equipment. Finally, the bill authorizes the appointment of certified court reporters as notaries public with the limited powers of administering oaths and affirmations, but not the other powers of a notary. Such limited appointment does not require the posting of a bond that is required of full power notaries.

General Court Procedures

S.B. 111 (Chapter 21)

Senate Bill 111 revises the provisions governing the notice of the application and court hearing for attorney's fees that are requested for the administration of the estate of a decedent. This measure provides that such notice must include either a complete copy of the application or a statement of the amount of the fee that the court will be requested to approve or allow.

S.B. 112 (Chapter 20)

Senate Bill 112 authorizes the court to enforce the liability of the surety when that court requires an executor or administrator of a decedent's estate to provide security. The liability of the surety may be enforced on motion without the necessity of an independent action. In addition, the bill allows appeal to Nevada's Supreme Court for the granting or denial of a motion to enforce the liability of a surety.

Rule 65.1 of the *Nevada Rules of Civil Procedure* states that whenever the giving of a security is required, the surety is under the jurisdiction of the court requiring the security. However, testimony indicated that this rule does not necessarily apply to probate courts. Senate Bill 112 was requested to prevent the necessity of going to a district court to enforce the liability of a surety in a case before the probate court.

S.B. 157 (Chapter 708)

Senate Bill 157 revises the provisions governing the use at trial of affidavits or declarations in lieu of testimony. This measure provides that the affidavits or declarations of experts as to the existence of alcohol or controlled substances must be admitted into evidence if submitted at a preliminary hearing or grand jury proceeding concerning the offense charged.

The measure authorizes the prosecuting attorney to request, at the trial, that the affidavit or declaration of the chemist or other person who interprets the test results be admitted into evidence. If the defendant, at or before trial, establishes that there is a substantial and bona fide dispute regarding the facts in the affidavit or declaration and that it is in the best interests of justice that the person who signed the document be cross-examined, the court may order the production of the witness and a continuation of the trial, if necessary. If the defendant objects to the use of the chemist's affidavit at trial, the judge must order the district attorney to produce the witness at trial, and the affidavit may not be admitted as evidence.

Senate Bill 157 does not prohibit either the prosecution or the defense from producing any witness to offer testimony at trial.

S.B. 158 (Chapter 86)

Senate Bill 158 revises certain provisions relating to the payment of fees to witnesses who are subpoenaed to appear in a civil action. This measure provides that a witness is not obligated to appear until that person has received the witness fees for one day, any per diem allowance, and travel expenses.

Senate Bill 158 is intended to clarify the procedure for paying witnesses who are subpoenaed to appear before a court. Currently, a witness is not obligated to testify in a civil action unless the requisite fees have been paid. However, under another

statute (*Nevada Revised Statutes* 50.165), a subpoenaed witness is required to appear in court and remain in court until the testimony is completed. Failure to appear may result in contempt of court and payment of \$100 to the aggrieved party.

S.B. 171 (Chapter 709)

Senate Bill 171 authorizes a court to award as costs to a prevailing party the reasonable and necessary expenses for computerized legal research.

The bill addresses the problems that rural attorneys may have when conducting legal research in areas without access to a comprehensive law library. It is often necessary for such attorneys to utilize computerized legal research services. This measure will allow those expenses to be charged as costs in all areas across the state.

S.B. 228 (Chapter 149)

Senate Bill 228 provides that temporary or extended orders issued for protection against domestic violence must specify the county and city in which the residence, school, child care provider, and place of employment of the applicant or minor child are located. The court issuing the order must transmit the copy of the order to the law enforcement agencies that have jurisdiction in the counties or cities specified. Senate Bill 228 requires a law enforcement agency to enforce the order without regard to the county in which the order was issued.

The measure addresses concerns that orders issued in one county may not be enforced by the law enforcement agency in a neighboring county because the agency does not have a copy of the order directly from the court.

S.B. 229 (Chapter 420)

Senate Bill 229 provides that personal service upon a party who is outside the state is sufficient to confer the jurisdiction of the court upon the person. The service must be made by delivering a copy of the summons and complaint to the party in the same manner as service upon a person in this state would be made. This method of service may be utilized independently or with other methods of service.

This measure is effective on June 29, 1995.

S.B. 284 (Chapter 108)

Senate Bill 284 authorizes the director, officer, or employee of a corporation, partnership, trust, or similar business entity to represent such entities in small claims court.

Testimony indicated that, under existing law, these individuals may be able to represent a business entity in small claims court, but the law is unclear and is not applied uniformly. Testimony also indicated that S.B. 284 is consistent with the purpose of small claims court, which is to avoid attorney's fees in claims involving less than \$3,500.

This measure is effective on May 22, 1995.

S.B. 329 (Chapter 319)

Senate Bill 329 requires the Court Administrator to establish a program for the certification of court interpreters. In creating the program and adopting the necessary regulations, the Court Administrator must consult with a committee appointed by the Chief Justice of the Supreme Court and composed of district court judges, lower court judges from the rural areas, court administrators, educators, minorities, and interpreters certified by the federal court system. The administrator is authorized to impose any necessary fees to cover the cost of administering the program.

In addition, the measure prohibits a certified court interpreter from providing services for cases in which the interpreter's spouse or relative is involved, the interpreter is biased toward one of the parties, or the interpreter has an interest in the outcome. The interpreter is given the same rights and privileges as the witness, including the right to examine any relevant material, but the interpreter may not waive or exercise those rights or privileges on behalf of the witness.

The portion of this measure requiring the adoption of regulations is effective on June 26, 1995. The balance of the bill is effective on January 1, 1997.

S.B. 358 (Chapter 518)

Senate Bill 358 creates a uniform procedure for use of an affidavit to establish the authenticity of the content of certain records to be used in court and discovery proceedings. The content of the record must have been made in the course of a regularly conducted activity and must be proved by the original or a copy of the record that is authenticated in a signed affidavit by the custodian of records. The affidavit must be in substantially the same form as the example provided in S.B. 358. The custodian must verify in the affidavit that the original record was made in the course of a regularly conducted activity or near the time of the act or event by a person with knowledge of the act or event.

Existing law authorizes the use of affidavits for medical records and the records of casinos, hotels, and financial institutions. Senate Bill 358 will permit the equitable use of these affidavits by governmental entities, corporations, firms, partnerships, associations, and any other person.

S.B. 390 (Chapter 660)

Senate Bill 390 eliminates the right to trial after binding arbitration under Nevada's Uniform Arbitration Act and raises the amount for civil actions that may be submitted to arbitration from \$25,000 to \$40,000.

The measure eliminates any previously existing right to trial after arbitration for all actions in which an award has not been made, or in which an award was made but a party to the action has not requested a trial before the date of passage and approval of this act. The provisions regarding the adoption of rules also are effective on July 5, 1995, but the provisions regarding the increase in the monetary threshold for arbitration do not apply to actions filed before January 1, 1996.

S.B. 434 (Chapter 471)

Senate Bill 434 makes various changes to the provisions governing statutory liens. If certain parties with an interest in the premises against which a lien has been filed believe that the lien is frivolous or excessive, they may apply to the court for an order directing the person claiming the lien to appear before the court and show why the relief requested should not be granted. If the court determines that the lien is frivolous or excessive, the lien may be released or reduced and attorney's fees and costs may be awarded to the person who applied for such relief. Costs and attorney's fees may be awarded to the lien claimant if the court determines that the lien was not frivolous or excessive.

Senate Bill 434 also revises certain provisions relating to the priority of mechanics' and materialmen's liens for improvements at a site that are provided for in separate contracts. In addition, the time in which to perfect a lien relating to a work of improvement that consists of the construction of more than one building is based on the number of buildings included in the contract.

Finally, S.B. 434 provides the form that must be recorded in the office of the county recorder within 10 days after a lien upon real property is satisfied or discharged.

S.B. 482 (Chapter 513)

Senate Bill 482 authorizes a court to require an attorney who files, maintains, or defends a civil action that is not well grounded in fact or warranted by existing law, or by an argument for changing existing law, to personally pay the additional costs,

expenses, and attorney's fees incurred as a result of such actions. The attorney may also be required to pay these costs for unreasonably and vexatiously extending a civil action or proceeding before a court.

S.B. 549 (Chapter 480)

Senate Bill 549 establishes the form for a written plea agreement to be used when a defendant enters a plea of guilty. In addition, this measure prohibits an appeal on a final judgment or verdict from a guilty plea that the defendant entered into voluntarily and with a full understanding of the charge and consequence of the plea. An exception is provided if the appeal is based upon reasonable constitutional or jurisdictional grounds challenging the legality of the proceedings. Senate Bill 549 authorizes Nevada's Supreme Court to establish procedures requiring the defendant to make a preliminary showing that justifies the appeal.

This bill is effective July 1, 1995.

A.B. 110 (Chapter 61)

Assembly Bill 110 provides that a witness who is testifying primarily for the purpose of identifying the victim of a crime may not be excluded from attending other portions of the judicial proceeding, except at the discretion of the judge or magistrate. The measure addresses concerns of relatives and friends of victims who have a serious interest in observing the proceedings.

A.B. 151 (Chapter 174)

Assembly Bill 151 provides for reciprocal discovery in criminal cases. This bill requires the defendant to provide a notice to the prosecutor containing the names and addresses of all prospective witnesses known to the defendant. If an expert witness is involved, the notice must contain the subject matter of the expert's testimony and the credentials of the expert. The notice of prospective witnesses must be provided 5 days before trial or at calendar call, whichever occurs first. Notice of expert witnesses must be provided at least 21 days before the trial or at such time as the court orders. The disclosure requirement is a continuing duty.

This measure also requires the defendant and the district attorney to permit inspection of certain evidence upon the request of the opposing party. The inspection of an attorney's work product, including internal defense documents and statements made by the defendant or witnesses, is specifically protected from inspection. Upon the motion of either the defendant or the district attorney, the court may restrict or deny discovery or inspection of any evidence.

Prosecutors are required by existing law to provide open files to the defense, but the defense does not have to provide the same level of discovery to the prosecutor. The courts in Clark County require open file discovery by both the prosecutor and the defense pursuant to court rules, but this policy is not practiced in the other counties. Assembly Bill 511 is intended to provide access to trial information for both sides in a timely fashion.

A.B. 182 (Chapter 216)

Assembly Bill 182 requires the Office of the Court Administrator to transfer to the Supreme Court \$177,198 from money allocated for continuing judicial education and \$71,000 from money allocated to pay for the services of retired justices and retired district judges for Fiscal Year 1994-1995. The bill also makes a supplemental appropriation of \$25,428 to the Supreme Court for an anticipated shortfall in administrative assessments. The supplemental appropriation may not be used until the funds transferred to the court by the Office of the Court Administrator are exhausted.

This measure is effective on June 14, 1995.

A.B. 186 (Chapter 223)

Assembly Bill 186 expands the list of persons who may appear before the court at the time an offender is sentenced. The measure allows a personal representative to appear on behalf of the victim of a crime. In addition, the definition of victim is expanded to include relatives of victims and governmental entities against whom a crime has been committed.

This measure clarifies that the prosecutor must notify the following individuals of a sentencing hearing: the person against whom the crime was committed; the person injured during the crime; the surviving spouse, parents, or children of a person killed as a result of the crime; and any other relative or victim who requests notification in writing.

Existing law permits only the victim to appear personally or through counsel to express views concerning the crime and its impact on the victim. Testimony indicated that it is sometimes difficult for victims to appear, so this bill creates a mechanism for the expression of views relevant to sentencing by persons other than the direct victim. Also, governmental entities are often the victim of fraud crimes; this bill allows a representative of the affected entity to provide the court with information relative to sentencing.

A.B. 302 (Chapter 146)

Assembly Bill 302 provides that the best interest of the child is the primary consideration in cases involving the termination of parental rights.

Assembly Bill 302 is intended to clarify the law regarding the standard to be used in termination of parental rights proceedings. Testimony indicated that the language in the existing law causes some confusion regarding which standard is primary: the best interest of the child or the fault of the parents. This measure asserts that the best interest of the child is the primary consideration in such cases.

This measure is effective on June 5, 1995.

A.B. 319 (Chapter 379)

Assembly Bill 319 authorizes the appointment of a public defender in juvenile delinquency cases under certain circumstances. If the parents of a child are indigent, the court may require them to reimburse the county or state for the fees of an appointed attorney in accordance with their ability to pay. Assembly Bill 319 also clarifies that an attorney may be appointed to represent the parent of a child during delinquency proceedings only if such an appointment is required in the interest of justice.

This measure is effective on June 26, 1995.

A.B. 560 (Chapter 355)

Assembly Bill 560 provides that an attendant of a prosecuting witness who is a minor, or of any prosecuting witness in a sex-related crime, may be called as a witness, but must be examined and cross-examined before any other witness testifies.

Testimony concerning the measure indicated that attendants of minors and sex crime victims are sometimes called as witnesses also and are, therefore, excluded from the court room. The attendant of a minor is often the minor's parent, and it is difficult to find another suitable attendant. By requiring the attendant who is a witness to testify before other witnesses, the attendant may remain in the court room after providing testimony to attend to the needs of the minor or victim of a sex crime.

A.B. 567 (Chapter 245)

Assembly Bill 567 authorizes a juvenile or adult court to expedite cases involving a child who is a victim or a witness. The court may expedite an adjudicatory hearing in juvenile court, or a trial in adult court, if the proceedings involve an act committed on

or witnessed by a person less than 16 years of age. Further, the court may consider the adverse effect on the emotional health or well-being of the child that a delay of such proceedings may cause.

A.B. 598 (Chapter 400)

Assembly Bill 598 limits the exclusion of certain persons from attendance at criminal proceedings. This measure provides that the court may, if good cause is shown, exclude certain persons from the proceeding. The bill adds to the list of persons who may not be excluded an investigating officer after having testified, the victim after having testified, and the victim's counsel. The exclusion provisions and exceptions to those provisions apply at trials and during preliminary hearings.

A.B. 604 (Chapter 286)

Assembly Bill 604 authorizes an indigent defendant to request the court to allow him to pay all or part of the expenses incurred by a government entity in defending him by performing community service. If the court finds that the defendant is suitable to perform such work, it may order him to perform a reasonable amount of work to benefit the community under the supervision of a governmental entity or charitable organization that renders such services. The court may order the defendant to deposit a reasonable sum of money to cover the costs of any necessary liability insurance coverage.

Immunity and Liability

S.B. 120 (Chapter 79)

Senate Bill 120 limits the civil liability of county school districts and law enforcement agencies with regard to volunteer crossing guards. Under this measure, a volunteer crossing guard who has completed a training course in traffic safety is deemed an employee of a political subdivision of the state for the purposes of civil liability. County school districts and law enforcement agencies are not liable for the negligent acts or omissions of these volunteers unless the volunteer made a specific promise or representation to an individual who relied thereon and suffered a harm or a loss, or the conduct of the volunteer affirmatively caused the harm.

In addition, no action that is based solely on an act or omission of the volunteer may be brought against a chief of a law enforcement agency, a member of a county school district's board of trustees, the superintendent of a school district, or a principal of a school.

This measure is effective on May 9, 1995.

S.B. 129 (Chapter 621)

Senate Bill 129 requires a cause of action for dental malpractice to be submitted to a screening panel prior to filing such an action in court. Existing law provides the procedure for actions involving medical malpractice to be submitted to a screening panel, and S.B. 129 amends these provisions to effect this requirement for dental malpractice. The amendatory provisions involving dental malpractice expire by limitation on July 1, 1999. The bill applies only to dental malpractice actions filed after October 1, 1995.

S.B. 369 (Chapter 318)

Senate Bill 369 provides absolute immunity from suit for any member of the Commission on Judicial Discipline, its employees, or independent contractors. The bill also removes the provision concerning the Attorney General acting as counsel to the commission at the commission's request. In addition, S.B. 369 removes the commission from the state personnel system.

This measure is effective on July 1, 1995. The provision granting absolute immunity is retroactive to January 1, 1990.

S.B. 395 (Chapter 661)

Senate Bill 395 establishes the procedure for filing an action to recover damages resulting from a defect in residential construction and authorizes the claimant to recover attorney's fees and certain costs incurred as a result of the damage. Prior to filing such an action, the claimant must provide the contractor with notice of the action and an opportunity to inspect and repair the damage at his expense. The contractor may also offer to settle the claim by repurchasing the claimant's residence. In addition, the matter must be submitted to mediation prior to filing an action in court unless the contractor and the claimant waive, in writing, the right to mediation.

The contractor's liability is limited to damages resulting from his acts and omissions or those of his agents, employees, or subcontractors. Any statutes of limitation applicable to a claim filed under these provisions are tolled from the time that notice is provided until after mediation is concluded or waived.

Senate Bill 395 applies to claims to recover damages that arise after the bill's effective date of July 1, 1995.

S.B. 474 (Chapter 691)

Senate Bill 474 revises certain provisions relating to civil liability and punitive damages. The measure allows punitive damages to be recovered by the estate of a decedent in a wrongful death action. In addition, an employer is not liable for punitive damages based on the wrongful acts of an employee, unless the employer hired the employee knowing that the employee was unfit for the employment or expressly authorized or ratified the wrongful act. The employer may also be liable for punitive damages if he is personally guilty of oppression, fraud, or malice. Actions involving claims of bad faith against an insurer are exempt from these punitive damage limitations and must be resolved under existing common law and statutory provisions relating to punitive damages.

Senate Bill 474 stipulates that an innkeeper is not civilly liable for a death or injury on the innkeeper's premises caused by a person who is not an employee, unless the wrongful act that caused the death or injury was foreseeable and the evidence indicates that the innkeeper did not exercise due care for the safety of the patron or other person on the premises. The court must determine as a matter of law whether the act was foreseeable and whether the innkeeper had a duty to take reasonable precautions against the act. This measure expressly provides that a wrongful act is not foreseeable unless the innkeeper failed to exercise due care for the safety of the patron or other person, or prior incidents of similar wrongful acts occurred on the premises of which the innkeeper had notice or knowledge.

The measure also clarifies the liability of an innkeeper for a patron's property and authorizes insurers to insure against liability for punitive damages with certain exceptions.

The provisions of the act dealing with liability for death or injury and punitive damages are only applicable to actions filed after the effective date of the act. Actions filed before that date are to be decided in accordance with the statutes and common law in effect prior to passage of this bill.

The bill is effective on July 6, 1995.

S.B. 498 (Chapter 690)

Senate Bill 498 provides that a person who serves or sells alcoholic beverages is not liable in a civil action based on the grounds that the service or sale was the proximate cause of injuries caused by an intoxicated person. In addition, the violation of a law regulating the sale or service to a minor or intoxicated person does not constitute negligence *per se* in an action brought against the seller or server for certain injuries.

This bill is effective on July 6, 1995.

A.B. 305 (Chapter 166)

Assembly Bill 305 expands the provisions governing the liability of persons who donate food and other grocery products. The existing law provides immunity from liability for persons who donate food free of charge. This measure expands the immunity for persons who in good faith donate or distribute, free of charge, other wholesome foods and grocery products fit for human use.

The immunity is also expanded to owners of property who allow gleaning for the purpose of donating the product or distributing the product without charge. In addition, no civil action may be brought for an injury or illness based on the fact that a product does not comply with federal and state standards, if the donor informs the nonprofit charitable recipient of such facts and the recipient agrees to recondition the product before distribution.

Finally, A.B. 305 defines the word "donate" to include providing a product for no monetary charge or for a fee that is significantly less than the cost of the item.

Many grocery stores participate in food bank programs throughout the state; however, some of the larger grocery chains have a "no donate" policy because of liability concerns. This bill is intended to attract more donors and to allow enhanced participation in the food bank program and other similar programs.

A.B. 313 (Chapter 311)

Assembly Bill 313 clarifies the limitation of liability granted to owners, lessees, or occupants of land for injuries to persons who participate in recreational activities on that land. The bill lists, but is not limited to, those activities deemed recreational.

This measure is effective on July 1, 1995.

A.B. 479 (Chapter 335)

Assembly Bill 479 amends the law relating to disclosures made during real estate transactions. Currently, the law provides that the seller or his agent is not liable for failure to disclose that a property has been the site of a homicide, suicide, or serious crime. This bill extends these provisions to include a failure to disclose a death by any other cause that is not a result of a material condition of the property. In addition, the bill exempts the buyer's agent from liability for failure to make this disclosure unless otherwise provided in an agreement between the buyer and agent.

A.B. 520 (Chapter 686)

Assembly Bill 520 makes various changes to claims filed for medical malpractice. Licensed physicians who render emergency obstetrical care to pregnant women during labor are not liable in a civil action under the following circumstances: the care is not grossly negligent and is rendered in good faith; the person has not previously provided such care to the woman; and the damages are associated with a lack of prenatal care. Hospitals are extended similar immunity if the care of the physician does not amount to gross negligence. Immunity is also extended to retired or part-time physicians who gratuitously render medical care to indigent persons, unless the care amounts to gross negligence.

The bill also increases, from 40 to 60 for each profession, the number of attorneys and doctors designated to assist the Southern Medical-Legal Malpractice Screening Panels. A complaint to the panel must include an affidavit from a medical expert, or it may be summarily dismissed. The Division of Insurance is required to keep confidential the names of members selected for the screening panels. This bill also requires that a person be named in the action before the screening panel in order to also be named a party in any subsequent action filed in court.

For a medical malpractice action in which liability is established or admitted, A.B. 420 requires the court to hold a separate hearing to determine if any of the plaintiff's damages have been paid from a collateral source. The court must reduce the amount of the damages by the amount of the benefit. The amount reduced must not include any amount for which there is a right of subrogation to the rights of the claimant, if the subrogation right is exercised. This measure allows the claimant to choose to have future economic damages paid in a lump sum or periodically.

Finally, this measure appropriates \$75,000 for the purpose of conducting an independent study of medical malpractice claims in Nevada over the last 10 years. The bill requires the Interim Finance Committee to select an independent organization to conduct the study. The bill outlines the parameters of the study and requires identifying data to remain confidential except for non-identifying aggregate data. The work product of an attorney and any documents subject to the privilege provided for communications between an attorney and client are also confidential. The study must be completed by September 1, 1996.

The Legislative Commission is required to appoint a legislative oversight committee consisting of one member from each of the following committees: Senate Judiciary, Assembly Judiciary, Senate Finance, and Assembly Ways and Means.

The study provisions of the bill are effective July 1, 1995, and the remainder of the bill is effective October 1, 1995.

Structure of Court System

S.B. 366 (Chapter 340)

Senate Bill 366 increases, from six to eight, the number of family court judges in the eighth judicial district and provides for the election and terms of the new judges. The bill also appropriates \$100,251 for the salaries and pensions of the additional judges.

The appropriation section is effective on July 1, 1996, and the provisions concerning the increase in the number of judges are effective on November 5, 1996. The remainder of the bill is effective on October 1, 1995.

S.J.R. 24 (File No. 143)

Senate Joint Resolution No. 24 proposes to amend the *Constitution of the State of Nevada* to require the establishment of a Commission on Judicial Performance to evaluate the performance of each Supreme Court justice or district court judge. The membership, powers, and duties of the commission will be established by the Legislature by law.

If S.J.R. 24 is approved in identical form by the 1997 Legislature, it will be submitted to the voters for final approval or disapproval at the 1998 General Election.

A.B. 363 (Chapter 574)

Assembly Bill 363 revises the provisions concerning the number of justices of the peace in the various townships. This measure authorizes, rather than requires, a township's electorate to increase the number of justices pursuant to a population threshold outlined in existing law. If the majority of the existing justices in a township conclude that the caseload does not warrant an additional justice of the peace, A.B. 363 requires them to notify the Director of the Legislative Counsel Bureau. If the director is so notified, the number of justices may be increased only by legislative resolution.

The provision concerning the increase in the number of justices is effective retroactively to January 1, 1992. The remainder of the bill is effective on July 5, 1995.

A.J.R. 17 (File No. 97)

Assembly Joint Resolution No. 17 proposes to amend the *Constitution of the State of Nevada* to authorize the Legislature to designate places outside the county seat where a district court may conduct business.

If enacted in identical form by the 1997 Legislature, this measure will be placed on the ballot for voter consideration at the 1998 General Election.

A.J.R. 33 (File No. 148)

Assembly Joint Resolution No. 33 proposes to amend the *Constitution of the State of Nevada* by redistributing some of the powers associated with the Commission on Judicial Discipline. The proposal would require the Legislature to establish the grounds for judicial discipline and the Supreme Court to adopt rules governing appeals of commission decisions and a Code of Judicial Conduct. Finally, the commission would be directed to adopt rules of procedure for the conduct of its hearings and other activities deemed necessary.

This proposed constitutional amendment, if adopted in identical form by the 1997 Legislature, will be placed on the ballot for final approval or disapproval at the 1998 General Election.

EDUCATION

Elementary and Secondary Education

S.B. 35 (Chapter 323)

Senate Bill 35 revises the provisions regarding the signatures on immunization certificates required for children attending schools and child care facilities. The measure allows a physician, a registered nurse, or their designees to sign a certificate attesting that it accurately reflects the child's record of immunization. The bill removes the requirement that the signing physician or nurse must have administered the vaccine.

According to testimony concerning the measure, children are commonly immunized by several providers, often in different states and cities. As a result, the process is burdensome for parents attempting to secure multiple signatures on one form.

This measure is effective on July 1, 1995.

S.B. 59 (Chapter 6)

Senate Bill 59 revises the provisions governing the disclosure of questions and answers contained in the achievement and proficiency examinations required of elementary and secondary students. The bill allows the Superintendent of Public Instruction to reveal the questions and answers to the public when the contents of the questions and answers are no longer utilized in the current examinations.

S.B. 85 (Chapter 706)

Senate Bill 85 revises the provisions governing the suspension or expulsion of a pupil who possesses a firearm or dangerous weapon at any public school or school-sponsored function or on any school bus. This measure requires that the pupil be expelled for at least 1 year or placed in an alternate school not to exceed the period of expulsion. The bill permits the superintendent of a school district to allow an exception to the expulsion requirement and removes the requirement that the board of trustees of a school district approve an expulsion of a pupil in grades 1 through 6 found in possession of a firearm. In addition, the bill requires the suspension or expulsion of a pupil found in possession of a dangerous weapon, the definition of which is modified to include any object that is used, or threatened to be used, to cause bodily injury.

This measure is effective on July 1, 1995.

S.B. 87 (Chapter 651)

Senate Bill 87 allows the Superintendent of Public Instruction to authorize a reduction of up to 15 days in the required minimum number of school days per year. The reduction is authorized only if the new schedule provides for an equivalent or greater number of minutes of instruction than is provided in a 180-day school year and the change is needed to address enrollment growth. In addition, a school district board of trustees may request a reduction of up to 5 days for interscholastic activities if the lost time is added to other school days.

The bill is effective July 1, 1995.

S.B. 88 (Chapter 707)

Senate Bill 88 requires the State Board of Education to establish a program to teach the English language to pupils whose primary language is not English, who have below-average proficiency in the English language compared with students at the same age or grade level whose primary language is English, and who have, because of their limited proficiency, a lower probability of success in courses taught only in English. The bill also directs the board to adopt regulations to administer the program and provide a procedure for a school district to obtain a waiver from the requirements of the program.

S.B. 149 (Chapter 392)

Senate Bill 149 transfers to Nevada's Superintendent of Public Instruction the responsibility to provide and administer special education programs and related benefits for persons with certain disabilities. The bill also creates an interagency panel to make recommendations to the superintendent, who has final authority regarding placement of these persons into foster homes or residential facilities. The interagency panel must study existing programs and develop new programs for persons with disabilities. These provisions are effective on July 1, 1995.

In addition, S.B. 149 makes a supplemental appropriation of \$603,311 to the State Department of Education for additional expenses of residential and educational needs for children with disabilities. This provision is effective June 28, 1995.

The remainder of the bill is effective July 1, 1995.

S.B. 226 (Chapter 462)

Senate Bill 226 creates the trust fund for education technology within the State General Fund. The fund is to be administered by the Superintendent of Public Instruction, who

is authorized to accept gifts and grants of money from any source for the fund. The State Department of Education is required to create a program allowing individual public schools to apply for grants of money from the trust fund. Schools may use the money to obtain and maintain computer hardware and software or other educational technology for use in classrooms.

The bill is effective July 1, 1995.

S.B. 386 (Chapter 525)

Senate Bill 386 revises certain provisions governing the program for school accountability. The measure deletes the requirement that achievement test scores be reported by the age of the student and specifies reporting for grades 4, 8, and 11. School districts also must report the results of other district-wide exams in other grades. The bill removes the requirement that funding sources be identified at the school level, requiring instead that this information be reported at the district level. Pupil-to-teacher ratios are no longer mandated at the secondary level; instead, average class size must be reported for core subjects. Each school is required to report additional information, including the dropout rate, the number of incidents involving violence or deadly weapons, the number of pupil suspensions or expulsions, and the pupil transiency rate.

In addition, the bill appropriates \$670,030 to the State Department of Education to pay for statewide accountability and proficiency testing, using a nationally norm-referenced test that is scored by a single private entity. The bill also requires the State Board of Education to establish the time of year that school districts must administer these examinations. Results are to be reported directly to the State Department of Education. Finally, the measure removes the prospective expiration of the accountability reporting program.

The appropriation provision is effective on June 30, 1995. The section concerning the administration and scoring of the statewide tests is effective on July 1, 1996. The remainder of the bill is effective on July 1, 1995.

S.B. 470 (Chapter 477)

Senate Bill 470 appropriates \$511,677 to the State Department of Education to develop and carry out a new high school proficiency examination. Money appropriated by this bill is available for either fiscal year of the biennium.

This measure is effective on July 1, 1995.

S.B. 576 (Chapter 592)

Senate Bill 576 appropriates a total of \$43,446,173 in the first year of the biennium and \$55,713,459 in the second year to cover salary and benefits of teachers hired to meet the required ratios for Nevada's class-size reduction program. The measure notes that, although the Legislature's goal is a pupil-to-teacher ratio of 15 to 1, the current funding is sufficient to maintain such ratios at 16 to 1 in at-risk kindergartens and the first and second grades. Funding is included for the second year of the biennium to hire an additional 195 teachers to begin reducing the ratio in the third grade. Under certain circumstances and upon approval by the Superintendent of Public Instruction, school districts may use the class-size reduction funds for an alternate plan to improve pupil achievement in grades 1, 2, and 3. To receive class-size reduction funding, school districts must file a plan with the State Department of Education. Class-size reduction funds may not be used to adjust district-wide salary schedules or to settle or arbitrate disputes or contract negotiations.

The bill also continues a scholarship program for 90 prospective teachers, transferring \$130,680 in estate tax revenues to the University and Community College System for that purpose.

Most of the bill is effective on July 1, 1995. The provisions concerning the second year of the biennium are effective on July 1, 1996.

A.B. 4 (Chapter 407)

Assembly Bill 4 allows pupils to earn credits toward graduation from high school by completing authorized community service projects. The measure stipulates that students completing such a project cannot receive more than one credit toward the total number of required credits for graduation. Further, the credit must be applied only toward elective course credits and must not duplicate a course of study in which the pupil has received instruction.

With the approval of the State Board of Education, the board of trustees of each school district is required to establish certain rules for the community service projects. Such rules include a list of approved community service projects, the amount of credit granted upon completion of each project, the methods of applying for credit, and the procedures for obtaining the consent of a parent or guardian before a student may participate in a project.

This measure is effective on June 18, 1995.

A.B. 105 (Chapter 308)

Assembly Bill 105 authorizes the State Board of Education to adopt regulations to include instruction relating to crimes within the existing American government course

of study at the secondary level. The instruction may be developed by the board of trustees of each school district and may include information concerning crimes, punishments, and the effects of the crime on the victim and the family of a victim.

This measure is effective on July 1, 1995, and expires by limitation on July 1, 1999.

A.B. 158 (Chapter 171)

Assembly Bill 158 specifies that students with disabilities who are excused from attending school because of their disability are entitled to a free appropriate public education in compliance with federal law. The measure also stipulates that any qualified physician acting within the scope of practice may provide a certificate in writing regarding a child's inability to attend school.

The statement concerning the availability of a free appropriate education establishes that Nevada is in compliance with the Federal Individuals with Disabilities Education Act; this statutory change is required for the state to continue to receive federal funds for educating students with disabilities.

This bill is effective on July 1, 1995.

A.B. 176 (Chapter 509)

Assembly Bill 176 establishes a formula for determining the mobility of pupils in each school. To calculate a school's mobility rate, the State Department of Education must add the number of students who entered or transferred into a school after the school year began; the number of students who withdrew and then re-enrolled in the same school in the same year; and the number of students who withdrew or dropped out. The sum of these figures then is divided by the total number of students enrolled in a school as specified in the measure.

Currently, the State Department of Education requires schools to submit mobility rates, but the department has experienced some problems with the formula and a lack of uniformity in its application by the schools and the districts.

A.B. 224 (Chapter 563)

Assembly Bill 224 establishes additional requirements for the annual audit of a local government. Each annual audit is required to include a statement from the auditor detailing whether each fund was being used expressly for the purpose for which it was created. The bill also revises the sources of revenue that may be expended for labor negotiations between a local government and its employee organization to include a reserve in any fund if the reserve exceeds an amount considered to be reasonable and necessary to carry out the purposes for which the fund was created.

In addition, A.B. 224 appropriates \$33.7 million to the State Department of Education for distribution to school districts to be used for locally identified needs. The funds received by the school districts must be allocated on the basis of each district's proportionate share of basic support in Fiscal Year 1995 and must be used to supplement the funds the district uses for textbooks, library books, and other educational materials.

The bill also appropriates \$300,000 to the Legislative Commission to conduct an interim study of the feasibility of reconfiguring the structure of school districts in Nevada.

This measure is effective on July 1, 1995.

A.B. 303 (Chapter 570)

Assembly Bill 303 requires the State Board of Education to establish a program to provide pupils with the skills necessary to make the transition from school to work. The measure directs the board to develop, implement, and review the program with the assistance of specified state agencies and the partnerships created between a school district or community college and the business community.

To receive funding and participate in the program, a school district or community college must apply to the board. The application must include a description of the partnership between the school district or community college and the business community, a plan that explains the methods the partnership will use to carry out the objectives of the program, and a description of an annual evaluation to be conducted by the partnership to measure the success of the program. After consultation with the assisting agencies, the board must submit its findings, conclusions, and recommendations regarding the program to each session of the Legislature.

In addition, the bill appropriates \$4 million to the fund for improvement of occupational education. The State Board of Education is required to establish an annual basic allocation of \$25,000 to each school district and community college approved to participate in the program. The remaining money in the fund must be allocated to school districts with approved applications in proportion to the total number of pupils enrolled in grades 7 through 12 and community colleges with approved applications in proportion to the total number of full-time students.

The measure is effective on June 30, 1995.

A.B. 366 (Chapter 113)

Assembly Bill 366 authorizes public schools to offer American Sign Language for credit as a foreign language. The measure requires the State Board of Education to approve a course of study in American Sign Language. In addition, the Commission on Professional Standards in Education is required to adopt regulations concerning the

qualifications for teachers of American Sign Language. The bill also contains parallel provisions authorizing the Board of Regents of the University and Community College System of Nevada to approve a uniform course of study and develop policies concerning the teaching of American Sign Language.

Finally, A.B. 366 provides for the continuation of the Task Force on American Sign Language created during the 1993 Legislative Session. The State Board of Education and the Commission on Professional Standards are required to consult with the task force concerning this program; the Board of Regents also is authorized to consult with this group.

The bill is effective on July 1, 1995.

A.B. 385 (Chapter 453)

Assembly Bill 385 makes various changes relating to criminal gangs and schools. This measure doubles the existing sentence for persons who commit felonies on school property or at a school-sponsored activity. The bill also provides for the forfeiture of personal property used in the commission of a crime by a criminal gang. The existing statutory definition of "criminal gang" is added to Chapters 213, 388, and 392 of *Nevada Revised Statutes*. The State Board of Education may seek the cooperation of the private sector in developing programs to reduce the number of pupils who participate in criminal gangs. Each school district may adopt a policy that prohibits criminal gang activities, such as wearing gang symbols and clothing. The policy may include provisions for the suspension or expulsion of students who violate the policy.

A.B. 482 (Chapter 304)

Assembly Bill 482 extends the requirement that each school district develop a plan to reduce the ratio of pupils to nurses to one school nurse for every 1,000 pupils. The measure also extends provisions requiring the State Board of Education to report to the Nevada Legislature about the progress of schools in achieving this ratio and the need for and the estimated cost of maintaining the ratio.

The original reporting requirements were adopted by the 1991 Legislature as part of a broad school nurse reform measure. Reports were presented to both the 1993 and the 1995 Legislatures. While some progress has been made in achieving the desired ratio, this measure requires the reports to be continued through the 1997 Legislative Session.

A.B. 610 (Chapter 647)

Assembly Bill 610 requires the State Department of Education to conduct a study of the need for courses of instruction specified within Chapter 389 of the *Nevada Revised*

Statutes. In conducting the study, the department is required to consult with representatives of the education community and to make a report of its findings and recommendations to the 1997 Legislature.

The bill is effective July 1, 1995.

A.B. 737 (Chapter 639)

Assembly Bill 737 appropriates \$785,777,104 over the biennium to the State Distributive School Account, increasing the statewide average basic support per pupil by approximately 11 percent, from the current \$3,323 per pupil to \$3,497 next year and \$3,621 per pupil the following year. Total state responsibility for aid to elementary and secondary education will exceed \$959.5 million for the 1995-1997 biennium, a 13 percent increase over the past biennium. The special education units are increased from the current 1,645 to 1,746 in the first year of the biennium and 1,857 in the second year. The unit costs are \$26,739.76 and \$27,151.22, respectively, for those fiscal years. Forty discretionary units are reserved for allocation by the State Board of Education to address school district shortfalls. Additional funding of \$18.7 million is appropriated for adult education programs.

This measure is effective on July 1, 1995.

Higher Education

S.B. 204 (Chapter 710)

Senate Bill 204 appropriates \$5 million to the University and Community College System of Nevada and \$3 million to the State Department of Education for the purchase of computer equipment and other services necessary to develop a statewide system of pupil information and to improve access to educational programs through INTERNET and interactive video.

The measure requires the system and the department to enter into a cooperative agreement to implement this legislation and to report to the 1997 Legislature the expenditures of these funds and the status of the network.

This bill is effective on June 30, 1995.

S.B. 205 (Chapter 94)

Senate Bill 205 appropriates \$7 million to the University and Community College System of Nevada for scholarships for students.

As this appropriation comes from surplus funds, these additional scholarships are considered one-time expenses and must not be built into the base budget for the next Legislative Session. Since each campus must finalize its scholarship offers to students for the forthcoming academic year, the early appropriation is needed to allow these commitments to be made.

This measure is effective on May 16, 1995.

S.B. 280 (Chapter 85)

Senate Bill 280 authorizes a county with a population of 100,000 or more to establish a medical scholarship program to induce medical students to practice in the less populous rural communities within the county.

A.B. 7 (Chapter 31)

Assembly Bill 7 transfers the Commission on Postsecondary Education from the Department of Business and Industry to the State Department of Education. This measure is intended to place the commission in a more logical position within the organizational chart of state government, since its mission and functions are more closely aligned to those of the State Department of Education.

This bill is effective on July 1, 1995.

A.B. 79 (Chapter 33)

Assembly Bill 79 directs the Legislative Auditor to conduct a performance audit of the University and Community College System of Nevada and the Board of Regents. The audit must examine the methods used by the system and the board to control their budgets and expenditures. The final audit report must be presented to the Audit Subcommittee of the Legislative Commission no later than January 19, 1997. In addition, A.B. 79 applies to this audit the existing statutory authority and duties of the Legislative Auditor. The act further authorizes the Legislative Auditor to request the system to provide \$70,000 from its budget to carry out the audit.

This bill is effective on July 1, 1995.

A.B. 107 (Chapter 102)

Assembly Bill 107 exempts from the annual limitation on hours those temporary or part-time employees of the University and Community College System of Nevada who work in a museum or research center of the system or who provide necessary assistance to disabled or academically disadvantaged students.

This bill is effective on July 1, 1995.

A.B. 135 (Chapter 215)

Assembly Bill 135 revises provisions governing the repayment of financial support received by students from the Western Interstate Commission of Higher Education (WICHE). The measure specifies that 25 percent of all support received by a student from WICHE must be repaid by the recipient. The remaining 75 percent of the support fee will be forgiven if the graduate fulfills specified requirements. The bill outlines the interest rates and repayment periods for any obligations that must be repaid.

The measure also allows WICHE to delegate to its director the authority to negotiate repayment agreements for outstanding loans. Under existing law, repayment agreements must be approved by the commission. Further, the commission is authorized to apply for grants that may be used to purchase additional contract places for Nevada residents in professional schools within the WICHE region. Finally, the measure provides that interest on loans to WICHE students begins to accrue on the first day of the academic term for which the student received the loan.

The bill is effective July 1, 1995.

A.B. 181 (Chapter 508)

Assembly Bill 181 appropriates \$166,500 for Fiscal Year 1996 and \$229,000 for Fiscal Year 1997 to the University and Community College System of Nevada for the support of the health service corps.

This measure is effective on July 1, 1995.

A.B. 183 (Chapter 129)

Assembly Bill 183 authorizes the issuance of revenue bonds in an amount not to exceed \$1.2 million to pay a portion of the cost of constructing a building for an applied technology center at the Truckee Meadows Community College. Funds raised by the community college will be combined with the proceeds from the issuance of the revenue bonds for the construction of this project.

This facility was designed to meet State Public Works Board standards with an initial cost estimate of \$2.2 million, although subsequent bids for the project were much higher. The Truckee Meadows Community College foundation has raised approximately \$700,000 in private donations, and the community college has secured a loan of almost \$1.2 million.

The bill is effective on May 30, 1995.

A.B. 193 (Chapter 15)

Assembly Bill 193 makes an appropriation of \$6 million for the purchase of furniture and equipment for the Cheyenne and West Charleston campuses of the Community College of Southern Nevada. Although the funding is included in the Governor's capital improvement budget for the next biennium, the furniture and equipment need to be ordered and installed as soon as possible to meet the anticipated need for the facilities during the fall 1995 semester. The Community College of Southern Nevada estimated that it would have to turn away approximately 5,000 students if the facilities were not completed by the time classes began.

The bill is effective on April 6, 1995.

A.B. 223 (Chapter 562)

Assembly Bill 223 appropriates \$20 million to the University and Community College System of Nevada (UCCSN) for the acquisition of administrative and academic equipment. The bill also appropriates \$200,000 to the Desert Research Institute of the UCCSN for expenses related to the operation and maintenance of the institute's facilities.

This measure is effective on June 30, 1995.

A.B. 263 (Chapter 125)

Assembly Bill 263 authorizes the issuance of revenue bonds in an amount not to exceed \$1.4 million to pay a portion of the cost of constructing improvements to the Student Union Building at the University of Nevada, Reno. The bonds will be repaid from the student union capital improvement fees currently assessed to all students. The revenue bonds will be repaid over a 15-year period. The total estimated cost of the building project is \$2.4 million. The additional \$1 million needed to complete the construction will be funded by the Associated Students of the University of Nevada.

The bill is effective on July 1, 1995.

A.B. 411 (Chapter 195)

Assembly Bill 411 establishes the account for tuition indemnification for students who have suffered damages from the closure of, or legal violations by, a private postsecondary education institution. Further, the bill provides that the administrator also may use a portion of these funds to pay expenses for investigating indemnity claims and for costs incurred in closing an institution.

The measure requires all regulated postsecondary institutions to pay into the indemnity fund. Beginning July 1, 1995, existing postsecondary schools must pay a fee of \$5 per student until the account balance is \$250,000 or more. Institutions are not required to pay further unless the balance falls below \$250,000.

In addition, after July 1, 1995, any new postsecondary institution must file a surety bond of \$10,000. Under current law, institutions with agents must maintain a \$10,000 bond, while all others need only maintain a \$5,000 bond. Current institutions must maintain their bonds at least until December 31, 1996.

The measure stipulates that students of private postsecondary institutions must be notified about the indemnification account and that unaccredited institutions inform students about their tuition refund policies. The bill also revises the amount of tuition a school may keep if a student stops attending the school.

The bill is effective July 1, 1995.

School Districts

S.B. 120 (Chapter 79)

Senate Bill 120 limits the civil liability of county school districts and law enforcement agencies with regard to volunteer crossing guards. Under this measure, a volunteer crossing guard who has completed a training course in traffic safety is deemed an employee of a political subdivision of the state for the purposes of civil liability. County school districts and law enforcement agencies are not liable for the negligent acts or omissions of these volunteers unless the volunteer made a specific promise or representation to an individual who relied thereon and suffered a harm or a loss, or the conduct of the volunteer affirmatively caused the harm.

In addition, no action that is based solely on an act or omission of the volunteer may be brought against a chief of a law enforcement agency, a member of a county school district's board of trustees, the superintendent of a school district, or a principal of a school.

The measure is effective on May 9, 1995.

S.B. 243 (Chapter 523)

Senate Bill 243 requires the board of trustees of each school district to adopt procedures for the approval of orders for payment of district funds under certain circumstances. Such procedures must include an alternative process for the expeditious approval of checks or warrants in order to receive a discount, avoid late fees, or pay for purchase orders or contracts previously approved by the board.

Existing law requires payments to be approved by a majority of the board and signed by the board's president and clerk or by a majority of the board. It is not always possible to delay a payment until the board gives its approval, and there are instances in which payment should be made immediately to take advantage of discounts or to avoid service charges.

S.B. 255 (Chapter 343)

Senate Bill 255 delays, from 1997 to 1999, the prospective expiration of the authority of each school district to establish rules concerning school-based decision making.

Testimony concerning the measure indicated that developing rules for school-based decision making is complex and lengthy, and few school districts have adopted such rules. Additional time will allow more districts to develop rules and accurately evaluate school-based decision making in those districts that are pursuing this approach.

This measure is effective on June 26, 1995.

S.B. 304 (Chapter 24)

Senate Bill 304 requires the state's Department of Taxation, in consultation with the Local Governmental Advisory Committee, to review the financial condition of the White Pine County School District. The measure directs the department to make certain determinations from this review and the school district to make its records available to the department.

In addition, S.B. 304 requires the department to audit the school district's finances and prepare for the district a tentative 5-year budget that enables the district to meet its obligations by the end of that period.

The measure also requires the department and the committee jointly to report the results of the review and the progress of the audit and budget preparations to the Senate and Assembly Committees on Government Affairs by May 17, 1995. Quarterly reports shall be made to the Legislative Commission. A final report of the audit,

tentative budgets, and any legislative recommendations must be made to the 1997 Session of the Nevada Legislature.

This bill is effective on April 7, 1995.

S.B. 305 (Chapter 23)

Senate Bill 305 directs the Executive Director of Nevada's Department of Taxation to analyze the current and projected cash receipts and disbursements of the White Pine County School District for the 1994-1995 fiscal year. The Legislative Auditor is directed to review this analysis. The measure directs the school district to make its records available to the executive director.

This bill also directs the executive director and the Legislative Auditor to report the results of the analysis to the Senate and Assembly Committees on Government Affairs by April 10, 1995.

In addition, S.B. 305 prohibits the district from issuing any form of municipal security, entering into any lease, or incurring any other obligations other than current accounts necessary for normal operation until October 1, 1995.

This bill is effective on April 7, 1995.

S.B. 367 (Chapter 36)

Senate Bill 367 authorizes the White Pine County School Board of Trustees to borrow up to \$2.8 million on a short-term basis to pay for the operating expenses of the school district through July 1995. The money is not to be used for capital obligations or for salary or benefit negotiations. In addition, the measure provides for the repayment of the loan from funds allocated to the school district through the State Distributive School Account. The measure specifies that any obligation incurred by the White Pine County School Board is that of the school district and not the State of Nevada.

Senate Bill 367 addresses financial difficulties encountered by the White Pine County School District. The district did not have sufficient funds to meet its operating expenses for the period of April 1 through July 31, 1995. The loan authorized under this act allowed the schools to continue to operate for the remainder of the school year.

This measure is effective on April 20, 1995.

S.C.R. 30 (File No. 161)

Senate Concurrent Resolution No. 30 directs the Legislative Commission to conduct an interim study of the feasibility of reconfiguring the structure of school districts in Nevada. The commission is directed to enter into a contract with at least one qualified,

independent, nationally recognized consultant to conduct the study. The resolution further requires the Legislative Commission to appoint a subcommittee to oversee the study by the consultant. An advisory group to provide technical expertise also may be appointed. The study must be conducted within the confines and structure of the Nevada Plan of school financing and must include any alternatives for the organization of school districts; any financial, tax, legal, social, and geographical considerations regarding those organizational alternatives; and any actions necessary to carry out those alternatives.

A.B. 5 (Chapter 32)

Assembly Bill 5 revises the provisions governing the initial term of employment for the superintendent of a school district. Under current law, the initial contract period is 1 year for a school district superintendent with less than 2 years experience. Assembly Bill 5 deletes this limitation and provides that the initial term of employment may not exceed 4 years, regardless of experience. Subsequent contract periods may be of any duration.

The measure addresses problems encountered by rural school districts in recruiting applicants for district superintendent positions.

This measure is effective July 1, 1995.

A.B. 47 (Chapter 695)

Assembly Bill 47 amends state law concerning impact fees for new development. The bill deletes a provision requiring local governments to pay impact fees that would otherwise have been collected from a school district. The bill also stipulates that a local government shall, if requested, reimburse a school district for certain costs associated with the construction or dedication of off-site facilities.

Finally, the measure revises from 1 to 3 years the period for which a capital improvements advisory committee must file a progress report and shortens the required period for publication of certain notices from 4 to 2 weeks.

A.B. 56 (Chapter 362)

Assembly Bill 56 requires each school district, individually or in conjunction with other school districts, to establish a program to train employees who operate certain boilers or other pressure vessels in elementary or secondary schools. Each program is to be submitted to the Division of Industrial Relations for review and comment. This bill requires each program to include classroom and applied instruction regarding specific subjects relating to boiler safety and maintenance, and such instruction must begin no later than July 1, 1996.

A.B. 66 (Chapter 4)

Assembly Bill 66 authorizes a reduction in the required number of members of the board of trustees of certain school districts, and it revises the provisions governing the election of school trustees in such districts. The measure allows the board of trustees in a school district with between 1,000 and 1,500 pupils to adopt a resolution specifying that the board will consist of five members. The bill provides for adequate public notice prior to a board's vote upon the matter. If a board votes to adopt such a resolution, it is required to notify the Superintendent of Public Instruction of its action.

Under current law, once the number of pupils in a school district exceeds 1,000, the number of members of the board of trustees must increase from five to seven. The measure allows small county school boards the option of choosing between a five-member board or a seven-member board, depending upon the needs of the district.

A.B. 224 (Chapter 563)

Assembly Bill 224, among other provisions (See also: Appropriations.), appropriates \$300,000 to the Legislative Commission to conduct an interim study of the feasibility of reconfiguring the structure of school districts in Nevada.

This measure is effective on July 1, 1995.

A.B. 414 (Chapter 413)

Assembly Bill 414 requires school districts, in specified situations, to reduce their capital projects levy or transfer funds to other local governments to ensure that the combined tax rate in the county does not exceed the statutory maximum.

Although it applies to all counties, A.B. 414 is expected to be helpful in resolving the budgetary problems of the White Pine County School District.

This bill is effective on June 29, 1995.

A.B. 536 (Chapter 112)

Assembly Bill 536 creates a procedure for the financial management of a local government found to be in severe financial emergency. Such a determination is reached upon a finding of Nevada's Department of Taxation and the adoption of a resolution by the governing body of the local government. The resolution must state

that the local government is unable to pay its operating expenses for at least one month.

The measure requires the department to take over the management of a local government in a condition of severe financial emergency and provides direction to the department concerning such management. Certain actions, such as the appointment of a financial manager for the local government, must be taken as soon as practicable and with the approval of the Local Government Advisory Committee, whose name is changed by A.B. 536 to the Committee on Local Government Finance. The bill also authorizes the Nevada Tax Commission to terminate the department's management of a local government upon a finding that the severe financial emergency has ceased to exist. In addition, A.B. 536 provides immunity for the committee or any of its members for actions taken pursuant to this legislation.

Further, the measure ratifies and approves all actions of the department and the committee concerning the White Pine County School District between January 1, 1995, and the effective date of the bill.

Most of the provisions of A.B. 536 are effective on May 23, 1995. The sections that establish the procedure for the financial management of a local government in a severe financial emergency apply retroactively to January 1, 1995.

Teachers

S.B. 58 (Chapter 7)

Senate Bill 58 requires the Commission on Professional Standards in Education to adopt regulations for the reciprocal licensure of educational personnel from other states. Such regulations must be adopted no later than July 1, 1996.

The State Department of Education and the commission are in the process of joining the Interstate Certification Program, which involves approximately 40 states that have agreed to coordinate reciprocal licensure of education personnel. By participating in the program, Nevada will have the opportunity to determine and accept reciprocity from specific member states or all states.

This measure is effective on July 1, 1995.

S.B. 431 (Chapter 445)

Senate Bill 431 revises the provisions governing the State Board of Education's approval of courses of study and training for teachers and other educational personnel. The measure requires the board to consult with educational institutions in Nevada, as well as with the Nevada Association of Colleges for Teacher Education and the Nevada

Association of Teacher Educators, when reviewing and evaluating courses and training for educators offered in such institutions. The board must also consult with these entities when adopting regulations governing the approval of the courses and training. Such regulations must cover courses and training accredited by the National Council of Accreditation of Teacher Education and any non-accredited institutions. In addition, the bill requires the board to adopt regulations to establish fees to be paid by the educational institutions for the review of the courses and training.

The measure also removes the prospective expiration of the provisions that authorize school districts to enter into agreements with accredited and licensed postsecondary institutions for the purposes of assigning student teachers. Furthermore, S.B. 431 requires that the courses of study and training at such postsecondary institutions be approved or recognized by the State Board of Education. This portion of the measure is effective July 1, 1997. The remainder of the bill is effective October 1, 1995.

A.B. 65 (Chapter 552)

Assembly Bill 65 requires Nevada's Central Repository for Criminal Records to conduct background checks concerning the criminal histories of applicants for state licensure as teachers and other educational personnel and for persons applying to a school district for employment.

The repository must notify the Superintendent of Public Instruction if an applicant has any convictions for felonies related to child abuse or neglect, lewdness with a child, drug trafficking, or crimes of moral turpitude. A license may be issued to an applicant if the Superintendent of Public Instruction determines that the person is otherwise qualified and that the conviction is unrelated to the employment.

The bill also requires the repository to notify the school district superintendent and the Superintendent of Public Instruction about any convictions for felonies or offenses involving moral turpitude for persons applying for employment with a school district. The measure applies also to current employees. Once notified, a school district superintendent may determine the need for further investigation or action.

Under current law, potential licensees and potential school district employees submit fingerprints, which are forwarded to the Federal Bureau of Investigation for routine background investigations. Assembly Bill 65 requires that applicant data also be submitted to Nevada's Central Repository for Criminal Records.

A.B. 296 (Chapter 128)

Assembly Bill 296 revises the provisions governing the licensing fees for teachers and other educational personnel. The measure increases, from \$25 to \$65, the minimum fee for the issuance, renewal, and duplication of a license. In addition, A.B. 296 specifies that the portion of the licensing fee used to conduct fingerprinting and

background investigations be provided directly to the Department of Motor Vehicles and Public Safety. The bill credits the remaining fees to the State Department of Education.

The bill is effective July 1, 1995.

A.B. 368 (Chapter 243)

Assembly Bill 368 revises the statutory provisions governing the probationary period for teachers and administrators. Under current law, teachers and administrators are probationary for 1 year. The bill extends the probationary period to 2 years, under certain circumstances.

If a teacher receives three satisfactory evaluations, the measure requires that the second year of probation be waived. The waiver must be in writing and appear on the final evaluation from the first year of probation. In addition, when a teacher receives a promotion to become an administrator, the second year of probation must be waived if there are no unsatisfactory evaluations during the first year of probation. Teachers who have had their second year of probation waived are considered postprobationary employees in the ensuing year to ensure eligibility for the notification requirements for reemployment.

Finally, Assembly Bill 368 specifies that administrators who have completed a probationary period must serve an additional 1-year probationary period if the administrator is subsequently promoted to the position of principal. If reemployment is not offered following this period, the administrator may return to his previous position.

The bill is effective July 1, 1995.

ELECTIONS

S.B. 420 (Chapter 723)

Senate Bill 420 makes various changes to the laws concerning elections. The measure allows the general public to observe the conduct of voting at a polling place, but not to photograph or otherwise record the voting process. The public is allowed to observe the handling and counting of ballots during the early voting and absentee ballot processes and after the polls close. Such observation must not interfere with the processes. Certain exceptions to the prohibition of photography or video or audio recording at a polling place are provided.

The measure also permits a county or city clerk to photograph or otherwise record the process of ballot counting at the central counting place. A registered voter may request a copy of such photographs or recording, which must be provided by the clerk at no charge. In addition, each county and city clerk must, at prescribed dates every other year, submit for the approval of the Secretary of State a written plan for the accommodation of members of the general public who observe the delivery, counting, handling, and processing of ballots at a polling place, receiving center, or central counting place.

The bill further provides that a registered voter may submit a written request to the county clerk to have his address withheld from any public listing of registered voters and changes the last day for filing certain election-related documents, if the calculated date falls on a weekend or official holiday.

In addition, S.B. 420 authorizes a county clerk to provide for early voting by personal appearance on a Sunday or holiday within the prescribed period and clarifies the times that a permanent polling place is open. This bill requires the appropriate board to begin counting in public the returns for early voting at 8 a.m. on election day. The returns must not be reported, however, until after the polls have closed. A gross misdemeanor penalty is provided for any person who violates these provisions.

The measure further provides for the use of mechanical devices that directly record votes electronically and for the security and integrity of elections using such voting devices. The bill establishes a method to examine and certify mechanical voting systems by the Secretary of State, including any electronic or computerized features of a system. The Secretary of State may adopt regulations to carry out these provisions.

Finally, S.B. 420 contains additional provisions concerning ballots, recall petitions, the registration of voters in irrigation districts, the publication of voter lists, and other election matters.

S.B. 446 (Chapter 473)

Senate Bill 446 requires the Secretary of State, instead of the Attorney General and district attorneys, to enforce the requirements concerning candidates' reporting of campaign contributions and expenses. The measure directs the Secretary of State to begin court proceedings against a candidate, after notification, if information is received that the candidate has violated reporting requirements. The bill replaces the criminal penalty with a civil penalty of up to \$5,000 for each violation plus court costs and attorney fees. If a report is not filed on time, S.B. 446 provides a fine for each day the report is late.

A.B. 273 (Chapter 64)

Assembly Bill 273 prohibits a person from being a candidate for a party nomination for elective office if that person's voting status was changed from nonpartisan to affiliation with a political party after the September 1 immediately preceding the close of filing for the office that is sought.

Testimony indicated that some candidates for public office in Nevada have changed their party affiliations after the current statutory deadline of September 1. This may be accomplished if a candidate first changes from affiliation with a political party to nonpartisan and subsequently changes to affiliation with another party. This practice is not prohibited under current law, although it is contrary to the law's original intent.

The bill is effective on July 1, 1995.

A.B. 412 (Chapter 503)

Assembly Bill 412 specifies that a certificate of election or commission must not be withheld from the person receiving the highest number of votes for public office because of any contest of election that may be filed. A candidate for the Legislature who receives the most votes in a contested election must, initially, be seated as a member of the appropriate house and allowed to participate in its organization. After hearing the contest, if the house declares to be elected the candidate who filed the contest, the Governor shall execute and deliver a certificate of election to that person. The certificate of election originally issued to the other candidate is thereafter void. For election contests involving the offices of Governor, Lieutenant Governor, or Supreme Court justice, the candidate receiving the most votes must be seated and perform the duties of the office prior to a decision of the contest.

A.B. 562 (Chapter 500)

Assembly Bill 562 deletes an antiquated provision in Nevada's election laws that limits the cost of printing ballots for elections. Testimony concerning the measure indicated that the statutory limits governing the cost of ballots continually require revision and, furthermore, are unnecessary, since county and city clerks submit such printing for competitive bidding.

A.B. 619 (Chapter 608)

Assembly Bill 619 makes various changes to Nevada's provisions governing elections to comply with the National Voter Registration Act of 1993. The measure requires that voter registration forms and assistance be provided at certain offices that provide public assistance or services to disabled persons, in addition to other locations currently listed in state law. Certain procedures and standards concerning persons who work in an agency providing voter registration services are included in the bill. Finally, A.B. 619 limits the ability of local elections officials to purge voter registration lists for failure to vote and makes other changes to ensure compliance with the federal act.

Most sections of the bill are effective on July 5, 1995; others are effective on July 1, 1995.

A.B. 695 (Chapter 685)

Assembly Bill 695 creates a presidential preference primary election in Nevada on the fourth Tuesday in March 1996. Not later than November 1 of the year preceding a presidential election, the state central committee of each major political party must notify the Secretary of State, in writing, whether that party will participate in the presidential primary. The bill requires a person who wishes to be a candidate for the nomination of President of the United States for a major political party to pay a filing fee of \$1,000 and submit the slate of delegates pledged to his candidacy in each congressional district. If only one candidate files for a party's nomination for president, that candidate's delegates must be certified by the Secretary of State as the party's delegates to the national convention. If no candidate files for a political party, the state central committee of that party must select the delegates to the applicable national convention. The bill further provides that the candidate winning the most votes of his political party in each of Nevada's two congressional districts will receive all the delegates to the national convention for that particular district.

In addition, the bill provides that the presidential primary must be conducted by mail; the election materials are to resemble those distributed for absentee voting. The bill also specifies that a registered voter may vote in person at the county clerk's office during the period of early voting authorized by law. Furthermore, upon recommendation of the Secretary of State and approval by the State Board of Examiners, the cost of the election will be charged against the state's statutory

contingency account. The bill appropriates \$200,000 from the State General Fund to the statutory contingency account.

Testimony concerning the measure indicated that presidential primaries that were held in Nevada in 1976 and 1980 did not result in large voter turnout because they were held in May, after most states' primaries. With the passage of A.B. 695, it is expected that presidential candidates will make appearances in both California and Nevada prior to the primary, generating significant voter interest in the election. The measure has been restricted to one election to evaluate the effectiveness of the presidential preference primary election.

The appropriation is effective on June 30, 1995, and the remainder of the bill is effective on October 1, 1995. This measure expires by limitation on July 1, 1997.

A.B. 703 (Chapter 582)

Assembly Bill 703 authorizes cities of the second or third class to be organized without municipal wards. If such a city is organized with municipal wards, the council members must be chosen by the electors within the respective wards they represent. If a city of the second or third class is not organized with municipal wards, the council members are elected at large.

Under current law, general law cities of the second or third class may elect council members at large, but the members must reside within the wards they represent. Testimony concerning the measure indicated that, in certain fast-growing cities, the ward boundaries change so frequently that it is difficult to retain council members.

A.J.R. 13 (File No. 84)

Assembly Joint Resolution No. 13 proposes to amend the *Constitution of the State of Nevada* to provide for the resolution of conflicts between certain amendments to statutes and the Constitution. The proposal specifically addresses conflicting amendments appearing on the statewide ballot at the same time. In general, if two or more measures addressing the same matter are approved by the voters at the same election, provisions that contradict in substance would be decided in favor of the measure receiving the largest favorable vote.

Testimony concerning the measure indicated that it is possible to have more than one initiative petition on the same topic at the same statewide election. In addition, similar matters can be referred to the voters by the Legislature. This measure provides a method to resolve conflicting provisions.

If enacted in identical form by the 1997 Legislature, A.J.R. 13 will be submitted to the voters for final approval or disapproval at the 1998 General Election.

A.J.R. 6 - 67th Session (File No. 25)

Assembly Joint Resolution No. 6 of the 67th Session proposes to amend the *Constitution of the State of Nevada* concerning certain matters relating to the recall of a public officer. A petition for recall must contain only the signatures of registered voters in the district represented by the public officer, the number of which must be equal to 25 percent or more of those who voted at the election in which the officer was elected. Currently, the Constitution specifies that the number must be equal to 25 percent or more of those who voted in the district "at the preceding general election."

The proposal also extends, from 20 to 30 days, the period within which a special election for consideration of the proposed recall must be held after it is ordered.

This measure, enacted in identical form by both the 1993 and 1995 Legislatures, will be submitted to voters for final approval or disapproval at the 1996 General Election.

EMINENT DOMAIN

S.B. 23 (Chapter 91)

Senate Bill 23 amends the charter of the City of Henderson to authorize the use of eminent domain to acquire property within the city for offstreet public parking facilities.

S.B. 182 (Chapter 119)

Senate Bill 182 authorizes local governments to lease, for a period of not more than 5 years, real property acquired for a public work. The measure directs the governing body of a local government to establish, in a public meeting, the procedures for entering into such a lease and to offer to lease the property first to its former owner. Finally, S.B. 182 requires the lease revenue to be used to maintain the property to minimize any adverse effect on the surrounding area. Any excess revenue from the lease must be used to offset the cost of the public work for which the property was acquired.

S.B. 338 (Chapter 717)

Senate Bill 338 allows a county to reimburse homeowners or tenants for moving expenses related to primary residences that are condemned for specified road projects. Cities and airport authorities already have the authority to pay moving expenses.

The bill also allows a county to pay the cost of acquiring real property from willing sellers if the property abuts a limited access highway and is adversely affected by the highway. The county may resell the property if it discloses to the buyer that the property will be next to a freeway.

S.B. 415 (Chapter 288)

Senate Bill 415 revises the general procedures for entering property subject to acquisition by eminent domain. Under this measure, a person, corporation, or partnership may enter such property with the consent of the owner for the purpose of conducting examinations and appraisals of the land. If the owner refuses to grant approval for the entry, a petition may be submitted to the district court for an order permitting such entry. Before issuing an order, the court must determine that the entry is requested in good faith and for the purposes allowed by this measure. In addition, the order must be conditioned upon the examination being made at reasonable times and in a manner designed to cause the least amount of interference for the property owner.

The person or entity entering the land may be held liable for actual damages to the land or any improvements thereon and for all injuries resulting from negligence, wantonness, or malice.

This measure is effective on June 20, 1995.

A.B. 336 (Chapter 381)

Assembly Bill 336 makes various changes regarding the operation of municipal airports. The bill authorizes the governing body of a municipality to purchase property that may be affected by future airport operations from willing sellers, even though it will not be put to immediate use. Property that may be acquired includes parcels to enhance the safety or efficiency of the airport or its access roads; to promote the future development of the area surrounding the airport; and to complete the assemblage of tracts for future airport development. Also included are parcels that may be acquired at a lower price now than at a later time or that are significantly affected by airport noise.

Assembly Bill 336 will not affect the Reno-Tahoe Airport, which is organized under another statute. Proponents of the measure testified that there are many isolated parcels near McCarran International Airport in Clark County that may eventually be needed for airport development. The owners of many of these parcels may be willing to sell if the county is able to purchase them.

A.B. 532 (Chapter 603)

Assembly Bill 532 requires a governmental body to develop a process for residents or businesses displaced by governmental acquisition or eminent domain to claim eligibility for displacement services and benefits. The measure specifies the administrative services a governmental body must provide to such persons and businesses. In particular, the body is required to give 90 days' written notice of the proposed displacement.

In addition, A.B. 532 requires a governmental body, before undertaking a project that will displace businesses or residents, to adopt policies to provide relocation assistance and payments to the displaced parties. The policies must be equal to or greater than the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and related regulations.

The bill also requires that certain businesses be paid, in addition to other specified benefits, the actual costs for preparing the new location, equipment, and other personal property for the operation of the displaced business; the prorated fees for any newly required licenses or permits; the actual costs of required professional services; the increase, if any, in new rent or lease rates; and the fair market value of the business, if it cannot be relocated due to governmental restrictions making a comparable business location unavailable. This section does not apply to month-to-month

tenancies or leases executed within 1 year before the approval of a project resulting in displacement.

Further, A.B. 532 requires that all payments pursuant to this measure be made within 90 days after notice of displacement is given. Each governmental body also is required to establish an administrative appeal process for handling grievances. The measure applies to all governmental acquisitions by purchase or eminent domain, unless the displaced person willingly agrees to the offered purchase price; allows a governmental body to pay additional benefits, if it chooses to do so; and authorizes a local government to obtain reimbursement from a private entity to cover all or part of the expenses incurred by carrying out this measure.

This bill is effective on July 5, 1995.

EMPLOYERS AND EMPLOYEES

S.B. 128 (Chapter 418)

Senate Bill 128 authorizes an employer to enter into and enforce an agreement with an employee, which, upon termination of the employment, prohibits the employee from engaging in competition with the employer or working for a competitor. The bill allows an employer to enforce an agreement with the former employee that no trade secrets, customer lists, or other confidential information will be disclosed. Such an agreement must be supported by valuable consideration and be reasonable in scope and duration.

Senate Bill 128 clarifies an ambiguity between *Nevada Revised Statutes* 613.200 and certain cases decided by the courts. The statute currently prohibits any agreement intended to prevent a former employee from obtaining other employment. The courts recognize, in certain situations, a legitimate interest in enforcing so-called "covenants not to compete." This bill clarifies the conduct that can be legally restricted. The measure also specifies the terms that the contract must contain in order to be enforceable.

This measure is effective on June 29, 1995.

A.B. 40 (Chapter 141)

Assembly Bill 40 makes it unlawful for an employer to terminate or threaten to terminate an employee because of service as a witness or prospective witness in an administrative proceeding. Existing law provides this protection only to persons who are witnesses in court. This measure extends the protection against termination to cover administrative proceedings in addition to court proceedings. Testimony indicated that the protection is necessary for witnesses who may be involved in hearings before state or federal boards and commissions.

A.B. 60 (Chapter 63)

Assembly Bill 60 prohibits dismantling or moving equipment that causes a serious occupational accident until the accident is investigated by the Division of Industrial Relations (DIR). A serious occupational accident is defined as one in which a fatality occurs or at least three employees are hospitalized. Equipment may be moved to free a trapped person, ensure safety, or prevent further injury to a person.

The measure also requires an employer to make available for questioning by DIR, in a reasonable amount of time, any witnesses or other persons necessary to complete an investigation of a serious accident. In addition, an employer must report a serious

occupational accident to DIR within 8 hours after the accident, and DIR must initiate an investigation within 8 hours of the report.

This bill is effective on July 1, 1995.

A.B. 710 (Chapter 548)

Assembly Bill 710 directs the Division of Industrial Relations to adopt regulations establishing standards and procedures for the operation of cranes and a certification program for cranes and crane operators. The bill also authorizes the division to adopt alternative standards that provide protection equal to the federal occupational safety and health standards.

This measure is effective on July 3, 1995, for the purposes of adopting regulations, and on February 1, 1996, for all other purposes.

ETHICS

S.B. 169 (Chapter 327)

Senate Bill 169 adds the Governor-elect and Lieutenant Governor-elect to those officers who may not solicit or accept monetary contributions for any political purpose over a period preceding, during, and following a regular legislative session. Existing law includes members of the Legislature, the Governor, and the Lieutenant Governor. The bill further changes the end of the third campaign reporting period for all candidates for state, district, county, and township offices to coincide with the start of the period during which the specified officers may not accept contributions. This date is 30 days before the next regular session of the Legislature.

Senate Bill 169 also specifically prohibits a lobbyist from making or offering to make a monetary contribution to any of the elected officers specified in the measure during the prescribed period. Finally, the bill expands existing law concerning the prohibition of certain governmental contracts with legislators to include those members who are either named contractors or named subcontractors.

A.B. 404 (Chapter 595)

Assembly Bill 404 authorizes a specialized or local ethics committee to require public officers to file statements of financial disclosure on forms prescribed by the committee, provided the forms are approved by the state's Commission on Ethics. In addition, the measure stipulates that a copy of the approved local form may be filed with the commission to satisfy the state requirements.

A.B. 526 (Chapter 635)

Assembly Bill 526 makes various changes relating to Nevada's Commission on Ethics. The bill clarifies that the commission has jurisdictional authority over both present public officers and employees and those former officers and employees who leave their positions after the commencement of commission proceedings against them, or within 1 year of an alleged ethics violation or reasonable discovery of the alleged violation. In addition to other penalties now in state law, the commission may impose a civil penalty of up to \$5,000 on a person, other than the person about whom an opinion is requested, who violates specific requirements of the commission concerning confidentiality. Finally, the bill specifies that certain opinion requests become public records after the commission determines that there is just and sufficient cause to render an opinion. In addition, related proceedings and opinions issued by the commission involving the past conduct of a public officer or public employee are deemed public records and open proceedings. Excluded from this requirement are requests for guidance from a public officer or employee that have not been made public, matters that have not been disclosed, and matters that have been closed by or are pending before the commission on October 1, 1995.

FAMILY TOPICS

S.B. 270 (Chapter 48)

Senate Bill 270 requires law enforcement agencies to forward all available information regarding a missing child to the Attorney General's clearinghouse program for missing and exploited children instead of to the Division of Investigation.

S.B. 317 (Chapter 105)

Senate Bill 317 clarifies that a mother may breast feed her child in public. The measure further provides that breast feeding a child by the child's mother does not constitute an act of open or gross lewdness or an act of indecent or obscene exposure of the woman's body. Senate Bill 317 also contains legislative findings citing the positive benefits of breast feeding.

S.B. 405 (Chapter 721)

Senate Bill 405 requires the Department of Human Resources (DHR) to create and administer a program that establishes family resource centers in at-risk neighborhoods. The Director of DHR must appoint a nonprofit association with experience in administering social services to act as a local governing board in each county. Based on priority of needs and availability of funds, the local board will evaluate neighborhoods to be served and assist residents in forming neighborhood councils and preparing neighborhood action plans. The director will determine whether a neighborhood qualifies as at-risk.

Each center must have a case manager, trained by DHR, to assess the needs of a family and prepare a plan that identifies the services needed, the family responsibilities, and monitoring of the plan. Centers may provide or refer people to several types of services, including parenting classes, educational programs, job training, health and mental health services, day care, and transportation. Centers may not, however, administer drugs or contraceptives or provide medical or dental services to minors without their parents' written consent.

The bill also appropriates \$1.13 million to DHR to develop the program. The director is authorized to make grants to local governing boards or the centers and may require matching funds as a condition of accepting the grant. Before receiving any state funding, the center's neighborhood action plan must be approved by the director.

Senate Bill 405 requires local governing boards, by April 1 of each year, to report to the director about their expenditures of state funds and progress towards achieving goals outlined in the neighborhood action plans. By September 30 of each year, the director

must report to the Interim Finance Committee concerning the funds appropriated for this program.

This measure is effective on July 1, 1995.

A.B. 679 (Chapter 614)

Assembly Bill 679 authorizes the Division of Child and Family Services to distribute income and interest earned from money deposited into the gift accounts for the northern and southern Nevada children's homes to fund special activities for foster care children. Such activities include, but are not limited to, intramural, recreational, social, school, and sports-related activities. The bill permits the division to distribute funds to foster parents, based on need, upon a written request and after all other resources to pay for the activity have been exhausted. In addition, the measure prohibits the division from distributing more than \$25,000 per year. Further, the division must develop policies to administer the program.

The bill is effective on June 30, 1995.

Adoption

A.B. 503 (Chapter 294)

Assembly Bill 503 makes various changes relating to adoption. For an action by a natural parent to set aside an adoption, this measure creates a presumption that remaining in the home of the adopting parent is in the child's best interest and provides that the best interests of the child must be the primary and determining consideration by the court. Natural parents are prohibited from bringing an action to set aside an adoption, unless a court has first separately ruled that the legalities of the adoption were faulty.

In addition, A.B. 503 requires the entity that facilitates the adoption to provide the adopting parents with medical and sociological information concerning the child. Such information must not identify the natural parent. The Division of Child and Family Services is also required to notify prospective adoptive parents of children with special needs of any financial assistance grants that may be available for such parents and children. Finally, the measure requires the division to develop and distribute a form for the acknowledgement of paternity.

Child Custody

S.B. 393 (Chapter 468)

Senate Bill 393 requires any order awarding a right of custody or visitation of a child to include all specific times and terms for such custody or visitation, with sufficient particularity to ensure that the rights of the parties and the best interests of the child can be enforced. The use of the term "reasonable," or similar terms that are subject to different interpretations, is not permitted with regard to the conditions of custody or visitation.

A.B. 177 (Chapter 218)

Assembly Bill 177 creates presumptions relating to children who are deemed in need of protection and have been placed outside the home. If such a child has resided outside the home for more than 18 months of any 24 consecutive months, it is presumed that the parents have demonstrated only token efforts to care for the child, thus providing grounds for the termination of parental rights. It is further presumed that, in such cases, the best interests of the child would be served by the termination of parental rights. Also, if the parents fail within 6 months to comply substantially with the terms of a plan to reunite the child with the parents, it is presumed that the parents have demonstrated failure of parental adjustment, thus providing grounds for termination of parental rights.

This measure is effective on June 15, 1995.

A.B. 302 (Chapter 146)

Assembly Bill 302 provides that in cases involving the termination of parental rights the best interest of the child is the primary consideration. The measure is intended to clarify the law regarding the standard to be used in termination of parental rights proceedings.

This measure is effective on June 5, 1995.

A.B. 361 (Chapter 309)

Assembly Bill 361 makes various changes concerning the custody, support, and adoption of Indian children by integrating provisions from the federal Indian Child Welfare Act into Nevada law.

The bill requires the Division of Child and Family Services to adopt regulations that establish uniform standards for agencies to identify whether a child is an Indian early in proceedings that affect the custody, adoption, or foster care of children. Whenever a child is the subject of a proceeding concerning termination of parental rights, placement in foster care, delinquency, or in need of protection, the appropriate governmental entity must determine if the child is an Indian and notify the tribe, if necessary. The jurisdiction of state and tribal courts is also clarified regarding such actions.

A.B. 395 (Chapter 196)

Assembly Bill 395 creates a rebuttable presumption in divorce cases that sole or joint custody is not in the best interest of the child if the person seeking custody has committed acts of domestic violence or has been convicted of sexual assault. The bill provides that the court must make a finding, after an evidentiary hearing, that clear and convincing evidence proves the person has committed one or more acts of domestic violence against the child, a parent of the child, or any other person residing with the child. For situations in which each party has engaged in acts of domestic violence, the measure requires the court to consider various factors to determine, if possible, the party who was the primary physical aggressor, against which the presumption is operative. If it is not possible to determine which party was the primary physical aggressor, the rebuttable presumption applies to both parties.

A.B. 524 (Chapter 530)

Assembly Bill 524 makes various changes to the provisions governing family foster care for children. The measure specifies that parents in a family foster home may refuse to accept a new placement or request the removal of a child placed in their care. The bill also requires the Division of Child and Family Services to provide foster parent applicants with information concerning the role of providers of foster care and the skills needed to provide such care. Respite services, along with necessary training and support services, must be provided to existing family foster care providers.

In addition, the measure requires the division to provide medical and other information about a child to potential foster parents prior to placement. After placement, the family foster parents are authorized to request additional information concerning the child and are required to abide by any confidentiality requirements related to that information. The division must provide the requested information unless it determines that action is not in the best interests of the child. Foster parents are authorized to visit a child no longer in their care if the child agrees and the division determines the visit is in the best interest of the child.

Finally, A.B. 524 requires the division to establish a grievance procedure relating to the reissuance, suspension, or revocation of a family foster care license. A licensee also

is permitted to review all information maintained by the division concerning that provider, with the exception of references.

A.B. 534 (Chapter 401)

Assembly Bill 534 prescribes a criminal penalty for a person who has joint legal custody of a child and who willfully conceals or removes the child from the custody of the other parent with the specific intent to deprive the other parent of the parent-child relationship. The punishment for such conduct is 1 to 6 years imprisonment, or a fine of not more than \$5,000, or both.

Existing law regarding child abduction by a parent who has joint custody rights prohibits such conduct, but provides no criminal penalty.

A.B. 650 (Chapter 610)

Assembly Bill 650 addresses international child abduction. This measure requires that all child custody orders contain a statement that the terms of the Hague Convention apply to custody arrangements that are breached by a parent who abducts a child to a foreign country. If the parent of a child lives in or has significant commitments in a foreign country, the parties may agree, and the court shall include in the custody order, that the United States is the country of habitual residence for purposes of the Hague Convention. Upon motion of the parties, the court may order the parent to post a bond if the parent poses an imminent risk of abducting the child outside the country.

Child Support

A.B. 425 (Chapter 388)

Assembly Bill 425 requires the Department of Motor Vehicles and Public Safety (DMV&PS) to suspend the licenses of drivers who are in arrears in the payment of child support.

The bill applies to parents who owe at least \$1,000 in child support and are at least 2 months in arrears or who have failed to provide health insurance coverage for a child as required by a court order. The parent may request a hearing on the subject. If the delinquent parent does not request a hearing or if the hearing officer finds that the parent is in arrears, the department must be notified. The DMV&PS must send a notice informing the driver of the suspension of the license if the arrearage is not satisfied within 30 days. The arrearage is considered satisfied if the driver pays all past due child support, or if unable to do so, pays the amount past due for the previous 12 months. If the arrearage was a result of a failure to maintain health insurance for

a child, the arrearage is considered satisfied when the parent presents proof that the child is covered.

The department may issue a restricted license to a driver whose license has been suspended. This restricted license allows the driver to drive to and from work and during the course of work, to receive regularly scheduled medical care, and to exercise a court-ordered right to visit a child.

This bill is effective January 1, 1996.

A.B. 621 (Chapter 633)

Assembly Bill 621 makes various changes relating to the collection of child support. The bill makes technical corrections to Nevada's child support laws and substantive changes to comply with the federal Omnibus Reconciliation Act of 1993. The majority of the substantive changes focus on the establishment of paternity and the collection of child support by the Welfare Division and the various district attorneys throughout the state. The bill establishes a threshold for paternity test results that creates a rebuttable presumption of paternity pursuant to the requirements of federal law. Other procedural requirements of federal law regarding paternity establishment are also included.

In addition, A.B. 621 establishes a procedure for declaring a child support award amount for parents who are unemployed. The measure also clarifies the authority of the state to seek reimbursement from liable parties.

Much of the bill is effective on July 5, 1995. The balance of the measure is effective on October 1, 1995.

Domestic Violence and Child Abuse

S.B. 114 (Chapter 50)

Senate Bill 114 provides that a person who commits the crime of stalking on a spouse while divorce proceedings are pending, or within 6 months after the entry of a decree, is guilty of aggravated stalking. In addition, committing the crime of stalking on a person with whom one has a child in common while custody proceedings are pending also constitutes aggravated stalking. Actual or legal notice of the pending divorce or custody proceedings is required. The penalty for a first offense is a gross misdemeanor, and subsequent offenses are felonies.

The measure also authorizes the court to issue a temporary or extended order in response to a petition from a person who believes himself the victim of stalking, aggravated stalking, or harassment. A temporary order may be granted with or without

notice to the adverse party, but the adverse party may appear before the court to move to dismiss or modify the order. Temporary orders expire within 30 days, but may be converted into extended orders, which may be granted for a period up to 1 year. Before the court may grant an extended order, the adverse party must receive notice and a hearing on the petition. Extended orders may be appealed to the district court.

Finally, this measure requires the court to transmit the order to all law enforcement agencies within its jurisdiction and authorizes peace officers to enforce the order. The violation of a temporary order is a gross misdemeanor, and the violation of an extended order is a felony.

S.B. 228 (Chapter 149)

Senate Bill 228 provides that temporary or extended orders issued for protection against domestic violence must specify the county and city in which the residence, school, child care provider, and place of employment of the applicant or minor child are located. The court issuing the order must transmit the copy of the order to the law enforcement agencies that have jurisdiction in the counties or cities specified. Senate Bill 228 requires a law enforcement agency to enforce the order without regard to the county in which the order was issued.

The measure addresses concerns that orders issued in one county may not be enforced by the law enforcement agency in a neighboring county because the agency does not have a copy of the order directly from the court.

A.B. 256 (Chapter 320)

Assembly Bill 256 raises the minimum penalty for child abuse from 1 to 2 years for imprisonment. In addition, if a court determines that the parent or guardian of a child who is in protective custody has been convicted of child abuse, the court must not release that child to the parent or guardian unless the court determines by clear and convincing evidence that the child will not be physically or psychologically harmed.

The amendatory provisions of this bill do not apply to offenses committed before October 1, 1995.

A.B. 308 (Chapter 227)

Assembly Bill 308 authorizes the dissemination of records of criminal history, upon request, to the Division of Child and Family Services and any county agency with jurisdiction over cases involving child abuse or neglect. The measure is intended to assist an agency in its determination of where to place a child in need of protective services.

A.B. 378 (Chapter 359)

Assembly Bill 378 revises the laws related to domestic violence. This measure changes the time frames for a probable cause arrest of a person who is suspected of committing domestic violence to within 24 hours of the act, rather than 4 hours. This measure also expands the list of activities that constitute domestic violence by including, among other things, arson and stalking. The bill also authorizes the issuance of a temporary protective order against a perpetrator of domestic violence, if the parties had or are having a "dating relationship." Existing law requires the parties to be living together or related. For the purpose of issuing such orders, the courts in counties whose population is 400,000 or greater are required to be available 24 hours a day, 7 days a week. Such access is authorized, but not required, in the other counties.

This measure also broadens the definition of "domestic violence" for purposes of the victims of crime fund and other victim provisions in Chapter 217 of *Nevada Revised Statutes*. Finally, a provision simplifying and clarifying the method of using 9-1-1 tapes as evidence is included, if the tapes are otherwise admissible under the existing rules of evidence. This provision is modeled after the existing law regarding the method of admitting casino records into evidence.

A.C.R. 42 (File No. 152)

Assembly Concurrent Resolution No. 42 urges each school district and the Board of Regents of the University of Nevada to develop and provide training to administrators, teachers, and other licensed personnel regarding the recognition and reporting of child abuse as well as the identification and instruction of persons with disabilities in the regular classroom.

According to testimony, teachers and other school personnel make a significant number of the reports received each year concerning child abuse and neglect. The training described in this resolution will assist teachers and other school personnel to recognize the signs of abuse and neglect and to take appropriate action to report suspected cases.

Divorce

A.B. 292 (Chapter 576)

Assembly Bill 292 addresses the disposition of pension and retirement benefits provided by the Public Employees' Retirement System (PERS) in divorce cases. This bill establishes a formula for the valuation of PERS retirement plans that utilizes the number of years the contributing party was employed and received an entitlement

during the marriage. The court may not consider the estimated value of increases in the benefit due to promotions and raises that may occur after the date of the decree of divorce is entered.

In making a disposition of the PERS benefits, the court may order that the benefits not be paid before the date of actual retirement. To ensure the party who is not participating will receive benefits, the court may approve an arrangement that allows the posting of a surety bond, a policy of life insurance, an increase in the value of the benefit as compensation for the delay, or any other form of security that ensures payment of the determined interest to the non-participating party.

This measure further provides that, if a party receives an interest in a plan because of the disposition ordered by the court and would not be entitled to such an interest without the court disposition, the interest and any related obligation to pay that interest terminates upon the death of either party unless an agreement of the parties or a court order requires the benefit recipient to provide for a retirement plan with survivor benefits.

The provisions regarding the disposition of retirement benefits apply only to actions filed after the effective date of the act.

This measure is effective on July 5, 1995.

A.B. 410 (Chapter 412)

Assembly Bill 410 increases, from \$15 to \$20, that portion of the fee for filing a divorce action that is collected for Nevada's program for displaced homemakers. The measure addresses the growing needs of the displaced homemaker program. Testimony concerning the bill indicated that the accelerated population growth in the state and the growing number of divorces require an increase in the fee.

This measure is effective July 1, 1995.

GAMING

S.B. 399 (Chapter 281)

Senate Bill 399 clarifies the meaning of gross revenue under the gaming statutes. Under this measure, gross revenue does not include the value of a chip won by a casino from a patron for which the casino has not received cash.

Casinos offer various promotional packages, which include "free" gaming chips and tokens to entice patrons into Nevada. Because no cash is received by the casino for these chips, their value should not be included in the calculation of the casino's gross revenue.

This measure is effective on June 19, 1995.

S.B. 401 (Chapter 470)

Senate Bill 401 revises certain provisions relating to the regulation of cashless wagering systems. In addition to defining key terms, this measure clarifies that a cashless wagering system includes computerized systems that facilitate the electronic transfer of money to or from a gaming device. Senate Bill 401 authorizes the State Gaming Control Board to inspect cashless wagering systems and to investigate disputes between a patron and a licensee that are not resolved to the patron's satisfaction.

Finally, the measure raises the annual salary of the chairman of the Nevada Gaming Commission from \$42,000 to \$55,000. The salary of each member is raised from \$30,000 to \$40,000.

The bill is effective on July 1, 1995.

S.B. 497 (Chapter 534)

Senate Bill 497 clarifies that the kinds of entertainment not subject to the casino entertainment tax include charitable benefits, museum exhibitions, sporting events, trade shows, films, outdoor concerts, certain other concerts, interactive entertainment, and certain types of music. Also exempt from the tax is entertainment that is provided at private meetings, around a swimming pool or beach, or without the requirement of an admission charge or the purchase of certain items.

Senate Bill 497 requires a gaming licensee to pay the casino entertainment tax on the price for admission to a cabaret, nightclub, cocktail lounge, or casino showroom unless the ticket for admission states whether this tax is included in the ticket price.

The amendatory provisions of S.B. 497 are intended as a guide for determining whether a facility or entertainment is subject to the casino entertainment tax. This clarification is not expected to alter substantially the applicability of the current tax.

S.B. 513 (Chapter 261)

Senate Bill 513 brings Nevada law into conformity with federal law regarding the exchange of money obtained from illegal activity ("money laundering") through gaming establishments. This measure specifically prohibits such activity and expands the State Gaming Control Board's authority to investigate criminal activity into this area. Finally, S.B. 513 increases from \$10,000 to \$25,000 the minimum fine for certain crimes related to gaming.

A.B. 131 (Chapter 305)

Assembly Bill 131 regulates inter-casino linked gaming systems. The bill defines inter-casino linked systems and provides for the licensure of operators of such systems. In addition, A.B. 131 authorizes the Nevada Gaming Commission to adopt regulations and requires work permits for operators. The measure also establishes standards for revenue reporting and payment relating to inter-casino linked system tournaments, the locations of systems, and the ability of affiliates to place systems.

Prior to November 1, 1995, an inter-linked casino system conducted at one location may only be placed in affiliated gaming establishments. On or after November 1, 1995, a system may be placed in all gaming establishments that are licensed for games other than slot machines.

This bill is effective on June 22, 1995.

A.B. 133 (Chapter 139)

Assembly Bill 133 makes technical revisions to Nevada's gaming laws. The major provisions of the bill address trusts and debt securities, record-keeping by the State Gaming Control Board, overpayment of fees and refunds, and payment of interest on erroneously paid claims. The measure also repeals statutes that are no longer needed and eliminates a sunset provision regarding work permits for certain persons with criminal records.

A.B. 383 (Chapter 411)

Assembly Bill 383 exempts a producer-promoter in the entertainment industry from the requirements to obtain a license from the Labor Commissioner to do business as a producer-promoter and to post a security bond for the payment of wages of persons employed in a production, if a license is held to operate a nonrestricted gaming operation. In addition, the bill defines the word "production" as a program using artists, who are defined as actors, musicians, dancers, or athletes. This measure also requires certain producer-promoters to post a security bond for the payment of wages for all persons employed in a production, except celebrity headliners, executive personnel, managers, or supervisors.

A.B. 644 (Chapter 351)

Assembly Bill 644 authorizes and regulates greyhound racing in a county with a population of 400,000 or more. Pari-mutuel greyhound racing may be permitted in such counties at resort hotels with more than 1,000 rooms. The tax on such gaming activities is a gross revenue tax at the same rate as other gaming activities are taxed, rather than a pari-mutuel tax on the handle. The State Gaming Control Board is charged with regulating such racing, and all fees associated with the regulation of greyhound racing under this bill must be paid by the licensee. Existing restrictions regarding the number of tracks allowed in a county and the distance between such tracks do not apply to greyhound racing in a county with a population of 400,000 or more.

A.B. 736 (Chapter 618)

Assembly Bill 736 establishes maximum annual salaries for certain state officers and employees in the unclassified service. The measure appropriates funds for the difference between the maximum amount allowed in certain sections of the bill and the amount budgeted for those positions and for specified increases in the salaries of employees of the State Gaming Control Board.

In addition, the measure provides for a bonus program for certain licensed employees of the board. To be considered for a bonus, an employee must be a certified public accountant, an attorney, or an engineer.

This measure is effective on July 1, 1995.

HEALTH CARE

(See also: Insurance)

Health Care Professions

S.B. 72 (Chapter 531)

Senate Bill 72 establishes minimum qualifications for the practice of respiratory care and certification for its practice by the National Board for Respiratory Care or its successor organization. The bill also provides that respiratory care must be performed under the direction of, or pursuant to a prescription from, a licensed physician. In addition, the measure prescribes penalties for violations of the act and grants exemptions for members of the Armed Services of the United States and for students in certain instances. Other licensed practitioners of the healing arts and the domestic administration of family remedies are also exempt. Additional exemptions are granted to people who maintain or install medical equipment under specified conditions, to cardiopulmonary perfusionists, and to persons acting under a physician's supervision. A person practicing respiratory care on January 1, 1996, must obtain certification by January 1, 1997.

The bill is effective on January 1, 1996.

S.B. 129 (Chapter 621)

Senate Bill 129 requires a cause of action for dental malpractice to be submitted to a screening panel prior to filing such an action in court. Existing law provides the procedure for actions involving medical malpractice to be submitted to a screening panel, and S.B. 129 amends these provisions to effect this requirement for dental malpractice. The amendatory provisions involving dental malpractice expire by limitation on July 1, 1999. The bill applies only to actions filed after October 1, 1995.

S.B. 280 (Chapter 85)

Senate Bill 280 authorizes a county with a population of 100,000 or more to establish a medical scholarship program to induce medical students to practice in the less populous rural communities within the county.

S.B. 298 (Chapter 520)

Senate Bill 298 prohibits disciplinary action against a physician or osteopathic physician solely for prescribing or administering certain controlled substances for the treatment of intractable pain. The bill requires the medication to be prescribed and administered

in accordance with accepted standards for the practice of medicine or osteopathic medicine. The Board of Medical Examiners is directed to define, by regulation, the term "intractable pain."

In addition, S.B. 298 clarifies that the diagnosis and treatment of disease by way of telecommunications equipment is included in the practice of medicine.

Testimony concerning the measure indicated that some physicians are reluctant, because of fear of discipline, to provide high levels of controlled substances to patients who genuinely need the medications.

S.B. 344 (Chapter 718)

Senate Bill 344 revises provisions relating to the licensure of chiropractors and chiropractors' assistants. The bill requires an applicant for licensure to list each place of residence during the 5 years prior to making the application. In addition, an applicant must provide as references the names of two persons and a licensed chiropractor who have known the applicant for at least 3 years. Furthermore, S.B. 344 requires a chiropractor's assistant to pay a reinstatement fee in addition to the renewal fee to reinstate a lapsed license. Finally, a licensee must complete at least 12 hours of continuing education annually.

This bill is effective on July 1, 1995.

S.B. 389 (Chapter 516)

Senate Bill 389 authorizes a physician's assistant to prescribe controlled substances under certain circumstances. The measure allows a physician's assistant to prescribe controlled substances if he holds a certificate issued by the Board of Medical Examiners or the State Board of Osteopathic Medicine and is authorized by the State Board of Pharmacy to possess or prescribe such medications under the supervision of a physician or osteopathic physician. If the authority of the supervising physician to prescribe controlled substances has been limited, the appropriate medical board must place the same limitation on the authority of the physician's assistant.

Testimony concerning the measure indicated that physicians' assistants are currently allowed to prescribe certain controlled substances. Proponents of the bill stated that there have been problems filling prescriptions written by physicians' assistants because pharmacists are uncertain about the scope of their authority to prescribe. In addition, physicians' assistants in rural areas are unable to obtain drug samples from pharmaceutical firms because of concern about the legality of the custom.

S.B. 423 (Chapter 213)

Senate Bill 423 expands the scope of professional organizations to include homeopathic medicine by authorizing the formation of a professional corporation to render homeopathic services.

Testimony indicated that current law does not recognize differences among physicians, whether they be allopathic, homeopathic, or osteopathic. The definition of physician in *Nevada Revised Statutes* (NRS) 0.40 includes persons who practice osteopathy and homeopathy. In addition, the definition of a provider of health care includes homeopathic doctors under NRS 629.031. This bill addresses the only statute in which all physicians except those who practice homeopathic medicine are included.

S.B. 492 (Chapter 724)

Senate Bill 492 makes various changes relating to homeopathic medicine. The measure provides for the licensing and regulation of advanced practitioners of homeopathy and homeopathic assistants.

The provisions concerning the adoption of regulations by the Board of Homeopathic Medical Examiners are effective on July 7, 1995. The remainder of the bill is effective on January 1, 1996.

S.B. 557 (Chapter 670)

Senate Bill 557 authorizes optometrists to form certain business relationships with physicians. If an association or business relationship is formed, the measure permits the location of an optometrist's office in the same place of business as the physician without a physical separation between the office and the place of business. In addition, the bill allows the optometrist to give the physician access to medical records of patients treated by both professionals and to advertise and promote the services of the association or business in accordance with certain restrictions.

A.B. 261 (Chapter 147)

Assembly Bill 261 authorizes dental hygienists to provide dental services without the direct supervision of a dentist if the services are authorized by a patient's dentist. The bill also allows specially certified dental hygienists to administer local anesthesia or nitrous oxide in health care facilities without a dentist's supervision pursuant to regulations adopted by the Board of Dental Examiners of Nevada. The health care facility must have licensed medical personnel and necessary emergency supplies available when these substances are administered.

The measure addresses the needs of some patients in facilities such as hospitals and nursing homes, who, because of age or infirmity, may not be able to come to a dentist's office. In addition, A.B. 261 is intended to facilitate programs to provide free care to persons who are not able to pay since hygienists will be allowed to treat these patients without a dentist present.

A.B. 438 (Chapter 414)

Assembly Bill 438 authorizes an optometrist to administer a topical medication or oral antibiotic for the treatment of diseases of the eye if he holds a certificate issued by the Nevada State Board of Optometry. To receive a certificate, an optometrist must be licensed in Nevada, pass a national examination, and complete 40 hours of clinical training conducted by an ophthalmologist and approved by the board. The board is authorized to require an optometrist who holds a certificate to complete a program of continuing education.

The bill also provides that an optometrist may remove a foreign body from the surface of the eye but may not engage in the incision or suturing of the eye, the use of lasers for surgical purposes, or the treatment of glaucoma.

Over 40 states now allow optometrists to use therapeutic pharmaceutical agents such as those authorized by this bill.

A.B. 545 (Chapter 501)

Assembly Bill 545 amends the laws relating to the practice of nursing. The bill authorizes the State Board of Nursing to issue a citation and impose a fine for practicing nursing without a license. The fine is \$500 for a first offense, \$1,000 for a second offense, and \$1,500 for a third or subsequent offense. The executive director of the board is authorized to issue a cease and desist order to unauthorized practitioners and directed to forward information regarding violators to local law enforcement agencies.

The composition of the State Board of Nursing is changed to add a certified nursing assistant and reduce to one the number of practical nurses. Board members are required to reside in the state for 2 years prior to their appointment and the term of office is set at 4 years. They must be selected to represent a broad variety of types of practice. The board is also authorized to appoint advisory committees.

The bill also requires that applicants for a nursing license or a nursing assistant certificate submit to a criminal background check.

Assembly Bill 545 also amends provisions regarding professional discipline. The board is authorized to place a condition, limitation, or restriction on a license or certificate.

Provisions regarding the reporting, investigation, and hearing of complaints against licensees are also revised, and the grounds for discipline are clarified.

A.B. 645 (Chapter 301)

Assembly Bill 645 authorizes an unlicensed personal assistant to perform certain services for a person with a physical handicap, under specific circumstances. The bill allows a provider of health care to authorize an unlicensed person to act as a personal assistant if the service is the type that a person without a physical handicap would normally perform without assistance and the assistant has the knowledge and skill to perform the service competently.

In addition, A.B. 645 requires the assistant to refer the disabled person to a health care provider if the person's condition changes or an emergency occurs. Furthermore, the bill prohibits an unlicensed assistant from providing services to a disabled person who resides in a medical facility. Finally, the measure requires the provider of health care to note certain information regarding these services in the disabled person's medical records.

A.B. 690 (Chapter 348)

Assembly Bill 690 amends the laws relating to podiatry. The bill deletes references to internships. In addition, an applicant for licensure is required to sign an affidavit stating that he has not committed any act for which a licensee could be disciplined, and the board is authorized to reject an applicant who has committed those acts.

The bill also allows the board to charge an examination fee of up to \$200, requires that a person completing a residency in podiatry be supervised by a licensed podiatrist, and repeals a provision that allows applicants who are licensed in certain other states to receive a Nevada license without taking an examination.

Health Care Services and Facilities

S.B. 293 (Chapter 197)

Senate Bill 293 authorizes the board of trustees of a county hospital to acquire and operate facilities adjacent to the county or counties where the hospital is established. The measure permits the board to contract with a private hospital to operate such a facility as long as the maintenance and operation of the hospital are not financed by county tax or by appropriation from the county general fund. The board of hospital trustees may use money in the hospital fund or any separate account to fund the acquisition and operation of the additional facility. Upon approval by the board of

county commissioners, the trustees also may lease buildings in the county or counties in which the hospital is established.

To finance the acquisition of the additional facility, the board of hospital trustees may, without any election, issue special obligations payable only from revenues of the additional facility or from those revenues derived from the county hospital and related facilities. The measure states that the revenue bonds are not an indebtedness of the county or counties where the county hospital is established or of the county in which the additional facility is located.

In addition, S.B. 293 specifies that the board of county commissioners in which a county hospital is established may only levy an ad valorem tax to pay for the cost of services rendered in the county where the hospital is established. Although the board of hospital trustees may annually request that a tax be levied for the maintenance and operation of the hospital, the bill prohibits the county commissioners from levying a tax for the establishment, maintenance, or operation of any facility located outside the county or counties in which the county hospital is located.

Finally, the measure deletes the provision allowing voter approval at a special election of an ad valorem tax levy to pay for emergency hospital admissions. The measure limits this approval to a primary or general election.

Senate Bill 293 was requested to allow a public hospital to purchase property in another county while minimizing the risk to the taxpayers in which the county hospital is located.

S.B. 362 (Chapter 466)

Senate Bill 362 expands the circumstances under which a practitioner may refer a patient to a health care facility in which the practitioner has a financial interest. The measure prohibits a practitioner from referring a patient to a diagnostic imaging or radiation oncology center in which the practitioner has a financial interest, unless certain exemptions apply. The measure exempts a nephrologist for renal dialysis. Further, the bill specifies that the exemption for a referral made by a practitioner with a financial interest in a corporation with shareholder equity greater than \$100 million applies to both publicly traded and private companies. In addition, S.B. 362 removes the requirement for an exemption that all health care services offered by the group practice must be provided within the confines of a central building or on one parcel of land. The act specifies that a practitioner may own and use equipment in his office solely to provide the practitioner's patients with health care goods or services.

The measure also eliminates the remaining certificate of need review requirements for health facilities in a county with a population of 100,000 or more. The bill deletes the requirement for such facilities to obtain approval from the Department of Human Resources for the addition of a burn center or trauma center and clarifies the certificate of need process for health facilities in counties with fewer than 100,000 residents.

The bill eliminates the review requirement for such facilities that add new beds, change ownership, or add certain specialized services. The measure continues the certificate of need review in rural areas for all new health facility construction in excess of \$2 million.

In addition, the bill abolishes the State Health Coordinating Council and eliminates the requirement that the Department of Human Resources make quarterly cost containment reports to the Nevada Legislature's Committee on Health Care.

The physician referral portion of the measure makes certain corrections and changes to the physician self-referral bill approved by the 1993 Legislature. The remaining portion of the bill eliminates most of the remaining provisions from the federal Health Systems Planning Act of 1974. Repealed in the mid-1980s, the Act required states to establish health planning systems to approve a state health plan and to review changes in facilities and services offered by clinics, hospitals, and nursing homes. The State Health Coordinating Council was created as a statewide forum to advise the Department of Human Resources about these health planning functions and to approve the state health plan. The council has been inactive since March 1993.

S.B. 363 (Chapter 287)

Senate Bill 363 exempts adult day care facilities from licensure fees imposed by the State Board of Health.

According to the Bureau of Licensure and Certification in the Health Division, only eight entities in the state are licensed as adult day care facilities; therefore, the loss of revenue is minimal. Testimony indicated that most of these facilities are nonprofit, and the licensure fees impose a significant financial burden to them.

This measure is effective on January 1, 1996.

S.B. 385 (Chapter 181)

Senate Bill 385 makes various changes relating to the practice of pharmacy. The bill authorizes a pharmacy to deliver a controlled substance or a dangerous drug to a hospital, facility for intermediate care, or a skilled nursing facility under certain conditions. The measure also allows a pharmacy to stock an ambulance and sell controlled substances or dangerous drugs to a practitioner in specified situations. In addition, S.B. 385 requires a pharmacy to maintain certain records for each sale. Furthermore, the bill establishes requirements for refilling prescriptions and mandates that all prescriptions must be written in Latin or English. Finally, the measure authorizes the use of a facsimile machine to transmit prescriptions under certain conditions.

S.B. 531 (Chapter 511)

Senate Bill 531 establishes an evidentiary privilege for certain review committees of health care organizations and businesses. Under the provisions of this measure, peer review committees and medical review committees that are responsible for evaluating and improving the quality of care provided by a facility are granted a privilege to refuse to disclose the committee's proceedings and records. This privilege is not lost if the information is disclosed to a governmental or regulatory agency. Statements made by an applicant for hospital staff privileges and documents that are public records under existing law are not privileged.

Members of the review committee may not claim the privilege in a claim of medical malpractice filed with a screening panel before October 1, 1995.

A.B. 330 (Chapter 540)

Assembly Bill 330 extends the expiration date for statutory provisions that limit increases in billed charges by major hospitals. These restrictions were due to expire July 1, 1995. This measure extends the prospective expiration date to July 1, 1997.

In addition, the measure modifies the requirements regarding hospital patient billing. For patients who are charged a rate different than the billed charges, hospitals must provide either an itemized list of all charges, a statement specifying the agreed rate, or a statement of the total charges if the patient is not obligated to pay any portion of the bill. In any case, the hospital must identify any copayment or deductible on the billing or statement for which the patient is responsible. Upon discharge, the hospital also is required to provide information to the patient on the status of any copayment or deductible, if the rate paid by the patient's insurer is based on the number of persons treated rather than the services rendered. At the request of a patient, the hospital must provide an itemized list of all charges.

This measure continues provisions enacted by the 1991 Legislature that are designed to hold down increases in hospital billed charges. Certain hospitals may not increase amounts in their "charge master" by more than the percentage increase in the medical care component of the consumer price index. The law applies only to five of the largest hospitals in Nevada--Desert Springs, Sunrise, and Valley hospitals in southern Nevada; and St. Mary's and Washoe Medical Center in northern Nevada.

Because of the large number of negotiated contracts hospitals have with various payers, most patients do not pay the full billed charges or even a portion of the charges. According to hospital representatives, many patients are confused after receiving the required itemized list of billed charges. This bill provides the hospitals with billing options depending on the patient's responsibility for the charges.

This bill is effective on July 1, 1995.

A.B. 436 (Chapter 312)

Assembly Bill 436 authorizes a county with a population of less than 400,000 to provide by ordinance that the board of county commissioners is the ex officio hospital board of trustees. The bill stipulates that an incumbent trustee must continue to serve until the expiration of the term of office for which he was elected, after which the board of county commissioners must select one of its members to serve as that hospital trustee. The measure also states that a county commissioner serves as a hospital trustee only during the commissioner's term of office.

The ordinance adopted by a county may be enacted only if the county has fully funded its indigent care account; the county has reimbursed the hospital for indigent care; and the hospital is experiencing significant financial difficulties or is in danger of losing its license or certification.

In addition, the bill authorizes a licensed nurse to perform certain laboratory tests in a licensed medical facility. Accordingly, the laboratory director at the facility must ensure that the nurse is competent to perform the test, the test is performed in accordance with the manufacturer's instructions, and the test performance is validated and verified.

Assembly Bill 436 addresses situations in which public hospitals encounter serious financial problems. Since the board of county commissioners is ultimately responsible for the hospital's financial condition, there are occasions when the board should serve as the hospital's governing body.

The measure is effective on June 26, 1995.

A.B. 520 (Chapter 686)

Assembly Bill 520 makes various changes to claims filed for medical malpractice. Licensed physicians who render emergency obstetrical care to pregnant women during labor are not liable in a civil action under the following circumstances: the care is not grossly negligent and is rendered in good faith; the person has not previously provided such care to the woman; and the damages are associated with a lack of prenatal care. Hospitals are extended similar immunity if the care of the physician does not amount to gross negligence. Immunity is also extended to retired or part-time physicians who gratuitously render medical care to indigent persons, unless the care amounts to gross negligence.

The bill also increases, from 40 to 60 for each profession, the number of attorneys and doctors designated to assist the Southern Medical-Legal Malpractice Screening Panels. A complaint to the panel must include an affidavit from a medical expert, or it may be summarily dismissed. The Division of Insurance is required to keep confidential the names of members selected for the screening panels. This bill also requires that

a person be named in the action before the screening panel in order to also be named a party in any subsequent action filed in court.

For a medical malpractice action in which liability is established or admitted, A.B. 420 requires the court to hold a separate hearing to determine if any of the plaintiff's damages have been paid from a collateral source. The court must reduce the amount of the damages by the amount of the benefit. The amount reduced must not include any amount for which there is a right of subrogation to the rights of the claimant, if the subrogation right is exercised. This measure allows the claimant to choose to have future economic damages paid in a lump sum or periodically.

Finally, this measure appropriates \$75,000 for the purpose of conducting an independent study of medical malpractice claims in Nevada over the last 10 years. The bill requires the Interim Finance Committee to select an independent organization to conduct the study. The bill outlines the parameters of the study and requires identifying data to remain confidential except for non-identifying aggregate data. The work product of an attorney and any documents subject to the privilege provided for communications between an attorney and client are also confidential. The study must be completed by September 1, 1996.

The Legislative Commission is required to appoint a legislative oversight committee consisting of one member from each of the following committees: Senate Judiciary, Assembly Judiciary, Senate Finance, and Assembly Ways and Means.

The study provisions of the bill are effective July 1, 1995, and the remainder of the bill is effective October 1, 1995.

A.B. 634 (Chapter 632)

Assembly Bill 634 requires a petition for the involuntary court-ordered admission of a minor to a mental health facility to include a statement signed by a parent or guardian of the minor that the parent or guardian does not object to the filing of the petition.

The measure also shortens, from 14 calendar days to 5 judicial days, the period within which a petition must be heard for the involuntary court-ordered admission of a person into a mental health facility for cases involving persons already detained in such a facility at the time the petition is filed.

A.B. 709 (Chapter 491)

Assembly Bill 709 specifies that a patient at a rural hospital or the patient's attending physician may have access to the results of a lab test ordered for the patient by another physician. In addition, the measure restricts additional medical facilities from waiving a deductible or copayment under certain conditions.

The measure addresses problems that have arisen in Nevada's rural counties. In the past, laboratories have refused to release the results of a lab test to a patient's attending physician if the test was ordered by a physician who substituted for that doctor. The relief physician must make a special authorization to provide those results to the patient's physician. Often the substitute has left the community to work in another location after the test results are available, and the attending physician must either attempt to locate that doctor or reorder the tests.

HOUSING, DEVELOPMENT, AND REAL ESTATE

S.B. 286 (Chapter 153)

Senate Bill 286 increases the homestead exemption from \$95,000 to \$125,000. This measure also requires individuals who solicit others for the purpose of charging a fee for recording a declaration of homestead for such persons to inform them that such a document may be recorded by paying the fee charged by the county recorder and that the person may record the document without assistance.

Senate Bill 286 provides that any declaration of homestead filed prior to October 1, 1995, is deemed to have been amended on that date to reflect the increase in the exemption.

The increase in the exemption to \$125,000 addresses the rising cost of living and is consistent with the average cost of a new home in Nevada. The last increase in the exemption occurred in 1989 when the amount was raised from \$90,000 to \$95,000.

The measure also addresses individuals who actively solicit others regarding homestead exemptions and charge fees of \$25 to \$28 for the filing of a declaration of homestead without informing clients that they may file on their own behalf for approximately \$5.

This measure is effective on July 1, 1995.

A.B. 152 (Chapter 448)

Assembly Bill 152 requires that any civil action based on a claim relating to the bylaws, rules, or procedures for changing assessments in a common-interest community must be submitted to mediation or arbitration before the action is filed with a court. The procedure for submitting a claim to arbitration or mediation is established by this measure.

If the parties do not agree to mediation, the claim must be submitted to an arbitrator, and the parties may choose binding or nonbinding arbitration conducted pursuant to the procedures in existing law. Following the conclusion of the arbitration, if a party files the action in court and fails to obtain a more favorable judgment, the party must pay all costs and reasonable attorney's fees incurred by the opposing party after the action was filed.

The measure requires the Real Estate Division of the Department of Business and Industry to maintain a list of qualified mediators and arbitrators and provide to the parties, upon request, the fees charged by these individuals.

Finally, A.B.152 authorizes a declarant to furnish a bond in lieu of placing certain deposits made in connection with the purchase or reservation of a unit under the Uniform Common-Interest Ownership Act.

This measure is effective on January 1, 1996.

A.B. 510 (Chapter 602)

Assembly Bill 510 makes various changes regarding notification of matters relating to homeowners' association meetings and other common-interest ownership proceedings. The bill increases the number of association meetings that must be held each year from at least one to at least two. The notice of meeting is expanded to include any proposal to change fees or assessments and a notification of the right to receive copies of minutes or a summary of the meeting. Persons who are assessed fines must be notified of the assessment and provided a copy of the fine assessment schedule. In addition, the bill requires the association to provide copies or summaries of the minutes of the meeting within 30 days after the meeting is held and clarifies that such documents are open for inspection and photocopying.

This measure also requires an association to provide owners with 21 days' written notice of meetings at which an assessment for a capital improvement is to be considered.

A.B. 547 (Chapter 249)

Assembly Bill 547 amends the law regarding discrimination in housing to specify that the provisions of Nevada's law do not prohibit any act that is not prohibited by the federal Fair Housing Act. The measure is intended to clarify that the scope of Nevada's housing discrimination law is the same as that of the federal act.

Landlord and Tenant Law

A.B. 134 (Chapter 539)

Assembly Bill 134 revises the provisions that govern landlord and tenant disputes involving failure to pay rent. This measure reduces the length of time for a notice to quit from 5 to 4 days if the rent is reserved for one week or less and the tenancy has not continued for more than 45 days. The landlord is required to attempt to serve the notice personally. If it cannot be served personally, the landlord must post the notice in a conspicuous place on the premises and mail the notice by overnight mail. In addition, the landlord may deliver the notice to the constable or sheriff for service. The sheriff or constable must serve the notice within 48 hours of acceptance.

The bill also provides that the sheriff may not accept the notice for service unless it is accompanied by written evidence, signed by the tenant, that indicates the tenant has been advised of the short-term tenancy eviction procedures. Proof of service must include a certificate of mailing or an endorsement by the sheriff or constable describing the method of service.

Proponents of A.B. 134 testified that it addresses the problems associated with so-called "professional rent skippers." Testimony indicated that certain persons who are knowledgeable about the current eviction procedure may manipulate the system and remain in a dwelling for 15 to 30 days without paying rent. These persons often move from one short-term tenancy to another and begin the process over again. This measure shortens the period of time to evict such persons for not paying rent while still protecting the rights of tenants by requiring a detailed notification procedure.

A.B. 502 (Chapter 579)

Assembly Bill 502 makes various changes to Nevada's housing laws to comply with the federal Fair Housing Act. Primarily, the bill prohibits discrimination in housing accommodations for persons who are disabled. A landlord may not refuse to allow a disabled person to make reasonable modifications to a dwelling to ensure the person may use and enjoy the dwelling. The landlord may require, at the tenant's expense, restoration of the dwelling at the time of termination of the tenancy. The measure also incorporates various federal construction requirements concerning access to multi-family dwellings by disabled persons.

The bill sets forth the requirements, procedures, and investigative duties concerning discriminatory housing complaints filed with the Nevada Equal Rights Commission. Punitive damages and civil penalties are available in suitable cases where the court finds an unlawful housing practice has been committed. Finally, the bill clarifies provisions addressing the use of service animals by handicapped persons.

The substantive provisions dealing with discrimination in housing are effective October 1, 1995. The enforcement provisions are not effective until the United States Department of Housing and Urban Development has certified that the Nevada law is substantially equivalent to the federal law.

Affordable Housing and Housing Authorities

A.B. 35 (Chapter 325)

Assembly Bill 35 reorganizes the Nevada Rural Housing Authority by removing it from the Department of Business and Industry, stating that the authority is not a state agency. The measure provides that the authority is an instrumentality, local government, and political subdivision of the state for the purposes of carrying out

certain statutes. The measure directs the Nevada Association of Counties and the Nevada League of Cities, rather than the Governor, to appoint the authority's commissioners.

Further, A.B. 35 specifies that the law concerning the complete termination of a state agency does not apply to the removal of the authority from the state's oversight. The bill requires that the terms of the current commissioners expire on January 1, 1996, and provides a process of staggered terms for the newly-appointed commissioners.

Finally, the measure provides that the laws concerning state employees apply to the classified employees of the authority until January 1, 1996. If a classified employee is laid off due to the passage of this bill, the state law governing layoffs applies.

The sections of this bill concerning the appointment of the commissioners are effective on January 1, 1996.

A.B. 204 (Chapter 697)

Assembly Bill 204 requires one commissioner of a local government's housing authority to be a recipient of housing assistance. The measure provides that the appointing authority must select the tenant representative from a list of at least five nominees submitted by a tenant organization or, if no organization exists, by current recipients. The bill further provides that, if the tenant representative is no longer receiving assistance, that person must be replaced on the authority. The measure also applies to the Nevada Rural Housing Authority.

The bill's provisions do not affect existing commissioners' terms. If a housing authority does not currently have a tenant representative, one must be appointed to the term next expiring.

In addition, A.B. 204 provides a procedure for the appointment of the first tenant representative of a newly created authority. In these cases, the first commissioner appointed after the authority has provided assistance to at least five persons must be a recipient of assistance.

A.B. 506 (Chapter 601)

Assembly Bill 506 provides for the planning of affordable housing, defined as housing affordable for a family with a total gross income less than 110 percent of the median gross income in the county concerned. The bill requires cities and counties to consider the availability and need for affordable housing in any regulation concerning the improvement of land and location of structures. In counties with populations of 100,000 or more, if the planning commission or governing body of a city, county, or region adopts only a portion of the master plan for the area, that portion must include a housing plan. The measure requires a housing plan to include, among other factors,

an inventory of housing in the area, an analysis of the demographic characteristics of the community, and an analysis of the availability and need for affordable housing.

In addition, A.B. 506 requires that zoning regulations be designed to ensure the area has an adequate supply of housing, including affordable housing.

A.B. 655 (Chapter 704)

Assembly Bill 655 makes various changes to the Housing Division of the Department of Business and Industry. The bill provides for the Advisory Committee on Housing to be appointed by the director of the department, rather than the administrator of the division, and expands the committee to include an advocate for low-income housing and members who are knowledgeable about the marketing or management of real property, the development or management of nonprofit housing, the housing programs of local governments, and the housing programs of the Federal Government. The director of the department serves as chairman of the committee. The bill also increases the scope of the committee's responsibilities.

In addition, A.B. 655 requires the Housing Division to establish its principal office in Las Vegas by July 1, 1997.

Certain sections are effective on July 1, 1995; the remainder of the bill is effective on October 1, 1995.

A.C.R. 38 (File No. 171)

Assembly Concurrent Resolution No. 38 directs the Legislative Commission to conduct an interim study concerning the management of housing programs in Nevada. The Legislative Commission must appoint to the study committee, in addition to legislators, certain nonvoting members as advisors. The study must include an examination, review, and evaluation of the administration of the existing United States Housing and Urban Development programs, the consolidation of state housing programs, and plans for the future to provide affordable housing in Nevada.

The measure recognizes the existence of a shortage of safe, decent, and affordable housing for low-income and moderate-income families and notes that this lack of affordable housing is detrimental to Nevada's goal of economic diversification and development.

Manufactured Homes and Mobile Home Parks

S.B. 252 (Chapter 390)

Senate Bill 252 provides for the licensing of partnerships and corporations as manufacturers, dealers, rebuilders, servicemen, or installers of manufactured homes, mobile homes, or commercial coaches. These businesses are required to designate a member of the partnership or an officer of the corporation to apply and qualify for licensure on behalf of the firm.

The bill also authorizes the Manufactured Housing Division to establish a trust account in the State Treasury for the deposit of advance fees paid by persons who require the services of the division. The bill requires the division to establish, by regulation, the services for which advance fees may be paid.

This measure is effective on July 1, 1995.

S.B. 361 (Chapter 719)

Senate Bill 361 makes various changes relating to mobile home parks. The bill requires a park landlord, upon request, to provide a tenant with a receipt indicating the amount and date of a payment of rent. The bill also requires any rental or lease agreement for a mobile home lot to indicate the amount to be charged a tenant each month to reimburse a landlord for the cost of capital improvement to the park. In addition, S.B. 361 prohibits a landlord from adopting or amending a park rule unless the landlord conducts a meeting with the tenants to discuss the proposed changes and the tenants are given written notice of the proposed changes not less than 60 days before the meeting. Furthermore, if an attorney for a landlord attends such a meeting, a landlord shall not prohibit an attorney for a tenant from attending the meeting.

The measure also prohibits a landlord from requiring a tenant to pay for a capital improvement to the park unless the tenant has notice of the requirement when he enters into the rental agreement. A tenant may not be required to pay for a capital improvement after he enters into a rental agreement unless he is given 60 days notice of the requirement. A landlord must hold a meeting of tenants to discuss such a requirement and give the tenants notice of the meeting at least 60 days in advance. Finally, the bill prohibits a landlord from requiring a tenant to make any additions to a mobile home unless the additions are required by an ordinance of a local government.

S.B. 490 (Chapter 681)

Senate Bill 490 expands the definition of "manufactured home" to include those homes built to the specifications in state laws governing manufactured buildings.

This measure is intended to allow modular homes to be treated the same as other manufactured homes for purposes of sales taxes. Forty percent of the value of a new modular home will be exempt from taxation, and a used modular home will be exempt if it has been previously taxed.

A.B. 287 (Chapter 377)

Assembly Bill 287 removes the prohibition against individual water meters in mobile home parks. In counties with a population of 400,000 or more, the measure requires individual meters in all new mobile home parks. For existing mobile home parks in all counties, the bill allows but does not require the conversion from a master-metered water system to individual meters. The park owner or landlord is prohibited from charging any fee or rent increase to recover the costs of conversion. In addition, the bill stipulates that individual meters must be read and billed by the water purveyor.

Assembly Bill 287 is intended to promote water conservation and allow the cost savings of conservation to benefit the mobile home tenant responsible for the savings.

A.B. 316 (Chapter 378)

Assembly Bill 316 increases, from \$3 to \$5, the maximum amount of the annual fee imposed on each lot in a mobile home park.

This measure is effective July 1, 1995.

A.B. 439 (Chapter 337)

Assembly Bill 439 revises various provisions concerning assistance from the trust fund for low-income owners of mobile homes. The bill authorizes the Manufactured Housing Division to recover assistance incorrectly paid to ineligible applicants. If the incorrect payment is made because the applicant made false or misleading statements on the application, the division may recover, in addition to the amount of assistance which was incorrectly paid, the court costs and attorney fees expended to recover the payment and a civil penalty of up to \$1,000. The bill requires that the application for assistance include a notice that the applicant may be held liable for the failure to supply required information or to report changes in eligibility.

The bill also provides a procedure for informing applicants who have been refused assistance and for hearings to consider appeals of these refusals. In addition, the measure requires that assistance payments be prorated when the amount of money in the fund is less than the amount required to provide full payments to all eligible applicants.

Finally, A.B. 439 revises the eligibility criteria. If a mobile home is occupied by more than one person, the applicant is eligible for assistance if the combined monthly income of the occupants is less than the federally designated poverty level or \$1,125, whichever is greater. Applicants are not eligible if they have assets of more than \$10,000, excluding the value of their mobile home, its contents, and a motor vehicle. Applicants who have not lived in a particular park for at least 1 year are eligible if they previously lived in another mobile home park in this state and moved because they were unable to pay the rent or the park was closed.

Real Estate and Development

S.B. 395 (Chapter 661)

Senate Bill 395 establishes the procedure for filing an action to recover damages resulting from a defect in residential construction and authorizes the claimant to recover attorney's fees and certain costs incurred as a result of the damage. Prior to filing such an action, the claimant must provide the contractor with notice of the action and an opportunity to inspect and repair the damage at his expense. The contractor may also offer to settle the claim by repurchasing the claimant's residence. In addition, the matter must be submitted to mediation prior to filing an action in court unless the contractor and the claimant waive, in writing, the right to mediation.

The contractor's liability is limited to damages resulting from his acts and omissions or those of his agents, employees, or subcontractors. Any statutes of limitation applicable to a claim filed under these provisions are tolled from the time that notice is provided until after mediation is concluded or waived.

Senate Bill 395 applies to claims to recover damages that arise after the bill's effective date of July 1, 1995.

S.B. 403 (Chapter 585)

Senate Bill 403 revises the duties of certain persons who are acting as agents to parties in a real estate transaction. The bill requires a real estate licensee to disclose to all parties of a real estate transaction any known material information relating to the property. The measure also mandates the disclosure of the source of all compensation the licensee will receive from the transaction. In addition, S.B. 403 requires the licensee to disclose, if applicable, that he is a principal to the transaction or represents

more than one party to the transaction. In such cases, the licensee must obtain the written consent of all parties before continuing to act as an agent. Furthermore, the written consent must contain certain specified information.

The bill also authorizes a broker to assign different licensees affiliated with his brokerage to represent separate parties to a transaction without obtaining the written consent of those parties. The measure prohibits, however, such licensees from disclosing confidential information about the transaction to anyone except the broker. The measure also requires the Real Estate Division to distribute forms to licensees, explaining their duties to various parties. In addition, S.B. 403 requires a licensee to exercise reasonable skill and to promote the interests of the client. A person who has suffered damages as the result of a licensee's failure to properly perform the specified duties is authorized to bring an action against the licensee for actual damages. Finally, the licensee may not be held responsible for a misrepresentation of a client unless the licensee knew of the misrepresentation and failed to inform the other party that the information was false.

The measure is effective on January 1, 1996.

S.B. 455 (Chapter 475)

Senate Bill 455 requires a beneficiary of a deed of trust, upon the request of an authorized person, to provide a statement regarding the debt secured by the deed that includes the amount of the unpaid balance of the debt, the amount of the periodic payments, the date the payment of the debt is due, the amount of insurance covering the property, the period for which real estate taxes have been paid, and any additional charges incurred or paid by the beneficiary. Such a statement may be requested by the grantor of the property that is the subject of the deed, a person who has a subordinate lien on the property, or a title insurer. Senate Bill 455 sets forth the procedures under which such a statement may be obtained.

The bill also requires a beneficiary to deliver to a trustee a request for a partial reconveyance of the estate in real property within 21 days after the beneficiary receives notice that the debt has been partially discharged if the deed authorizes such a reconveyance. The trustee must record the partial reconveyance within 45 days of receiving the request. If the reconveyance is not recorded within 75 days, a title insurer may record the reconveyance after providing notice to certain interested parties including the beneficiary and the trustee. This measure includes penalties for the failure to properly record the partial reconveyance.

In addition, S.B. 455 provides that a lien for charges owed to a hospital is extinguished if the hospital does not file a suit to foreclose the lien within 2 years after notice of the lien is recorded. Finally, the measure authorizes a party to an escrow agreement to collect damages from the other party to the agreement for refusal to execute a document necessary to release the money deposited in escrow. In addition to attorney's fees, the injured party may collect actual damages of not less than \$100 or

more than 1 percent of the purchase price of the real property, whichever is greater, and certain money deposited in the escrow.

S.B. 543 (Chapter 687)

Senate Bill 543 provides that local government purchasing and public works laws do not apply to a contract under which a private developer, for the benefit of a private development, constructs a water or sewer line extension project for which reimbursement will be received. If the developer pays the entire cost of the project, the provisions concerning competitive bidding and prevailing wages do not apply.

This bill is effective on July 6, 1995.

A.B. 47 (Chapter 695)

Assembly Bill 47 amends state law concerning impact fees for new development. The bill deletes a provision requiring local governments to pay impact fees that would otherwise have been collected from a school district. The bill also stipulates that a local government shall, if requested, reimburse a school district for certain costs associated with the construction or dedication of off-site facilities.

A.B. 138 (Chapter 13)

Assembly Bill 138 revises provisions concerning certain arrangements between general improvement districts and private developers. The measure exempts a private developer's contract for a sewer extension or water facility for the development from the provisions of *Nevada Revised Statutes* Chapters 332 and 339, which concern local government purchasing and contractors' bonds for public works. In addition, the provisions of Chapter 338, which concern employment on public works projects, do not apply to a contract for which the developer pays all of the initial construction costs of the sewer extension or water facility. If the developer does not pay all of those costs, then the prevailing wage sections of Chapter 338 are applicable to the contract.

The bill is effective on April 6, 1995.

A.B. 343 (Chapter 228)

Assembly Bill 343 amends the law governing the sale of subdivided land. The bill authorizes the Administrator of the Real Estate Division to impose a fine or to revoke or suspend the property report, permit, partial registration, exemption, or license of a developer who obtains those documents by fraud or misrepresentation or who violates the conditions under which they were granted. The bill also expands the

disciplinary options the administrator may use against a developer who violates the law. The administrator is authorized to impose an administrative fine of up to \$5,000 or to require the developer to enter into an agreement to discontinue unlawful activities, pay the costs of the investigation and hearing of a complaint, or return money obtained by unlawful means in lieu of issuing an order to cease and desist.

The bill is effective on July 1, 1995.

A.B. 440 (Chapter 403)

Assembly Bill 440 amends the law regarding escrow agents and agencies. The bill increases the amount of the bond which these licensees must deposit with the Commissioner of Financial Institutions from \$25,000 to \$50,000 and allows this bond to be held in a form other than a surety bond, such as a certificate of deposit, a United States Treasury obligation, or a municipal bond.

The bill also provides that, when an escrow officer licensed by the Commissioner of Insurance applies to the Commissioner of Financial Institutions for licensure as an escrow agent, the background investigation may be waived. Escrow agents may, however, be licensed as escrow officers without again taking a licensing examination and meeting certain experience requirements.

According to testimony concerning the bill, the increase in the amount of the bond affords greater protection to the customers of escrow agents and agencies. Allowing these licensees to hold the bond in the form of an interest bearing security rather than posting a surety bond reduces the financial burden of providing this security.

At the present time, escrow agents and agencies are licensed and regulated by the Division of Financial Institutions, while escrow officers, who are employed by title insurers or title agents, are licensed by the Commissioner of Insurance. Both types of licensees perform the same functions and meet the same licensing requirements. This bill is intended to simplify the process of changing from one type of license to another.

A.B. 476 (Chapter 334)

Assembly Bill 476 requires sellers of residential property to disclose in writing the condition of the property to buyers or their agents. The Real Estate Division of the Department of Business and Industry is directed to adopt regulations prescribing the format of the disclosure form. The form must provide for the disclosure of the condition of the major mechanical systems of the property, any known defects, and other aspects of the property that may affect its use or value.

The measure requires the seller to complete the disclosure form and deliver it to the purchaser at least 10 days before residential property is conveyed to the purchaser. If a defect comes to light or becomes more serious after the disclosure form has been

completed, the seller must inform the purchaser in writing before the conveyance takes place. The bill exempts from the disclosure requirements certain transactions in which residential property is sold to a person who has not lived in the house for more than 120 days. The bill also clarifies that sellers are not expected to disclose defects of which they are not aware and that disclosure does not constitute a warranty of the condition of the property.

If a seller fails to comply with the disclosure requirement, or if the disclosure reveals defects that were not in the agreement to purchase, A.B. 476 allows the buyer to rescind the purchase agreement before the property is conveyed. A buyer may recover three times the amount required to correct a defect discovered after conveyance of the property if the buyer discovers a defect and files an action not later than 1 year after the buyer discovered or reasonably should have discovered the defect, or 2 years after the conveyance, whichever occurs later. The buyer may also recover court costs and attorney's fees in this situation.

The bill is effective on June 26, 1995, for the purpose of adopting regulations, which must be adopted by October 1, 1995. The balance of the measure is effective on January 1, 1996.

A.B. 478 (Chapter 232)

Assembly Bill 478 requires a seller of two or more units of residential property to disclose to a buyer designations in the master plan regarding land use. The bill also decreases, from 10 to 2, the minimum number of subdivided lots that defines a seller in the provisions concerning the disclosure of zoning information.

A.B. 479 (Chapter 335)

Assembly Bill 479 amends the law relating to disclosures made during real estate transactions. Currently, the law provides that the seller or his agent is not liable for failure to disclose that a property has been the site of a homicide, suicide, or a serious crime. This bill extends these provisions to include a failure to disclose a death by any other cause that is not a result of a material condition of the property. In addition, the bill exempts the buyer's agent from liability for failure to make this disclosure unless otherwise provided in an agreement between the buyer and agent.

A.B. 489 (Chapter 415)

Assembly Bill 489 adds another cause to the statutes authorizing actions against state or local agencies that have jurisdiction over land use proposals. The measure stipulates that an action may be brought against an agency for an action, decision, or order of the agency that imposes a tax or fee not authorized, or in excess of that authorized, by statute. The measure also amends the prohibition against bringing an

action if the applicant has agreed to the agency's requirements or conditions by clarifying that an action is not precluded if the applicant has expressly stated in writing or orally during the hearing that the agreement was made under protest.

A.B. 667 (Chapter 399)

Assembly Bill 667 requires the Director of the Department of Business and Industry to designate the location of the primary office of the Real Estate Division. Currently, the law requires that the primary office of the Real Estate Division be located in Carson City. According to testimony, a majority of the division's business is now transacted in southern Nevada.

The bill also authorizes the division to deny a real estate license to an applicant who has been convicted or entered a plea of guilty or nolo contendere to a charge of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or engaging in the real estate business without a license. These applicants are not eligible to receive a license until at least 3 years after they have paid a fine or court ordered restitution or the period of their parole, probation, or sentence has expired. The bill also authorizes the division to set the fees for the licensing examination by regulation.

Finally, the bill clarifies provisions regarding qualified intermediaries for tax-deferred exchanges of real property. It requires title insurers, title agents, and escrow officers to determine whether a qualified intermediary is properly registered before handling a settlement, escrow, or closing. To assist these businesses in determining whether an intermediary is registered, the Real Estate Division is required to publish and distribute a quarterly list of registrants.

Finally, the measure revises from 1 to 3 years the period for which a capital improvements advisory committee must file a progress report and shortens the required period for publication of certain notices from 4 to 2 weeks.

Most of the bill is effective on June 28, 1995. The provision concerning the licensing examination fees is effective October 1, 1995.

INSURANCE

S.B. 122 (Chapter 2)

Senate Bill 122 postpones, from March 1, 1995, to June 15, 1995, the due date for the first prepayment of the insurance premium tax. In addition, the bill requires quarterly payments of the tax from each insurer who paid at least \$2,000 in such taxes on business conducted during the 1994 calendar year.

This measure is effective on February 28, 1995.

S.B. 491 (Chapter 667)

Senate Bill 491 authorizes inclusion of a provision for binding arbitration in certain contracts of insurance. The bill requires such a provision to state clearly that the parties agree to forego their right to litigate a dispute in court. The measure also requires the provision to allow a member of an insured group, or the member's dependent, to decline to arbitrate the dispute. The insurer is responsible for the administrative fees associated with the arbitration. The arbitrator may also require the insurer to pay for expert witness and attorney fees incurred by the member or dependent. Finally, if an immediate resolution to the dispute is required to protect the physical health of a member or dependent, any party can waive arbitration and seek declaratory relief in a court of competent jurisdiction.

Testimony indicated that arbitration can reduce the time and expense of resolving disputes concerning certain insurance contracts. Such a reduction may lower the cost of insurance or slow the increase in premiums.

S.B. 505 (Chapter 527)

Senate Bill 505 makes various changes in the regulation of insurance. The bill clarifies the authority of the Commissioner of Insurance to conduct examinations of insurers. The measure limits the liability of the commissioner for certain acts performed in the course of duty. Senate Bill 505 also establishes standards for the allowance of credits for reinsurance. Finally, the bill authorizes the commissioner to adopt regulations governing management and agency contracts of insurers.

Portions of this measure are effective on October 1, 1995; the remaining sections are effective on April 1, 1996.

A.B. 144 (Chapter 644)

Assembly Bill 144 authorizes certain state and local government employers to enter into cooperative agreements concerning workers' compensation, employer's liability, or health insurance. The measure stipulates that a public employer that participates in the state's group health insurance plan must obtain the approval of the Committee on Benefits before entering into a cooperative agreement for health insurance.

In addition, A.B. 144 increases, from 5 to 10, the number of years that an obligation to contribute money for a cooperative agreement remains in force.

Finally, the measure allows a local government to participate as a member of a nonprofit cooperative association or nonprofit corporation established in Nevada to purchase, from a licensed insurer, group health insurance or related medical services for its members.

The bill is effective on July 1, 1995.

A.B. 331 (Chapter 698)

Assembly Bill 331 amends the laws relating to insurance fraud. The bill allows the Commissioner of Insurance to pay the expenses of an insurance fraud investigation and prosecution unit in the Office of the Attorney General. The bill also provides for the use of funds in the special investigative account and deletes a provision regarding the prosecution of insurance fraud by district attorneys. Further, the bill revises provisions regarding the confidentiality of records regarding an investigation or examination that are in the possession of the Division of Insurance. The commissioner is authorized to release these records if the disclosure will serve the interests of policyholders, shareholders, or the public.

Finally, A.B. 331 defines the crime of insurance fraud.

A.B. 475 (Chapter 496)

Assembly Bill 475 amends various provisions of the insurance code.

The bill provides for the licensing and regulation of insurance consultants, defined as persons who hold themselves out to the public as being engaged in the business of offering counsel or advice regarding policies of insurance. Insurance consultants must be licensed by the Commissioner of Insurance and must make a written agreement with their clients on a form approved by the commissioner. A consultant may not also hold a license as an insurance agent, broker, or surplus lines broker.

Assembly Bill 475 also amends the law regarding the collection of premium taxes. The commissioner is authorized to commence proceedings within 7 years to collect taxes

that have been underreported or concealed. A proceeding to suspend the license of an insurer must be commenced within 5 years after the act leading to the suspension, unless the commissioner finds that the insurer engaged in fraudulent or willful evasion of premium taxes. Before being issued a certificate of authority, unauthorized insurers are required to pay premium taxes for the previous 5, rather than 3, years.

The bill revises provisions regarding the confidentiality of information in the possession of the Division of Insurance. The commissioner is authorized to classify as confidential information and documents related to investigations and examinations, but may disclose them if necessary to prevent an imminent threat of harm to policyholders, shareholders, or the public.

The procedure for filing agent appointments with the commissioner is also revised. Insurers are required to file an annual report of the names, license, numbers, effective dates and termination dates of agent appointments, rather than filing a separate appointment for each agent.

The bill authorizes the formation of a nonprofit organization of surplus lines brokers in Nevada. The organization is directed to encourage its members to comply with the law; review, for a fee, surplus lines coverages; and communicate with admitted insurers and insurance brokers regarding the surplus lines market. The bill clarifies that premiums for surplus lines coverages include fees and assessments charged as consideration for the insurance, except taxes, filing fees, inspection fees, and communications expenses. Surplus lines brokers who fail to pay the surplus lines tax by April 1 are liable for a penalty of \$500 or the delinquent tax, whichever is larger, for each year of delinquency.

The provisions regarding companies that offer policies of home protection are revised. The amount of the securities or bond these insurers are required to post and the amount of unimpaired capital they must maintain is increased from \$20,000 to \$50,000.

The commissioner, when acting as the receiver, rehabilitator, or liquidator of an insurer, is authorized to appoint special deputies; employ necessary counsel, clerks, and assistants; and appoint advisory committees of policyholders, claimants, or creditors. If the property of the insurer is not sufficient to pay the costs incurred, the commissioner is authorized to advance the funds from appropriations for the maintenance of the department and to recover the costs from the first money available to the insurer.

Finally, the bill abolishes the Advisory Committee on Insurance Covering the Treatment of Alcoholism and Drug Abuse.

The provisions concerning insurance consultants are effective on January 1, 1996. The remainder of the bill is effective October 1, 1995.

Automobile Insurance

S.B. 300 (Chapter 526)

Senate Bill 300 makes various changes to provisions relating to motor vehicle insurance. The bill requires the Commissioner of Insurance to approve or deny each application for an insurance rate increase or decrease within 60 days of the date the commissioner determines that the proposal is complete. If the commissioner does not approve or disapprove the proposed rate change within the 60 days, the proposed rate is deemed approved. The measure also provides that the commissioner must hold a hearing within 30 days after denying a rate increase, if a request for hearing is made by the insurer. If the commissioner fails to hold a timely hearing or fails to issue an order within 45 days after the hearing, the proposed rate is deemed approved. The commissioner is further required to adopt regulations pertaining to these provisions no later than April 1, 1996. The bill also allows an insurer, under certain circumstances, to review annually with a policyholder the coverage and benefits provided in its policy.

In addition, S.B. 300 authorizes an insurer against whom a personal injury claim has been filed under a private passenger motor vehicle insurance policy to request copies of the claimant's medical records relating to the accident. Such documents must be provided, but not more than once every 90 days. Finally, the bill requires any drivers' training course offered by a school district or private school to include instruction in motor vehicle insurance.

S.B. 322 (Chapter 715)

Senate Bill 322 makes various changes to the provisions concerning the financial responsibility required for operating motor vehicles.

This bill clarifies the terms "certificate of financial responsibility," "evidence of insurance," and "insurance" as used in the provisions relating to insurance required for operating a motor vehicle, security required following an accident, and proof of financial responsibility. The measure requires a person whose license or registration is suspended for failure to maintain proof of financial responsibility to provide and maintain such proof before the license or registration may be reinstated. Such a person must maintain proof of financial responsibility for 3 years after the date of reinstatement. The bill also abolishes the requirement that certain persons whose motor vehicle registrations are suspended must furnish proof of financial responsibility before their registrations will be reinstated. It excludes fleet vehicles and self-insured persons from the provision that allows a reduced fine for persons who violate the evidence of insurance provisions but obtain a motor vehicle liability policy within 30 days of the fine being imposed.

This measure allows the filing of certificates of financial responsibility by electronic transmission or any other means the Department of Motor Vehicles and Public Safety

(DMV&PS) determines to be appropriate. It changes the date that each insurer providing motor vehicle liability insurance in Nevada must provide the DMV&PS with a record of each policy in effect or terminated in the previous month. Furthermore, this measure removes the provisions that authorize the department to contract with a nongovernmental agency to develop and maintain the data base for verifying that the owners of motor vehicles maintain insurance on their vehicles.

In addition, the bill increases, from \$100 to \$250, the fee to reinstate a motor vehicle registration suspended for failure to have insurance on the date specified in the insurance verification form mailed by the department. The measure also increases, from \$350 to \$750, the amount of damage to a vehicle or property required before a driver involved in an accident must submit a written report of the accident to the department.

Finally, S.B. 322 repeals obsolete provisions that provide alternatives to proof of financial responsibility.

Health Insurance

S.B. 493 (Chapter 430)

Senate Bill 493 increases, from \$150 to \$300, the maximum nonprorated assessment that the Nevada Life and Health Insurance Guaranty Association may charge its members in any calendar year.

Testimony concerning the measure indicated that these assessments, called Class A assessments, are used to fund the association's administrative operations, which include the use of actuaries and attorneys. According to proponents of the bill, the current annual administrative expenses are approximately \$180,000. The present maximum assessment of \$150 raises only \$133,000 annually.

This measure is effective on July 1, 1995.

S.B. 538 (Chapter 693)

Senate Bill 538 revises the provisions governing payment of taxes and penalties by a broker involved in insurance. The bill increases certain fines and requires interest to be charged on all penalties. The bill also extends the time period for various health care organizations to file audited financial statements with the Commissioner of Insurance.

In addition, S.B. 538 provides for cooperative purchasing and basic benefits in health insurance. The bill authorizes certain small employers to form voluntary purchasing groups to obtain health benefits. The measure requires a voluntary purchasing group

to offer the same benefits to all eligible employees of small employers that are members of the voluntary purchasing group. The bill also requires guaranteed renewability under certain conditions.

Senate Bill 538 is designed to provide basic health insurance coverage at affordable prices for people who traditionally have difficulty securing such coverage. Testimony concerning the measure indicated that Nevada, at approximately 22 percent, has the nation's highest percentage of uninsured population.

A.B. 299 (Chapter 395)

Assembly Bill 299 regulates policies of health insurance for small employers, which are defined as those whose employees number between 2 and 25. Group policies issued pursuant to this bill are to be rated based upon factors other than their claims history or health status. The bill limits the characteristics that may be considered in rating an employee group to age, sex, industry, geographic area, family composition, size of the group, and amount contributed by the employer toward the cost of coverage.

Policies issued to small employers must include coverage for basic hospital and medical care. Carriers may offer additional coverage approved by the Commissioner of Insurance. The bill restricts the factors that may be considered by carriers when deciding whether to offer coverage.

The measure allows a carrier to restrict coverage for preexisting conditions only for a limited period of 6 months for those who enroll during the open enrollment period or who were previously covered by other qualifying insurance, or 12 months for late enrollees. The bill also limits rate variations. Each insurance carrier may establish up to nine classes of business. The average rate charged to small employers in each class may not be more than 20 percent higher than the average rate charged to another class.

Premium increases are also limited by A.B. 299. In addition, the bill guarantees that policies issued to small employers will be renewed. A carrier may refuse to renew a small employer's policy only under certain specified conditions. The bill provides for the continuation of coverage for the employee and his dependents when the employee is terminated, dies, or is divorced or separated, or when an employee's spouse or dependent child ceases to be eligible.

For carriers that use preferred providers, the bill limits the difference in deductibles and coinsurance for services provided by preferred and nonpreferred providers. Finally, the bill repeals current provisions regarding health insurance for small employers that were enacted in 1991.

Assembly Bill 299 is based upon the National Association of Insurance Commissioners' model act. The measure is designed to ensure the availability of health insurance for small employers by preventing abusive rating practices and segmentation of the health

insurance market. The bill spreads risk more broadly, requires disclosure of rating practices, and establishes rules regarding renewability of coverage and preexisting conditions.

Most of this measure becomes effective on January 1, 1996. The provisions regarding the annual filing of actuarial certifications by carriers and changes in industry rating factors become effective on January 1 and July 1, 1997.

A.B. 328 (Chapter 572)

Assembly Bill 328 establishes specific periods of open enrollment during which certain retired public employees may join the state's program of group health insurance. The bill provides that a person who, at retirement, did not have the opportunity to join the state's plan may do so without proof of insurability during a one-time, 5-month open enrollment period. These retirees must be pooled separately and assume all costs of coverage.

Following the one-time open enrollment period, retired public employees who did not have the opportunity to join the state's plan may do so only with proof of insurability. For these retirees, the bill provides for biennial periods of open enrollment.

This measure is effective on July 1, 1995.

A.B. 341 (Chapter 405)

Assembly Bill 341 stipulates that a member of the board of trustees of a school district may not be excluded from any group insurance or coverage for medical service or hospital care that is offered by the school district to its officers and employees. If the amount of deductions for the coverage exceeds the trustee's compensation, the trustee must pay the difference.

In addition, the bill provides that a trustee who has served at least one full term and who does not seek or is defeated for reelection may continue the group insurance for himself or his dependents, if covered at the time of expiration of office. The bill sets forth procedures for the trustee to be notified of the option to continue and for the trustee to select continuance. The trustee must assume all costs of coverage.

Finally, the measure stipulates that a former trustee who did not seek reelection or was defeated for reelection in 1994 and who was, at the time of expiration of office, covered under a group insurance, medical, or hospital care plan, may request coverage to be reinstated.

This measure is effective on July 1, 1995.

A.B. 592 (Chapter 646)

Assembly Bill 592 provides for the regulation of medical savings account programs. The bill requires that these accounts be administered by financial institutions, health insurers, or the employers if they provide health care benefits. The money in a medical savings account may be withdrawn during the year by its administrator to reimburse the employee for medical expenses. After the end of the year, the employee may withdraw the balance. The bill also provides for the distribution of the money in the account if the employee dies or is terminated and requires the Commissioner of Insurance to adopt regulations governing medical savings account programs.

This measure remains effective until Congress amends the Internal Revenue Code to provide for medical savings accounts. If federal legislation does not provide for the qualifications of administrators or the distribution of funds in the account upon the death of the employee, those portions of A.B. 592 remain in effect.

Testimony concerning the measure indicated that medical savings accounts are expected to reduce health care costs. It is anticipated that employers will purchase health care plans that provide coverage for catastrophic medical costs to replace current plans with relatively low deductibles. The difference in premium costs will be deposited in the medical savings accounts of the employees, who may draw on those funds to meet routine medical costs. If the employee does not use those funds in the course of the year, he will be able to withdraw them for other purposes. Proponents of the bill also anticipate that federal legislation will exempt from income tax those wages deposited in medical savings accounts.

Workers' Compensation

S.B. 57 (Chapter 649)

Senate Bill 57 prohibits a state militia member or his dependents from collecting benefits from the State Industrial Insurance System for an injury, wound, illness, disability, or death for which federal benefits are being paid or are applicable. A militia member or his dependents are eligible for state benefits, however, if a condition for which federal benefits are being paid is aggravated while in the service of the state.

The measure is effective on July 1, 1995.

S.B. 458 (Chapter 587)

Senate Bill 458 makes various changes to provisions relating to industrial insurance. The bill limits the liability of an insurer or third-party administrator who violates any provision concerning delivery of workers' compensation benefits, clarifies procedures

for obtaining a stay of a hearing officer's decision, and establishes time limits for issuing rulings on requests for stays.

The measure authorizes the establishment of separate boards to administer the subsequent injury funds for self-insured employers and associations of self-insured employers. Also, industrial insurance coverage for real estate brokers and salesmen is made elective. Corporate officer coverage, the definitions of an employee leasing company and a pre-existing condition, and the provisions regarding the confidentiality of certain records are clarified.

The bill removes certain restrictions on the use of managed care organizations (MCOs) by the State Industrial Insurance System (SIIS) by allowing SIIS to expand managed care to any county in the state and to use health maintenance organizations in addition to MCOs. The bill retains, however, existing statutory provisions that allow an employee to choose another provider of health care if the employee's residence is not within a 20-mile radius of a provider of health care who has contracted with an MCO. The measure also clarifies procedures regarding resolution of disputes within an MCO.

The bill clarifies that an employee injured before January 6, 1994, whose employer's insurer has entered into a contract with an MCO, is subject to the provisions of that contract for the purpose of obtaining health care services for work-related injuries and occupational diseases. In addition, an employee injured before January 6, 1994, whose employer's insurer has not entered into a contract with an MCO, must receive medical care from a physician or chiropractor who is willing to comply with the standards of care of an MCO or the standards of care adopted by the manager of SIIS.

The manager of SIIS is authorized to collect premiums on an annual basis in certain instances and may modify the formula used to determine if an employer has excessive losses.

Senate Bill 458 also makes several changes that affect benefits. The bill reduces the amount of money an insurer may deduct from an injured employee's permanent total disability compensation in certain cases where the injured employee has received a prior permanent partial disability (PPD) award. Further, the measure clarifies that the \$600 per month minimum benefit for persons who are permanently and totally disabled applies to the recipients while they are still alive as well as to their surviving dependents.

The measure clarifies that an injured employee may obtain a second PPD rating, but the employee must select a physician from the rotating list of rating doctors. The employee also must pay for that second rating. The bill shortens the time frame for reporting injuries or occupational diseases to an employer from 30 to 7 days.

Senate Bill 458 clarifies that a rating evaluation must include an evaluation of the loss of range of motion, sensation, and strength if the second edition of the American Medical Association's *Guides to the Evaluation of Permanent Impairment* is used. If a more recent edition that offers a choice of rating methods is adopted by the Division of Industrial Relations, the administrator must select the method to be used.

If a program of vocational rehabilitation is unsuccessful, an injured employee may request a second program, and an insurer must approve the request if good cause is shown. If the second program also is unsuccessful, an injured employee may request a third program, and the insurer, with approval of the injured employee's employer, may approve the request. An insurer's decision to deny a third program may not be appealed.

In addition, S.B. 458 creates a legislative committee to study workers' compensation and establishes a surcharge formula to ensure the solvency of SIIS. The manager of SIIS is authorized to collect a solvency surcharge from employers under certain conditions.

The bill imposes the existing 3.5 percent insurance premium tax on SIIS and all private carriers that write workers' compensation insurance, effective July 1, 1999. All revenue derived from the premium tax on workers' compensation insurers must be dedicated to reduce SIIS's unfunded liability. If the Commissioner of Insurance determines that the premium tax revenue is no longer needed to ensure the solvency of SIIS, such revenue generated by workers' compensation insurers must be deposited in the State General Fund.

The section repealing certain 1993 provisions is effective on June 30, 1995. Most of the bill is effective on July 1, 1995.

A.B. 57 (Chapter 194)

Assembly Bill 57 extends workers' compensation benefits for heart and lung disorders to forensic specialists and correctional officers employed by the state's Mental Hygiene and Mental Retardation Division at facilities for mentally disordered offenders. This measure also provides these benefits to forensic specialists employed by the Department of Prisons.

A.B. 59 (Chapter 127)

Assembly Bill 59 allows the Attorney General to determine the propriety of submitted evidence concerning an employer taking money out of an employee's paycheck to pay workers' compensation premiums. In addition, the measure provides that, if the amount of a benefit obtained or sought in a fraudulent manner is less than \$250, a person convicted of such an offense shall be guilty of a misdemeanor. Penalties remain unchanged for cases involving amounts of \$250 or more. The bill also allows the Attorney General, in workers' compensation fraud cases, to subpoena records from a financial institution without notifying the pertinent customer.

This measure is intended to enhance the ability of the Workers' Compensation Fraud Unit to investigate and prosecute persons who commit fraudulent acts.

A.B. 60 (Chapter 63)

Assembly Bill 60 prohibits dismantling or moving equipment that causes a serious occupational accident until the accident is investigated by the Division of Industrial Relations (DIR). A serious occupational accident is defined as one in which a fatality occurs or at least three employees are hospitalized. Equipment may be moved to free a trapped person, ensure safety, or prevent further injury to a person.

The measure also requires an employer to make available for questioning by DIR, in a reasonable amount of time, any witnesses or other persons necessary to complete an investigation of a serious accident. In addition, an employer must report a serious occupational accident to DIR within 8 hours after the accident, and DIR must initiate an investigation within 8 hours of the report.

This bill is effective on July 1, 1995.

A.B. 61 (Chapter 497)

Assembly Bill 61 increases the fines for violations of the workers' compensation statutes. The bill authorizes the of Division of Industrial Relations (DIR) to order an insurer, third party administrator, or medical provider to pay an injured worker a benefit penalty in an amount equal to 50 percent of the compensation due or \$10,000, whichever is less, if the violation affects the worker's benefits. In no event may a benefit penalty be less than \$500. In addition, the bill requires the Commissioner of Insurance to consider a second benefit penalty as evidence for the withdrawal of a certificate of self-insurance. Finally, A.B. 61 expands the authority of the DIR to impose an administrative fine on an unlicensed contractor for a violation of certain laws and regulations relating to the control of asbestos. Under present law, DIR is only authorized to fine a licensed contractor who violates these provisions.

The fines and penalties for violations of the workers' compensation statutes are designed to work in conjunction with S.B. 458 and its exclusive remedy provisions. According to testimony, the benefit penalty of up to \$10,000 provides a swifter remedy for workers than bad faith civil lawsuits, and forfeiture of the self-insurance certificate is a greater deterrent than the possibility of an adverse judgment after trial.

This bill is effective on July 1, 1995.

A.B. 498 (Chapter 578)

Assembly Bill 498 establishes certain requirements for the formation of an association of public or private employers self-insured for workers' compensation. The bill establishes financial reporting requirements for associations and their members, including a tangible net worth standard. A member of an association must give at least 120 days notice before voluntarily withdrawing from an association. A member of an

association who leaves that association and obtains workers' compensation coverage from the State Industrial Insurance System (SIIS) must remain covered by SIIS for at least 2 years before again joining an association. The measure eliminates provisions relating to service companies and adds provisions governing activities of persons who form or propose to form or finance an association. The bill also makes technical changes to provisions relating to third-party administrators and requires that an association employ a third-party administrator.

Group self-insurance was authorized by Senate Bill 316 of the 1993 Session, with an effective date of July 1, 1995.

This measure is effective on July 1, 1995.

A.B. 552 (Chapter 580)

Assembly Bill 552 makes various changes to the provisions governing industrial insurance. The bill allows private insurance carriers to provide workers' compensation insurance and provides for state supervision of premium rates and advisory organizations. The measure establishes procedures for collecting delinquent premiums owed to the State Industrial Insurance System (SIIS) and exempts SIIS from certain administrative requirements applicable to other executive agencies.

Provisions relating to the adoption of regulations, designation of an advisory organization, inspection of records, and filing of rates to be used by SIIS and private carriers are effective on July 5, 1995. For most other purposes, the bill is effective on July 1, 1999.

A.B. 587 (Chapter 544)

Assembly Bill 587 revises provisions regarding workers' compensation fraud by increasing penalties for committing certain violations. The measure also authorizes the Attorney General to use a portion of the fines, fees, and assessments recovered to pay the costs of operating the Workers' Compensation Fraud Unit. The bill prohibits a provider of health care who is convicted of certain fraudulent practices from accepting payment for treatment of injured employees and prohibits an employer from knowingly employing a person who is receiving benefits in an unlawful manner.

In addition, A.B. 587 revises provisions relating to payment of an award for permanent partial disability in a lump sum to an employee who is the subject of a criminal action. The bill requires an insurer to make installment payments in lieu of a lump sum payment until a judgment in the action is entered. If the employee is not convicted of the alleged violation, the insurer shall pay the balance of the award in a lump sum.

The bill makes it unlawful for an employer to knowingly misrepresent the classification or duties of an employee, clarifies that the Attorney General may use health care

records in civil and criminal actions, and expands the right of certain persons to receive copies of such records. The measure also requires health care providers and employers to make certain records located outside this state available upon request.

LEGISLATURE

S.B. 1 (Chapter 1)

Senate Bill 1 transfers \$5 million to the Legislative Fund to provide finances for the 1995 Legislative Session.

This bill is effective on February 2, 1995.

S.B. 135 (Chapter 441)

Senate Bill 135 appropriates \$1,730,020 to the Legislative Fund for additional equipment and software for information systems for the Legislative Counsel Bureau.

This measure is effective on June 30, 1995.

S.B. 136 (Chapter 440)

Senate Bill 136 appropriates \$64,000 to the Legislative Fund for computer equipment and software to allow interaction between the Legislature and other entities through INTERNET.

This measure is effective on June 30, 1995.

S.B. 137 (Chapter 45)

Senate Bill 137 provides for the free distribution of Legislative Counsel Bureau publications to county law libraries.

S.B. 246 (Chapter 522)

Senate Bill 246 makes various changes to the provisions governing the prefiling of legislative bills and resolutions. The measure provides that legislators and any entity authorized to request the preparation of a legislative measure may request the Legislative Counsel to prefile a requested bill or joint resolution. The Legislative Counsel must not prefile a measure for a holdover senator or authorized entity until after the general election preceding a regular session. A measure must not be prefiled for a member of the Legislature who is elected or reelected to office at the general election immediately preceding a regular session until determined to have received the highest number of votes by the official canvass of votes. Further, S.B. 246 directs the Legislative Counsel to transmit bills and joint resolutions for prefiling to the Secretary of the Senate or the Chief Clerk of the Assembly. Finally, this bill clarifies the

information that must be printed on a measure for prefilming and requires that all prefiled bills and joint resolutions must be introduced and referred to a standing committee in the order in which they are numbered.

S.B. 249 (Chapter 655)

Senate Bill 249 provides for additional categories in the summary contained on each bill or joint resolution introduced in the Legislature. The fiscal note portion of the summary must indicate whether appropriations are included in the executive budget.

S.B. 368 (Chapter 95)

Senate Bill 368 appropriates \$3.6 million to the Legislative Fund.

This measure is effective on May 16, 1995.

S.B. 432 (Chapter 293)

Senate Bill 432 ratifies technical corrections to the *Nevada Revises Statutes* and *Statutes of Nevada 1993*.

The Legal Division of the Legislative Counsel Bureau continuously looks for conflicting sections of different bills and technical errors in the *Nevada Revised Statutes* and *Statutes of Nevada*. In the case of conflicting language, changes are made only after careful consideration of legislative intent. This bill ratifies those technical changes.

Some sections of this bill are effective on June 20, 1995; the remaining sections are effective on October 1, 1995.

S.B. 465 (Chapter 212)

Senate Bill 465 increases from two to four the number of licensed attorneys who may be appointed by the Legislative Commission to the National Conference of Commissioners on Uniform State Laws. Existing law specifies that the commission shall appoint members of the Legislature who are attorneys, if available. Further, S.B. 465 authorizes the Legislative Counsel to appoint not more than two additional commissioners from the attorneys employed by the Legislative Counsel Bureau, upon approval of the Legislative Commission.

This bill is effective on June 14, 1995.

S.B. 496 (Chapter 431)

Senate Bill 496 makes technical corrections to inappropriate or inaccurate statutory terms, clarifies ambiguities, and deletes obsolete provisions of Nevada law.

Senate Bill 496 was compiled by the Legislative Counsel, pursuant to the statutory duties of that office, to clarify various provisions of *Nevada Revised Statutes* and resolve conflicts that arose last session but were not resolved in the passage of certain bills. Such a measure is prepared for each regular session and is commonly termed the "reviser's bill."

The majority of this measure is effective July 1, 1995.

S.B. 553 (Chapter 434)

Senate Bill 553 makes various changes concerning the Legislative Counsel Bureau. The measure authorizes the director of the bureau to approve the purchase and sale of souvenirs of Nevada or its Legislature in the Legislative Building. In addition, the bill removes certain obsolete provisions; authorizes additional petty cash accounts; makes various changes concerning postaudits performed by the Legislative Auditor; authorizes the reproduction and sale of *Nevada Revised Statutes* on electronic disks; grants certain authority to the Legislative Police on legislative property; provides qualifications for the Research Director; and clarifies and expands the duties of the Research Division. Finally, the content of work products of the Legal and Fiscal Analysis Divisions is declared confidential and not subject to subpoena only if at the time of creation a representation of confidentiality is made.

The provision authorizing additional petty cash accounts is effective July 1, 1995. The remainder of the bill is effective October 1, 1995.

S.B. 573 (Chapter 672)

Senate Bill 573 ratifies technical corrections to the *Nevada Revised Statutes* and *Statutes of Nevada 1995*. The Legal Division of the Legislative Counsel Bureau continuously searches for conflicting sections of different bills and technical errors in the *Nevada Revised Statutes* and *Statutes of Nevada*. In the case of conflicting language, changes are made only after careful consideration of legislative intent. This bill ratifies those technical changes.

The bill is effective on June 30, 1995.

S.B. 582 (Chapter 630)

Senate Bill 582 resolves technical conflicts between various legislative measures passed during the 1995 Legislative Session. The technical conflicts are found in the three major crime bills of the 1995 Legislative Session (Senate Bill 416, Assembly Bill 317, and Assembly Bill 393), which passed simultaneously.

The bill is effective on June 30, 1995.

S.J.R. 3 (File No. 104)

Senate Joint Resolution No. 3 proposes to amend the *Constitution of the State of Nevada* to change the first day of a regular biennial legislative session from the third Monday in January to the first Monday in February and to limit the length of each such session to no more than 120 calendar days. In addition, the measure requires the Governor to submit the proposed executive budget to the Legislature not later than 14 days before the start of each regular session.

If approved in identical form by the 1997 Legislature, this proposal will be submitted to the voters for final approval or disapproval at the 1998 General Election.

S.C.R. 20 (File No. 144)

Senate Concurrent Resolution No. 20 amends the Joint Rules of the Senate and Assembly by establishing a comprehensive policy regarding sexual harassment and procedures for the administration of related claims. The measure states the intention of the Legislature to maintain a working environment that is free from sexual harassment. The policy applies to all legislators, lobbyists, legislative interns, and employees of the Legislature, including supervisors and coworkers.

The measure defines the term "sexual harassment" and includes some examples of such conduct. The resolution also provides due process procedures for filing, investigating, and hearing a complaint. A complainant is not prohibited from also filing a complaint with the federal or state equal employment authorities.

S.C.R. 32 (File No. 157)

Senate Concurrent Resolution No. 32 amends the Joint Rules of the Senate and Assembly that concern the review, by the Senate Committee on Finance and the Assembly Committee on Ways and Means, of proposed budgets of state agencies that collect state revenue. The committees must require, if practicable, each agency to deposit revenue that it has received within 24 hours after receipt. The committees must

allow such agencies to deposit the revenue directly or contract with a service to deposit the revenue within the specified period.

A.B. 34 (Chapter 82)

Assembly Bill 34 appropriates \$125,000 to the Budget Division of the Department of Administration for the reimbursement of the Legal Division of the Legislative Counsel Bureau for the cost of drafting bills requested by agencies of the executive branch.

This measure is effective on May 16, 1995.

A.B. 210 (Chapter 729)

Assembly Bill 210 makes various changes to the provisions governing the preparation of the budgets of state government. Among other things, the bill revises deadlines for the submission of certain budgetary information. The bill also broadens the scope of budgetary information that must be provided to the Fiscal Analysis Division of the Legislative Counsel Bureau by the Budget Division of the Department of Administration. Further, the bill provides a deadline of the 19th day of a regular session for the Governor to submit sufficiently detailed requests for the drafting of legislative measures to carry out the state budget. Finally, the bill creates a budget subcommittee of the Legislative Commission, which must be appointed after each general election and before the start of the next regular session of the Legislature to review and consider certain fiscal issues and reports.

This measure expires by limitation on July 1, 1997.

A.B. 279 (Chapter 569)

Assembly Bill 279 revises the provisions governing requests for the drafting of bills and resolutions for a regular legislative session. The bill authorizes a board of county commissioners or city council to request the Legal Division of the Legislative Counsel Bureau to prepare such measures, within prescribed limits based on population, that the board or council previously approved at a public hearing. The Legislative Counsel is required to notify the requesting county or city if a request substantially duplicates a request from another county or city. Further, A.B. 279 requires a county or city to submit to the Legislative Counsel, within 2 weeks after the start of a legislative session, a priority list of its requests for drafting.

A.B. 412 (Chapter 503)

Assembly Bill 412 specifies that a certificate of election or commission must not be withheld from the person receiving the highest number of votes for public office because of any contest of election that may be filed. A candidate for the Legislature who receives the most votes in a contested election must, initially, be seated as a member of the appropriate house and allowed to participate in its organization. After hearing the contest, if the house declares to be elected the candidate who filed the contest, the Governor shall execute and deliver a certificate of election to that person. The certificate of election originally issued to the other candidate is thereafter void. For election contests involving the offices of Governor, Lieutenant Governor, or Supreme Court Justice, the candidate receiving the most votes must be seated and perform the duties of the office prior to a decision of the contest.

A.B. 563 (Chapter 605)

Assembly Bill 563 authorizes reimbursement to a legislator who moves to Carson City during a regular legislative session for certain costs related to the rental of furniture for a temporary residence. The reimbursement must not exceed the amount that it would have cost to move similar furniture between the legislator's home and Carson City. Assembly Bill 563 retains \$6,800 as the maximum amount that may be paid to any legislator as reimbursement for travel and moving expenses, including furniture rental, during a session.

Testimony indicated that this measure should reduce legislative expenditures because many legislators from southern and rural Nevada now move furnishings from their homes to temporary, unfurnished rental units in Carson City. The alternative of renting furniture currently is not a reimbursable option, even though it may be less expensive than moving furniture to and from Carson City.

A.B. 735 (Chapter 617)

Assembly Bill 735 increases and establishes maximum daily salaries for employees of the Senate and Assembly.

A.J.R. 14 (File No. 99)

Assembly Joint Resolution No. 14 proposes to amend the *Constitution of the State of Nevada* by removing the Lieutenant Governor as President of the Nevada Senate. The measure also abolishes the additional expense allowance of \$2 per day paid during session to the President of the Senate and Speaker of the Assembly. If a vacancy occurs in the office of the Lieutenant Governor, the person appointed by the Governor

to fill the vacancy must hold office until the next general election in which the Governor is elected.

Proponents of the measure testified that the duties and role of the Lieutenant Governor in the Senate are contrary to the "separation of powers" principle because the Lieutenant Governor presides over the Senate and is permitted to vote in the event of a tie. Testimony also indicated that the additional allowance provided to the presiding officers of the Senate and Assembly ²⁰⁶causes complications with regard to federal income tax provisions.

If A.J.R. 14 is approved in identical form by the 1997 Legislature, it will be submitted to the voters for final approval or disapproval at the 1998 General Election.

A.C.R. 7 (File No. 149)

Assembly Concurrent Resolution No. 7 amends the Joint Rules of the Senate and Assembly for the 1995 Regular Session by establishing a waiting period of 24 hours between the introduction of the general appropriation bill and a vote on its final passage by its house of origin.

Testimony concerning the resolution indicated that the general appropriation bill for the operation of Nevada State Government, which is one of the final measures introduced before the Legislature adjourns *sine die*, sometimes is approved on the day of its introduction. A 24-hour waiting period is recommended to allow more time for the review of this particularly significant measure by both legislators and the public and to promote more openness in the legislative process. This approach allows time for review of the general appropriation bill without delaying the conclusion of the legislative session.

A.C.R. 8 (File No. 35)

Assembly Concurrent Resolution No. 8 amends the Joint Rules of the Senate and Assembly by removing provisions that require a 2-week adjournment early in each regular legislative session.

This measure eliminates the formal 2-week adjournment the Legislature has taken during the past three regular sessions. The primary purpose of the adjournment was to allow the Senate Finance and Assembly Ways and Means Committees to conduct concentrated, all-day hearings over a 2-week period. Although the budget review process is expedited, the session in general does not progress during this period.

Other "morning committees" typically conduct hearings on bills and topics of legislative concern in Las Vegas during the adjournment. Citizen turnout declined significantly over the past 2 years, however. Also, because the adjournment is taken early in the session to assist the budget process, there generally are not enough bills to allow a full

schedule of hearings of other committees in southern Nevada. In addition, bills must be re-heard in Carson City after the adjournment has concluded. Thus, proponents of the measure testified that the 2-week adjournment as now conducted is not an efficient use of time for most standing committees or the legislative process in general.

A.C.R. 53 (File No. 169)

Assembly Concurrent Resolution No. 53 limits the number of requests for the drafting of legislative measures that may be submitted to the Legislative Counsel during the 1995-1996 interim period. The measure prescribes limits for requests from all senators and assemblymen, including those who served in the 1995 Session and those who are elected at the 1996 General Election. Limits also are established for the chairmen of standing committees and legislative leaders, including those who served in 1995 and those designated for such positions after the 1996 General Election.

In addition, the measure limits requests for the drafting of legislative measures that are submitted by the chairmen of the Legislative Commission and Interim Finance Committee, interim study committees of the Legislature, the Board of Regents of the University of Nevada, agencies of the executive branch, Nevada's constitutional officers, and the judicial branch.

The resolution directs the Legislative Counsel to take all actions necessary to complete 1,000 bill drafts before the first day of the 1997 Session and prohibits a requester from changing a request's subject matter after it has been submitted for drafting.

This measure, in conjunction with Assembly Bill 279, is designed to reduce the total number of bill draft requests submitted for the 1997 Legislative Session. Testimony indicated that such a reduction is essential if the Legislature is to shorten the length of regular sessions.

LOCAL GOVERNMENTS, SPECIAL DISTRICTS, AND
MISCELLANEOUS MATTERS RELATING TO
GOVERNMENT AND PUBLIC AFFAIRS

Bills Applying Generally to Local Governments

S.B. 504 (Chapter 433)

Senate Bill 504 precludes a local government from adopting an ordinance or regulation that prohibits or unreasonably restricts the owner of real property from using a solar energy system on that property. In addition, the measure declares void any legal instrument that affects the sale or transfer of property and contains such a prohibition or restriction. Further, the bill clarifies the meaning of unreasonable restriction for the purposes of these prohibitions.

S.B. 542 (Chapter 669)

Senate Bill 542 authorizes the governing body of a county with a population less than 400,000 that provides sewerage, or of any city that provides sewerage, to adopt an ordinance to have delinquent sewerage charges collected along with the county's general taxes. The measure requires the body to pay to the county treasurer the greater of 4 percent of the delinquent sewerage charges to be collected on the tax roll or the amount estimated necessary to collect and distribute those charges.

This bill is effective on July 1, 1995.

S.B. 543 (Chapter 687)

Senate Bill 543 provides that local government purchasing and public works laws do not apply to a contract under which a private developer, for the benefit of a private development, constructs a water or sewer line extension project for which reimbursement will be received. If the developer pays the entire cost of the project, the provisions concerning competitive bidding and prevailing wages do not apply.

This bill is effective on July 6, 1995.

S.B. 569 (Chapter 726)

Senate Bill 569 makes various changes to county fair and recreation boards. If the authority is so delegated, a board of county commissioners or city council is authorized to revoke or suspend a business license upon certification by the county fair and

recreation board that the license tax has become delinquent. The license cannot be reinstated until the tax is paid.

The measure also stipulates that the terms of two of the three gaming representatives on the board in a county with a population between 100,000 and 400,000 expire on July 1, 1995, and provides for their replacement.

The provision concerning term expirations is effective on July 1, 1995. The remainder of the bill is effective on October 1, 1995.

S.C.R. 38 (File No. 132)

Senate Concurrent Resolution No. 38 urges state agencies and local governments to establish programs to encourage the participation of Nevadans in the development of public policy and the operation of government. The Legislature urges each state agency and local government to adopt a statement acknowledging its commitment to establish these programs.

The measure directs the Department of Museums, Library and Arts to serve as a repository for resolutions, regulations, and other documents generated by the legislation. In addition, the department is directed to submit a report to the 69th Session of the Legislature describing the information and programs resulting from this legislation and any recommendations concerning these programs.

A.B. 137 (Chapter 159)

Assembly Bill 137 prohibits the restraint of competition through collusion or other agreement among bidders or prospective bidders for the purchase or lease of the property of a local government. The bill stipulates that all bids are void if a member, employee, or representative of the governing board of the local government discloses or allows the disclosure of information that gives a bidder an advantage.

A.B. 144 (Chapter 644)

Assembly Bill 144 authorizes certain state and local government employers to enter into cooperative agreements concerning workers' compensation, employer's liability, or health insurance. The measure stipulates that a public employer that participates in the state's group health insurance plan must obtain the approval of the Committee on Benefits before entering into a cooperative agreement for health insurance.

In addition, A.B. 144 increases, from 5 to 10, the number of years that an obligation to contribute money for a cooperative agreement remains in force.

Finally, the measure allows a local government to participate as a member of a nonprofit cooperative association or nonprofit corporation established in Nevada to purchase, from a licensed insurer, group health insurance or related medical services for its members.

The bill is effective on July 1, 1995.

A.B. 179 (Chapter 58)

Assembly Bill 179 authorizes the use of county equipment on private roads under certain circumstances. The bill allows county snowplows and highway patrols to be operated on private roads if the board of county commissioners declares an emergency. In addition, such use is authorized if the board deems it to be in the best interest of the county. Except in emergency situations, the use must not interfere with the normal operations of the county, and the equipment must be on routine county business in that area. The measure establishes guidelines for a practice that is common in all 17 counties, but particularly in the rural areas.

A.B. 206 (Chapter 165)

Assembly Bill 206 revises the threshold that determines the existence of a commissioner township for civil marriages. This measure increases, from 6,000 to 7,500, the minimum number of registered voters required for the establishment of a commissioner township. Certain townships have exceeded the number of registered voters required to establish a commissioner of civil marriages, but the number of marriages performed does not warrant the burden and expense of creating and operating a commissioner's office.

A.B. 267 (Chapter 138)

Assembly Bill 267 amends certain provisions governing land use planning and planning commissions. The measure stipulates that, in a county with a population of 400,000 or more, the term of a city or county planning commissioner is the same as that of the member of the governing body recommending the commissioner's appointment. If the recommending member resigns or the office becomes vacant for any other reason, the corresponding commissioner may serve the rest of the original term until the next election at which the vacant office in the governing body is filled. In addition, the measure stipulates that a planning commissioner may be removed for just cause. Finally, the bill requires that a parcel map include the signature of each owner of the land to be divided.

The bill is effective on May 31, 1995.

A.B. 336 (Chapter 381)

Assembly Bill 336 makes various changes regarding the operation of municipal airports. The bill authorizes the governing body of a municipality to purchase property that may be affected by future airport operations from willing sellers, even though it will not be put to immediate use. Property that may be acquired includes parcels to enhance the safety or efficiency of the airport or its access roads; to promote the future development of the area surrounding the airport; and to complete the assemblage of tracts for future airport development. Also included are parcels that may be acquired at a lower price now than at a later time or that are significantly affected by airport noise.

Assembly Bill 336 is not intended to affect the Reno-Tahoe Airport, which is organized under another statute. Testimony on the bill indicated that there are many isolated parcels near McCarran International Airport in Clark County that may eventually be needed for airport development. The owners of many of these parcels would be willing to sell if the county were able to purchase them.

A.B. 337 (Chapter 39)

Assembly Bill 337 stipulates that affidavits for county business licenses must be filed with the licensing authority upon initial issuance or transfer of the license. Previous law required annual filing of the affidavits, thousands of which are processed for businesses that are not making any changes in ownership or location. The measure is intended to remove the burden both to business owners and to the county.

A.B. 369 (Chapter 269)

Assembly Bill 369 amends certain provisions related to zoning. The measure authorizes cities and counties to allow a hearing examiner to take final action on matters relating to variances. In addition, the bill deletes specific requirements concerning the final report of a hearing examiner and, instead, provides that the governing body shall by ordinance establish the requirements. Such an ordinance must also include procedures to appeal an examiner's decisions.

A.B. 436 (Chapter 312)

Assembly Bill 436 authorizes a county with a population of less than 400,000 to provide by ordinance that the board of county commissioners is the ex officio hospital board of trustees. The bill stipulates that an incumbent trustee must continue to serve until the expiration of the term of office for which he was elected, after which the board of county commissioners must select one of its members to serve as that hospital trustee. The measure also states that a county commissioner only serves as a hospital trustee during the commissioner's term of office.

The ordinance adopted by a county may be enacted only if the county has fully funded its indigent care account; if the county has reimbursed the hospital for indigent care; and if the hospital is experiencing significant financial difficulties or is in danger of losing its license or certification.

In addition, the bill authorizes a licensed nurse to perform certain laboratory tests in a licensed medical facility. Accordingly, the laboratory director at the facility must ensure that the nurse is competent to perform the test, the test is performed in accordance with the manufacturer's instructions, and the test performance is validated and verified.

Assembly Bill 436 addresses situations in which public hospitals encounter serious financial problems. Since the board of county commissioners is ultimately responsible for the hospital's financial condition, there are occasions when the board should serve as the hospital's governing body.

The measure is effective on June 26, 1995.

A.B. 437 (Chapter 486)

Assembly Bill 437 authorizes certain state agencies to share information from their records with local governments to assist those governments in collecting debts. The local governments are required to maintain the confidentiality of this information.

Testimony by representatives of local governments indicated that certain information, such as names and addresses that are available from state agencies, could assist them in locating persons who have failed to pay debts, fines, or taxes.

A.B. 449 (Chapter 292)

Assembly Bill 449 raises, from 40,000 to 100,000, the minimum population defining counties that must make a program of curbside recycling available to residential customers. The measure clarifies that Douglas County and Carson City are not required to have curbside recycling programs. Testimony indicated that Douglas County has implemented a successful alternative program for recycling, and Carson City has a long-term contract for curbside pickup of recyclables.

A.B. 461 (Chapter 336)

Assembly Bill 461 amends the laws relating to airports. The bill changes provisions regarding leases of real and personal property by city, county, and municipal airports to make them consistent. The maximum term of a lease agreement for municipal airports is extended to 50 years, which is the term currently allowed for city and county airports. The bill requires that city and county airports publish a notice of their intent to enter into a leasing agreement in a newspaper of general circulation once a week

for 21 days or three times in 10 days. This change makes the law consistent with that which applies to municipal airports.

Finally, A.B. 461 allows an employee of a municipality who is not a professional land surveyor to collect information to be used for preliminary planning of airports and air navigation facilities. If, after the preliminary planning is completed, the municipality chooses to proceed with the project, it must hire a professional land surveyor to prepare the necessary maps and plans.

A.B. 499 (Chapter 600)

Assembly Bill 499 revises various provisions concerning the publication of certain information by counties. The measure removes the requirement that a county publish the notice of a lien for unpaid service charges of the county. In addition, the bill allows a county the option of providing, upon request, the list of registered voters in the county. Current law requires the county to publish the list in a newspaper of general circulation prior to primary and general elections. If the county chooses to offer the list upon request, it must publish a notice advising the public that the county clerk will provide the list upon request and free of charge.

A.B. 597 (Chapter 581)

Assembly Bill 597 authorizes a city or county with a building inspector or similar official to allow independent contractors to review plans and inspect buildings on behalf of that inspector or official. The bill also provides that any public works contract expected to cost less than \$250,000 is exempt from provisions that give preference to a bidder who has paid certain sales and use taxes or motor vehicle privilege taxes in this state.

This measure is effective on July 5, 1995.

A.B. 669 (Chapter 338)

Assembly Bill 669 stipulates that the provisions of *Nevada Revised Statutes* Chapter 403, which concern county highways, roads, and bridges, do not apply to a county with a population of 100,000 or more.

According to testimony concerning the measure, the provisions of Chapter 403 are antiquated and not needed in the larger counties. In addition, other statutes already specify county authority, duties, and related matters concerning roads and bridges.

This measure is effective on July 1, 1995.

A.B. 703 (Chapter 582)

Assembly Bill 703 authorizes cities of the second or third class to be organized without municipal wards. If such a city is organized with municipal wards, the council members must be chosen by the electors within the respective wards they represent. If a city of the second or third class is not organized with municipal wards, the council members are elected at large.

Under current law, general law cities of the second or third class may elect council members at large, but the members must reside within the wards they represent. Testimony concerning the measure indicated that, in certain fast-growing cities, the ward boundaries change so frequently that it is difficult to retain council members.

A.B. 721 (Chapter 396)

Assembly Bill 721 authorizes counties to provide for the at-large election of directors of county fire protection districts in addition to the current procedure of election from precincts.

A.C.R. 33 (File No. 170)

Assembly Concurrent Resolution No. 33 directs the Legislative Commission to conduct an interim study to consider the appropriate division of fiscal responsibility for programs and services between state and local governments. The Legislative Commission must appoint a committee to evaluate the current division of responsibility between the state, counties, and cities for the delivery of services and programs. The study also must include recommendations identifying the governmental unit best suited to provide the most efficient and responsive delivery and administration of services or programs.

Bills Applying to Specific Local Entities**S.B. 23 (Chapter 91)**

Senate Bill 23 amends the charter of the City of Henderson to authorize the use of eminent domain to acquire property within the city for offstreet public parking facilities.

S.B. 104 (Chapter 246)

Senate Bill 104 revises the charter of the City of North Las Vegas to allow the library district tax rate to be calculated in the same manner as rates for other taxing districts. The maximum tax rate for Fiscal Year (FY) 1995-1996 must be calculated by using the

actual revenue received for FY 1994-1995, and thereafter allowing the same annual revenue increase of 6 percent upon existing property that is provided for other local governments. The bill also allows the library district to propose general obligation bonds in an amount not to exceed 10 percent of the assessed valuation of the district and to issue the bonds after receiving approval from the county bond commission and voters within the district. Finally, the capped operating tax rate may be overridden by a vote of the people in the same manner available to other local governments.

The bill is effective July 1, 1995.

S.B. 225 (Chapter 186)

Senate Bill 225 exempts the Airport Authority of Washoe County from requirements to file reports of its outstanding debt, debt management policy, and capital improvement plan with Nevada's Department of Transportation, the county clerk, and the general obligation bond commission. This exemption applies only if the authority does not have any general obligation bonds outstanding and does not propose to issue any, and the bill requires the authority each year to notify the commission to that effect.

The measure is effective on June 12, 1995.

S.B. 274 (Chapter 677)

Senate Bill 274 appropriates \$250,000 to the Lincoln County School District for increased costs of construction of the elementary school located in Alamo and for books and materials for the 1995-1996 school year.

This measure is effective on July 6, 1995.

S.B. 282 (Chapter 97)

Senate Bill 282 amends the charter of the City of Reno to allow any person aggrieved by a final disciplinary decision of the city's civil service commission to petition for judicial review.

S.B. 304 (Chapter 24)

Senate Bill 304 requires the state's Department of Taxation, in consultation with the Local Governmental Advisory Committee, to review the financial condition of the White Pine County School District. The measure directs the department to make certain determinations from this review and the school district to make its records available to the department.

In addition, S.B. 304 requires the department to audit the school district's finances and prepare for the district a tentative 5-year budget that enables the district to meet its obligations by the end of that period.

The measure also requires the department and the committee jointly to report the results of the review and the progress of the audit and budget preparations to the Senate and Assembly Committees on Government Affairs by May 17, 1995. Quarterly reports shall be made to the Legislative Commission. A final report of the audit, tentative budgets, and any legislative recommendations must be made to the 1997 Session of the Nevada Legislature.

This bill is effective on April 7, 1995.

S.B. 305 (Chapter 23)

Senate Bill 305 directs the Executive Director of the state's Department of Taxation to analyze the current and projected cash receipts and disbursements of the White Pine County School District for Fiscal Year 1994-1995. The Legislative Auditor is directed to review this analysis. The measure directs the school district to make its records available to the executive director.

This bill also directs the executive director and the Legislative Auditor to report the results of the analysis to the Senate and Assembly Committees on Government Affairs by April 10, 1995.

In addition, S.B. 305 prohibits the district from issuing any form of municipal security, entering into any lease, or incurring any other obligations other than current accounts necessary for normal operation until October 1, 1995.

This bill is effective on April 7, 1995.

S.B. 308 (Chapter 463)

Senate Bill 308 changes, from property taxes to special assessments, the source of funding for special districts created within redevelopment districts to provide additional police protection and defray the cost of maintenance. The bill also provides a method for apportioning the assessment between property owners in the district.

These special districts exist only within the City of Reno. Because the districts are now supported by property taxes, they bring the combined property tax rate close to the statutory maximum of \$3.64, threatening the ability of the Washoe County School District to issue bonds for school construction. Changing the source of financing for these districts makes a part of the property tax rate available to the schools.

This measure is effective January 1, 1996.

S.B. 336 (Chapter 658)

Senate Bill 336 requires that Clark County and the City of Las Vegas place a question on the November 5, 1996, general election ballot for voter approval of a property tax levy to support the hiring of additional police officers by the Las Vegas Metropolitan Police Department. The maximum rate of the levy is 20 cents per \$100 assessed valuation. The proceeds must be apportioned between the city and the county in the same manner as other funds to support the department.

If the question is defeated in either the city or the unincorporated area of the county, the tax may not be imposed.

This measure is effective on July 5, 1995.

S.B. 349 (Chapter 423)

Senate Bill 349 authorizes a regional transportation commission (RTC) to be designated as a metropolitan planning organization and to carry out the duties prescribed for such an organization by federal law.

This measure also expands the services that may be provided by a public transit system in a county with a population of 400,000 or more. In addition to the transportation services authorized under existing law, such a public transit system may provide programs to reduce or manage traffic. The transit system may also provide any other services for public mass transportation requested by the general public, if those services are included in a long-range plan adopted according to federal law. Furthermore, the bill authorizes such a transit system to provide on-call public transportation in an area of the county if the RTC receives a determination from the Public Service Commission of Nevada and the Taxicab Authority that there are no common motor carriers of passengers who are authorized to provide on-call operations in that area, or there are no authorized carriers who are willing or able to provide such services.

S.B. 430 (Chapter 662)

Senate Bill 430 removes the regulatory oversight responsibility for emergency medical services in Washoe County from the District Health Department and places the responsibility under the jurisdiction of the State Health Division. These oversight responsibilities include licensing of ambulance attendants; inspection and operational monitoring of emergency vehicles and equipment; certifying emergency medical technicians; permitting ambulance services; implementing standards for emergency medical service training; reviewing and approving training programs; and investigating

emergency medical service complaints. Senate Bill 430 provides an appropriation of \$357,481 from the State General Fund to the Health Division to support this change.

The measure is effective on July 1, 1995.

S.B. 444 (Chapter 663)

Senate Bill 444 appropriates \$250,000 to the Mineral County School District for a portion of the costs of construction of a school to replace Schurz School. This appropriation is contingent upon the district obtaining money from any public or private source in an amount that, when combined with this appropriation, is sufficient to fund construction of the school.

This measure is effective on June 30, 1995.

S.B. 469 (Chapter 214)

Senate Bill 469 revises Assembly Bill 387 of the 1995 Legislative Session by providing that state water rights may be leased to the City of Reno, rather than the Silver Lake Water Distribution Company, for subsequent delivery of the water to property of the Nevada Army National Guard.

This measure is effective on June 14, 1995.

S.B. 489 (Chapter 688)

Senate Bill 489 creates a water planning commission in counties whose population is between 100,000 and 400,000 and simultaneously repeals the special acts that established the Regional Water Planning and Advisory Board of Washoe County.

The new commission is comprised of nine voting members and eight or more nonvoting members. The bill authorizes the Board of County Commissioners to increase water bills by up to 1.5 percent to fund the planning and administration of the commission. In addition, the existing property tax of one-half cent per \$100 of assessed valuation is transferred from the abolished regional water planning board to the new commission.

The commission is directed to develop a comprehensive plan for the region covering water supply for municipal and industrial use, water quality, sewer collection and treatment, drainage, and flood control. The plan must be consistent with the county's comprehensive regional plan and with the state water plan. The measure specifically requires public hearings on the plan and any later amendments. In addition, the plan and any future amendments must be approved by the Board of County Commissioners and reviewed by the Regional Planning Commission. The Cities of Reno and Sparks must approve the initial plan.

LOCAL GOVERNMENTS (continued)

Senate Bill 489 also directs the Board of County Commissioners to develop methods of water conservation and to make recommendations concerning the management and use of water in the area. The board may acquire water rights or other sources of water for future use in accordance with the plan.

In addition, the bill requires the largest utility supplying water and the county to enter into an agreement defining their respective service areas. Finally, S.B. 489 directs the Board of County Commissioners to create a water quality remediation district under specified circumstances.

This bill is effective July 1, 1995. The provisions concerning the commission expire by limitation on July 30, 1997.

S.B. 518 (Chapter 439)

Senate Bill 518 exempts any possessory interest in or right to use the property of the Airport Authority of Carson City from all state and local taxation. This measure also allows the city official who is appointed a member of the airport authority's board of trustees to be reappointed.

This measure is effective on July 1, 1995.

S.B. 556 (Chapter 590)

Senate Bill 556 allows a board of county commissioners in a county with a population greater than 400,000 to provide by ordinance for the formation of an unincorporated town in an area without residents, upon the written request of all landowners within the boundaries of the proposed town. The bill also specifies a formula for the Nevada Tax Commission to establish the allowed ad valorem revenue and basic ad valorem revenue of an unincorporated town for which such revenue was not established prior to the end of the 1989 Fiscal Year or for new unincorporated towns. In addition, S.B. 556 includes these towns in the distribution of the motor vehicle privilege tax.

The provision concerning the motor vehicle privilege tax is effective on July 1, 2000. The remainder of the bill is effective on October 1, 1995.

S.B. 581 (Chapter 727)

Senate Bill 581 appropriates \$91,000 to the Gerlach General Improvement District for the replacement of a water tank.

This measure is effective on July 1, 1995.

A.B. 19 (Chapter 98)

Assembly Bill 19 authorizes a city or county that has created a transportation district in the Lake Tahoe Basin to use the proceeds of the optional 1 percent tax on the gross receipts from the rental of transient lodging to fund a system of mass transit in that district.

This measure is effective on July 1, 1995.

A.B. 73 (Chapter 553)

Assembly Bill 73 appropriates \$118,714.84 to Pershing County for expenses related to the trial of Michael Sonner for the murder of Highway Patrolman Carlos J. Borland.

This bill is effective on July 5, 1995.

A.B. 113 (Chapter 676)

Assembly Bill 113 appropriates \$5 million to the Tricounty Railway Commission of Carson City and Lyon and Storey Counties for the establishment of a railroad line similar to the former Virginia & Truckee Railroad from Virginia City through the Gold Hill area to Carson City. This appropriation is contingent upon the commission obtaining an additional \$15 million from any public or private source, entering into a written agreement to repay the appropriation, and giving the State of Nevada first security interest in the commission's assets as necessary to ensure repayment of the appropriation.

This measure becomes effective on July 1, 1995.

A.B. 117 (Chapter 538)

Assembly Bill 117 provides for the incorporation of Pahrump, Nevada, by charter. The measure requires that a special election on the question of incorporation be held on November 7, 1995. If a majority of voters approve incorporation, the measure establishes procedures concerning the election and initial terms of the mayor, city council, and municipal judge. In addition, A.B. 117 authorizes the city council, during the period prior to incorporation, to take certain actions such as budget preparation and adoption of ordinances.

The provisions of the bill concerning the question of incorporation and subsequent procedures are effective on July 3, 1995. The effective date of incorporation, if approved, is July 1, 1997.

A.B. 174 (Chapter 59)

Assembly Bill 174 amends the charter of the City of Sparks to remove the residency requirement for the city clerk. In 1987, the Sparks city charter was amended to make the office of the city clerk an appointed, rather than elected, position. The residency requirement, however, was not removed at that time.

A.B. 285 (Chapter 88)

Assembly Bill 285 removes the 3-year limitation on the authorization of a county fair and recreation board in a county with a population of more than 400,000 to spend money for the improvement, operation, or maintenance of certain airports.

The 1993 Legislature enacted legislation to allow the Clark County Fair and Recreation Board to provide up to \$500,000 for each of three subsequent fiscal years for the airport in Bullhead City, Arizona. This airport is the closest facility of its kind to Laughlin, Nevada, which will benefit if the airport is upgraded to accommodate regularly scheduled airline flights. Assembly Bill 285 removes the sunset provision.

This measure is effective on July 1, 1995.

A.B. 294 (Chapter 89)

Assembly Bill 294 amends the Reno city charter to increase, from five to seven, the number of members of the civil service commission. The measure was requested by the City of Reno to increase community representation.

This measure is effective on July 1, 1995.

A.B. 351 (Chapter 678)

Assembly Bill 351 appropriates \$250,000 to the City of Las Vegas for funding of the activities of the California-Nevada Super Speed Ground Transportation Commission.

This measure is effective on July 1, 1995.

A.B. 358 (Chapter 130)

Assembly Bill 358 repeals provisions that authorize the creation of general improvement districts to provide public school facilities. The measure repeals 1989 legislation that allowed the creation of multi-county districts to provide facilities for public schools. Specifically, the 1989 legislation was enacted to allow Elko and Eureka Counties to

form such a district. Voters in Eureka County rejected the proposal, however, and there is no further interest in either county.

A.B. 406 (Chapter 674)

Assembly Bill 406 appropriates \$250,000 to Clark County for improvements to the fairgrounds for the Clark County fair. This money may not be transferred until the county presents evidence to the State Controller that at least an equal amount of money has been committed from a source other than the State of Nevada.

This measure is effective on July 1, 1995.

A.B. 428 (Chapter 596)

Assembly Bill 428 makes various changes to the charter of the City of Henderson. The measure amends certain provisions governing ward boundaries; replaces references to a City Treasurer and City Auditor with the Director of Finance; and removes duplicative grants of authority to the city council where that authority is granted by county ordinance or state law. Assembly Bill 428 also adds a residency requirement for members of the city council and allows the council to raise the salary of the municipal court judge.

Finally, A.B. 428 allows the trustees of a district library to establish and administer the library fund and authorizes a sale or lease of county property below its appraised value if the sale or lease is determined, after a public hearing, to be in the best interest of the public.

A.B. 458 (Chapter 701)

Assembly Bill 458 appropriates \$40,000 to the Churchill County School District for the Turnabout AmeriCorps Child Care Program to include child care and instructional classes for mothers under the age of 17 years.

This measure is effective on July 1, 1995.

A.B. 525 (Chapter 699)

Assembly Bill 525 authorizes a board of county commissioners in a county with a population of 400,000 or more to create a commission to study the Asian-American communities of the county. An ordinance of the board to create such a commission must provide for the appointment of 15 commission members, including its chairman and vice chairman. Further, the ordinance must require the commission to identify the

various Asian-American communities in the county, their history, leaders and organizations, and the social and economic needs peculiar to each identified community. If created, the commission must propose legislation to the 1997 Session to address the problems of the Asian-American communities identified in the county.

The bill becomes effective on July 1, 1995, and expires by limitation on June 30, 1997.

A.B. 542 (Chapter 393)

Assembly Bill 542 makes various changes concerning the Colorado River Commission. The bill transfers the Southern Nevada Water System to the Southern Nevada Water Authority, which assumes all liabilities of the State of Nevada and the Colorado River Commission relating to the system. In addition, the measure expands the Colorado River Commission's duty and authority to represent the state while consulting, negotiating, or entering into agreements concerning river augmentation, water quality, the operation of federal facilities on the river, and supplemental water supplies. The commission is also authorized to acquire and perfect an interest in supplemental water and to develop, store, transport, use, and treat supplemental water. The term excludes specific sources of water in Nevada.

Assembly Bill 542 also directs the commission to prepare a water administrative and operations budget and to submit it to the Legislature for authorization. The budget is the obligation of the water purveyors who directly and substantially benefit from the commission's activities. Finally, A.B. 542 establishes guidelines for the partnership between the commission and water purveyors.

Certain provisions of this measure concerning the transfer of the Southern Nevada Water System are effective on June 28, 1995. The remainder of the bill is effective January 1, 1996, when the transfer is complete.

A.B. 608 (Chapter 266)

Assembly Bill 608 revises the provisions governing the Virgin Valley Water District. The bill amends the 1993 act that created the district to include the service area of the Bunkerville Water User's Association, an annexation which was authorized by the initial legislation. The measure revises the description of the district and the membership of its governing board to reflect the inclusion of the Bunkerville service area. Finally, the bill provides for a salary of not more than \$80 per day for board members' attendance at meetings.

This measure is effective on July 1, 1995.

A.B. 644 (Chapter 351)

Assembly Bill 644 authorizes and regulates greyhound racing in a county with a population of 400,000 or more. Pari-mutuel greyhound racing may be permitted in such counties at resort hotels with more than 1,000 rooms. The tax on such gaming activities is a gross revenue tax at the same rate as other gaming activities are taxed, rather than a pari-mutuel tax on the handle. The State Gaming Control Board is charged with regulating such racing, and all fees associated with the regulation of greyhound racing under this bill must be paid by the licensee. Existing restrictions regarding the number of tracks allowed in a county and the distance between such tracks do not apply to greyhound racing in a county with a population of 400,000 or more.

A.B. 658 (Chapter 493)

Assembly Bill 658 adds bridges to the list of projects eligible for funding from the proceeds of certain room taxes. The measure further authorizes a county that has entered into an interlocal agreement for a project to advance money for the joint undertaking in anticipation of later repayment.

According to testimony, A.B. 658 will authorize an interlocal agreement to fund the construction of a bridge between Laughlin, Nevada, and Bullhead City, Arizona. Proponents of the measure noted that the current bridge will soon be insufficient to support the growing amount of traffic between the two cities.

This bill is effective on July 1, 1995.

Local Government Financial Administration**S.B. 243 (Chapter 523)**

Senate Bill 243 requires the board of trustees of each school district to adopt procedures for the approval of orders for payment of district funds under certain circumstances. Such procedures must include an alternate process for the expeditious approval of checks or warrants in order to receive a discount, avoid late fees, or pay for purchase orders or contracts previously approved by the board, and the ratification of any such payments at that body's next regularly scheduled meeting.

Existing law requires payments to be approved by a majority of the board and signed by the board's president and clerk or by a majority of the board. It is not always possible to delay a payment until the board gives its approval, and there are instances in which payment should be made immediately to take advantage of discounts or to avoid service charges.

S.B. 248 (Chapter 306)

Senate Bill 248 makes various revisions to the name, scope of authority, and procedures of a general obligation bond commission. The bill changes the name to debt management commission and exempts from a commission's authority short-term financing repaid from a special tax. The measure also requires the commissions in most counties to meet quarterly. In counties with a population of 400,000 or greater, the commission must meet monthly.

In addition, S.B. 248 requires certain information to be reported to the Department of Taxation and the commissions on or before July 1 of each year. Such reports must be made by the governing body of a municipality that proposes to issue, or has outstanding, any general obligation debt or other general or special obligations or that levies, or proposes to levy, any special elective tax. In addition to existing requirements, these reports must discuss the municipality's operational costs and revenue sources, for the ensuing 5 years, for each capital improvement project, if those costs and revenues are expected to affect the tax rate.

The bill also expands a commission's basis for denying any municipality's proposal and requires the governing body of a municipality to notify the chief financial officers of all other municipalities within a county of any proposals to incur general obligation debt or levy a special elective tax.

Finally, S.B. 248 requires the approval of the Department of Taxation before a governing body of a municipality incurs general obligation debt, if that debt would be incurred more than 36 months after its initial approval. The department's approval is effective for 18 months, and the legislation provides a renewal process for approval.

This measure is effective on July 1, 1995, and does not apply to any general obligation debt incurred or special elective tax levied before that date.

S.B. 293 (Chapter 197)

Senate Bill 293 authorizes the board of trustees of a county hospital to acquire and operate facilities adjacent to the county or counties where the hospital is established. The measure permits the board to contract with a private hospital to operate such a facility as long as the maintenance and operation of the hospital are not financed by county tax or by appropriation from the county general fund. The board of hospital trustees may use money in the hospital fund or any separate account to fund the acquisition and operation of the additional facility. Upon approval by the board of county commissioners, the trustees also may lease buildings in the county or counties in which the hospital is established.

To finance the acquisition of the additional facility, the board of hospital trustees may, without any election, issue special obligations payable only from revenues of the

additional facility or from those revenues derived from the county hospital and related facilities. The measure states that the revenue bonds are not an indebtedness of the county or counties where the county hospital is established or of the county in which the additional facility is located.

In addition, S.B. 293 specifies that the board of county commissioners in which a county hospital is established may only levy an ad valorem tax to pay for the cost of services rendered in the county where the hospital is established. Although the board of hospital trustees may annually request that a tax be levied for the maintenance and operation of the hospital, the bill prohibits the county commissioners from levying a tax for the establishment, maintenance, or operation of any facility located outside the county or counties in which the county hospital is located.

Finally, the measure deletes the provision allowing voter approval at a special election of an ad valorem tax levy to pay for emergency hospital admissions. The measure limits this approval to a primary or general election.

Senate Bill 293 was requested to allow a public hospital to purchase property in another county while minimizing the risk to the taxpayers in which the county hospital is located.

S.B. 367 (Chapter 36)

Senate Bill 367 authorizes the White Pine County School Board of Trustees to borrow up to \$2.8 million on a short-term basis to pay for the operating expenses of the school district through July 1995. The money is not to be used for capital obligations or for salary or benefit negotiations. In addition, the measure provides for the repayment of the loan from funds allocated to the school district through the State Distributive School Account. The measure specifies that any obligation incurred by the White Pine County School Board is that of the school district and not the State of Nevada.

Senate Bill 367 addresses financial difficulties encountered by the White Pine County School District. The district does not have sufficient funds to meet its operating expenses for the period of April 1 through July 31, 1995; the loan authorized under this act allowed the schools to continue to operate for the remainder of the school year.

This bill is effective on April 20, 1995.

S.B. 417 (Chapter 328)

Senate Bill 417 requires a county to deposit revenue for a new business license or a partial payment on an existing business license into a trust account until the license is

issued. Once the license is issued, the money is transferred into the county general fund.

This measure is effective on July 1, 1995.

S.B. 456 (Chapter 664)

Senate Bill 456 provides for the establishment of four types of funds for local financial administration: one for the extraordinary maintenance, repair, or improvement of existing local government facilities; one for the extraordinary maintenance, repair or improvement of capital projects; one for the construction of capital projects; and one to stabilize the operation of local government.

The measure requires the establishment of a fund for extraordinary maintenance, repair or improvement of capital projects in a county with a population of 100,000 or more and authorizes its creation in a county of less than 100,000. For existing local government facilities, the bill authorizes, but does not require, a local government in any county to establish an extraordinary maintenance fund. The measure defines extraordinary maintenance, repair, or improvement as expenses ordinarily incurred not more than once every 5 years.

For the funds mandated in the larger counties, the local government is required to allocate an amount equal to one-half of 1 percent of the total amount of the bonds sold for the project. No percentage requirement exists for a fund initiated in a county with a population less than 100,000.

The measure also enables a local government to establish a fund to stabilize government operations. The money in the fund may be used only if the total actual revenue is less than the total anticipated revenue in the general fund for the fiscal year.

Finally, S.B. 456 provides auditing requirements and limits on the amount and use of the money that may be deposited in certain funds.

A.B. 50 (Chapter 537)

Assembly Bill 50 moves certain provisions concerning municipal obligations from Chapter 354 to Chapter 350 of the *Nevada Revised Statutes*. In addition, the bill changes the term "short-term financing" to "medium-term financing." The change is a technical one and does not affect the duration of the financing. The measure also deletes unnecessary provisions concerning medium-term obligations for county farm bureaus and capital expenditures for public safety.

Finally, A.B. 50 includes in the definition of the term "medium-term financing" any obligation required to be counted against any limit upon the debt of a local government. The definition also includes any obligation not required to be so counted that exceeds

\$100,000 for a local government in a county with a population greater than 100,000 or \$50,000 for a local government in smaller counties. By including these obligations in the definition, the bill provides the Department of Taxation with authority to review certain actions.

A.B. 52 (Chapter 409)

Assembly Bill 52 requires certain bonds issued by municipalities to be sold by competitive bid rather than negotiated sale. The measure defines competitive bid as the procedure for the sale of bonds to purchasers offering the best price and interest rate. Among those required to be sold by competitive bid, except under certain circumstances, are bonds with a rating of A- or better that are either general obligation bonds; primarily secured by an excise tax; or, if secured by a pledge of the taxing power and the general fund of the municipality, issued for a local improvement district.

The bill establishes various exemptions from competitive bidding, including the following: bonds with a variable rate of interest; an issue whose principal amount is \$1 million or less; bonds with a term of 3 years or less; sales to certain governmental entities; and bonds that require unusual methods of financing or that are sold at a time when, because of certain market conditions, a negotiated sale is more beneficial. The measure also sets forth the procedures for certifying that a negotiated sale is deemed more appropriate.

If bonds must be sold by competitive sale, the municipality must publish notice in the *Bond Buyer* or its successor publication.

The bill also establishes requirements for negotiated sales, if the municipality is not otherwise required to sell by competitive bid. These requirements include notification of a reasonable number of underwriters and the establishment of procedures for the selection of the proposal.

This measure does not apply to an agreement for a sale of bonds between an underwriter and municipality entered into before October 1, 1995.

A.B. 53 (Chapter 16)

Assembly Bill 53 amends the statutes governing local improvements. The measure allows a local government to issue bonds to refund outstanding bonds for local improvement districts. If the bonds are issued, the bill requires the local government to reduce the rate of interest of the uncollected installments of assessments. In addition, the bill authorizes a single bond issue for projects in two or more local improvement districts.

Assembly Bill 53 is intended to save certain costs associated with local improvement districts. For example, a local government may take advantage of lower interest rates

by refunding outstanding bonds and issuing new bonds at the lower rate. In addition, combining two or more projects rather than financing them separately enables the sale of bonds on more favorable terms.

A.B. 163 (Chapter 118)

Assembly Bill 163 authorizes a community redevelopment agency to issue bonds at below par in accordance with certain provisions of existing state law concerning municipal obligations.

For certain market conditions, it may be more favorable to issue bonds at a discount. The interest rate is adjusted accordingly. Although most other bonds may be issued either at a premium or at a discount, current law does not provide the same flexibility to redevelopment agencies.

This measure is effective on May 26, 1995.

A.B. 224 (Chapter 563)

Assembly Bill 224 establishes additional requirements for the annual audit of a local government. Each annual audit is required to include a statement from the auditor detailing whether each fund was being used expressly for the purpose for which it was created. The bill also revises the sources of revenue that may be expended for labor negotiations between a local government and its employee organization to include a reserve in any fund if the reserve exceeds an amount considered to be reasonable and necessary to carry out the purposes for which the fund was created.

In addition, A.B. 224 appropriates \$33.7 million to the State Department of Education for distribution to school districts to be used for locally identified needs. The funds received by the school districts must be allocated on the basis of each district's proportionate share of basic support in Fiscal Year 1995 and must be used to supplement the funds the district uses for textbooks, library books, and other educational materials.

The bill also appropriates \$300,000 to the Legislative Commission to conduct an interim study of the feasibility of reconfiguring the structure of school districts in Nevada.

This measure is effective on July 1, 1995.

A.B. 281 (Chapter 148)

Assembly Bill 281 revises the provisions under which a municipality may issue, without an election, general obligation bonds that are additionally secured by revenue from a project to be financed by the issue. The measure stipulates that the governing body

must determine by a two-thirds vote of its elected members, including those whose authority to vote is limited by law, that the revenue will be sufficient to pay interest and principal. Under current law, a simple majority vote is required.

A.B. 356 (Chapter 573)

Assembly Bill 356 makes various changes concerning the issuance of municipal obligations. The measure clarifies that the general obligation bond commission must evaluate the public need to be served by a proposed debt only if the proposal would result in a combined property tax rate of more than 90 percent of the statutory limit in any of the overlapping entities in the county. Further, the bill provides that the commission's evaluation must compare the public need to be served by the proposed debt with other public needs served by current and proposed debt.

In addition, A.B. 356 stipulates that a public hearing must be held prior to the issuance of revenue-backed general obligation bonds. The measure also increases, from 30 to 60 days after publication of a resolution of intent, the time within which voters may submit a petition requiring an election to be held on the proposed issuance. Finally, the bill provides that notice of the hearing must be published at least 10 days in advance and must be at least 5 inches high by 4 inches wide.

This measure is effective on July 1, 1995.

A.B. 728 (Chapter 550)

Assembly Bill 728 establishes procedures concerning a local government found to be in severe financial emergency. If financial reports are not filed within specified time periods, the measure authorizes the Nevada Tax Commission to request the withholding of certain tax distributions. In addition, the measure establishes certain conditions including insufficient funds, excessive debt, and late payments, that constitute a severe financial emergency. If one or more of these conditions exists, the Department of Taxation may hold a hearing to determine whether it should recommend that the local government be designated in severe financial emergency.

If the department recommends such a designation, the Nevada Tax Commission also must conduct a hearing on the matter. If the commission makes a finding of severe financial emergency, the Department of Taxation must assume management of the local government. In this capacity, the department may recommend that additional taxes or charges be imposed by the local government. These include an increase in property tax, which when combined with other overlapping rates does not exceed \$4.50 on each \$100 of assessed evaluation, and an additional sales tax, not to exceed one-quarter of 1 percent. Public hearings must be held on the recommendations, and any new or increased taxes or charges that are imposed must not exceed 5 years.

For less severe situations, the bill allows a governing body to request technical financial assistance from the Department of Taxation.

The bill also amends three bills enacted earlier by the 1995 Nevada Legislature: Senate Bill 305 and Senate Bill 367, which deal specifically with the White Pine County School District, and Assembly Bill 536, which concerns local governments in financial emergency generally. Finally, A.B. 728 repeals existing statutes concerning local governments in financial difficulties.

Assembly Bill 728 addresses concerns raised by the financial condition of the White Pine County School District. The measure is intended to provide early warnings to the Department of Taxation and local governing bodies that preventive measures or corrective actions may need to be taken.

The bill is effective on July 1, 1995.

Improvement and Special Districts

S.B. 103 (Chapter 313)

Senate Bill 103 authorizes the board of directors of an irrigation district to allow a transfer of storage water to land excluded from the benefits of the district irrespective of the size or ownership of the parcels of land. Under existing law, such a transfer may only be approved if the parcel receiving the water is 40 acres or larger in a single ownership.

In exercising its discretion under the provision, the board is directed to consider the effect of the proposed change on the cost of water for other holders of water rights in the district, the district's efficiency in its delivery or use of water, the existing water rights associated with the affected land, and the public interest.

Senate Bill 103 also authorizes the State Engineer to prescribe or clarify rules and regulations for the distribution and use of water within an irrigation district upon petition by a water rights owner or association of owners within the district. A person may seek judicial review of any such action taken by the State Engineer.

The bill is effective on June 26, 1995.

S.B. 308 (Chapter 463)

Senate Bill 308 changes, from property taxes to special assessments, the source of funding for special districts created within redevelopment districts to provide additional

police protection and defray the cost of maintenance. The bill also provides a method for apportioning the assessment between property owners in the district.

These special districts exist only within the City of Reno. Because the districts are now supported by property taxes, they bring the combined property tax rate close to the statutory maximum of \$3.64, threatening the ability of the Washoe County School District to issue bonds for school construction. Changing the source of financing for these districts makes a part of the property tax rate available to the schools.

This measure is effective January 1, 1996.

A.B. 8 (Chapter 551)

Assembly Bill 8 authorizes a county to create, in an area without a local radio station, a general improvement district to acquire facilities for FM radio transmission. The bill sets forth the powers of the district board of trustees, which include the levy of special assessments and the collection of charges for the services or facilities provided by the district. The measure also authorizes unincorporated towns to obtain a license to provide FM translator signals.

A.B. 53 (Chapter 16)

Assembly Bill 53 amends the statutes governing local improvements. The measure allows a local government to issue bonds to refund outstanding bonds for local improvement districts. If the bonds are issued, the bill requires the local government to reduce the rate of interest of the uncollected installments of assessments. In addition, the bill authorizes a single bond issue for projects in two or more local improvement districts.

Assembly Bill 53 is intended to save certain costs associated with local improvement districts. For example, a local government may take advantage of lower interest rates by refunding outstanding bonds and issuing new bonds at the lower rate. In addition, combining two or more projects rather than financing them separately enables the sale of bonds on more favorable terms.

A.B. 138 (Chapter 13)

Assembly Bill 138 revises provisions concerning certain arrangements between general improvement districts and private developers. The measure exempts a private developer's contract for a sewer extension or water facility for the development from the provisions of *Nevada Revised Statutes* Chapters 332 and 339, which concern local government purchasing and contractors' bonds for public works. In addition, the provisions of Chapter 338, which concern employment on public works projects, do not apply to a contract for which the developer pays all of the initial construction costs of

the sewer extension or water facility. If the developer does not pay all of those costs, then the prevailing wage sections of Chapter 338 are applicable to the contract.

The bill is effective on April 6, 1995.

A.B. 146 (Chapter 68)

Assembly Bill 146 modifies state law concerning amendments to the master plan of a flood control district. The bill specifies that amendments to the master plan must be approved by two-thirds of the members voting on the proposal, instead of two-thirds of the full board. The measure corrects an oversight in a 1993 bill that inadvertently overlooked this statutory reference.

This measure is effective on May 5, 1995.

A.B. 358 (Chapter 130)

Assembly Bill 358 repeals provisions that authorize the creation of general improvement districts to provide public school facilities. The measure repeals 1989 legislation that allowed the creation of multi-county districts to provide facilities for public schools. Specifically, the 1989 legislation was enacted to allow Elko and Eureka Counties to form such a district. Voters in Eureka County rejected the proposal, however, and there is no further interest in either county.

A.B. 370 (Chapter 575)

Assembly Bill 370 makes various changes concerning alternative procedures for the creation of local improvement districts. The bill clarifies that the alternative procedure provisions apply to the governing body of a city or county. It also replaces the term "property" with "assessable property" to ensure that the term does not include such property as easements, state or county owned property, or other property that is located within the district but is not assessed. In addition, the measure eliminates a conflict between provisions concerning the adoption of ordinances in a district in which there is unanimous consent of the property owners and requires a two-thirds vote of the governing body to adopt, in a single reading, certain other ordinances. Finally, A.B. 370 stipulates that the governing body of the local improvement district is authorized to provide for the expenditure of bond interest and unexpended bond proceeds after completion of a project.

Some sections of this measure are effective on July 5, 1995. The remaining sections are effective on October 1, 1995.

A.B. 382 (Chapter 241)

Assembly Bill 382 makes various changes concerning local improvement districts. The bill authorizes the governing body to add an improvement to an existing contract upon request of an owner of assessable property. The owner who will be assessed for the cost of the additional work related to a project may waive the requirements for hearings and the 30-day period for payment that would otherwise apply. In addition, the measure stipulates that bond ordinances may be adopted in a single reading after a two-thirds vote of the governing body. Further, the bill allows application of unexpended bond proceeds to reduce assessments at the time the proceeds are realized and used to pay the bonds, rather than deferring application to the time of bond sale. Finally, the measure allows the governing body, under certain circumstances, to reduce the rate of interest on assessments if the interest exceeds that necessary to pay bondholders or the municipality's costs.

NATURAL RESOURCES

Agriculture, Ranching, and Mining

S.B. 44 (Chapter 49)

Senate Bill 44 eliminates specific dates associated with certificates of inspection of bees, beehives, honeycombs, and related appliances, as well as applications for entry and reentry into the state. The specific dates are replaced by language authorizing reentry for 1 year after the date of an inspection.

The bill is effective on July 1, 1995.

S.B. 177 (Chapter 70)

Senate Bill 177 authorizes designated employees of the state's Division of Agriculture to issue sheep permits and act as sheep inspectors when the State Board of Sheep Commissioners and its inspectors are unable to do so.

This measure is effective on July 1, 1995.

S.B. 178 (Chapter 144)

Senate Bill 178 provides penalties for the failure to pay a tax levied by the State Board of Sheep Commissioners based on a report from the Committee for Assessing Livestock, including the special tax for control of predatory animals. The State Board of Sheep Commissioners may waive or reduce the penalty for good cause. The measure specifies that all taxes levied by the board, and all penalties and interest, constitute a lien upon the sheep or goats until paid.

The measure further provides that costs incurred by the State Board of Sheep Commissioners in enforcing these provisions must be paid by the person against whom the provisions are enforced or by the owner or person in charge of the seized sheep.

A.B. 10 (Chapter 315)

Assembly Bill 10 authorizes boards of county commissioners to designate and post areas as being unsuitable for herding or grazing livestock in order to protect surface water sources for municipal, drinking, or domestic use. The bill specifies that these designations must be based upon scientific information and must be adopted by ordinance after consultation with affected persons and state agencies.

The bill replaces an outdated statute that prohibits livestock uses within 1 mile of these water sources. Testimony concerning the increase indicated that the 1-mile figure is arbitrary and not based on any scientific information relating to the hazard of pollution to the distance at which the livestock are kept.

A.B. 68 (Chapter 9)

Assembly Bill 68 increases the maximum reward the Division of Agriculture may pay for information leading to the arrest and conviction of a person engaged in stealing livestock from \$500 to \$1,500.

A.B. 148 (Chapter 557)

Assembly Bill 148 requires the State Conservation Commission to adopt regulations to establish a program for distributing grants in equal amounts to each qualifying conservation district. A conservation district may use the grant for reasonable and necessary expenses incurred in carrying out its statutory duties and authorities, pursuant to an annual budget approved by the commission.

The bill also appropriates, to the commission, \$85,000 for each of the next 2 fiscal years for grants to conservation districts.

Nevada's 28 conservation districts, which carry out a variety of technical assistance programs, have until now not received money from the state.

This measure is effective on July 1, 1995.

A.B. 178 (Chapter 101)

Assembly Bill 178 allows the locator of a mining claim, or a successor in interest, to remove and replace a corner marker consisting of durable plastic pipe. The bill requires a notice of remonumentation to be recorded with the county recorder within 60 days of removing and replacing the plastic pipe, specifies the contents of the notice, and establishes the recording fee. The measure provides that the replacement of plastic pipe does not amend the claim, modify its location, or require the filing of an additional or amended map.

Assembly Bill 178 also gives a person who has removed and replaced a corner marker consisting of durable plastic pipe before the effective date of the measure 60 days from the effective date to record a notice of remonumentation.

The measure is effective on May 16, 1995.

A.B. 272 (Chapter 38)

Assembly Bill 272 amends the law relating to the payment of the taxes on net proceeds of mines and royalties. The prepayment of net proceeds taxes by mines and royalty recipients is eliminated. Instead, all mines are required to provide an estimate of gross yield, net proceeds, and royalty payments by April 30 of each year for use by local governments in the preparation of budgets for the ensuing fiscal year.

The bill establishes payment schedules for the payment of taxes by mines with net proceeds of \$4 million or more and recipients of royalties of \$100,000 or more. These taxes are to be paid on actual net proceeds and royalties in three annual installments. Other mines and royalty recipients are to pay any tax due by May 10, rather than June 30 as is currently required.

Mines and royalty recipients are to be notified by the Department of Taxation by March 15 of each year regarding the payment requirement but failure to receive this notice does not relieve the taxpayer of the obligation to pay the taxes on time. The date on which taxpayers must file their annual activity statement is changed from February 15 to February 1 and the preapproved grace period is shortened from 30 to 15 days.

The bill also provides for crediting any overpayments from the previous year. Mines and royalty recipients may take only a proportional credit for a prior year's overpayment in each payment period. Provisions regarding penalties for nonpayment and underpayment are also revised. The grace period is shortened from 30 to 10 days and a penalty of 10 percent plus 1.5 percent interest per month is imposed. In addition, provision is made for local governments and school districts to share the penalties and interest.

The Department of Taxation is required to transfer any payments which it receives to the counties for distribution to the local governments and school districts within 20 days after they are collected.

The bill is effective on July 1, 1995, and provision is made for the transition to the new payment schedule.

A.B. 549 (Chapter 357)

Assembly Bill 549 requires assayers to provide, with every assay produced for a commercial purpose, a statement warning the user that the results of the assay were based solely upon the sample submitted and that investment decisions should be made only after obtaining multiple assay results and evaluating all available engineering data.

A person who knowingly fails to provide the warning statement is guilty of a misdemeanor for the first offense and a gross misdemeanor for the second and subsequent offenses.

Assayers subject to the net proceeds of mining tax are exempt from the provisions of this bill.

This measure is effective January 1, 1996.

A.B. 673 (Chapter 350)

Assembly Bill 673 authorizes the Division of Agriculture to establish regulations regarding the issuance of permits covering the movement of livestock without a brand inspection. The regulations may include, without limitation, permits for the routine movement of horses and bulls within and from Nevada for participation in rodeos.

Testimony indicated that A.B. 673 is intended to reduce the number of required brand inspections for rodeo stock companies based in Nevada.

A.B. 720 (Chapter 490)

Assembly Bill 720 creates the Garlic and Onion Growers' Advisory Board to carry out a program for research in the production, harvesting, processing, distribution, and market promotion of garlic and onions.

The State Board of Agriculture is directed to appoint the five members of the advisory board, administer assessments levied for research and promotion, and authorize payments from the garlic and onion research and promotion account, which is also created by this measure.

The account is funded by an assessment on all garlic and onions grown in Nevada, not to exceed \$10 per acre, and from gifts or grants the advisory board is authorized to collect. The measure authorizes the Division of Agriculture to receive reimbursement for administrative expenses from the account created by A.B. 720, not to exceed 5 percent of the assessments collected.

Hazardous Materials

S.B. 63 (Chapter 416)

Senate Bill 63 broadens the authority of the State Department of Conservation and Natural Resources to regulate radioactive or hazardous waste. The measure provides that regulation applies to the discharge, deposit, generation, or disposal of these types of waste in any location or form, rather than solely underground in liquid or explosive form.

S.B. 121 (Chapter 642)

Senate Bill 121 makes changes to the fund for cleaning up discharges of petroleum from storage tanks. It raises the fee on motor vehicle fuel, diesel fuel, and heating oil from 0.6 cent to 0.75 cent per gallon and increases the annual registration fee for tanks from \$50 to \$100.

The bill maintains the existing deductible and ceiling on payments from the fund to clean up discharges from home heating oil tanks. For other tanks, the operator pays 10 percent, and the fund pays the balance, for up to \$1 million in clean-up costs and \$1 million in off-site damages. Payments by public agencies are capped at \$10,000 for clean-up and \$10,000 for damages per tank, and payments by small business are capped at \$50,000 for clean-up and \$50,000 for damages per site.

The measure also directs political subdivisions of the state that receive reimbursements for a clean-up to hold regular public hearings to ensure that the project complies with cost-effectiveness requirements of the Division of Environmental Protection.

Finally, the bill clarifies that payments to clean up discharges from heating oil tanks are for actions necessary to protect the environment or the public health and safety.

This measure is effective on July 1, 1995.

S.C.R. 60 (File No. 158)

Senate Concurrent Resolution No. 60 directs the Department of Motor Vehicles and Public Safety and the Public Service Commission of Nevada jointly to study the existing regulations governing the transportation of hazardous materials from Arizona into Nevada by way of U.S. Highway 93 over Hoover Dam. In addition, the resolution directs Nevada's Department of Transportation (NDOT) to study the feasibility of prohibiting all commercial trucks that enter this state from Arizona from traveling on Highway 93 between Hoover Dam and Boulder City. The NDOT is also directed to study methods of financing road and highway construction projects, including the issuance of bonds, to divert commercial traffic from Hoover Dam.

The results of these studies are to be presented to the Director of the Legislative Counsel Bureau for transmittal to the 1997 Legislature.

A.B. 266 (Chapter 270)

Assembly Bill 266 prohibits the State Emergency Response Commission from requiring any person to pay more than \$5,000 in total fees in any calendar year.

This bill takes effect on June 19, 1995 for the purpose of adopting the necessary regulations and on January 1, 1996, for all other purposes.

A.B. 717 (Chapter 549)

Assembly Bill 717 requires the State Environmental Commission to establish requirements for ensuring that corrective actions taken in response to releases from underground storage tanks are cost-effective. Unless the requirements are waived, the bill also requires the Division of Environmental Protection to consider site-specific factors and health and environmental risk assessment methods when determining whether corrective actions to clean up soil are necessary.

Testimony concerning A.B. 717 indicated that Nevada's program for correcting discharges from underground tanks has wide support among industry and government representatives, but the program might benefit from more consistent application of cost-effectiveness criteria and consideration of new risk assessment methods such as those developed by the American Society for Testing and Materials.

A.J.R. 26 (File No. 120)

Assembly Joint Resolution No. 26 reaffirms the Legislature's vehement opposition to the permanent or interim storage of high-level radioactive waste in Nevada. The resolution also urges Congress to continue the current practice of on-site dry cask storage of high-level radioactive waste until technology is available to recycle and reuse the waste.

Public Lands

S.J.R. 7 (File No. 112)

Senate Joint Resolution No. 7 expresses the Legislature's support for ranching and farming in Nevada. The resolution also opposes extensive and unreasonable reform of existing federal regulations concerning management and administration of Nevada's public rangelands and urges Congress to pass the Livestock Grazing Act of 1995, which would establish more reasonable provisions.

S.J.R. 27 - 67th Session (File No. 54)

Senate Joint Resolution No. 27 of the 67th Session proposes to amend the *Constitution of the State of Nevada* by repealing certain language approved in 1864. That language disclaims the right and title of the state to the unappropriated public lands within Nevada and places that land at the disposition of the Federal Government.

In addition, the resolution urges the United States Congress to consent to this amendment upon its approval and ratification by the voters of Nevada. The resolution further provides that the amendment to the Constitution, if approved by the voters, is effective upon obtaining congressional consent or upon a legal determination that such consent is not necessary.

This measure was approved by the 1993 Legislature. Since approved in identical form by the 1995 Legislature, the measure will be submitted to the voters for final approval or disapproval at the 1996 General Election.

A.J.R. 35 (File No. 114)

Assembly Joint Resolution No. 35 urges the Congress of the United States to support legislation that recognizes and preserves the value of ranching and farming to the economy and rural communities. It also urges Congress to support legislation that streamlines the paperwork requirements of federal laws affecting the use of the national forests and exempts the renewal of grazing permits from the requirements of the National Environmental Policy Act.

This resolution recognizes the residents of Humboldt, Elko, White Pine, Lincoln, and Nye Counties who rely on lands within the Humboldt National Forest for grazing livestock. Conservation groups have sued the United States Forest Service to prohibit the authorization of grazing permits in the Humboldt National Forest until alleged violations of the National Environmental Policy Act and other federal laws are resolved. The resolution notes that this litigation threatens the livelihoods of farmers and ranchers, polarizes the users of the public lands, limits constructive dialogue, and diverts resources from activities that would directly improve the range.

A.J.R. 36 (File No. 115)

Assembly Joint Resolution No. 36 urges the parties involved in and affected by litigation brought by the Nevada Wildlife Federation, the Elko County Conservation Association, and the National Wildlife Federation against the United States Forest Service over authorization of grazing permits in the Humboldt National Forest to cooperate with one another and resolve their differences.

The three conservation groups have sued the United States Forest Service to prohibit the authorization of grazing permits in the Humboldt National Forest until alleged violations of the National Environmental Policy Act and other federal laws are resolved. The resolution notes that this litigation is unproductive and adversely affects continued multiple-use management of the range.

Tahoe Regional Planning Agency (TRPA)

A.B. 11 (Chapter 47)

Assembly Bill 11 requires Nevada's Division of State Lands to offer for sale those development rights that attach to certain real property acquired by the division in the Lake Tahoe Basin. The measure applies to any rights not required to be retired and to property acquired with money from excess land coverage fees. The proceeds from the sale of these rights are deposited in the account for mitigation of land coverage and used for the purchase of additional environmentally sensitive property in the Basin.

The Tahoe Regional Planning Agency (TRPA) regulates the amount of land that may be covered with surfaces, such as buildings and driveways, that do not allow water to percolate into the ground. Applicants for projects on property that already contains too much coverage must either remove existing coverage or pay a fee to be used for removal of coverage in another location in the same watershed. Through an agreement with the TRPA, the Division of State Lands uses these fees to purchase property and retire existing or potential coverage rights. In some instances, the property purchased also carries development or other rights; this measure requires the division to offer these for sale.

This measure is effective on April 20, 1995.

A.B. 12 (Chapter 360)

Assembly Bill 12 authorizes the construction and maintenance of storm water treatment and disposal facilities within the Lake Tahoe Basin and provides for those facilities certain exemptions from laws governing public contracts. The measure authorizes Nevada's Department of Transportation and Douglas County to enter into agreements with private entities to design and construct the facilities, which collect, transport, and dispose of rainfall and other storm waters in Stateline, Nevada. The contracts and agreements are exempt from state law concerning government purchasing and public works projects.

This measure is effective on June 26, 1995.

A.B. 13 (Chapter 361)

Assembly Bill 13 places on the November 1996 statewide ballot a proposal to issue \$20 million in general obligation bonds to support grants to local governments and Nevada's Department of Transportation for erosion control projects and restoration of stream environment zones in the Lake Tahoe Basin.

The bill provides that, if the proposal is approved by the voters, the State Land Registrar is to adopt regulations for awarding grants and report the status of the program to the Legislature's Interim Finance Committee semiannually. The measure further expresses the Legislature's finding that the issuance of these bonds is for the protection of natural resources of the state and, therefore, outside the constitutional limitation on bonded indebtedness.

A.J.R. 1 (File No. 46)

Assembly Joint Resolution No. 1 urges the United States Congress to ratify amendments to the Tahoe Regional Planning Compact that were made by the State of California and adopted by the Nevada Legislature in 1987. These amendments authorize members of the governing board of the Tahoe Regional Planning Agency to appoint alternates in certain circumstances, alter the selection process of the Nevada members, and further expand the powers of the Tahoe Transportation District.

The *United States Constitution* requires that amendments to a bi-state compact, such as the Tahoe Regional Planning Compact, be approved by the affected states and ratified by Congress. Although certain amendments to the compact were approved by both California and Nevada in 1987, Congress has not yet ratified these changes.

A.J.R. 3 (File No. 44)

Assembly Joint Resolution No. 3 urges the Tahoe Regional Planning Agency, in its next scheduled review of environmental threshold carrying capacities, to rank those capacities in their order of priority. The resolution notes that limited revenue is available to achieve and maintain the environmental standards, and certain standards, therefore, may need to be emphasized over others. Thus, the agency is urged to prioritize the various environmental threshold carrying capacities, with the understanding that all of the environmental standards are necessary for the protection of the Lake Tahoe Basin and ultimately must be achieved and maintained.

A.J.R. 4 (File No. 43)

Assembly Joint Resolution No. 4 urges the Tahoe Regional Planning Agency to assist in the analysis of potentially finite resources in the Lake Tahoe Basin and to continue to review the status of environmental threshold carrying capacities in the area. The resolution addresses concerns that water and sewer capacities, currently not allocated on a regional basis, might limit the amount and location of development in the Lake Tahoe Basin if a shortage in those capacities were to occur.

A.J.R. 5 (File No. 42)

Assembly Joint Resolution No. 5 urges the Tahoe Regional Planning Agency to carry out existing plans and continue work on current projects designed to enhance environmental quality in the Lake Tahoe Basin. The resolution notes that the agency has already initiated several plans and projects that are proving beneficial to the area, and the introduction of new plans, projects, and restrictions might hamper implementation of these current programs.

A.J.R. 29 (File No. 109)

Assembly Joint Resolution No. 29 encourages cooperation among the State of Nevada, the State of California, and the Federal Government to extend facilities for non-motorized transport (such as bicycle paths) completely around Lake Tahoe. The resolution notes that there is considerable demand for these facilities and that their extension would enhance recreational opportunities in the Lake Tahoe Basin.

A.C.R. 4 (File No. 34)

Assembly Concurrent Resolution No. 4 directs the Legislative Commission to appoint a committee to continue the review of the Tahoe Regional Planning Compact and the oversight of the Tahoe Regional Planning Agency (TRPA). The measure also directs the committee to study and review the role and activities of each federal and state agency having authority to regulate activities in the Lake Tahoe Basin.

The 1985, 1987, 1991, and 1993 Sessions of the Legislature established similar oversight committees to review TRPA and the related compact between Nevada and California. The review of federal and state agencies in the Tahoe Basin is added to the responsibilities of the committee in 1995.

Water

S.B. 93 (Chapter 265)

Senate Bill 93 makes various changes relating to the titling and recording of water rights. Among other provisions, the measure requires that all transfers in ownership be recorded in the county recorder's office; allows the State Engineer to confirm title reports; and provides that water rights, permits, certificates, and applications are presumed to be conveyed with the land. In addition, the bill adds water rights to the

definition of "deed" and establishes a fee of \$25 for examining and filing a conveyance report.

The bill's provisions do not apply to transactions conducted prior to October 1, 1995.

S.B. 96 (Chapter 652)

Senate Bill 96 amends the law concerning water rights for the purpose of watering livestock on public land. The bill provides that, in this situation, the State Engineer can only issue a permit or certificate for a water right to the person who is legally entitled to place the livestock on the public land.

The bill further specifies that this provision must not be construed to impair the vested right of any person to the use of water for livestock watering or to prevent any transfer of ownership of a water right for livestock watering.

In addition, S.B. 96 amends Senate Bill 93 of the 1995 Session by clarifying that a certificate for water rights must be issued to all holders of the related permit, if there are more than one.

The bill is effective on June 30, 1995.

S.B. 97 (Chapter 69)

Senate Bill 97 provides that a subsisting right to water livestock is an existing vested right that has not been abandoned or forfeited.

This measure is effective on May 9, 1996.

S.B. 98 (Chapter 192)

Senate Bill 98 stipulates that an applicant for a permit to appropriate water must, among other requirements, provide proof of financial ability and reasonable expectation actually to apply the water to the intended beneficial use with reasonable diligence.

Current law stipulates that an applicant must prove the intention to construct any work necessary to apply water to the intended beneficial use and, if one or more cubic feet of water are to be diverted, the financial ability to construct the work necessary. Senate Bill 98 requires the applicant to prove both financial ability for all work necessary, regardless of the amount of diversion, and the applicant's actual expectation to apply the water to its intended use.

This measure is effective on June 13, 1995.

S.B. 100 (Chapter 150)

Senate Bill 100 changes the statutory reference from "tax" to "assessment" in provisions relating to adjudication of water rights, the administration of adjudicated water rights, and specific expenses of the State Engineer's office in designated groundwater basins.

This measure is effective on June 7, 1995.

S.B. 101 (Chapter 641)

Senate Bill 101 makes various changes concerning state water planning. The measure requires the Division of Water Planning to develop a state water plan, which must be approved by the Legislature. In developing the plan, the division must coordinate with local governments and identify specific needs of rural areas.

In addition, S.B. 101 increases, from 13 to 15, the membership of the advisory board on water resources. The measure specifies that six members must be from the county with the largest population and its cities; two members from the second largest county and its cities; two representatives of the water utilities in the two largest counties; and one representative of the general public. The four remaining members must represent farming, mining, ranching, and wildlife, respectively.

Finally, the measure revises the membership of the board for financing water projects by specifying that, in addition to any other qualifications, two members must represent the two most populous counties and three members the rural counties.

Certain sections of the bill are effective on July 5, 1995. The remainder of the measure is effective on October 1, 1995.

S.B. 103 (Chapter 313)

Senate Bill 103 authorizes the board of directors of an irrigation district to allow a transfer of storage water to land excluded from the benefits of the district irrespective of the size or ownership of the parcels of land. Under existing law, such a transfer may only be approved if the parcel receiving the water is 40 acres or larger in a single ownership.

In exercising its discretion under the provision, the board is directed to consider the effect of the proposed change on the cost of water for other holders of water rights in the district, the district's efficiency in its delivery or use of water, the existing water rights associated with the affected land, and the public interest.

Senate Bill 103 also authorizes the State Engineer to prescribe or clarify rules and regulations for the distribution and use of water within an irrigation district upon petition

by a water rights owner or association of owners within the district. A person may seek judicial review of any such action taken by the State Engineer.

The bill is effective on June 26, 1995.

S.B. 223 (Chapter 345)

Senate Bill 223 creates the account for the channel clearance, surveying, and monumenting program. Money in the account must be administered by the State Engineer and expended to aid local governments in the clearance, surveying, and monumenting of navigable rivers.

The bill authorizes restoration of the balance in the account from the contingency fund. It further authorizes payment from the reserve for statutory contingency account of obligations arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous.

Further, S.B. 223 appropriates \$50,000 to the account for the channel clearance, surveying, and monumenting program. It also appropriates \$190,900 to the Division of Water Resources for repairs to the outlet channel, abutment, and access road at South Fork Dam; and for removal of debris, recontouring of dike crests and the surrounding channel, and construction of a gauging station upstream of the dam on the South Fork of the Humboldt River; and equipment for the gauging station.

Finally, the measure authorizes the Division of Water Resources of the State Department of Conservation and Natural Resources to accept federal funds to offset the state's cost incurred for work on the gauging station.

This measure is effective on June 26, 1995.

S.B. 469 (Chapter 214)

Senate Bill 469 revises Assembly Bill 387 of the 1995 Legislative Session by providing that state water rights may be leased to the City of Reno, rather than the Silver Lake Water Distribution Company, for subsequent delivery of the water to property of the Nevada Army National Guard.

This measure is effective on June 14, 1995.

S.B. 489 (Chapter 688)

Senate Bill 489 creates a water planning commission in counties whose population is between 100,000 and 400,000 and simultaneously repeals the special acts that established the Regional Water Planning and Advisory Board of Washoe County.

The new commission is comprised of nine voting members and eight or more nonvoting members. The bill authorizes the Board of County Commissioners to increase water bills by up to 1.5 percent to fund the planning and administration of the commission. In addition, the existing property tax of one-half cent per \$100 of assessed valuation is transferred from the abolished regional water planning board to the new commission.

The commission is directed to develop a comprehensive plan for the region covering water supply for municipal and industrial use, water quality, sewer collection and treatment, drainage, and flood control. The plan must be consistent with the county's comprehensive regional plan and with the state water plan. The measure specifically requires public hearings on the plan and any later amendments. In addition, the plan and any future amendments must be approved by the Board of County Commissioners and reviewed by the Regional Planning Commission. The Cities of Reno and Sparks must approve the initial plan.

Senate Bill 489 also directs the Board of County Commissioners to develop methods of water conservation and to make recommendations concerning the management and use of water in the area. The board may acquire water rights or other sources of water for future use in accordance with the plan.

In addition, the bill requires the largest utility supplying water and the county to enter into an agreement defining their respective service areas. Finally, S.B. 489 directs the Board of County Commissioners to create a water quality remediation district under specified circumstances.

This bill is effective July 1, 1995. The provisions concerning the commission expire by limitation on July 30, 1997.

S.B. 539 (Chapter 479)

Senate Bill 539 clarifies that a notice of application to appropriate water must be published in a newspaper of general circulation once a week for a total of four times. According to testimony concerning the measure, the current wording of the statute occasionally has been construed to require a total of five publications.

The bill is effective on July 1, 1995.

S.B. 551 (Chapter 296)

Senate Bill 551 repeals Senate Bill 97 which was enacted earlier in the 1995 Legislative Session.

After passage discussion of S.B. 97 indicated that the existing law adequately addresses "subsisting rights" for livestock watering.

The bill is effective on June 21, 1995.

S.J.R. 12 (File No. 121)

Senate Joint Resolution No. 12 urges the Federal Government to adhere to the states' laws governing the use, allocation, management, and protection of water. The resolution specifically urges the Federal Government to recognize that the use, allocation, management, and protection of water resources is primarily the responsibility of the states and to require agencies to conduct their activities in accordance with state laws governing these factors.

The resolution also urges the federal agencies to refrain from further efforts to erode the authority vested in the states to use, allocate, manage, and protect water resources. In addition, the measure clarifies that its adoption is not intended to alter or diminish the special trust relationship between the Federal Government and the governing bodies of the Indian tribes in this state.

S.J.R. 14 (File No. 91)

Senate Joint Resolution No. 14 proposes to amend the *Constitution of the State of Nevada* to authorize the Legislature to provide for the abatement of taxes on property used in a manner that conserves water.

If this resolution is approved in identical form by the 1997 Legislature, it will be submitted to the voters for their approval or disapproval at the 1998 General Election.

A.B. 10 (Chapter 315)

Assembly Bill 10 authorizes boards of county commissioners to designate and post areas as being unsuitable for herding or grazing livestock in order to protect surface water sources for municipal, drinking, or domestic use. The bill specifies that these designations must be based upon scientific information and must be adopted by ordinance after consultation with affected persons and state agencies.

The bill replaces an outdated statute that prohibits livestock uses within 1 mile of these water sources. Testimony concerning the increase indicated that the 1-mile figure is arbitrary and not based on any scientific information relating to the hazard of pollution to the distance at which the livestock are kept.

A.B. 287 (Chapter 377)

Assembly Bill 287 removes the prohibition against individual water meters in mobile home parks. In counties with a population of 400,000 or more, the measure requires individual meters in all new mobile home parks. For existing mobile home parks in all counties, the bill allows but does not require the conversion from a master-metered water system to individual meters. The park owner or landlord is prohibited from charging any fee or rent increase to recover the costs of conversion. In addition, the bill stipulates that individual meters must be read and billed by the water purveyor.

Assembly Bill 287 is intended to promote water conservation and allow the cost savings of conservation to benefit the mobile home tenant responsible for the savings.

A.B. 435 (Chapter 408)

Assembly Bill 435 revises certain provisions governing forfeiture of water rights. The bill stipulates that, with a certificate issued for water rights from an underground source or to make certain related changes, the State Engineer must include a notice of the provisions governing forfeiture or abandonment of the water rights.

For water rights in basins for which the State Engineer keeps records of pumping, the bill requires the State Engineer to notify the owner when records indicate that at least 4 but less than 5 consecutive years have passed in which water has not been put to beneficial use. The notice must indicate that the owner has 1 year to provide proof of such use or to apply for an extension. To clarify that this notice is for informational purposes only, the bill specifies that failure to receive the notice does not nullify the forfeiture or extend the time necessary to work the forfeiture.

If water is not put to beneficial use and no extension has been granted, the bill requires the State Engineer to declare the right forfeited within 30 days.

Under current law, a failure for 5 consecutive years to put underground water to beneficial use results in forfeiture. Assembly Bill 435 does not change the 5-year forfeiture period, but the notice requirement is intended to provide an opportunity to submit proof of beneficial use or apply for an extension.

This measure is effective on July 1, 1995.

A.B. 542 (Chapter 393)

Assembly Bill 542 makes various changes concerning the Colorado River Commission. The bill transfers the Southern Nevada Water System to the Southern Nevada Water Authority, which assumes all liabilities of the State of Nevada and the Colorado River Commission relating to the system. In addition, the measure expands the Colorado River Commission's duty and authority to represent the state while consulting,

negotiating, or entering into agreements concerning river augmentation, water quality, the operation of federal facilities on the river, and supplemental water supplies. The commission is also authorized to acquire and perfect an interest in supplemental water and to develop, store, transport, use, and treat supplemental water. The term excludes specific sources of water in Nevada.

Assembly Bill 542 also directs the commission to prepare a water administrative and operations budget and to submit it to the Legislature for authorization. The budget is the obligation of the water purveyors who directly and substantially benefit from the commission's activities. Finally, A.B. 542 establishes guidelines for the partnership between the commission and water purveyors.

Certain provisions of this measure concerning the transfer of the Southern Nevada Water System are effective on June 28, 1995. The remainder of the bill is effective January 1, 1996, when the transfer is complete.

A.B. 548 (Chapter 645)

Assembly Bill 548 reduces the fees for permits from the State Land Registrar for uses of state lands, including piers, boat ramps, boat slips, mooring buoys, gas pumps, and similar structures in or on a navigable body of water. The bill eliminates fees for vessels held for short-term use on a navigable body of water.

This measure also establishes a system of credits for commercial users of these state lands who may have overpaid in a previous fiscal year for one or more of the following reasons: their fees exceeded the cap established in A.B. 548; payments they made to the United States Forest Service from receipts earned on state lands were returned to the State of Nevada; or they paid commercial fees for a use but did not conduct any commercial transactions. These credits are retroactive to July 1, 1993.

The Legislature established fees for permits for use of the state's submerged lands during the 1993 Legislative Session. Testimony concerning A.B. 548 from commercial and residential users on Lake Tahoe indicated that the fees are excessive.

The provisions concerning fees, other than those fees for which credits are provided, become effective on July 1, 1996. The remaining provisions are effective on July 1, 1995.

A.B. 580 (Chapter 487)

Assembly Bill 580 directs the State Environmental Commission and the State Board of Health to adopt regulations providing standards for the certification of laboratories that analyze water quality. The bill also specifically requires the certification of labs performing analyses relating to state and federal requirements for water pollution control and safe drinking water. The certifying official must perform on-site evaluations

of each laboratory to determine whether it is employing appropriate methods and procedures and is making results available in a timely manner.

Wildlife

S.B. 46 (Chapter 46)

Senate Bill 46 revises provisions concerning the issuance of deer and antelope tags to the owners, lessees, or managers of private land as compensation for damage caused by these animals. The bill eliminates the expiration clause that would have abolished the program on June 30, 1995.

The measure also authorizes the Board of Wildlife Commissioners to establish a special season during which the tags may be used on private land. In addition, the Administrator of the Division of Wildlife is directed to submit biennial reports to the Legislature summarizing the activities associated with the program, including any related problems and recommendations to correct these problems.

The bill is effective on April 20, 1995.

S.B. 176 (Chapter 99)

Senate Bill 176 allows the Board of Wildlife Commissioners increased flexibility in regulating activities related to birds of prey. The bill authorizes the board to adopt regulations allowing the practice of falconry or the hunting, trapping, possession, sale, or training of certain birds of prey without a license or permit. The measure also eliminates the provision that prohibits holders of scientific collecting permits or falconry licenses from killing rare or endangered species.

Testimony concerning the measure indicated that the current statutory provisions are overly restrictive, as there may be valid reasons for taking a bird in certain instances, even if the bird is rare or endangered.

S.B. 230 (Chapter 344)

Senate Bill 230 establishes the wildlife heritage trust account in the State General Fund. The bill specifies that interest on money in the account may be used for the protection, propagation, restoration, transplantation, introduction, and management of game fish, game mammals, game birds, or fur-bearing mammals.

Funding for the account is provided by revenue from the annual sale, at bid or auction, of a limited number of big game tags. Additional funding is to be generated by the

Partnership in Wildlife Drawing, which is a big game tag drawing authorized by S.B. 230. The bill also specifies that up to 18 percent of the revenue from the bid or auction sales may be used by the Division of Wildlife for administering the program and managing the wildlife.

The bill becomes effective on July 1, 1995.

S.B. 348 (Chapter 145)

Senate Bill 348 places the Committee to Control Predatory Animals under the State Board of Sheep Commissioners. The measure also replaces the term "crop-destroying bird," which refers only to starlings, with the term "property-destroying bird" which includes starlings, blackbirds, ravens, crows, and other birds that damage property, threaten human health, or cause a public nuisance.

The measure recombines the functions of the Committee to Control Predatory Animals and the State Board of Sheep Commissioners as they existed before their inadvertent separation during the reorganization of state government in 1993.

A.B. 139 (Chapter 103)

Assembly Bill 139 revises provisions concerning the authorized expenditures of certain fees collected by counties of 400,000 or more for the preservation of wildlife. The measure allows these funds to be used to protect species of wildlife that are candidates for addition to the list of endangered or threatened species under the federal Endangered Species Act. The bill also establishes a definition of candidate species. In addition, A.B. 139 lowers, from \$1,000 to \$750 per acre, the maximum fee that the county is authorized to impose on certain construction projects.

A.B. 147 (Chapter 161)

Assembly Bill 147 makes changes to state law pertaining to license agents authorized to issue licenses, tags, stamps, and permits on behalf of Nevada's Division of Wildlife. The measure repeals the authority of the state's Board of Wildlife Commissioners to designate the number of agents in any locality and requires the commission to establish the requirements for the furnishing of surety bonds by license agents. In addition, A.B. 147 increases the service fee an agent may receive for the issuance of each license, tag, or permit from 50 cents to \$1.

The measure is intended to encourage license agents to continue to operate for the public's benefit, especially in the smaller towns.

This measure is effective on March 1, 1996.

A.B. 156 (Chapter 116)

Assembly Bill 156 clarifies the period during which a replacement tag to hunt big game is valid and requires a replacement tag to be issued for the same hunting unit as the original tag. The replacement tag issued when a hunter takes a diseased animal may be used during the remaining portion of the season for which the original tag was issued or during a subsequent period of a split season.

A.B. 160 (Chapter 558)

Assembly Bill 160 makes various changes pertaining to the annual issuance of restricted nonresident deer tags by Nevada's Division of Wildlife. The bill increases the number of restricted nonresident deer tags to 16 percent of the total number of nonresident deer tags issued the previous year or 400 tags, whichever is greater. The measure also raises the maximum number of restricted tags that can be issued in any management area or unit from 25 percent to 37.5 percent (rounded to the nearest whole number) of the previous year's total nonresident rifle deer tags. Finally, the fee for a restricted nonresident deer tag is increased from \$250 to \$300.

This measure does not affect the number of deer tags available to Nevada residents, and has no effect on the State General Fund.

A.B. 161 (Chapter 67)

Assembly Bill 161 authorizes a person to fish using a second combination of hook, line, and rod, if the person purchases a stamp or permit for the second rod from the state's Division of Wildlife. The bill imposes a \$10 fee for this stamp or permit, which is valid only for a specified period. Assembly Bill 161 conforms Nevada's law with the laws of other states, including Arizona and California. This consistency is especially relevant for Nevada, since Lake Mead, Lake Mojave, Lake Tahoe, and Topaz Lake are all interstate waters and popular fishing lakes.

This measure is effective on March 1, 1996.

A.B. 212 (Chapter 561)

Assembly Bill 212 makes various changes to the fees charged for hunting and fishing licenses. The bill reduces the prices for Nevada residents between 12 and 15 years of age and increases the fees for resident and nonresident fishing and hunting licenses. The measure also replaces the existing 10-day and 3-day fishing permits and nonresident permits to hunt upland game and waterfowl with 1-day permits and the option to buy consecutive days at a reduced price; requires residents who are 65 and older to have lived in Nevada for 5 years to qualify for a reduced cost license; and

makes other changes to the fees and requirements for hunting, fishing, trapping, and falconry licenses.

This bill is effective on March 1, 1996.

A.B. 307 (Chapter 673)

Assembly Bill 307 revises the membership of the Board of Wildlife Commissioners and the process for making appointments to the board. The bill replaces one member who represents the general public with a member representing sportsmen and requires the Governor, before making appointments to the board, to consider written nominations from the county advisory boards to manage wildlife.

With certain exceptions, A.B. 307 requires the Division of Wildlife to account separately for money received from fees for hunting and fishing stamps, tags, permits, and licenses deposited in the wildlife account of the State General Fund. Such funds may be used only for the management of wildlife.

Finally, A.B. 307 requires the board to conduct a study of the interaction among the board; the county advisory boards to manage wildlife; public and private organizations actively engaged in fishing, hunting, or the conservation of wildlife; and other private or governmental entities the board considers appropriate. The board is directed to report the study's findings and recommendations for legislation by December 1, 1996.

The provision of A.B. 307 extending the terms of certain board members is effective July 1, 1995. The remainder of the bill is effective on October 1, 1995.

A.B. 537 (Chapter 358)

Assembly Bill 537 directs the Board of Wildlife Commissioners to establish a system of demerit points, to be administered and enforced by the Division of Wildlife, for violations of wildlife statutes or regulations.

This measure directs the Division of Wildlife to assess individuals demerit points for wildlife violations and to delete the points 5 years after the violation for which they were assessed. The hunting and fishing privileges of a person who accumulates 12 points are subject to suspension for up to 3 years. A person may attend a hunters' responsibilities course once in a 5-year period to reduce the number of assessed points. The bill establishes a process for notice, hearings, and judicial review.

The bill also provides that a member of the Board of Wildlife Commissioners may be removed from office for just cause, conviction of a gross misdemeanor under the wildlife statutes, or conviction of two or more wildlife violations. The Governor may not appoint a person to the board who has been convicted of such violations during the previous 10 years.

Finally, A.B. 537 makes the registration of traps, snares, and similar devices used in the taking of wild animals discretionary on the part of the owner or trapper.

A.C.R. 46 (File No. 153)

Assembly Concurrent Resolution No. 46 urges the Division of Wildlife to prepare, by July 1, 1997, a statewide elk management plan for approval by the Board of Wildlife Commissioners. In preparing the plan, the division is directed to consult with all interested and affected agencies, groups, and persons and to prepare subplans for each of Nevada's elk herds.

The division must report to the 1997 and 1999 Sessions of the Legislature concerning the status of this plan.

PARKS AND RECREATION

S.B. 220 (Chapter 201)

Senate Bill 220 adjusts the distribution of money to the Division of State Parks from parks and wildlife bonds issued pursuant to a 1989 law by transferring \$14,000 allocated for property acquisition to the preparation of park plans.

The bill also appropriates to the Division of State Parks \$1 million for structural and other improvements to park facilities throughout the state; \$474,270 for new and replacement equipment for state parks; and \$261,469 for equipment for new park facilities in specified areas.

Finally, S.B. 220 authorizes the division to request the Interim Finance Committee to increase or alter certain expenditures.

This measure is effective on June 14, 1995.

A.B. 22 (Chapter 134)

Assembly Bill 22 consolidates the account for the Division of State Parks with the account for Lake Tahoe Nevada State Park to create the account for maintenance of state parks. The measure authorizes the Administrator of the Division of State Parks to collect a fee at each state park. Such fees must be used for the repair, operation, and maintenance of sewer, water, and electrical systems within the parks at which the money is collected.

This bill is effective July 1, 1995.

A.B. 49 (Chapter 115)

Assembly Bill 49 revises the procedure to alter the boundaries of certain districts for the support of public parks. The measure removes the authority of the board of county commissioners to alter the boundaries by ordinance and, instead, provides two methods by which the district may be modified. The first allows for a unanimous petition of all property owners in the area proposed to be located in the district. The second, following a resolution of the board of county commissioners to change the district's boundaries, requires a majority vote of the registered voters in the proposed area.

A.B. 145 (Chapter 43)

Assembly Bill 145 increases from \$100 to \$1,000 the amount of a refund of park fees or deposits that may be approved by a designated county official.

A.B. 262 (Chapter 56)

Assembly Bill 262 prohibits a public health authority from denying the use of public spas to a child under 12 years of age if the child is supervised by an adult. Under previous law, local health authorities issued regulations restricting children's access to spas and even prohibiting such access for younger children. These regulations apply only to public access areas, such as spas located in resorts or hotels.

A.B. 313 (Chapter 311)

Assembly Bill 313 clarifies the limitation of liability granted to owners, lessees, or occupants of land for injuries to persons who participate in recreational activities on that land. The bill lists, but is not limited to, those activities deemed recreational.

This measure is effective on July 1, 1995.

A.B. 607 (Chapter 545)

Assembly Bill 607 provides an exemption from property taxes for privately owned parks that are built and maintained to accommodate the general public through an agreement with a local government. The bill also requires the county treasurer to notify taxpayers subject to a penalty for late payment that they may appeal to the Department of Taxation.

This measure is effective on July 1, 1995.

PUBLIC ASSISTANCE

Unemployment

S.B. 51 (Chapter 51)

Senate Bill 51 revises the eligibility requirements for unemployment compensation. The bill requires people who are likely to exhaust their unemployment benefits to participate in services designed to assist in their reemployment. If they do not participate in these services, they may be ineligible for further benefits. The Administrator of the Employment Security Division may excuse a person from participation in these services if there is justifiable cause. The measure conforms Nevada law with federal requirements.

The program is designed to provide early intervention for people who may need special assistance in locating new employment. Once these people are identified, the special assistance can begin well in advance of the expiration of their benefits.

This bill is effective on May 1, 1995.

S.B. 571 (Chapter 524)

Senate Bill 571 revises provisions governing the allocation of the money in the unemployment compensation administration fund that is used for the claimant employment program. The bill requires the State Controller, at the end of each fiscal year, to transfer certain excess revenues to the clearing account of the fund.

In addition, S.B. 571 expands the provision of employment program services to unemployed persons who are not claimants.

This measure is effective on July 1, 1995.

A.B. 448 (Chapter 230)

Assembly Bill No. 448 requires that federal individual income tax be deducted and withheld from unemployment compensation benefits upon request of the person receiving the benefits.

This bill was requested to conform Nevada law with federal law, which allows individuals to choose to have federal income tax withheld from their unemployment compensation checks.

This measure is effective on January 1, 1997, if the Governor, on or before December 1, 1996, declares that sufficient federal funding is available to the State of Nevada to support this program.

Welfare

A.B. 132 (Chapter 696)

Assembly Bill 132 revises the criminal provisions relating to the use of federal food stamps. The bill stipulates that the sentence imposed for a misdemeanor violation must include restoration of the amount criminally obtained. Further, A.B. 132 allows separate offenses and amounts involved in such offenses to be combined for the purpose of imposing criminal penalties. The court is authorized to consider, as a mitigating factor, evidence that the food stamps were sold for the purpose of obtaining necessities that may not be obtained with food stamps.

Some of the bill's provisions are needed to comply with changes to the federal food stamp laws. Further, the authorization to combine separate offenses will allow repeat offenses to be treated as felonies. Testimony indicated that some persons who commit food stamp fraud purposely limit each transaction to less than \$250 to avoid the felony provisions, even though the total amount fraudulently sold or transferred is substantially in excess of the \$250 threshold.

The bill is effective on July 1, 1995.

A.B. 487 (Chapter 599)

Assembly Bill 487 requires the Chief of the Purchasing Division of the Department of Administration to establish a supplemental food program. The bill requires the division to acquire commodities to supplement the food and services provided by programs for indigent persons. The measure mandates that not less than 95 percent of the donated commodities funds be used to purchase and distribute nutritious foods that are infrequently donated. Any remaining funds may be used for educational purposes regarding nutrition and the preparation of food.

In addition, A.B. 487 appropriates \$200,000 to the donated commodities account.

This measure is effective on July 1, 1995.

Medicaid

S.B. 214 (Chapter 712)

Senate Bill 214 exempts health maintenance organizations (HMOs) that provide services to Medicaid managed care recipients from certain statutory requirements. These exemptions apply only to Medicaid managed care contracts. Further, the bill appropriates \$12,854,622 to the Department of Human Resources to pay for the accrued costs of services rendered on a fee-for-service basis for Aid to Dependent Children, Child Health Assurance Program, and other child welfare recipients prior to the implementation of the managed care program.

A 1993 interim study determined HMOs are the most appropriate entity to manage services to Medicaid managed care clients. Current statutes that address the operation of commercial HMOs, however, are inadequate to allow for the operation of a commercial HMO involved in the Medicaid managed care business.

This measure is effective on June 30, 1995.

S.B. 471 (Chapter 588)

Senate Bill 471 authorizes the transfer of money from the hospital tax and intergovernmental transfer account to the Medicaid budget account in lieu of certain payments by counties. The bill allows a county unable to provide payment pursuant to an interlocal agreement to request that the Department of Human Resources (DHR) utilize funds in the transfer account to satisfy the county's obligation. The measure specifies the factors that the DHR and the Department of Taxation must use to evaluate a request for the transfer of funds. After recommendation by DHR, the Interim Finance Committee must approve any transfer of funds. The amount of money available for such purposes is limited to \$150,000 for Fiscal Year 1995 and \$200,000 for Fiscal Year 1996.

Currently, the Medicaid long-term care program is jointly financed by the state and counties and delineated in an interlocal agreement between DHR and all 17 Nevada counties. The counties' participation is commonly referred to as the "county match" program. Three rural counties (Lyon, White Pine, and Mineral) are in jeopardy of being unable to meet their county match financial obligations. If one county fails to comply with the terms of the agreement, the program is terminated, and the state loses all available federal matching funds for county long-term care costs. The transfer of funds from the hospital tax and intergovernmental account is a short-term solution to prevent that situation from occurring.

This measure is effective on June 30, 1995.

S.B. 547 (Chapter 454)

Senate Bill 547 repeals the tax on hospitals and establishes the manner in which certain hospitals may receive additional compensation for treating a disproportionate share of Medicaid, indigent, or other low-income patients. The measure requires counties that have public hospitals or certain private hospitals that receive disproportionate share payments to transfer a portion of their payments to the intergovernmental transfer account in the State General Fund. This money will be matched by the Federal Government and return a net benefit to the participating hospitals.

As a result of more restrictive federal regulations, the state was required to discontinue its hospital tax program, which was used to leverage additional federal Medicaid dollars. To continue to derive a state benefit, another mechanism was proposed to generate matching funds. Under federal law, states are allowed to receive intergovernmental transfers only from public hospitals or agencies. Therefore, the new program is based on the use of intergovernmental transfers from public hospitals. Since there is no public hospital in Washoe County, the county will transfer indigent funds to the state. In exchange, Washoe Medical Center will serve indigent patients without direct compensation from the county.

The measure is effective on July 1, 1995.

S.B. 560 (Chapter 671)

Senate Bill 560 enlarges the categories of assets from which public assistance may be recovered after the death of a Medicaid recipient. The measure authorizes the Welfare Division to petition the district court to impose a lien, under certain circumstances, against the real or personal property of a Medicaid recipient before or after death. In addition, the act requires county indigents to cooperate in determining eligibility for certain assistance programs. The measure also clarifies that medically necessary care does not include care deemed to be experimental or investigative by Medicaid or Medicare.

The estate recovery provisions allow the Welfare Division to obtain a lien for the amount of assistance incorrectly paid or to be paid if the recipient is an inpatient in a nursing facility, intermediate care facility for the mentally retarded, or other medical institution and is not reasonably expected to be discharged. If the assistance was correctly paid, no lien may be placed on a recipient's home if the spouse, a child under 21 who is blind or disabled, or a brother or sister under certain conditions, is lawfully residing in the home. Upon the death of a recipient, the Welfare Division is authorized to seek a lien against the recipient's undivided estate or from any recipient of money or property from the estate to recover benefits correctly paid. The bill also stipulates the conditions under which the state welfare administrator must release a lien.

The measure includes requirements regarding the information that must be contained in the petition, who must sign the petition, methods for providing notice of the petition, and the parties that must be notified. If the court imposes the lien, the welfare administrator is required to provide notice to the owner and the county recorder of each county where the property is located. The bill specifies the types of information that must be contained in the lien notice.

If a claim filed by the Welfare Division is rejected, the state welfare administrator may, within 20 days after the receipt of such notice, petition the district court for a summary determination of the claim. The bill states that allowance of the claim by the judge is sufficient evidence of its correctness and must be paid by the executor or administrator of the estate. Senate Bill 560 further requires a trustee to notify the Welfare Division within 30 days after the death of a person, if the trustee knows or has reason to believe that the settlor received public assistance.

Furthermore, the bill requires the Welfare Division to commence an action for recovery within 6 months after the death of the recipient, surviving spouse, or all blind or disabled children under 21, or when all other children reach 21 years of age. Liens against a recipient's property are valid only if a recipient receives assistance on or after October 1, 1995.

This measure addresses changes to the Medicaid Estate Recovery Program approved by the 1993 Legislature. The bill is intended to bring Nevada in compliance with federal law and to increase recoveries, which will be deposited into the Medicaid budget. The provisions concerning county indigents are designed to ensure that indigent persons receiving medical care cooperate in determining eligibility for other state and federal programs. Without such cooperation, counties must pay for services without accessing federal matching dollars that other programs could provide. Current law requires only that indigents cooperate in determining county of residence.

A.C.R. 21 (File No. 124)

Assembly Concurrent Resolution No. 21 directs the development of a proposal to amend the state Medicaid plan to include coverage for the treatment of substance abuse provided to a recipient in a nonhospital setting. The resolution requires that the proposal be a coordinated effort among the Welfare Division; the Bureau of Alcohol and Drug Abuse; and the Commission on Substance Abuse Education, Prevention, Enforcement and Treatment. The proposal to change the state Medicaid plan must be presented to the State Welfare Board by October 1, 1996.

Under the current state plan, Medicaid will pay for substance abuse services only for hospital inpatients. Many indigent persons would benefit from less costly outpatient treatment. This proposal is intended to allow existing state funds currently used for such treatments to be matched with federal money under the state Medicaid program.

PUBLIC OFFICERS AND EMPLOYEES
(See also: State Employees, Elections, and Ethics)

S.B. 16 (Chapter 648)

Senate Bill 16 prospectively increases the salaries of Supreme Court justices and district court judges. As of the first Monday in 1997, the successors in office of Supreme Court justices whose terms expire on that day receive \$107,600. Similar provisions apply to the successors in office of justices whose terms expire on the first Monday in 1999 and the first Monday in 2001.

The bill also provides that district court judges shall receive an annual salary of \$100,000 after the first Monday in January 1997. In addition, the measure decreases, from 6 to 5, the number of years of service after which a district court judge receives an additional 1 percent of the base salary.

To implement this legislation, S.B. 16 appropriates \$29,883 for the support of the Supreme Court and \$654,189 for the support of district judges' salaries and pensions of justices, judges, and surviving spouses.

The appropriations sections are effective on July 1, 1996. The provisions concerning salaries for district court judges are effective on January 6, 1997. The remainder of the bill is effective on October 1, 1995.

S.B. 84 (Chapter 650)

Senate Bill 84 increases, by 20 percent, the annual compensation for elected county officials. The measure also creates an additional class in the county categorization system by placing Esmeralda and Storey Counties in Class 6. Eureka, Mineral, and Pershing Counties are moved from Class 4 to Class 5, and Humboldt and White Pine Counties are moved from Class 3 to Class 4.

In addition, S.B. 84 increases the longevity pay from 1 percent to 2 percent of an elected county official's base salary and provides a formula for calculating such pay.

This bill is effective on July 1, 1995.

S.B. 301 (Chapter 299)

Senate Bill 301 establishes the State of Nevada's share of the premium for group insurance for public officers, participating employees, and state retirees who continue to participate in the program. The bill requires the state to pay, on behalf of each public officer and current employee, \$236.69 per month in Fiscal Year (FY) 1995-1996 and \$247.34 in FY 1996-1997. In addition, S.B. 301 establishes the state's contribution for

each retiree at \$133.35 per month for FY 1995-1996 and \$139.35 per month for FY 1996-1997.

The bill is effective on July 1, 1995.

S.B. 468 (Chapter 514)

Senate Bill 468 stipulates that certain post-retirement increases in benefits for surviving spouses of Supreme Court justices and district court judges must be the same as those provided for persons retired under the Public Employees' Retirement System.

The bill is effective July 1, 1995.

A.B. 292 (Chapter 576)

Assembly Bill 292 addresses the disposition of pension and retirement benefits provided by the Public Employees' Retirement System (PERS) in divorce cases. This bill establishes a formula for the valuation of PERS retirement plans that utilizes the number of years the contributing party was employed and received an entitlement during the marriage. The court may not consider the estimated value of increases in the benefit due to promotions and raises that may occur after the date of the decree of divorce is entered.

In making a disposition of the PERS benefits, the court may order that the benefits not be paid before the date of actual retirement. To ensure that the party who is not participating will receive benefits, the court may approve an arrangement that allows the posting of a surety bond, a policy of life insurance, an increase in the value of the benefit as compensation for the delay, or any other form of security that guarantees payment of the determined interest to the nonparticipating party.

This measure further provides that, if a party receives an interest in a plan because of the disposition ordered by the court and would not be entitled to such an interest without the court disposition, the interest and any related obligation to pay that interest terminates upon the death of either party unless an agreement of the parties or a court order requires the benefit recipient to provide for a retirement plan with survivor benefits.

The provisions regarding the disposition of retirement benefits apply only to actions filed after the effective date of the bill.

This measure is effective on July 5, 1995.

A.B. 327 (Chapter 136)

Assembly Bill 327 stipulates that, if a public employee or officer who is a certified disaster technician is authorized leave by his employer to assist the American National Red Cross, the employee must be relieved of his duties without loss of regular compensation. The measure applies to disasters occurring in Nevada and adjoining states and the paid leave is limited to 15 working days per year. At least 15 other states have similar laws, and legislation is pending in several others. Currently, there are eight public employees in Nevada who are certified disaster technicians.

A.B. 328 (Chapter 572)

Assembly Bill 328 establishes specific periods of open enrollment during which certain retired public employees may join the state's program of group health insurance. The bill provides that a person who, at retirement, did not have the opportunity to join the state's plan may do so without proof of insurability during a one-time, 5-month open enrollment period. These retirees must be pooled separately and assume all costs of coverage.

Following the one-time open enrollment period, retired public employees who did not have the opportunity to join the state's plan may do so only with proof of insurability. For these retirees, the bill provides for biennial periods of open enrollment.

This measure is effective on July 1, 1995.

A.B. 341 (Chapter 405)

Assembly Bill 341 stipulates that a member of the board of trustees of a school district may not be excluded from any group insurance or coverage for medical service or hospital care that is offered by the school district to its officers and employees. If the amount of deductions for the coverage exceeds the trustee's compensation, the trustee must pay the difference.

In addition, the bill provides that a trustee who has served at least one full term and who does not seek or is defeated for reelection may continue the group insurance for himself or his dependents, if covered at the time of expiration of office. The bill sets forth procedures for the trustee to be notified of the option to continue and for the trustee to select continuance. The trustee must assume all costs of coverage.

Finally, the measure stipulates that a former trustee who did not seek reelection or was defeated for reelection in 1994 and who was, at the time of expiration of office, covered under a group insurance, medical, or hospital care plan, may request coverage to be reinstated.

This measure is effective on July 1, 1995.

A.B. 500 (Chapter 167)

Assembly Bill 500 amends certain provisions governing the Public Employees' Retirement System (PERS). The measure stipulates that charges for deferred protection must not be made on or after July 1, 1995, and repeals associated statutes. The measure also upgrades an existing investment analyst position to administrative analyst in the unclassified service. In addition, the bill reduces, from 180 to 90 days, the period after which PERS must submit a written complaint to the Department of Taxation if a public employer is delinquent in submitting retirement contributions. In addition, the measure brings state law into compliance with certain federal requirements.

Assembly Bill 500 also revises the provisions concerning reemployment of a retired public employee. The bill removes the stipulation that the reemployed person be receiving retirement benefits for less than 18 months and, instead, increases, from 2 to 5 years, the period of reemployment required to accrue additional credit for service. The stipulation that retirement allowances plus interest must be returned is not changed.

Finally, A.B. 500 revises statutes relating to post-retirement increases and survivor benefits. The bill allows retirees to receive certain increases if their benefits do not increase at a rate greater than or equal to the Consumer Price Index, unless a different index is substituted by the board. The base survivor benefit, in the event a member dies prior to retirement, is increased from \$350 to \$400 per month for a surviving spouse and from \$300 to \$350 for surviving children or dependent parents.

The deferred protection program is obsolete, since the system's survivor benefit program was implemented in 1963 and has been amended over the years to provide superior benefits. In addition, the post-retirement benefit revisions address concerns that the current limitations have significantly eroded retirees' purchasing power. The base survivor benefits were last increased in 1989.

This measure is effective on July 1, 1995.

A.B. 555 (Chapter 356)

Assembly Bill 555 revises provisions concerning the transportation allowance for public employees. The bill requires the State Board of Examiners, on or before July 1 of each year, to establish the mileage rate, which must equal the reimbursement rate allowed for purposes of federal income tax deductions at the time the annual rate is established. If a private vehicle is used for personal convenience, the allowance is set at one-half the established rate.

Assembly Bill 555 eliminates the need to amend periodically the statute concerning the public employees' transportation allowance.

This measure is effective on July 1, 1995.

A.B. 566 (Chapter 499)

Assembly Bill 566 extends the deadlines by which the Committee on Benefits must review the history of claims paid from the state's group health insurance program and determine the appropriate rates for such insurance.

This measure is effective on July 2, 1995.

A.J.R. 12 (File No. 103)

Assembly Joint Resolution No. 12 proposes to amend the *Constitution of the State of Nevada* to prohibit future exemptions of public officers from laws applicable to the general public. The amendment does not affect existing exemptions.

If enacted in identical form by the 1997 Legislature, Assembly Joint Resolution No. 12 will be submitted to voters for final approval or disapproval at the 1998 General Election.

A.J.R. 6 - 67th Session (File No. 25)

Assembly Joint Resolution No. 6 of the 67th Session proposes to amend the *Constitution of the State of Nevada* concerning certain matters relating to the recall of a public officer. A petition for recall must contain only the signatures of registered voters in the district represented by the public officer, the number of which must be equal to 25 percent or more of those who voted at the election in which the officer was elected. Currently, the Constitution specifies that the number be equal to 25 percent or more of those who voted in the district "at the preceding general election."

The proposal also extends, from 20 to 30 days, the period within which a special election for consideration of the proposed recall must be held after it is ordered.

This measure, enacted in identical form by both the 1993 and 1995 Legislatures, will be submitted to voters for final approval or disapproval at the 1996 General Election.

A.J.R. 19 - 67th Session (File No. 37)

Assembly Joint Resolution No. 19 of the 67th Session proposes to amend the *Constitution of the State of Nevada* to prohibit money from the Public Employees Retirement System (PERS) from being loaned to the state or invested to purchase any obligations of the state. The measure also proposes amending the Constitution to require that PERS be governed by a public employees' retirement board. The board would be authorized to appoint an executive director and employ an independent actuary. The board would also be required to adopt actuarial assumptions based upon the recommendations of the actuary.

Assembly Joint Resolution No. 19 is intended to prevent the State of Nevada from borrowing from public employee pension funds during periods of fiscal difficulties. Other states have encountered serious problems in the aftermath of such borrowing.

This measure, enacted in identical form by both the 1993 and 1995 Legislatures, will be submitted to voters for final approval or disapproval at the 1996 General Election.

PUBLIC RECORDS AND OPEN MEETING LAW

S.B. 59 (Chapter 6)

Senate Bill 59 revises the provisions governing the disclosure of questions and answers contained in the achievement and proficiency examinations required of elementary and secondary students. The bill allows the Superintendent of Public Instruction to reveal the questions and answers to the public when the contents of the questions and answers are no longer utilized in the current examinations.

S.B. 90 (Chapter 131)

Senate Bill 90 makes various changes regarding the destruction and admissibility into evidence of certain records of businesses and government agencies. This measure allows, unless prohibited by federal or state law, the destruction of documents that have been produced or maintained by one of these entities in the normal course of business and reproduced by reliable means. If sufficiently authenticated, the reproductions are admissible as evidence regardless of whether the original is available for inspection.

The reproductions of any record destroyed by a government agency are deemed public records for the purposes of Chapter 239, "Public Records," of *Nevada Revised Statutes*. Agencies are required to provide assistance to members of the public in accessing these reproductions if the original record is not confidential.

S.B. 91 (Chapter 109)

Senate Bill 91 makes various changes to the provisions governing admissibility and maintenance of certain duplicate records. The bill authorizes the creation of a duplicate counterpart document by means of an optical imaging system. The measure also allows a mortgage company to maintain copies of mortgage transactions in lieu of the original records. Furthermore, this measure provides that a bank may reproduce records using optical disk imaging or any equivalent technique designed to ensure an accurate reproduction of the original. Finally, the bill authorizes the use of copies of loan documents as evidence that a mortgage or other security has been paid in full.

S.B. 283 (Chapter 521)

Senate Bill 283 revises the provisions governing the confidentiality of certain records of the Commission on Mental Health and Mental Retardation. The bill stipulates that a report concerning denial of a client's rights is confidential. In addition, the measure authorizes the commission, pursuant to provisions in Nevada's Open Meeting Law, to

close any portion of a meeting at which it discusses an employee's character or conduct with respect to denial of a client's rights or the care and treatment of a client.

S.B. 303 (Chapter 519)

Senate Bill 303 concerns purchasing by state and local governments. The measure provides that proprietary information concerning trade secrets is confidential and defines "proprietary information" as any trade secret or confidential business information contained in a bid submitted to a governing body. Such information includes data relating to the amount or source of any income, profits, losses, or expenditures, or to the cost or price submitted in support of a bid, but does not include the amount of a bid submitted to a governing body. The bill prohibits disclosure of such information unless revealed for a specified investigation. Further, S.B. 303 provides that certain acts that may influence a purchasing officer constitute gross misdemeanors.

S.B. 343 (Chapter 238)

Senate Bill 343 defines the authority of the Public Service Commission of Nevada (PSCN) and the Department of Motor Vehicles and Public Safety (DMV&PS) to examine certain records of a public utility, motor carrier, or broker. The bill prohibits the PSCN and the DMV&PS from examining employment or personnel records unless they are necessary for public protection or contain information relating to public safety. The measure does not affect access to routine data such as an employee's name, title, work address, job description, compensation, or qualifications. In addition, S.B. 343 authorizes the PSCN to hold closed hearings to consider whether trade secrets or other confidential commercial information from regulated businesses should be protected from public disclosure that might benefit competitors. Furthermore, the bill authorizes the Office of Advocate for Customers of Public Utilities to attend such hearings in the public interest. Finally, S.B. 343 authorizes the PSCN to establish the period during which such information will remain confidential and the procedures for protecting the information during that time.

S.B. 427 (Chapter 289)

Senate Bill 427 prohibits a public agency from rejecting a copyrighted document, submitted as a public record, solely because it is copyrighted. The measure clarifies that the state requirement that certain records must be public and available for copying does not supersede federal copyright laws or affect the rights of a person in a copyrighted document.

This bill is effective on June 20, 1995.

S.B. 447 (Chapter 290)

Senate Bill 447 provides for the confidentiality of certain records or information obtained by the Board of Homeopathic Medical Examiners during the course of an investigation. Such information is confidential until the investigation is completed. The bill provides that the information becomes public upon the imposition of disciplinary action by the board or the written request of the person who is the subject of the investigation. In addition, the measure authorizes the board to release information concerning a licensee to any other licensing board or law enforcement agency that is investigating the person.

S.B. 531 (Chapter 511)

Senate Bill 531 establishes an evidentiary privilege for certain review committees of health care organizations and businesses. Peer review committees and medical review committees that are responsible for evaluating and improving the quality of care provided by a facility are granted a privilege to refuse to disclose the committee's proceedings and records. This privilege is not lost if the information is disclosed to a governmental or regulatory agency. Statements made by an applicant for hospital staff privileges and documents that are public records under existing law are not privileged.

Members of the review committee may not claim the privilege in a claim of medical malpractice filed with a screening panel before October 1, 1995.

S.B. 541 (Chapter 528)

Senate Bill 541 provides that documents prepared for, or created by, a committee reviewing the compliance of a financial institution with state and federal law are confidential and privileged. These documents are not subject to discovery or admissible into evidence in a civil action unless the privilege is waived by the financial institution. A member of the committee cannot be required to testify in a civil action regarding the documents or the procedures of the committee.

S.B. 553 (Chapter 434)

Senate Bill 553 makes various changes concerning the Legislative Counsel Bureau. Among other provisions (See also: Legislature.), the bill stipulates that the content of work products of the Legal and Fiscal Analysis Divisions is declared confidential and not subject to subpoena only if at the time of creation a representation of confidentiality is made.

Certain sections of this bill are effective on July 1, 1995; the remainder of the measure is effective on October 1, 1995.

A.B. 36 (Chapter 162)

Assembly Bill 36 revises provisions concerning the inspection of records held by the Division of State Library and Archives. The bill reduces, from 50 to 30 years, the period of time during which public records declared by law to be confidential must remain closed to public inspection. In addition, the bill stipulates that correspondence of a former governor may, after a 10-year period, be disclosed without deletion of identifying information. A governor's records that have been declared by law to be confidential, however, are not subject to such disclosure during the 30-year period of confidentiality.

Assembly Bill 36 addresses concerns of both historians and the State Archives. Under current law, the division must edit a governor's correspondence to delete names and identifying information, unless the identified person is a public officer or employee, is deceased, or has given permission to disclose it. Many of the requests for information received by State Archives are for older, historical records, yet the division must continue to edit and recopy correspondence that names individuals for whom proof of death or permission has not been received.

A.B. 187 (Chapter 560)

Assembly Bill 187 declares confidential all personal information in the registration and licensing records of the Department of Motor Vehicles and Public Safety, except as specifically provided.

The bill allows the department to release personal information if the requestor obtains a notarized release from the person who holds a lien on a vehicle or the person about whom the information is requested. A list containing license plate numbers and corresponding personal information may be released only to a law enforcement agency, and no personal information may be released to other persons on the presentation of a license plate number. If a vehicle is used in connection with the commission of certain crimes, however, a person may present the license to a law enforcement agency, which is then required to conduct an investigation or to release information regarding the owner of the vehicle to the business that was defrauded to aid in the recovery of civil damages from the perpetrator. A file containing social security numbers may not be released to anyone if the information will be used in a commercial solicitation.

In addition, A.B. 187 allows specified individuals, organizations, or government agencies to obtain access to personal information if they present the department with a description of the information and the proposed use and sign an affidavit. Representatives of the news media may obtain such information, but the department may not inquire into their reasons for requesting the information other than whether it will be used for a journalistic purpose. Persons who receive information under one of these provisions must maintain for 5 years a record of the persons to whom they have disclosed the information and the purposes for which it will be used. The measure also

requires the department to establish a procedure whereby information may be given over the telephone to certain authorized persons who have previously made arrangements with the department and signed the required affidavit.

Finally, the bill makes it unlawful for a person to make a false representation to gain access to information or to disclose information for a use that is not permitted.

According to testimony, information from driver's license and vehicle registration files is readily available to the public with few controls or restrictions. It is possible that this information may be used to stalk or harass individuals. This measure is intended to preserve individual privacy while still allowing for legitimate uses of this data. The measure is consistent with many of the provisions of the federal Driver's Privacy Protection Act of 1994, which, effective 1997, limits the release of personal information contained in a driver's record.

A.B. 308 (Chapter 227)

Assembly Bill 308 authorizes the dissemination of records of criminal history, upon request, to the Division of Child and Family Services and any county agency with jurisdiction over cases involving child abuse or neglect. The measure is intended to assist an agency in its determination of where to place a child in need of protective services.

A.B. 386 (Chapter 594)

Assembly Bill 386 provides for the confidentiality of certain documents concerning clients of local organizations for economic development. This measure requires such agencies to keep confidential any record or document concerning the initial contact with, and research and planning for, their clients. These documents must remain confidential until a client initiates any process regarding a business location.

Assembly Bill 386 is intended to protect businesses that have requested information from Nevada's local economic development agencies prior to making a decision to relocate.

A.B. 409 (Chapter 132)

Assembly Bill 409 requires State Grazing Boards to comply with the provisions of Nevada's Open Meeting Law.

This measure is effective July 1, 1995.

A.B. 477 (Chapter 268)

Assembly Bill 477 makes various changes concerning the practice of social work. The bill provides that records received by the Board of Examiners for Social Workers regarding licensees or applicants for licenses are confidential. Records of an investigation of a licensee or applicant become public if the board imposes a disciplinary action or if the licensee or applicant requests their release. The board is also allowed to release records to licensing boards in other states or law enforcement agencies investigating a licensee. The measure also authorizes the board to issue subpoenas for the attendance of witnesses or the production of books and records.

Finally, the bill revises the grounds for disciplinary action to include the practice of social work without a license and amends the provisions regarding disciplinary hearings to conform with the state's Open Meeting Law and Administrative Procedures Act.

This measure is effective on June 19, 1995.

A.B. 499 (Chapter 600)

Assembly Bill 499 revises various provisions concerning the publication of certain information by counties. The measure removes the requirement that a county publish the notice of a lien for unpaid service charges of the county. In addition, the bill allows a county the option of providing, upon request, the list of registered voters in the county. Current law requires the county to publish the list in a newspaper of general circulation prior to primary and general elections. If the county chooses to offer the list upon request, it must publish a notice advising the public that the county clerk will provide the list upon request and free of charge.

A.B. 526 (Chapter 635)

Assembly Bill 526 makes various changes relating to Nevada's Commission on Ethics. The bill clarifies that the commission has jurisdictional authority over both present public officers and employees and those former officers and employees who leave their positions after the commencement of commission proceedings against them, or within 1 year of an alleged ethics violation or reasonable discovery of the alleged violation. In addition to other penalties now in state law, the commission may impose a civil penalty of up to \$5,000 on a person, other than the person about whom an opinion is requested, who violates specific requirements of the commission concerning confidentiality. Finally, the bill specifies that certain opinion requests become public records after the commission determines that there is just and sufficient cause to render an opinion. In addition, related proceedings and opinions issued by the commission involving the past conduct of a public officer or public employee are deemed public records and open proceedings. Excluded from this requirement are requests for guidance from a public officer or employee that have not been made public, matters

that have not been disclosed, and matters that have been closed by or are pending before the commission on October 1, 1995.

A.B. 602 (Chapter 495)

Assembly Bill 602 revises certain provisions of the state's Open Meeting Law. The measure defines "action" as a decision, commitment, or promise made, or vote taken, by a majority of members present at a meeting of a public body. The bill also revises the definition of "meeting" to include taking action among the factors determining whether a particular gathering falls within the definition. Finally, the measure stipulates that an agenda for a public body must clearly indicate those items upon which action may be taken, instead of the current requirement of indicating those items upon which action will be taken.

PUBLIC SAFETY

Health and Safety

S.B. 388 (Chapter 659)

Senate Bill 388 authorizes a board of county commissioners to adopt an ordinance to provide a reasonable means to secure a dangerous structure or condition determined to be an imminent danger to the surrounding neighborhood. Such determination must be made by at least three persons, appointed by the board, who enforce building codes, zoning ordinances, or local health regulations, or who work for a law enforcement agency or a fire department. The measure requires that notice of the proposed action be given to the owner of the property on which the dangerous structure or condition is located at least 72 hours before it is secured. The bill also allows a special assessment to be made against the property for the costs of such corrective activity.

This measure is effective on July 5, 1995.

S.B. 467 (Chapter 476)

Senate Bill 467 requires a restraining device to be used to transport children under 5 years of age and weighing less than 40 pounds in any motor vehicle in Nevada. Existing law applies only to vehicles registered in this state. In addition, the bill removes the authority for a court to waive the punishment and void the citation of a person who violates this law if that person presents proof of the rental of such a device.

A.B. 262 (Chapter 56)

Assembly Bill 262 prohibits a public health authority from denying the use of public spas to a child under 12 years of age if the child is supervised by an adult. Under previous law, local health authorities issued regulations restricting children's access to spas and even prohibiting such access for younger children. These regulations apply only to public access areas, such as spas located in resorts or hotels.

A.B. 704 (Chapter 346)

Assembly Bill 704 authorizes the drivers' education and safety officer within the Department of Motor Vehicles and Public Safety (DMV&PS) to provide grants to local government entities, including school districts, for safety education.

This measure also changes the allocation of money collected by the DMV&PS under the statute that authorizes an additional fee of 50 cents for every driver's license issued or renewed. The amount of money in the highway and safety administrative account that must be used to support bicycle planning activities of Nevada's Department of Transportation (NDOT) is reduced, from 65 percent to 35 percent, and the amount that must be used to support the safety officer is increased, from 35 percent to 65 percent. The bill also requires that the unencumbered balance of the money collected for NDOT, as of July 1, 1995, be transferred to support the safety officer position at DMV&PS.

The 1991 Legislature enacted a 50-cent surcharge on drivers' licenses to be used to support bicycle and pedestrian safety issues. The NDOT was allocated 65 percent of the money collected from the surcharge to support a planning position, the statewide bicycle advisory board, and planning bicycle paths. The DMV&PS was allocated 35 percent of the fees to support the safety officer, who is responsible for administering a program of safety education, which includes safety information concerning interaction among motor vehicles, bicycles, and pedestrians. Because the Federal Government has recently made funds available to NDOT to support bicycle path design and development, the NDOT no longer requires the larger share of the fee.

This measure is effective on July 1, 1995.

Police and Fire Protection

S.B. 134 (Chapter 104)

Senate Bill 134 shortens the period within which a law enforcement agency must transmit information concerning missing persons who are 18 years or older to the Investigation Division of the Department of Motor Vehicles and Public Safety. Each local law enforcement agency which receives a report of a person missing under suspicious circumstances must transmit to the Investigation Division the initial report that contains identifying information concerning the person within 72 hours after receipt of that report. If any subsequent report contains additional identifying information concerning the missing person, it must be transmitted to the division within 5 working days after receipt. Under existing law, local law enforcement agencies must transmit such a report to the division within 5 days of receiving it. The proponents of the bill testified that a shorter time period might allow family members to know sooner the fate of a missing friend or relative.

S.B. 270 (Chapter 48)

Senate Bill 270 requires law enforcement agencies to forward all available information regarding a missing child to the Attorney General's clearinghouse program for missing and exploited children instead of the Division of Investigation.

S.B. 323 (Chapter 191)

Senate Bill 323 authorizes the Chief of the Investigation Division of the Department of Motor Vehicles and Public Safety to appoint as investigators persons with special skills or training. The bill includes these investigators within the definition of "volunteer peace officers" for the purposes of industrial insurance. This measure also allows the chief to enter into agreements with any state or local law enforcement agency in Nevada or another state to carry out the duties of the division, except the duties relating to enforcement of the provisions governing the licensing, registration, sale, lease, repair, removal, or disposal of vehicles.

Senate Bill 323 allows Nevada to enter into mutual aid agreements with the state and local law enforcement agencies in other states. Arizona, California, and Utah already allow law enforcement officers from Nevada to work in their states. In addition, this legislation is intended to allow the division to appoint local law enforcement officers with special skills, such as computer crime investigators, to serve as investigators for the division.

S.B. 333 (Chapter 716)

Senate Bill 333 allows a state agency to reimburse a peace officer for the cost to repair or replace clothing, accessories, or safety equipment, if the officer is required to purchase and wear the items while performing official duties and such items are damaged or destroyed in the performance of those duties. An agency must first obtain the written approval of the Director of the Department of Administration.

S.B. 426 (Chapter 326)

Senate Bill 426 creates the Fire Service Standards and Training Committee consisting of seven voting members and one nonvoting member. The bill specifies the composition and qualifications of the committee's membership. Among other duties, the committee is directed to adopt regulations establishing minimum standards for the approval of training and certification programs for fire service personnel.

The bill further provides that a fire department or other fire service training agency or organization may submit a proposed training and certification program to the committee. If such a program is approved by the committee, it then constitutes the standard for state certification of fire service personnel.

Finally, the measure appropriates \$5,760 to the State Fire Marshal Division for payment of the per diem allowance and travel expenses incurred by the members of the committee.

The bill is effective on July 1, 1995, for the purpose of appointing the members of the committee, and October 1, 1995, for all other purposes.

A.B. 126 (Chapter 29)

Assembly Bill 126 makes a supplemental appropriation of \$66,250 to the Division of Forestry for expenses related to helicopters used during the fire season. The supplemental appropriation is intended to allow necessary maintenance and repair of the Division of Forestry's existing helicopter and upgrading of a second helicopter before the start of the fire season.

The bill is effective on April 13, 1995.

A.B. 164 (Chapter 120)

Assembly Bill 164 revises provisions relating to certain specialized law enforcement units established by a political subdivision participating in a metropolitan police department. The bill extends the authority and jurisdiction of a unit of marshals or park rangers to include the enforcement of state laws or local ordinances relating to moving traffic violations outside the boundaries of public parks and recreational facilities. In addition, the measure allows marshals or park rangers to serve warrants of arrest issued by a municipal court and to provide for the removal of abandoned vehicles.

The bill permits city marshals or park rangers to enforce certain laws and ordinances on all real property owned, leased, or otherwise under the control of the city.

A.B. 443 (Chapter 597)

Assembly Bill 443 establishes a program to pay certain costs of undergraduate education incurred by the dependent child of a police officer, fireman, or Nevada Highway Patrol officer killed in the line of duty. The bill provides for payment of the registration and laboratory fees as well as the cost of textbooks for classes taken to satisfy the requirements of an undergraduate degree at a school within the University and Community College System of Nevada. No payment may be made for any fee assessed after the child reaches the age of 23 years. The measure also creates, and appropriates \$20,000 to, a trust fund for the education of dependent children in the State Treasury.

This bill is effective on July 1, 1995.

A.B. 681 (Chapter 302)

Assembly Bill 681 allows the Bureau of Services for Child Care to designate a person or agency to be responsible for the collection and submission of fingerprints used for background investigations of licensed child care providers. The measure also clarifies

that the fingerprints will be forwarded to the Federal Bureau of Investigation by Nevada's criminal history repository.

This measure is needed to comply with an audit recommendation from the Legislative Counsel Bureau. The bill places into statute the current practice of allowing a law enforcement agency to obtain and submit fingerprints to the repository on behalf of the Bureau of Services for Child Care.

The bill is effective on July 1, 1995.

Firearms and Weapons

S.B. 41 (Chapter 183)

Senate Bill 41 revises the provisions relating to the disposition of weapons confiscated by law enforcement agencies. This measure clarifies the authority of law enforcement agencies to destroy confiscated weapons and otherwise dispose of such weapons. The bill deletes the provisions that required law enforcement agencies to sell confiscated weapons at a public auction. The bill retains the existing provisions that allow law enforcement agencies to retain the confiscated weapons for use by the agency or sell the weapons to another law enforcement agency. In addition, the bill authorizes the agency to donate the weapon for charitable or public purposes and requires a description of certain weapons to be forwarded to a forensic laboratory for future use in criminal investigations.

Testimony indicated that the statute governing the disposition of weapons was ambiguous and inherently conflicting with regard to a law enforcement agency's duties and responsibilities. Many weapons confiscated from offenders are sold at public auction, and many of these auctioned weapons are eventually possessed by persons who utilize them to commit crimes.

S.B. 299 (Chapter 713)

Senate Bill 299 requires a county sheriff to issue a permit to carry a concealed weapon if the applicant meets specified qualifications, including residency and age requirements and demonstrates competence with a firearm. Each permit is limited to a maximum of two specific weapons. The bill requires the sheriff to deny an application for a permit if the applicant has a history of criminal activity or substance abuse. The fingerprints of the applicant must be submitted to the Nevada Highway Patrol and the Federal Bureau of Investigation for a background check.

This measure also requires the Department of Motor Vehicles and Public Safety to establish, by regulation, the application form for a permit to carry a concealed weapon and provides that the sheriff must grant or deny the application within 120 days after

it is submitted. If an application is denied, the applicant may appeal to the district court. The permit expires after 5 years and may be renewed if the permittee demonstrates continued competence with a firearm.

Finally, S.B. 299 provides immunity from civil liability for the individuals and agencies involved in the issuance of a permit to carry a concealed weapon and provides that existing permits are deemed valid until the expiration date of the permit or April 11, 1996, whichever comes first.

S.B. 335 (Chapter 657)

Senate Bill 335 provides that actual physical possession of a firearm while under the influence of alcohol or a controlled substance is unlawful, unless the person in possession was at home and had possession of the firearm solely for self defense. A person who violates these provisions is guilty of a misdemeanor, and the firearm is subject to forfeiture if the person brandished, aimed, or handled the firearm in a manner which endangered others.

This measure also provides that any evidentiary tests must be administered in the same manner as the tests used to determine whether a person is driving under the influence of alcohol or a controlled substance. A person suspected of violating the law may not refuse to take such a test.

A.B. 393 (Chapter 442)

Assembly Bill 393 makes various changes to the laws governing the possession and use of firearms by minors. Persons who are under the age of 18 years are prohibited from possessing firearms, with some exceptions. With parental permission, minors may possess firearms and engage in such activities as lawful hunting, attending safety courses, practicing at firing ranges, or participating in marksmanship competitions. Minors may not possess loaded firearms at any time while in a motor vehicle.

In addition, persons who allow minors to handle or possess firearms illegally are guilty of a misdemeanor. If a person commits such an act with knowledge that the minor may use the firearm to commit a violent act, that person may be punished for a felony. Persons who unlawfully sell firearms to minors with reckless disregard for the age of the minor may also be punished as felons.

This bill provides a wide range of penalties and other options to deal with minors who illegally use or possess firearms. The court must require a juvenile who is adjudicated delinquent for handling a firearm in an unlawful manner to perform 100 hours community service for a first offense and up to 250 hours of community service for a second offense. For the first offense, the court must also suspend the driver's license of the juvenile up to 1 year or prohibit the juvenile from applying for a license for up to 1 year. For the second offense, the court must suspend the driver's license up to

2 years or prohibit the juvenile from applying for the license for 2 years. In addition, the child's hunting license must be suspended, if applicable.

The court may also order the parents of a child under 17 years of age to participate in counseling sessions, alone or with the child. The proceeds of items that are forfeited because they are used in the commission of a felony involving the illegal possession of firearms may be used to fund the counseling programs. Finally, parents are subject to joint and several liability with a child for any damages caused by that child's negligent or willful misconduct involving the use of a firearm. For liability to arise, the parent must know that the minor has previously been adjudicated delinquent, has a propensity to commit violent acts, or intends to use the firearm for illegal acts.

This measure is effective on July 1, 1995.

PUBLIC UTILITIES

S.B. 141 (Chapter 193)

Senate Bill 141 revises the eligibility criteria for publicly owned water systems to receive grants for making capital improvements. To be eligible under existing law, a water system must have been in existence on July 3, 1991. If the system was a privately owned, nonprofit business on that date, it must change to public ownership in order to become eligible to receive a grant. This bill modifies the criteria to require that eligible systems must have been in existence on January 1, 1995, and publicly owned at the time the grant is made.

Senate Bill 141 also allows water systems to use a state loan for water system improvements to match a grant received for the same purpose.

The grant program was created to help public water systems comply with the requirements of the federal Safe Drinking Water Act. Of the \$25 million originally authorized for the program, a total of \$13 million has been awarded in grants. An additional \$3.5 million has been reserved through letters-of-intent.

The measure is effective on June 13, 1995.

S.B. 343 (Chapter 238)

Senate Bill 343 defines the authority of the Public Service Commission of Nevada (PSCN) and the Department of Motor Vehicles and Public Safety (DMV&PS) to examine certain records of a public utility, motor carrier, or broker. The bill prohibits the PSCN and the DMV&PS from examining employment or personnel records unless they are necessary for public protection or contain information relating to public safety. The measure does not affect access to routine data such as an employee's name, title, work address, job description, compensation, or qualifications. In addition, S.B. 343 authorizes the PSCN to hold closed hearings to consider whether trade secrets or other confidential commercial information from regulated businesses should be protected from public disclosure that might benefit competitors. Furthermore, the bill authorizes the Office of Advocate for Customers of Public Utilities to attend such hearings in the public interest. Finally, S.B. 343 authorizes the PSCN to establish the period during which such information will remain confidential and the procedures for protecting the information during that time.

S.B. 473 (Chapter 427)

Senate Bill 473 authorizes the board of county commissioners in a county with a population between 100,000 and 400,000 to impose a surcharge on telephone services within that county. The surcharge must not exceed 25 cents per month for each access line to the local exchange of a telephone company, and the funds

collected must be used for the enhancement of the telephone system for reporting an emergency in the county. The bill authorizes a telephone company or a mobile telephone service supplier in the affected area to collect the surcharge with the monthly billing and allows the retention of an amount equal to the cost of the collection.

If such a surcharge is imposed, S.B. 473 requires the board to establish an advisory committee, of not less than five members, to develop a plan to enhance the telephone system for reporting an emergency in that county and to oversee any money allocated for the purpose. In addition, the board is required to create a special revenue fund for the deposit of collected surcharges.

This measure is effective on January 1, 1996, and expires by limitation on December 31, 1999.

S.B. 568 (Chapter 591)

Senate Bill 568 makes various changes concerning fees charged by cities and counties to public utilities. The bill prohibits a city or county from adopting an ordinance imposing or increasing a fee if the ordinance alters the terms of any existing franchise agreement between the city or county and a public utility. Also prohibited is a fee that applies to any public utility that does not derive revenue from customers located within the jurisdiction of the city or county. The measure also provides other limitations on the adoption of such ordinances.

If an ordinance is adopted that increases or imposes a fee, S.B. 568 establishes certain procedures concerning the rate, payment, and collection of such a fee. Finally, the bill limits the time within which a fee may be changed and the total that fee may accumulate in a specified period.

This measure is effective on July 5, 1995.

A.B. 188 (Chapter 53)

Assembly Bill 188 removes the sunset provision on the statute that requires public utilities to be assessed for certain expenses of the Public Service Commission of Nevada. Assessments are made for the cost of travel and excess per diem for investigations, inspections, and audits performed outside the state, including appearances before the Federal Energy Regulatory Commission.

This measure is effective on May 1, 1995.

A.B. 190 (Chapter 30)

Assembly Bill 190 repeals the authority of the Public Service Commission of Nevada to require aircraft carriers to file and maintain adequate indemnity bonds or insurance. The commission no longer regulates aircraft carriers.

A.B. 603 (Chapter 247)

Assembly Bill 603 authorizes the Public Service Commission of Nevada to collect certain assessment fees from public utilities that provide telecommunications services. The money distributed in the fund may be used solely to maintain the availability of telephone service. The measure is intended to make telephone service available to as many persons as possible.

This measure is effective on June 16, 1995.

A.B. 642 (Chapter 352)

Assembly Bill 642 changes the manner of perfecting and giving notice of security interests in property of public utilities by authorizing the filing of a mortgage, deed of trust, or other security instrument with the Secretary of State. All amendments or supplements to that security instrument must also be filed with the Secretary of State. If such an instrument grants an interest as security in any real property owned by a public utility, a notice of the filing must be recorded in the recorder's office in the county in which the property is located. This notice must identify the public utility and state that the security instrument has been executed and filed with the Secretary of State.

Energy and Conservation**S.B. 180 (Chapter 234)**

Senate Bill 180 requires the State Public Works Board to determine whether any rebates are available from a public utility for installing devices in any state building to decrease the use of energy. The board is required to apply for any rebate that is available.

S.B. 267 (Chapter 187)

Senate Bill 267 provides an additional legislative finding for the state's energy policy. The measure acknowledges that government and private enterprise must prepare for and respond to the advent of competition within the electrical energy industry. Furthermore, the bill encourages the maximum use of indigenous energy resources to the extent competitively and economically feasible.

S.B. 337 (Chapter 438)

Senate Bill 337 consolidates into a single section the provisions regarding property tax exemptions for energy systems that use solar power or recycled materials and for manufacturing facilities that recycle at least 50 percent of their materials. The bill also extends the manufacturers' exemption to a maximum of 20 years for real property and limits the exemption for personal property to 10 years. The value of the exemption for energy systems is limited to 75 percent of the valuation of the property.

This measure is effective on July 1, 1995.

S.B. 503 (Chapter 432)

Senate Bill 503 authorizes a utility to establish a program of optional pricing for electricity derived from renewable energy resources. The bill authorizes a utility to charge a higher rate for electricity generated from renewable sources as part of an optional program, if the rate is approved by the Public Service Commission of Nevada. The measure defines "renewable energy resources" to include, without limitation, wind, solar energy, and geothermal energy.

According to proponents of S.B. 503, surveys performed in Nevada show that up to 84 percent of the population would support some increase in electric rates to promote development of solar power.

S.B. 504 (Chapter 433)

Senate Bill 504 precludes a local government from adopting an ordinance or regulation that prohibits or unreasonably restricts the owner of real property from using a solar energy system on that property. In addition, the measure declares void any legal instrument that affects the sale or transfer of property and contains such a prohibition or restriction. Further, the bill clarifies the meaning of unreasonable restriction for the purposes of these prohibitions.

S.B. 565 (Chapter 529)

Senate Bill 565 requires the Director of the Department of Business and Industry to conduct a study of the feasibility and desirability of establishing a state plan for vehicles that operate on alternative fuels. The study must include a cost-benefit analysis comparing vehicles operating on alternative fuels to other methods of improving air quality in the state. The measure also requires the director to submit a report concerning the results of the study to the Governor and the next session of the Legislature on or before February 1, 1997.

The bill is effective on July 1, 1995.

S.C.R. 11 (File No. 100)

Senate Concurrent Resolution No. 11 urges increased development of solar energy in Nevada. The resolution specifically urges state agencies to work with the U.S. Department of Energy and other federal offices to pursue the construction of a solar energy demonstration facility and the creation of a strategic plan for the development of solar energy in southern Nevada. The resolution further expresses support for the development of a solar-power enterprise zone in southern Nevada and the conversion of the Nevada Test Site into a solar-energy research and development site. Finally, S.C.R. 11 declares that the Legislature intends for the state to increase its rate of solar-power resource development in order to become the nation's leader in the solar-technology industry.

A.B. 171 (Chapter 559)

Assembly Bill 171 stipulates that local building codes must permit the use of straw and certain other materials and technologies in construction and the use of solar energy to heat a structure, as provided in the Uniform Building Code and the Model Energy Code.

A.B. 381 (Chapter 242)

Assembly Bill 381 allows a state agency that institutes energy-saving practices to expend the funds attributable to such practices for devices, systems, or programs designed to conserve energy or increase the efficient use of energy.

The agency may not attempt to obtain energy savings through conservation practices that compromise the comfort or safety of its employees, and the Interim Finance Committee must approve the use of the money acquired through energy savings.

The bill is effective on July 1, 1995.

A.C.R. 49 (File No. 172)

Assembly Concurrent Resolution No. 49 directs the Legislative Commission to conduct an interim study of competition in the generation, sale, and transmission of electrical energy. This resolution requires the study to include an assessment of related financial, legal, and social issues and topics related to system planning, operation, and reliability.

RESOLUTIONS

Senate Joint Resolutions

S.J.R. 1 (File No. 63)

Senate Joint Resolution No. 1 claims sovereignty for the State of Nevada, pursuant to the 10th Amendment to the *United States Constitution*, over all powers not otherwise delegated the Federal Government by the Constitution. The resolution also serves notice to the Federal Government to cease and desist immediately the enactment and enforcement of mandates that are beyond its constitutionally granted power.

S.J.R. 2 (File No. 49)

Senate Joint Resolution No. 2 urges the United States Congress to propose and submit an amendment to the *United States Constitution* to the various states for ratification. The amendment would provide that neither the United States Supreme Court nor any other court has the power to direct a state or its political subdivisions, or any officer thereof, to levy or increase taxes. The measure also calls upon the members of Nevada's Congressional Delegation to use their full resources and influence to ensure passage of the amendment. It further urges the legislatures of other states to enact similar resolutions calling for such a constitutional amendment.

Proponents of this measure testified that the U.S. Supreme Court, in its 1990 decision of *Missouri v. Jenkins*, extended the power of the judicial branch of government by holding that a federal court has the power to order an increase in state and local taxes. Concerns were expressed that this decision violates the separation of powers doctrine and could result in tax increases that are contrary to state law or constitutional provisions. Since that decision, the legislatures of Colorado, Missouri, New York, and Tennessee have approved resolutions similar to S.J.R. 2.

S.J.R. 3 (File No. 104)

Senate Joint Resolution No. 3 proposes to amend the *Constitution of the State of Nevada* to change the first day of a regular biennial legislative session from the third Monday in January to the first Monday in February and to limit the length of each such session to no more than 120 calendar days. In addition, the measure requires the Governor to submit the proposed executive budget to the Legislature not later than 14 days before the start of each regular session.

If approved in identical form by the 1997 Legislature, this proposal will be submitted to the voters for final approval or disapproval at the 1998 General Election.

S.J.R. 4 (File No. 47)

Senate Joint Resolution No. 4 urges the Congress not to mandate that states provide educational programs in violation of the Federal Government's enumerated constitutional powers.

S.J.R. 6 (File No. 98)

Senate Joint Resolution No. 6 expresses the support of the Nevada Legislature for the activities and operations of the mining industry in this state. The measure also expresses support for S. 506, a congressional measure that provides reasonable and progressive reform of the federal mining laws.

S.J.R. 7 (File No. 112)

Senate Joint Resolution No. 7 expresses the Legislature's support for ranching and farming in Nevada. The resolution also opposes extensive and unreasonable reform of existing federal regulations concerning management and administration of Nevada's public rangelands and urges Congress to pass the Livestock Grazing Act of 1995, which would establish more reasonable provisions.

S.J.R. 8 (File No. 62)

Senate Joint Resolution No. 8 urges Congress to amend the appropriations act that funds the Endangered Species Act of 1973 to allow consideration of the effect the Act may have on the economic growth and development of the geographic areas in which protected species are located. The resolution further urges Congress to require the U.S. Fish and Wildlife Service to prepare and publish a proposed recovery plan for each species declared threatened or endangered before taking any regulatory actions or carrying out any management activities for that species. As provided in the resolution, the recovery plan should include an analysis of the costs and benefits of the plan and an assessment of its impact on affected private property.

S.J.R. 9 (File No. 60)

Senate Joint Resolution No. 9 expresses the Legislature's support for certain exchanges of land involving the U.S. Bureau of Land Management and the Colorado River Commission, which would result in additional land for the town of Laughlin.

S.J.R. 11 (File No. 123)

Senate Joint Resolution No. 11 urges the Congress to investigate the utility of importing water to Nevada from sources outside the state.

The resolution points out that the present demand on the limited water supply threatens lakes in the western portion of the state, especially Pyramid Lake and Walker Lake. Millions of acre-feet of water are flowing from the rivers of the northwestern United States into the Pacific Ocean each year. Interregional transfer of water is technologically feasible, and the unused northwestern sources could preserve the threatened Nevada lakes.

S.J.R. 12 (File No. 121)

Senate Joint Resolution No. 12 urges the Federal Government to adhere to the states' laws governing the use, allocation, management, and protection of water. The resolution specifically urges the Federal Government to recognize that the use, allocation, management, and protection of water resources is primarily the responsibility of the states and to require agencies to conduct their activities in accordance with state laws governing these factors.

The resolution also urges the federal agencies to refrain from further efforts to erode the authority vested in the states to use, allocate, manage, and protect water resources. In addition, the measure clarifies that its adoption is not intended to alter or diminish the special trust relationship between the Federal Government and the governing bodies of the Indian tribes in this state.

S.J.R. 13 (File No. 11)

Senate Joint Resolution No. 13 urges Congress to name the new federal courthouse under construction in Reno the "Bruce R. Thompson Federal Courthouse."

S.J.R. 14 (File No. 91)

Senate Joint Resolution No. 14 proposes to amend the *Constitution of the State of Nevada* to authorize the Legislature to provide for the abatement of taxes on property used in a manner that conserves water.

If this resolution is approved in identical form by the 1997 Legislature, it will be submitted to the voters for final approval or disapproval at the 1998 General Election.

S.J.R. 15 (File No. 61)

Senate Joint Resolution No. 15 requests Congress to pass legislation prohibiting a state from imposing a tax on the income from a pension of a person who is not a resident of that state. The resolution notes that several states have already enacted legislation imposing such taxes. A growing number of Nevada residents are affected by these laws and in many cases, the collection of the tax creates a substantial financial hardship for these citizens.

S.J.R. 16 (File No. 59)

Senate Joint Resolution No. 16 urges Congress to maintain the United States Geological Survey.

S.J.R. 17 (File No. 127)

Senate Joint Resolution No. 17 proposes to amend the *Constitution of the State of Nevada* to authorize the Legislature to exempt property from taxation if the cost to collect the tax exceeds the amount of the tax.

If this resolution is approved in identical form by the 1997 Legislature, it will be submitted to the voters for final approval or disapproval at the 1998 General Election.

S.J.R. 20 (File No. 138)

Senate Joint Resolution No. 20 urges Congress to approve the designation of the National Highway System (NHS).

Proponents of the measure testified that the NHS includes 2,145 miles of the state's most economically important roads. Further, although the NHS comprises only 4.7 percent of all Nevada roads, it carries about 66 percent of the motor vehicle traffic in this state. Congress must approve the NHS in order for Nevada to continue receiving federal-aid highway funding of \$51.2 million each year.

S.J.R. 21 (File No. 136)

Senate Joint Resolution No. 21 proposes to amend the *Constitution of the State of Nevada* to require the State Treasurer to appoint the State Controller. The measure directs the Legislature to prescribe the duties and qualifications of the controller, who serves at the pleasure of the treasurer.

If this resolution is passed in identical form by the 1997 Legislature, it will be submitted to the voters at the 1998 General Election.

S.J.R. 22 (File No. 137)

Senate Joint Resolution No. 22 urges Congress to investigate the additional costs incurred for the visitor facilities program at Hoover Dam. The resolution further urges Congress to direct the U. S. Bureau of Reclamation to develop alternative sources of funding to pay the costs that exceed the original estimate of \$32 million.

S.J.R. 23 (File No. 139)

Senate Joint Resolution No. 23 urges Congress and the Environmental Protection Agency to refrain from adopting additional laws and regulations on air quality and visibility until the 1990 amendments to the Clean Air Act have been fully implemented and allowed time to produce the intended results.

The resolution also urges Congress to resist proposals such as clean air corridors, in which nonattainment requirements or no-build provisions might be imposed, and to support proposals equitable to all the states, such as uniform application of existing provisions of the Clean Air Act.

Finally, the resolution urges the Environmental Protection Agency to base future regulations on air quality and visibility on clear scientific evidence that is reviewed and confirmed by other scientists.

S.J.R. 24 (File No. 143)

Senate Joint Resolution No. 24 proposes to amend the *Constitution of the State of Nevada* to require the establishment of a Commission on Judicial Performance to evaluate the performance of each Supreme Court Justice or district court judge. The membership, powers, and duties of the commission will be established by the Legislature by law.

If S.J.R. 24 is approved in identical form by the 1997 Legislature, it will be submitted to the voters for final approval or disapproval at the 1998 General Election.

S.J.R. 25 (File No. 122)

Senate Joint Resolution No. 25 urges the Secretary of Defense and the Secretary of the Interior to open federal lands in the western portion of the Tolicha Mining District

to multiple use, thus giving exploration and mining companies the opportunity to explore, locate, and develop the mineral resources in the area.

S.J.R. 26 (File No. 173)

Senate Joint Resolution No. 26 urges Congress to take all necessary actions to alleviate the problems caused by the heavy commercial traffic over Hoover Dam and through Boulder City, Nevada, including, without limitation, the construction of a highway bypass around Hoover Dam and Boulder City to connect U.S. Highway 93 in Nevada to Interstate Highway 40 in California. In addition, the Legislature directs Nevada's Department of Transportation to cooperate with the appropriate public agencies to construct the highway bypass between Highway 93 and Interstate 40, or the improvement of U.S. Highway 95 in Nevada and California, if those projects are approved by Congress.

Senate Concurrent Resolutions

S.C.R. 1 (File No. 6)

Senate Concurrent Resolution No. 1 commemorates Dr. Martin Luther King Jr. In addition, the measure commends Governor Miller, all members of the Northern Nevada Black Cultural Awareness Society, the Dr. Martin Luther King Jr. Committee of Las Vegas, and the Nevada State Martin Luther King Jr. Holiday Commission for their statewide activities, which have kept alive Dr. King's vision.

S.C.R. 5 (File No. 73)

Senate Concurrent Resolution No. 5 urges Nevada's Departments of Education and Human Resources to participate fully in the national "Kids Count" survey, which is conducted by the Annie E. Casey Foundation and the Center for the Study of Social Policy.

S.C.R. 10 (File No. 22)

Senate Concurrent Resolution No. 10 urges the Supreme Court of Nevada to examine the accountability of judges and to consider measures that would enhance and allow greater public access to the administration of the judicial branch. The resolution notes the importance of public confidence in the independent judiciary and the opportunity to enhance such confidence by increasing access to information about courtroom operation.

S.C.R. 11 (File No. 100)

Senate Concurrent Resolution No. 11 urges increased development of solar energy in Nevada. The resolution specifically urges state agencies to work with the U.S. Department of Energy and other federal offices to pursue the construction of a solar energy demonstration facility and the creation of a strategic plan for the development of solar energy in southern Nevada. The resolution further expresses support for the development of a solar-power enterprise zone in southern Nevada and the conversion of the Nevada Test Site into a solar-energy research and development site. Finally, S.C.R. 11 declares that the Legislature intends for the state to increase its rate of solar-power resource development in order to become the nation's leader in the solar-technology industry.

S.C.R. 12 (File No. 12)

Senate Concurrent Resolution No. 12 commends and honors famed violinist Itzhak Perlman for his unmatched artistic gift upon his visit to northern Nevada.

S.C.R. 13 (File No. 15)

Senate Concurrent Resolution No. 13 memorializes William L. Marks, a Virginia City native. Mr. Marks was a Storey County Commissioner for 17 years and served as the Bill Room Supervisor of the Nevada Legislature from 1981 to 1993.

S.C.R. 15 (File No. 29)

Senate Concurrent Resolution No. 15 designates March 30, 1995, as Kiwanis Day in Nevada.

S.C.R. 16 (File No. 129)

Senate Concurrent Resolution No. 16 urges Congress to amend the Social Security Act to allow states to pay disabled Medicaid recipients directly for personal assistance services provided in the home. Further, the measure urges Congress to amend the Internal Revenue Code to allow states or designated agencies to provide various administrative, clinical, and quality assurance services related to personal assistants employed by Medicaid recipients, without the state or agency being deemed an employer.

S.C.R. 17 (File No. 31)

Senate Concurrent Resolution No. 17 commends Holocaust survivor Leopold Page. The measure recognizes Mr. Page's efforts to convey the story that led to the acclaimed motion picture "Schindler's List," through which the world will forever remember the victims of the Holocaust and rededicate themselves to the goals of peace and freedom for all mankind.

S.C.R. 19 (File No. 33)

Senate Concurrent Resolution No. 19 commemorates the 75th anniversary of the establishment of the League of Women Voters as a national organization. In addition, the measure commends the League of Women Voters for its dedication and perseverance as it continues to encourage active participation in all levels of government.

S.C.R. 20 (File No. 144)

Senate Concurrent Resolution No. 20 amends the Joint Rules of the Senate and Assembly by establishing a comprehensive policy regarding sexual harassment and procedures for the administration of related claims. The measure states the intention of the Legislature to maintain a working environment that is free from sexual harassment. The policy applies to all legislators, lobbyists, legislative interns, and employees of the Legislature, including supervisors and coworkers.

The measure defines the term "sexual harassment" and includes some examples of such conduct. The resolution also provides due process procedures for filing, investigating, and hearing a complaint. A complainant is not prohibited from also filing a complaint with the federal or state equal employment authorities.

S.C.R. 21 (File No. 39)

Senate Concurrent Resolution No. 21 memorializes former state Senator John Fransway. Senator Fransway served in the Legislature from 1960 to 1972, representing Eureka, Humboldt, Lander, and Pershing Counties.

S.C.R. 22 (File No. 48)

Senate Concurrent Resolution No. 22 memorializes former state Senator B. Mahlon Brown. Senator Brown represented Clark County for 26 years and held the position of Majority Floor Leader for longer than any other senator in Nevada history.

S.C.R. 23 (File No. 87)

Senate Concurrent Resolution No. 23 encourages the purchase of local agricultural products. The measure specifically urges institutions, wholesalers, retailers, and state regulatory agencies to purchase or foster the use of agricultural products grown, produced, packed, processed, or raised in Nevada.

S.C.R. 24 (File No. 50)

Senate Concurrent Resolution No. 24 memorializes rodeo cowboy Brent Thurman, who died as a result of injuries sustained at the 1994 National Finals Rodeo in Las Vegas.

S.C.R. 25 (File No. 51)

Senate Concurrent Resolution No. 25 congratulates the Mineral County High School's girls' basketball team for winning two consecutive state "AA" championships.

S.C.R. 26 (File No 57)

Senate Concurrent Resolution No. 26 designates the last week in April as "Collector Car Week."

S.C.R. 27 (File No. 56)

Senate Concurrent Resolution No. 27 commemorates 100 years of women serving in state legislatures. The measure extends congratulations and appreciation to all past and present women legislators who have represented Nevada for their outstanding contributions and accomplishments. Additionally, the measure recognizes and honors all the women legislators of the 68th Session.

S.C.R. 29 (File No. 66)

Senate Concurrent Resolution No. 29 congratulates the Las Vegas Dustdevils on winning the Continental Indoor Soccer League championship on October 8, 1994.

S.C.R. 30 (File No. 161)

Senate Concurrent Resolution No. 30 directs the Legislative Commission to carry out an interim study of the feasibility of reconfiguring the structure of school districts in

Nevada. The commission is directed to enter into a contract with at least one qualified, independent, nationally recognized consultant to conduct the study. The resolution further requires the Legislative Commission to appoint a subcommittee to oversee the study by the consultant. An advisory group to provide technical expertise also may be appointed. The study must be conducted within the confines and structure of the Nevada Plan of school financing and must include any alternatives for the organization of school districts; any financial, tax, legal, social, and geographical considerations regarding those organizational alternatives; and any actions necessary to carry out those alternatives.

S.C.R. 32 (File No. 157)

Senate Concurrent Resolution No. 32 amends the Joint Rules of the Senate and Assembly that concern the review, by the Senate Committee on Finance and the Assembly Committee on Ways and Means, of proposed budgets of state agencies that collect state revenue. The committees must require, if practicable, each agency to deposit revenue that it has received within 24 hours after receipt. The committees must allow such agencies to deposit the revenue directly or contract with a service to deposit the revenue within the specified period.

S.C.R. 33 (File No. 77)

Senate Concurrent Resolution No. 33 congratulates Brian Blakemore, son of former Nevada Senator Richard Blakemore, for successfully parachuting onto the North Pole on April 17, 1995. Upon landing, Mr. Blakemore placed a Nevada state flag on the North Pole.

S.C.R. 34 (File No. 76)

Senate Concurrent Resolution No. 34 memorializes Deena Marie Rizzo, who was killed by a drunk driver on March 6, 1993, and extends the sympathy of the members of the Legislature to her family and friends. In addition, the Legislature vows to support efforts to end the crime of drunken driving.

S.C.R. 35 (File No. 78)

Senate Concurrent Resolution No. 35 memorializes native Nevadan and philanthropist Clarence K. Jones and extends the condolences of the members of the Legislature to his family and friends.

S.C.R. 36 (File No. 79)

Senate Concurrent Resolution No. 36 memorializes Thomas A. Cooke, former President of the State Bar of Nevada, and extends the condolences of the members of the Legislature to his family and friends.

S.C.R. 38 (File No. 132)

Senate Concurrent Resolution No. 38 urges state agencies and local governments to establish programs to encourage the participation of Nevadans in the development of public policy and the operation of government. The Legislature urges each state agency and local government to adopt a statement acknowledging its commitment to establish these programs.

The measure directs the Department of Museums, Library and Arts to serve as a repository for resolutions, regulations, and other documents generated by the legislation. In addition, the department is directed to submit a report to the 1997 Nevada Legislature describing the information and programs resulting from this legislation and any recommendations concerning these programs.

S.C.R. 39 (File No. 81)

Senate Concurrent Resolution No. 39 memorializes Gary A. Owen, prominent Carson City attorney, and extends the condolences of the members of the Legislature to his family and friends.

S.C.R. 40 (File No. 162)

Senate Concurrent Resolution No. 40 directs the Legislative Commission to conduct an interim study of the laws relating to the distribution of revenue among local governments from state and local taxes. The Legislative Commission is required to appoint a subcommittee, which must examine specified laws relating to the distribution of revenue from the local school support tax, certain fuel taxes, the tax on intoxicating liquor, tobacco tax, vehicle privilege tax, real estate transfer tax, and the tax on gaming licenses. In addition, the Legislative Commission is directed to appoint an advisory committee to assist the subcommittee.

The measure recognizes that Nevada is a dynamic state with a growing population and a diverse economic base and that the present laws relating to the distribution of revenue among local units of government from state and local taxes are inadequate to meet the demands created by this growth.

S.C.R. 42 (File No. 90)

Senate Concurrent Resolution No. 42 memorializes former District Court Judge William Beko and extends the condolences of the members of the Legislature to his family and friends.

S.C.R. 43 (File No. 96)

Senate Concurrent Resolution No. 43 memorializes Las Vegas community leader and philanthropist James Cashman III and extends the condolences of the members of the Legislature to his family and friends.

S.C.R. 44 (File No. 92)

Senate Concurrent Resolution No. 44 memorializes former Assemblyman Frank E. "Pete" Walters and extends the condolences of the members of the Legislature to his family and friends.

S.C.R. 45 (File No. 93)

Senate Concurrent Resolution No. 45 condemns the bombing of the United States Forest Service office in Carson City and supports all efforts to capture the perpetrators of the crime.

S.C.R. 46 (File No. 101)

Senate Concurrent Resolution No. 46 memorializes John Koontz, who served 26 years as Nevada's Secretary of State. Further, the resolution extends the Legislature's sincere condolences and sympathy to his friends and family.

S.C.R. 47 (File No. 106)

Senate Concurrent Resolution No. 47 memorializes former Chief Justice of the Nevada Supreme Court Gordon R. Thompson and recognizes Judge Thompson as one of Nevada's outstanding jurists. Further, the resolution extends the Legislature's sympathy to the family of Judge Thompson.

S.C.R. 48 (File No. 107)

Senate Concurrent Resolution No. 48 memorializes Sparks Police Officer Larry D. Johnson, who was killed in the line of duty on May 22, 1995. Further, the resolution extends the Legislature's deepest sorrow and regret to Officer Johnson's family, friends, and fellow officers.

S.C.R. 49 (File No. 111)

Senate Concurrent Resolution No. 49 congratulates E. Stanton "Stan" Warren upon his retirement after 32 years of service as a lobbyist at the Nevada Legislature.

S.C.R. 52 (File No. 163)

Senate Concurrent Resolution No. 52 directs the Legislative Commission to conduct an interim study of the parole and probation system in Nevada and appoint an advisory committee. The study must include a review and evaluation of the standards used for determining eligibility for parole or probation, the supervision of offenders released on parole or probation, and the qualifications of members of the State Board of Parole Commissioners, parole and probation officers, and personnel involved in the support of offenders who have been released.

S.C.R. 53 (File No. 113)

Senate Concurrent Resolution No. 53 honors the Daughters of Utah Pioneers for their work to preserve the Old Las Vegas Mormon Fort. The Legislature further commends and expresses its deepest appreciation to the Daughters of Utah Pioneers for their determination, perseverance, and tireless efforts in preserving this significant part of Nevada's history.

S.C.R. 55 (File No. 119)

Senate Concurrent Resolution No. 55 memorializes Kenneth Buck, who served as Executive Secretary of the Public Employees' Retirement System in Nevada from 1949 through 1970. The Legislature further expresses its sympathy and condolences to the family of Mr. Buck.

S.C.R. 58 (File No. 126)

Senate Concurrent Resolution No. 58 memorializes Raymond J. Capurro, former Washoe County Commissioner and Chairman of the Reno-Sparks Convention and

Visitors Authority. Further, the Legislature offers sincere gratitude for Mr. Capurro's life of public service and conveys its condolences and sympathy to his family.

S.C.R. 59 (File No. 164)

Senate Concurrent Resolution No. 59 directs the Legislative Commission to conduct an interim study of the treatment of mentally ill offenders in the criminal justice system. The study must include an evaluation of the effectiveness of current programs for treatment provided for mentally ill offenders in the criminal justice system, treatment programs used in other states, and the rate of recidivism of those who have been convicted of offenses involving sexually deviant behavior and who received treatment before their release.

S.C.R. 60 (File No. 158)

Senate Concurrent Resolution No. 60 directs the Department of Motor Vehicles and Public Safety and the Public Service Commission of Nevada jointly to study the existing regulations governing the transportation of hazardous materials from Arizona into Nevada by way of U.S. Highway 93 over Hoover Dam. In addition, the resolution directs Nevada's Department of Transportation (NDOT) to study the feasibility of prohibiting all commercial trucks that enter this state from Arizona from traveling on Highway 93 between Hoover Dam and Boulder City. The NDOT is also directed to study methods of financing road and highway construction projects, including the issuance of bonds, to divert commercial traffic from Hoover Dam.

The results of these studies are to be presented to the Director of the Legislative Counsel Bureau for transmittal to the 1997 Legislature.

S.C.R. 61 (File No. 150)

Senate Concurrent Resolution No. 61 commends Dr. Kenny C. Guinn for his years of dedicated service to the business community of Las Vegas and for his efforts to improve the educational systems in Clark County. This measure makes special recognition of Dr. Guinn's service as interim President of the University of Nevada, Las Vegas.

S.C.R. 62 (File No. 159)

Senate Concurrent Resolution No. 62 commends Arlene Hayes of Las Vegas for her courageous voice and unrelenting resolve to assure justice for victims of violent crime and their families.

Assembly Joint Resolutions

A.J.R. 1 (File No. 46)

Assembly Joint Resolution No. 1 urges the United States Congress to ratify amendments to the Tahoe Regional Planning Compact that were made by the State of California and adopted by the Nevada Legislature in 1987. These amendments authorize members of the governing board of the Tahoe Regional Planning Agency to appoint alternates in certain circumstances, alter the selection process of the Nevada members, and further expand the powers of the Tahoe Transportation District.

The *United States Constitution* requires that amendments to a bi-state compact, such as the Tahoe Regional Planning Compact, be approved by the affected states and ratified by Congress. Although certain amendments to the compact were approved by both California and Nevada in 1987, Congress has not yet ratified these changes.

A.J.R. 2 (File No. 45)

Assembly Joint Resolution No. 2 urges the governing body of the Tahoe Regional Planning Agency to continue to encourage intergovernmental cooperation and simplify operations and procedures. The resolution notes that the agency has already entered into agreements to delegate to local governments certain responsibilities related to project review and to foster coordination and cooperation among local, state, and federal agencies. The resolution further states that the simplified procedures and the increased cooperation have, in turn, resulted in increased public awareness concerning the agency's goals and activities.

A.J.R. 3 (File No. 44)

Assembly Joint Resolution No. 3 urges the Tahoe Regional Planning Agency, in its next scheduled review of environmental threshold carrying capacities, to rank those capacities in their order of priority. The resolution notes that limited revenue is available to achieve and maintain the environmental standards, and certain standards, therefore, may need to be emphasized over others. Thus, the agency is urged to prioritize the various environmental threshold carrying capacities, with the understanding that all of the environmental standards are necessary for the protection of the Lake Tahoe Basin and ultimately must be achieved and maintained.

A.J.R. 4 (File No. 43)

Assembly Joint Resolution No. 4 urges the Tahoe Regional Planning Agency to assist in the analysis of potentially finite resources in the Lake Tahoe Basin and to continue

RESOLUTIONS (continued)

to review the status of environmental threshold carrying capacities in the area. The resolution addresses concerns that water and sewer capacities, currently not allocated on a regional basis, might limit the amount and location of development in the Lake Tahoe Basin if a shortage in those capacities were to occur.

A.J.R. 5 (File No. 42)

Assembly Joint Resolution No. 5 urges the Tahoe Regional Planning Agency to carry out existing plans and continue work on current projects designed to enhance environmental quality in the Lake Tahoe Basin. The resolution notes that the agency has already initiated several plans and projects that are proving beneficial to the area, and the introduction of new plans, projects, and restrictions might hamper implementation of these current programs.

A.J.R. 6 (File No. 41)

Assembly Joint Resolution No. 6 expresses support for the efforts of the Tahoe Regional Economic Coalition and urges the Tahoe Regional Planning Agency to continue its participation in the coalition. The resolution notes that the Tahoe Regional Economic Coalition is an alliance formed to integrate the goals of a strong economy and a healthy environment in the Lake Tahoe Basin. Further, the resolution recognizes and approves the importance the coalition places on cooperation among the various interests in the area.

A.J.R. 7 (File No. 40)

Assembly Joint Resolution No. 7 recognizes the threat to the natural and human environment in the Lake Tahoe Basin brought about by several years of drought. The resolution expresses support for the Tahoe Basin Forest Health Consensus Group, which makes recommendations to the Tahoe Regional Planning Agency concerning the restoration of the forest's health. In addition, the measure urges Congress and various state and federal agencies to provide funding and other assistance to carry out the group's mission.

A.J.R. 9 (File No. 28)

Assembly Joint Resolution No. 9 urges Congress and the United States Postal Service to provide door-to-door mail delivery throughout the Lake Tahoe Basin. The resolution recognizes the number of miles traveled daily to and from the post office by area residents and emphasizes the reduction in pollution and traffic congestion that would result from door-to-door mail delivery.

A.J.R. 10 (File No. 38)

Assembly Joint Resolution No. 10 expresses the support of the Nevada Legislature for the designation of the Tahoe Regional Planning Agency as a Metropolitan Planning Organization under federal law. This designation would enable the region to qualify for additional federal funds for mass transit and other transportation projects.

A.J.R. 12 (File No. 103)

Assembly Joint Resolution No. 12 proposes to amend the *Constitution of the State of Nevada* to prohibit future exemptions of public officers from laws applicable to the general public. The amendment does not affect existing exemptions.

If enacted in identical form by the 1997 Legislature, A.J.R. 12 will be submitted to voters for final approval or disapproval at the 1998 General Election.

A.J.R. 13 (File No. 84)

Assembly Joint Resolution No. 13 proposes to amend the *Constitution of the State of Nevada* to provide for the resolution of conflicts between certain amendments to statutes and the Constitution. The proposal specifically addresses conflicting amendments appearing on the statewide ballot at the same time. In general, if two or more measures addressing the same matter are approved by the voters at the same election, provisions that contradict in substance would be decided in favor of the measure receiving the largest favorable vote.

Testimony concerning the measure indicated that it is possible to have more than one initiative petition on the same topic at the same statewide election. In addition, similar matters can be referred to the voters by the Legislature. This measure provides a method to resolve conflicting provisions.

If enacted in identical form by the 1997 Legislature, A.J.R. 13 will be submitted to the voters for final approval or disapproval at the 1998 General Election.

A.J.R. 14 (File No. 99)

Assembly Joint Resolution No. 14 proposes to amend the *Constitution of the State of Nevada* by removing the Lieutenant Governor as President of the Nevada Senate. The measure also abolishes the additional expense allowance of \$2 per day paid during session to the President of the Senate and Speaker of the Assembly. If a vacancy occurs in the office of the Lieutenant Governor, the person appointed by the Governor to fill the vacancy must hold office until the next general election in which the Governor is elected.

Proponents of the measure testified that the duties and role of the Lieutenant Governor in the Senate are contrary to the "separation of powers" principle, because the Lieutenant Governor presides over the Senate and is permitted to vote in the event of a tie. Testimony also indicated that the additional allowance provided to the presiding officers of the Senate and Assembly causes complications with regard to federal income tax provisions.

If A.J.R. 14 is approved in identical form by the 1997 Legislature, it will be submitted to the voters for final approval or disapproval at the 1998 General Election.

A.J.R. 15 (File No. 20)

Assembly Joint Resolution No. 15 urges the Congress and the President of the United States to oppose the legalization of the use, possession, and distribution of unlawfully obtained controlled substances.

A.J.R. 16 (File No. 27)

Assembly Joint Resolution No. 16 urges Congress to enact legislation to eliminate inequities in the payment of Social Security benefits based on the year that persons initially become eligible for such benefits. The resolution further urges Congress to eliminate these inequities without reducing the benefits of persons who were born before 1917.

Social Security benefits paid to persons born during the years 1917 to 1926, who are commonly referred to as "notch babies," are lower than those paid to persons born before that time. The resolution notes that adequate reserves are available in the Social Security Trust Fund to eliminate these inequities.

A.J.R. 17 (File No. 97)

Assembly Joint Resolution No. 17 proposes to amend the *Constitution of the State of Nevada* to authorize the Legislature to designate places outside the county seat where a district court may conduct business.

If this measure is enacted in identical form by the 1997 Legislature, the measure will be placed on the ballot for voter consideration at the 1998 General Election.

A.J.R. 19 (File No. 83)

Assembly Joint Resolution No. 19 proposes to amend the *Constitution of the State of Nevada* to authorize specifically the legislative review of administrative regulations of

executive branch agencies. The proposal would allow the Legislature to provide by law for the legislative review of regulations for proper statutory authority before they become effective; suspension of regulations, if they appear to exceed the authority provided in state law; and nullification of inconsistent regulations by a representative body of the Legislature, regardless of whether the regulations were suspended or not.

If A.J.R. 19 is approved in identical form by the 1997 Legislature, it will be submitted to the voters for final approval or disapproval at the 1998 General Election.

A.J.R. 25 (File No. 85)

Assembly Joint Resolution No. 25 urges the President of the United States and Congress to support federal and state efforts to build super-speed trains that operate by magnetic levitation. The resolution notes that these trains would relieve congestion on highways and in airports and offer passenger service comparable to that available from commercial airlines but at a lower cost.

A.J.R. 26 (File No. 120)

Assembly Joint Resolution No. 26 reaffirms the Legislature's vehement opposition to the permanent or interim storage of high-level radioactive waste in Nevada. The resolution also urges Congress to continue the current practice of on-site dry cask storage of high-level radioactive waste until technology is available to recycle and reuse the waste.

A.J.R. 29 (File No. 109)

Assembly Joint Resolution No. 29 encourages cooperation among the State of Nevada, the State of California, and the Federal Government to extend facilities for non-motorized transport (such as bicycle paths) completely around Lake Tahoe. The resolution notes that there is considerable demand for these facilities and that their extension would enhance recreational opportunities in the Lake Tahoe Basin.

A.J.R. 30 (File No. 110)

Assembly Joint Resolution No. 30 recognizes Nevada's ongoing commercial relationship with the Republic of China on Taiwan as well as that country's democratic government and humanitarian efforts. The measure further urges Congress to give due consideration to the readiness of the Republic of China on Taiwan for broadened participation in the international community, including the United Nations and such forums as multilateral trade associations and humanitarian relief organizations.

A.J.R. 31 (File No. 88)

Assembly Joint Resolution No. 31 urges the National Museum of the American Indian to return to Nevada a portion of the tule duck decoys currently in the museum's possession. Eleven tule duck decoys, which at 2,000 years old are perhaps the world's oldest decoys, were discovered in a cave near Lovelock, Nevada, in 1911.

A.J.R. 32 (File No. 58)

Assembly Joint Resolution No. 32 extends condolences to the residents of Oklahoma City, Oklahoma, for the tragic bombing of the federal building in that city on April 19, 1995. This measure extends sympathy to the survivors of the victims, those who were injured, and those who continue to mourn the loss of friends, family, and loved ones.

A.J.R. 33 (File No. 148)

Assembly Joint Resolution No. 33 proposes to amend the *Constitution of the State of Nevada* by redistributing some of the powers associated with the Commission on Judicial Discipline. The proposal would require the Legislature to establish the grounds for judicial discipline and the Supreme Court to adopt rules governing appeals of commission decisions and a Code of Judicial Conduct. Finally, the commission would be directed to adopt rules of procedure for the conduct of its hearings and other activities deemed necessary.

This proposed constitutional amendment, if adopted in identical form by the 1997 Legislature, will be placed on the ballot for a vote of the people at the 1998 General Election.

A.J.R. 34 (File No. 141)

Assembly Joint Resolution No. 34 urges Congress to pass legislation that would prohibit a court from limiting or reducing the number of prisoners in a facility unless the inmate can establish that prison overcrowding is the cause of a constitutional violation and no other relief would remedy the problem. In addition, the resolution supports federal legislation to limit any relief ordered by a court to only that which is necessary to remove the conditions depriving the complaining person of a constitutional right.

A.J.R. 35 (File No. 114)

Assembly Joint Resolution No. 35 urges Congress to support legislation that recognizes and preserves the value of ranching and farming to the economy and rural

communities. It also urges Congress to support legislation that streamlines the paperwork requirements of federal laws affecting the use of the national forests and exempts the renewal of grazing permits from the requirements of the National Environmental Policy Act.

This resolution recognizes the residents of Humboldt, Elko, White Pine, Lincoln, and Nye Counties who rely on lands within the Humboldt National Forest for grazing livestock. Conservation groups have sued the United States Forest Service to prohibit the authorization of grazing permits in the Humboldt National Forest until alleged violations of the National Environmental Policy Act and other federal laws are resolved. The resolution notes that this litigation threatens the livelihoods of farmers and ranchers, polarizes the users of the public lands, limits constructive dialogue, and diverts resources from activities that would directly improve the range.

A.J.R. 36 (File No. 115)

Assembly Joint Resolution No. 36 urges the parties involved in and affected by litigation brought by the Nevada Wildlife Federation, the Elko County Conservation Association, and the National Wildlife Federation against the United States Forest Service over authorization of grazing permits in the Humboldt National Forest to cooperate with one another and resolve their differences.

The three conservation groups have sued the United States Forest Service to prohibit the authorization of grazing permits in the Humboldt National Forest until alleged violations of the National Environmental Policy Act and other federal laws are resolved. The resolution notes that this litigation is unproductive and adversely affects continued multiple-use management of the range.

A.J.R. 38 (File No. 151)

Assembly Joint Resolution No. 38 urges Congress to enact legislation requiring that the passport for a child under the age of 16 years be signed by the parents, the parent or parents who have been awarded custody, or the surviving parent.

A.J.R. 40 (File No. 140)

Assembly Joint Resolution No. 40 urges the United States Environmental Protection Agency to extend by at least 2 years the deadline for small, remote landfills in arid areas to comply with federal regulations. The resolution also urges Congress to amend the Resource Conservation and Recovery Act as it applies to small, remote landfills in arid areas to give the states more flexibility to manage them and to appropriate money for grants to the states to carry out the mandates of the act. In addition, A.J.R. 40 urges the Division of Environmental Protection to assert Nevada's authority and discretion over solid waste management programs; propose reasonable regulations for

managing the smallest landfills; and carry out a vigorous technical assistance program for small towns, rural areas, and agricultural operations.

A.J.R. 41 (File No. 147)

Assembly Joint Resolution No. 41 urges the United States Secretary of Agriculture to maintain funding and appropriate money for the upcoming fiscal year for the Conservation Biology of Rangelands Research Unit in Reno. This unit is part of the Agricultural Research Service of the United States Department of Agriculture.

A.J.R. 42 (File No. 146)

Assembly Joint Resolution No. 42 expresses the Legislature's disapproval of the United States Forest Service's practice of calculating the fees for permits for recreational use of national forest land based, in part, on revenue received for activities occurring solely on state lands. The resolution urges the Forest Service to cease this method of calculating fees.

A.J.R. 43 (File No. 142)

Assembly Joint Resolution No. 43 commends the People to People Student Ambassador Program and sends greetings from the Nevada Legislature to the Honorable Sir Andrew Bowden, a member of the British Parliament.

The resolution notes that one of the approximately 8,000 American students going abroad in the summer of 1995 will be Karalyn Marie Heath, who will learn about British history and the system of parliamentary government from Sir Bowden. Karalyn is the granddaughter of Nevada Assemblyman Thomas W. Fetic.

Assembly Concurrent Resolutions

A.C.R. 1 (File No. 13)

Assembly Concurrent Resolution No. 1 encourages the State Department of Education and civic and community organizations to implement and teach the Eddie Eagle Elementary Gun Safety and Education Program. The measure also commends the National Rifle Association of America for developing and making available the program.

A.C.R. 2 (File No. 24)

Assembly Concurrent Resolution No. 2 urges law enforcement agencies and school officials to identify children who abuse alcohol and drugs. Law enforcement agencies are also urged to promptly arrest children who violate the laws related to alcohol and drugs. In addition, this resolution encourages juvenile and district courts to impose prompt, meaningful, and consistent sanctions, including remedial and treatment programs, upon children who violate these laws.

A.C.R. 3 (File No. 82)

Assembly Concurrent Resolution No. 3 urges certain state agencies to cooperate with and provide information to the Tahoe Regional Planning Agency and the various local governments in the Lake Tahoe Basin. The resolution recognizes that the information collected by Nevada's Department of Transportation and the Divisions of Environmental Protection, Forestry, State Lands, and Wildlife is valuable to plan for orderly growth and protect the environment in the Lake Tahoe Basin.

A.C.R. 4 (File No. 34)

Assembly Concurrent Resolution No. 4 directs the Legislative Commission to appoint a committee to continue the review of the Tahoe Regional Planning Compact and the oversight of the Tahoe Regional Planning Agency (TRPA). The measure also directs the committee to study and review the role and activities of each federal and state agency having authority to regulate activities in the Lake Tahoe Basin.

The 1985, 1987, 1991, and 1993 Sessions of the Legislature established similar oversight committees to review TRPA and the related compact between Nevada and California. The review of federal and state agencies in the Tahoe Basin is added to the responsibilities of the committee in 1995.

A.C.R. 5 (File No. 32)

Assembly Concurrent Resolution No. 5 expresses the support of the Nevada Legislature for the participation of Nevada's Department of Transportation in the TransCal Field Operation Test, the Tahoe Intercity Rail Study, and the Tahoe Basin Traffic Management Plan.

A.C.R. 6 (File No. 8)

Assembly Concurrent Resolution No. 6 adopts the Joint Rules of the Senate and Assembly for the 1995 Legislative Session.

A.C.R. 7 (File No. 149)

Assembly Concurrent Resolution No. 7 amends the Joint Rules of the Senate and Assembly for the 1995 Regular Session by establishing a waiting period of 24 hours between the introduction of the general appropriation bill and a vote on its final passage by its house of origin.

Testimony concerning the resolution indicated that the general appropriation bill for the operation of Nevada State Government, which is one of the final measures introduced before the Legislature adjourns *sine die*, sometimes is approved on the day of its introduction. A 24-hour waiting period is recommended to allow more time for the review of this particularly significant measure by both legislators and the public and to promote more openness in the legislative process. This approach allows time for review of the general appropriation bill without delaying the conclusion of the legislative session.

A.C.R. 8 (File No. 35)

Assembly Concurrent Resolution No. 8 amends the Joint Rules of the Senate and Assembly by removing provisions that require a 2-week adjournment early in each regular legislative session.

A.C.R. 9 (File No. 10)

Assembly Concurrent Resolution No. 9 commends the Nevada Youth Baseball Association for its commitment to the youth of Nevada. Further, the measure urges the American Legion to award to Nevada the bid to host the 1997 American Legion World Series Tournament.

A.C.R. 12 (File No. 116)

Assembly Concurrent Resolution No. 12 directs the Legislative Counsel to reorganize and divide into separate chapters the provisions of Chapter 616 of *Nevada Revised Statutes*, which governs industrial insurance, before the beginning of the next regular legislative session.

Testimony indicated that Chapter 616 is one of the longest and most complicated chapters of state law.

A.C.R. 15 (File No. 14)

Assembly Concurrent Resolution No. 15 commends the Nevada School Food Service Association for their commitment and dedication in providing nutritional meals to the children of Nevada and for their efforts in the successful dissemination of information on nutrition.

A.C.R. 16 (File No. 17)

Assembly Concurrent Resolution No. 16 commends chiropractors for their dedication and expertise upon the centennial celebration of the founding of the chiropractic profession.

A.C.R. 18 (File No. 30)

Assembly Concurrent Resolution No. 18 commends the Nevada Parent Teacher Association (NPTA) for its continuing efforts to improve the education of Nevada's children. Further, the measure commends NPTA President Lyn Bennett for her dedication and capable leadership.

A.C.R. 19 (File No. 36)

Assembly Concurrent Resolution No. 19 designates April 6, 1995, as Nevada REALTORS® Day, in recognition of approximately 6,000 REALTORS® working in Nevada.

A.C.R. 21 (File No. 124)

Assembly Concurrent Resolution No. 21 directs the development of a proposal to amend the state Medicaid plan to include coverage for the treatment of substance abuse provided to a recipient in a nonhospital setting. The resolution requires that the proposal be a coordinated effort among the Welfare Division; the Bureau of Alcohol and Drug Abuse; and the Commission on Substance Abuse Education, Prevention, Enforcement and Treatment. The proposal to change the state Medicaid plan must be presented to the State Welfare Board by October 1, 1996.

Under the current state plan, Medicaid will pay for substance abuse services only for hospital inpatients. Many indigent persons would benefit from less costly outpatient treatment. This proposal will allow existing state funds currently used for such treatments to be matched with federal money under the state Medicaid program.

A.C.R. 24 (File No. 102)

Assembly Concurrent Resolution No. 24 directs the adjustment of sums of money authorized for expenditures for purposes related to certain state parks and the development of facilities or the improvement of existing fish and wildlife habitats. The money that is reallocated was received from the issuance of general obligation bonds.

A.C.R. 25 (File No. 52)

Assembly Concurrent Resolution No. 25 commemorates the 75th anniversary of the ratification of the 19th Amendment to the *United States Constitution*, which granted women the right to vote. The resolution highlights efforts to obtain approval of the amendment and emphasizes the relevant activities in Nevada.

A.C.R. 26 (File No. 53)

Assembly Concurrent Resolution No. 26 congratulates Dr. Charles Elachi for being selected as the recipient of the Nevada Medal given by the Desert Research Institute. Further, the measure commends Nevada Bell for sponsoring the medal, which recognizes persons who have demonstrated outstanding scientific, engineering, and technical achievements.

A.C.R. 27 (File No. 55)

Assembly Concurrent Resolution No. 27 designates April 28, 1995, as Workers Memorial Day in Nevada to honor workers who have died as a result of work-related injuries. The resolution further urges Nevada residents to observe this day by recognizing the need for strengthening safety in the workplace.

A.C.R. 28 (File No. 145)

Assembly Concurrent Resolution No. 28 grants 5 days of administrative leave to legislative employees in recognition of their service to the 68th Session of the Nevada Legislature.

A.C.R. 29 (File No. 64)

Assembly Concurrent Resolution No. 29 commends Lourinda Mariane Rahbeck Wines. Lourinda Wines is a native Nevadan from Gardnerville and has been a prominent

rancher in Ruby Valley for many years. She is also active in many community service organizations.

A.C.R. 30 (File No. 65)

Assembly Concurrent Resolution No. 30 memorializes Wuzzie Dick George, a member of the Northern Paiutes, born in the Jersey Valley near the Stillwater Mountain Range around 1880. Wuzzie Dick George and her family honored and preserved the traditions of her people, spending many hours teaching their culture to young Paiutes. The resolution also commends Jimmy George, husband of Wuzzie George, for his contributions as a Native American doctor, or shaman.

Finally, the measure acknowledges the efforts of the descendants of Wuzzie and Jimmy George, as well as the entire Fallon Paiute-Shoshone Tribe, for honoring, maintaining, and transmitting the history of their people.

A.C.R. 31 (File No. 168)

Assembly Concurrent Resolution No. 31 expresses the Legislature's support for programs to mitigate traffic noise. The measure urges the Board of Directors of Nevada's Department of Transportation to select the section of U.S. Highway 395 between Oddie Boulevard and the junction with Interstate Highway 80 in Reno as a site for one of its first experimental programs in noise abatement.

This resolution further urges Nevada's local government officials to evaluate the potential for traffic noise before approving residential development near major roads and highways.

A.C.R. 33 (File No. 170)

Assembly Concurrent Resolution No. 33 directs the Legislative Commission to conduct an interim study to consider the appropriate division of fiscal responsibility for programs and services between state and local governments. The Legislative Commission must appoint a committee to evaluate the current division of responsibility between the state, counties, and cities for the delivery of services and programs. The study also must include recommendations identifying the governmental unit best suited to provide the most efficient and responsive delivery and administration of services or programs.

A.C.R. 34 (File No. 75)

Assembly Concurrent Resolution No. 34 memorializes Jeanne Demuth Dini, known for her devotion to family and commitment to children and the less fortunate in society.

She made extensive contributions to numerous civic, religious, and fraternal organizations. Jeanne Dini served many years as a member of Nevada's Personnel Commission and supported her husband, Joseph E. Dini, Jr., long-time Speaker of the Assembly, in his service to the citizens of Nevada. She also worked tirelessly on behalf of rural mental health clinics and to preserve rural historical sites. Jeanne Dini was known as a wonderful woman and gracious lady whose hard work left numerous visible reminders of her efforts to make Nevada a better place to live.

A.C.R. 35 (File No. 80)

Assembly Concurrent Resolution No. 35 memorializes Russell W. McDonald, former Legislative Counsel for the State of Nevada.

A.C.R. 38 (File No. 171)

Assembly Concurrent Resolution No. 38 directs the Legislative Commission to conduct an interim study concerning the management of housing programs in Nevada. The Legislative Commission must appoint to the study committee, in addition to legislators, certain nonvoting members as advisors. The study must include an examination, review, and evaluation of the administration of the existing United States Housing and Urban Development programs, the consolidation of state housing programs, and plans for the future to provide affordable housing in Nevada.

The measure recognizes the existence of a shortage of safe, decent, and affordable housing for low-income and moderate-income families and notes that this lack of affordable housing is detrimental to Nevada's goal of economic diversification and development.

A.C.R. 39 (File No. 135)

Assembly Concurrent Resolution No. 39 designates the Director of the Legislative Counsel Bureau as the energy retrofit coordinator for the buildings occupied by the legislative branch of government.

A.C.R. 40 (File No. 86)

Assembly Concurrent Resolution No. 40 proclaims the month of May "Asian Pacific Heritage Month" in Nevada. This measure encourages all residents of Nevada to participate in local events that recognize and honor Asian Pacific Americans in an effort to become more aware of the Asian Pacific influence on the state's history.

A.C.R. 41 (File No. 95)

Assembly Concurrent Resolution No. 41 memorializes H.P. Fitzgerald, veteran educator from Clark County.

A.C.R. 42 (File No. 152)

Assembly Concurrent Resolution No. 42 urges each school district and the Board of Regents of the University of Nevada to develop and provide training to administrators, teachers, and other licensed personnel regarding the recognition and reporting of child abuse as well as the identification and instruction of persons with disabilities in the regular classroom.

According to testimony, teachers and other school personnel make a significant number of the reports received each year concerning child abuse and neglect. The training described in this resolution will assist teachers and other school personnel to recognize the signs of abuse and neglect and to take appropriate action to report suspected cases.

A.C.R. 44 (File No. 108)

Assembly Concurrent Resolution No. 44 commends the Communications Workers of America Local 9413 for its public service resulting in the installation of a PT (patient) Phone Home system in the Veterans Administration Medical Center in Reno. The measure expresses the appreciation of the Legislature to Valerie Springer, Barbara Wellington, and all the volunteers who donated their assistance to this project.

A.C.R. 45 (File No. 117)

Assembly Concurrent Resolution No. 45 memorializes former Assemblyman and civic leader George Rudiak and extends the sympathy and condolences of the Legislature to his family.

A.C.R. 46 (File No. 153)

Assembly Concurrent Resolution No. 46 urges the Division of Wildlife to prepare, by July 1, 1997, a statewide elk management plan for approval by the Board of Wildlife Commissioners. In preparing the plan, the division is directed to consult with all interested and affected agencies, groups, and persons and to prepare subplans for each of Nevada's elk herds.

The division must report to the 1997 and 1999 Sessions of the Legislature concerning the status of this plan.

A.C.R. 47 (File No. 118)

Assembly Concurrent Resolution No. 47 commends native son and life-long educator Grant Bowler for his public service to the State of Nevada.

A.C.R. 49 (File No. 172)

Assembly Concurrent Resolution No. 49 directs the Legislative Commission to conduct an interim study of competition in the generation, sale, and transmission of electrical energy. This resolution requires the study to include an assessment of related financial, legal, and social issues and topics related to system planning, operation, and reliability.

A.C.R. 50 (File No. 154)

Assembly Concurrent Resolution No. 50 commends the members of the Junior League of Las Vegas for its commitment to children's issues and for bringing children's issues into the public forum. The measure further recognizes that the welfare of the children of Nevada is of the utmost importance to the future of our society.

A.C.R. 51 (File No. 155)

Assembly Concurrent Resolution No. 51 directs the State Controller to compensate members of the clergy for services rendered to the Assembly and Senate during the 68th Session of the Nevada Legislature.

A.C.R. 52 (File No. 156)

Assembly Concurrent Resolution No. 52 commends the State Printing and Micrographics Division of the Department of Administration for its service to the Nevada Legislature during the 1995 Session.

A.C.R. 53 (File No. 169)

Assembly Concurrent Resolution No. 53 limits the number of requests for the drafting of legislative measures that may be submitted to the Legislative Counsel during the 1995-1996 interim period. The measure prescribes limits for requests from all senators

and assemblymen, including those who served in the 1995 Session and those who are elected at the 1996 General Election. Limits also are established for the chairmen of standing committees and legislative leaders, including those who served in 1995 and those designated for such positions after the 1996 General Election.

In addition, the measure limits requests for the drafting of legislative measures that are submitted by the chairmen of the Legislative Commission and Interim Finance Committee, interim study committees of the Legislature, the Board of Regents of the University of Nevada, agencies of the executive branch, Nevada's constitutional officers, and the judicial branch.

The resolution directs the Legislative Counsel to take all actions necessary to complete 1,000 bill drafts before the first day of the 1997 Session and prohibits a requester from changing a request's subject matter after it has been submitted for drafting.

This measure, in conjunction with Assembly Bill 279, is designed to reduce the total number of bill draft requests submitted for the 1997 Legislative Session. Testimony indicated that such a reduction is essential if the Legislature is to shorten the length of regular sessions.

Senate Joint Resolutions - 67th Session

S.J.R. 2 - 67th Session (File No. 19)

Senate Joint Resolution No. 2 of the 67th Session proposes to amend the *Constitution of the State of Nevada* to direct the Legislature to provide by law for the rights of victims of crime. The resolution enumerates those rights as the right to be informed of the status of criminal proceedings related to the crime, to be present at all public hearings, and to be heard at proceedings for sentencing or release of a convicted person.

The measure stipulates that no cause of action arises from a violation of laws pertaining to the rights of victims nor does a violation give cause to set aside a conviction or sentence. A person may initiate an action to compel a public officer or employee to carry out duties associated with victims' rights.

Existing law grants victims many of the rights outlined in the resolution. Senate Joint Resolution No. 2 would elevate those rights to constitutional recognition.

This measure was approved by the 1993 Legislature. Since approved in identical form by the 1995 Legislature, S.J.R. 2 will be submitted to the voters for final approval or disapproval at the 1996 General Election.

S.J.R. 23 - 67th Session (File No. 105)

Senate Joint Resolution No. 23 of the 67th Session proposes to amend the *Constitution of the State of Nevada* to authorize specifically the legislative review of administrative regulations of executive branch agencies. The proposal would allow the Legislature to provide by law for the legislative review of regulations for proper statutory authority before they become effective; suspension of regulations, if they appear to exceed the authority provided in state law; and nullification of inconsistent regulations by a representative body of the Legislature, regardless of whether the regulations were suspended or not.

This measure was approved by the 1993 Legislature. Since approved in identical form by the 1995 Legislature, S.J.R. 23 will be submitted to the voters for final approval or disapproval at the 1996 General Election.

S.J.R. 27 - 67th Session (File No. 54)

Senate Joint Resolution No. 27 of the 67th Session proposes to amend the *Constitution of the State of Nevada* by repealing certain language approved in 1864. That language disclaims the right and title of the state to the unappropriated public lands within Nevada and places that land at the disposition of the Federal Government.

In addition, the resolution urges Congress to consent to this amendment upon its approval and ratification by the voters of Nevada. The resolution further provides that the amendment to the Constitution, if approved by the voters, is effective upon obtaining congressional consent or upon a legal determination that such consent is not necessary.

This measure was approved by the 1993 Legislature. Since approved in identical form by the 1995 Legislature, S.J.R. 27 will be submitted to the voters for final approval or disapproval at the 1996 General Election.

Assembly Joint Resolutions - 67th Session

A.J.R. 6 - 67th Session (File No. 25)

Assembly Joint Resolution No. 6 of the 67th Session proposes to amend the *Constitution of the State of Nevada* concerning certain matters relating to the recall of a public officer. A petition for recall must contain only the signatures of registered voters in the district represented by the public officer, the number of which must be equal to 25 percent or more of those who voted at the election in which the officer was elected. Currently, the Constitution specifies that the number be equal to 25 percent or more of those who voted in the district "at the preceding general election."

The proposal also extends, from 20 to 30 days, the period within which a special election for consideration of the proposed recall must be held after it is ordered.

This measure, enacted in identical form by both the 1993 and 1995 Legislatures, will be submitted to voters for final approval or disapproval at the 1996 General Election.

A.J.R. 19 - 67th Session (File No. 37)

Assembly Joint Resolution No. 19 of the 67th Session proposes to amend the *Constitution of the State of Nevada* to prohibit money from the Public Employees Retirement System (PERS) from being loaned to the state or invested to purchase any obligations of the state. The measure also proposes amending the Constitution to require that PERS be governed by a public employees' retirement board. The board would be authorized to appoint an executive director and employ an independent actuary. The board would also be required to adopt actuarial assumptions based upon the recommendations of the actuary.

Assembly Joint Resolution No. 19 is intended to prevent the State of Nevada from borrowing public employee pension funds during periods of fiscal difficulties. Other states have encountered serious problems in the aftermath of such borrowing.

This measure, enacted in identical form by both the 1993 and 1995 Legislatures, will be submitted to voters for final approval or disapproval at the 1996 General Election.

A.J.R. 26 - 67th Session (File No. 133)

Assembly Joint Resolution No. 26 of the 67th Session proposes to amend the *Constitution of the State of Nevada* to exempt from the debt limit money borrowed to retrofit state buildings to make those buildings more energy efficient. Currently, the Constitution exempts debts incurred by the state for the preservation of its property or natural resources. This amendment clarifies that the existing exemption applies to debts incurred in modifying public buildings to conserve energy.

This measure, enacted in identical form by both the 1993 and 1995 Legislatures, will be submitted to voters for final approval or disapproval at the 1996 General Election.

A.J.R. 35 - 67th Session (File No. 134)

Assembly Joint Resolution No. 35 of the 67th Session proposes to amend the *Constitution of the State of Nevada* to allow the investment of state funds in a company, association, or corporation to stimulate economic development. The proposed amendment requires that these investments be approved by a two-thirds vote of the Legislature. Further, the Legislature must find that such investments encourage economic development or the creation of new employment; are reasonably expected

RESOLUTIONS (continued)

to generate a fair rate of return; and will be made in cooperation with private investors on terms at least as favorable as those offered to private investors.

This measure, enacted in identical form by both the 1993 and 1995 Legislatures, will be submitted to voters for final approval or disapproval at the 1996 General Election.

SCIENCE AND TECHNOLOGY

S.B. 136 (Chapter 440)

Senate Bill 136 appropriates \$64,000 to the Legislative Fund for computer equipment and software to allow interaction between the Legislature and other entities through INTERNET.

This measure is effective on June 30, 1995.

S.B. 204 (Chapter 710)

Senate Bill 204 appropriates \$5 million to the University and Community College System of Nevada and \$3 million to the State Department of Education for the purchase of computer equipment and other services necessary to develop a statewide system of pupil information and to improve access to educational programs through INTERNET and interactive video.

The measure requires the system and the department to enter into a cooperative agreement to implement this legislation and to report, to the 1997 Legislature, the expenditures of these funds and the status of the network.

This bill is effective on June 30, 1995.

S.B. 226 (Chapter 462)

Senate Bill 226 creates the trust fund for education technology within the State General Fund. The fund is to be administered by the Superintendent of Public Instruction, who is authorized to accept gifts and grants of money from any source for the fund. The State Department of Education is required to create a program allowing individual public schools to apply for grants of money from the trust fund. Schools may use the money to obtain and maintain computer hardware and software or other educational technology for use in classrooms.

The bill is effective July 1, 1995.

S.B. 526 (Chapter 668)

Senate Bill 526 authorizes the director of the Office of Science, Engineering and Technology to engage in consulting and academic pursuits that the Governor determines do not conflict with the duties of the office and may promote the interests of the state.

This bill is effective on July 1, 1995.

S.C.R. 11 (File No. 100)

Senate Concurrent Resolution No. 11 urges increased development of solar energy in Nevada. The resolution specifically urges state agencies to work with the U.S. Department of Energy and other federal offices to pursue the construction of a solar energy demonstration facility and the creation of a strategic plan for the development of solar energy in southern Nevada. The resolution further expresses support for the development of a solar-power enterprise zone in southern Nevada and the conversion of the Nevada Test Site into a solar-energy research and development site. Finally, S.C.R. 11 declares that the Legislature intends for the state to increase its rate of solar-power resource development in order to become the nation's leader in the solar-technology industry.

STATE GOVERNMENT

S.B. 80 (Chapter 77)

Senate Bill 80 declares the tule duck decoy as the official state artifact of the State of Nevada.

S.C.R. 38 (File No. 132)

Senate Concurrent Resolution No. 38 urges state agencies and local governments to establish programs to encourage the participation of Nevadans in the development of public policy and the operation of government. The Legislature urges each state agency and local government to adopt a statement acknowledging its commitment to establish these programs.

The measure directs the Department of Museums, Library and Arts to serve as a repository for resolutions, regulations, and other documents generated by the legislation. In addition, the department is directed to submit a report to the 69th Session of the Legislature describing the information and programs resulting from this legislation and any recommendations concerning these programs.

Administrative Rules and Procedures

S.B. 277 (Chapter 106)

Senate Bill 277 makes various revisions to the procedure for adopting and amending administrative rules and regulations. The measure makes the State Board of Accountancy subject to the Administrative Procedures Act. In addition, S.B. 277 increases, from every 6 to every 3 years, the frequency within which agencies must review their rules of practice.

The bill also requires a second notice and hearing before an adopted temporary regulation may be made permanent; however, the Public Service Commission of Nevada is authorized to adopt a permanent regulation, under specified circumstances, without further notice or hearing. In addition, the measure makes changes to the requirements concerning a notice of intent to act upon a regulation, specifies the involvement of the Governor if an emergency regulation is needed, and allows the Legislative Commission to object to a regulation not required by federal law. Finally, S.B. 277 stipulates that the informational sheet, which contains specified data, must be filed at the same time as its corresponding temporary or emergency regulation with the Secretary of State and the Legislative Counsel Bureau.

This measure is effective on May 17, 1995.

S.J.R. 23 - 67th Session (File No. 105)

Senate Joint Resolution No. 23 of the 67th Session proposes to amend the *Constitution of the State of Nevada* to authorize specifically the legislative review of administrative regulations of executive branch agencies. The proposal would allow the Legislature to provide by law for the legislative review of regulations for proper statutory authority before they become effective; suspension of regulations, if they appear to exceed the authority provided in state law; and nullification of inconsistent regulations by a representative body of the Legislature, regardless of whether the regulations were suspended or not.

This measure was approved by the 1993 Legislature. Since approved in identical form by the 1995 Legislature, it will be submitted to the voters for final approval or disapproval at the 1996 General Election.

A.B. 122 (Chapter 488)

Assembly Bill 122 requires the State Board of Health to adopt regulations creating a uniform process for administrative hearings and appeals. The measure also transfers regulatory duties concerning uranium mills, dairy products, and medical laboratories from the State Board of Health to the Health Division.

The measure is intended to establish a single process for the Health Division's administrative regulation of disputes, appeals, conflict resolutions, and sanctions. The division regulates programs in 22 chapters of the *Nevada Revised Statutes*. The bill amends five chapters to require the adoption of a single set of regulations for the division to follow in conducting these administrative proceedings.

The bill takes effect on July 1, 1995, for the purpose of adopting the required regulations and on January 1, 1996, for all other purposes.

A.B. 286 (Chapter 160)

Assembly Bill 286 adds certain requirements to the notice of intent for proposed administrative regulations. The bill stipulates that such notice include, in addition to existing requirements, an estimate of the agency's cost of enforcement; an explanation of duplication, if any, of other state or local regulations; and separate estimates of the regulation's economic effect on business and the public. The economic assessments must include adverse and beneficial effects, both immediately and in the long term.

This measure is effective on July 1, 1995. Its amendatory provisions do not apply to temporary regulations for which a hearing has been held before that date, if no further hearings are scheduled.

A.B. 538 (Chapter 702)

Assembly Bill 538 creates a legislative committee consisting of eight members of the Legislature to study state regulations that affect business and economic development. The members will be appointed by the Legislative Commission and their terms expire on June 30, 1997. Among other things, the committee must review the provisions of specified chapters of the *Nevada Administrative Code* that affect business and economic development.

This measure is effective on July 7, 1995.

A.J.R. 19 (File No. 83)

Assembly Joint Resolution No. 19 proposes to amend the *Constitution of the State of Nevada* to authorize specifically the legislative review of administrative regulations of executive branch agencies. The proposal would allow the Legislature to provide by law for the legislative review of regulations for proper statutory authority before they become effective; suspension of regulations, if they appear to exceed the authority provided in state law; and nullification of inconsistent regulations by a representative body of the Legislature, regardless of whether the regulations were suspended or not.

If A.J.R. 19 is approved in identical form by the 1997 Legislature, it will be submitted to the voters for final approval or disapproval at the 1998 General Election.

Organization**S.B. 348 (Chapter 145)**

Senate Bill 348 places the Committee to Control Predatory Animals under the State Board of Sheep Commissioners. The measure also replaces the term "crop-destroying bird," which refers only to starlings, with the term "property-destroying bird" which includes starlings, blackbirds, ravens, crows, and other birds that damage property, threaten human health, or cause a public nuisance.

The measure recombines the functions of the Committee to Control Predatory Animals and the State Board of Sheep Commissioners as they existed before their inadvertent separation during the reorganization of state government in 1993.

S.B. 409 (Chapter 263)

Senate Bill 409 adds public administration, accounting, and business administration to the fields within which the Administrator of the Division of Agriculture must have 5 years of experience.

The measure is effective on June 19, 1995.

S.B. 436 (Chapter 285)

Senate Bill 436 clarifies the annual reporting requirements of the State Public Defender regarding the cases in participating counties. This measure consolidates the requirements from existing law into one section. Participating counties are defined as the counties in which an office of public defender has not been created.

S.B. 523 (Chapter 259)

Senate Bill 523 adds the Nevada Natural Heritage Program to the State Department of Conservation and Natural Resources. The program maintains a database on Nevada's flora and fauna for use by state agencies and public and private planners and designers.

This measure is effective on July 1, 1995.

S.B. 527 (Chapter 339)

Senate Bill 527 transfers responsibility for the administration of the program to subsidize transportation of the elderly and the permanently handicapped in taxicabs to the Aging Services Division of the Department of Human Resources. The bill provides that the existing regulations relating to subsidized transportation previously adopted by the Taxicab Authority shall remain in effect until the effective date of the regulations adopted by the administrator.

This measure is effective on July 1, 1995.

S.B. 528 (Chapter 322)

Senate Bill 528 places the State Climatologist in the employment of the Director of the State Department of Conservation and Natural Resources.

This measure is effective on July 1, 1995.

S.B. 562 (Chapter 342)

Senate Bill 562 eliminates the office of the coordinator of the program for substance abuse education, prevention, enforcement and treatment.

This measure is effective July 1, 1995.

S.J.R. 21 (File No. 136)

Senate Joint Resolution No. 21 proposes to amend the *Constitution of the State of Nevada* to require the State Treasurer to appoint the State Controller. The measure directs the Legislature to prescribe the duties and qualifications of the controller, who serves at the pleasure of the treasurer.

If this resolution is passed in identical form by the 1997 Legislature, it will be submitted to the voters at the 1998 General Election.

A.B. 7 (Chapter 31)

Assembly Bill 7 transfers the Commission on Postsecondary Education from the Department of Business and Industry to the State Department of Education. This measure is intended to place the commission in a more logical position within the organizational chart of state government, since its mission and functions are more closely aligned to those of the State Department of Education.

The bill is effective on July 1, 1995.

A.B. 21 (Chapter 19)

Assembly Bill 21 repeals the authority of the Administrator of the Division of State Parks to appoint a construction engineer. The bill eliminates an obsolete provision in state law that conflicts with current personnel practices. The division now employs two registered civil engineers to handle construction engineering and other related functions. The state's Department of Personnel establishes the minimum qualifications for these positions, and the Legislature authorizes the positions through the biennial budget review process.

A.B. 24 (Chapter 244)

Assembly Bill 24 creates the Office of Financial Management, Training and Controls within the Department of Administration and provides for the appointment of a qualified certified public accountant as the chief of the office.

The responsibilities of the office include evaluating the adequacy of the accounting procedures, administrative controls, and financial management of each state agency to which the office provides training and assistance; developing regulations that require training in certain areas for any employee of an agency responsible for administering budgetary accounts; and providing technical assistance in related areas. The office shall not conduct investigations or provide services to an agency under the direct control of a constitutional officer unless that officer requests such services.

Finally, the office shall provide an annual report to the Governor, the director of the department, the Interim Finance Committee, and the Legislative Auditor regarding the agencies to which services were provided.

The bill is effective on July 1, 1995, expires by limitation on July 1, 1997.

A.B. 130 (Chapter 461)

Assembly Bill 130 transfers the state's Agency for Nuclear Projects from the Department of Conservation and Natural Resources to the Governor's Office. The bill also authorizes the agency to expend from sources other than the State General Fund approximately \$7 million the first year of the 1995-1997 biennium, and \$8 million the second year.

In addition, the measure adds one state senator to the Legislative Committee on High-Level Radioactive Waste and requires the Executive Director of the Agency for Nuclear Projects to provide semiannual reports to the committee.

The bill is effective on July 1, 1995.

A.B. 581 (Chapter 606)

Assembly Bill 581 creates the account for special projects to assist in the development of services for business and industry. Money in the account may be used by the Director of the Department of Business and Industry (DBI) to develop and administer special projects to provide services for business and industry.

The bill also authorizes the establishment of an Office of Business Finance and Planning within the department. Responsibilities of this office include administering programs related to financing for the assistance of entities engaged in business and industry, providing public information regarding regulatory programs and other activities of the department, and improving access to the department's programs related to the growth and retention of business and industry in Nevada. In addition, A.B. 581 authorizes the creation of a Center for Business Advocacy and Services, as part of the office.

Further, the measure authorizes the DBI to use, in certain circumstances, alternative means of dispute resolution and transfers the department's Office for Hospital Patients from the Division of Insurance to the Consumer Affairs Division.

Finally, the bill clarifies the duties and responsibilities of the department's director and authorizes the establishment of a trust account for the deposit of certain money related to bond programs.

This measure is effective on July 1, 1995.

A.B. 691 (Chapter 615)

Assembly Bill 691 transfers the capitol police from the Buildings and Grounds Division of the Department of Administration to the Department of Motor Vehicles and Public Safety (DMV&PS). The bill also authorizes the establishment of a Capitol Police Division within the DMV&PS. The measure further requires the capitol police to assist the Buildings and Grounds Division in preventing unlawful activities on, or damage to, state property under its control and protecting the safety of any persons on that property. The Director of DMV&PS must appoint to the Capitol Police Division the necessary personnel to carry out these functions and responsibilities, and the director is prohibited from including these duties in any change in the department's organization. This bill requires that the salaries and expenses of the capitol police be paid out of the Buildings and Grounds operating fund.

This measure is effective on July 1, 1995.

State Financial Administration **(See also: Appropriations and Authorizations)**

S.B. 126 (Chapter 483)

Senate Bill 126 revises the limit on the balance in the fund to stabilize the operation of the state government in Nevada. The maximum balance in the account is changed from \$100 million to 10 percent of the total of all appropriations and authorized expenditures from the State General Fund for the operation of state government and for the regulation of gaming, for the fiscal year in which certain revenue will be deposited in the fund by the State Controller. Further, the measure revises the reserve required in the state budget for each fiscal year of the biennium. The reserve must be calculated from the same appropriations and expenditures used to determine the maximum account balance and must be within 5 and 10 percent of the total amount as currently provided by law.

This measure is effective on July 1, 1995.

S.B. 189 (Chapter 437)

Senate Bill 189 authorizes Nevada's Department of Transportation (NDOT) to enter into a written listing agreement with a licensed real estate broker or salesperson to sell or lease certain property acquired by the department. The department may enter into an agreement if it cannot sell or lease the property at a public auction or by sealed bids for at least 90 percent of the department's appraisal of the property's fair market value. The listing agreement must provide for the property to be sold or leased for at least 90 percent of its fair market value.

Senate Bill 189 provides an alternative for the disposal of surplus real property acquired by NDOT as a result of highway right-of-way purchases or condemnation actions.

S.B. 190 (Chapter 419)

Senate Bill 190 requires each state agency to include with its annual inventory to the Chief of the Purchasing Division a list of all equipment or property that is used seasonally or occasionally and may be available for use by other agencies. The measure also directs the chief to establish and administer a program through which one state agency can rent equipment from another. The chief must produce a list of equipment and property available for rent; establish, after consulting with the agencies, the fees for such rentals; and distribute to each agency a list of all available equipment and the rental procedure.

S.B. 199 (Chapter 583)

Senate Bill 199 appropriates \$81,942,218 to the fund to stabilize the operation of the state government to increase the fund's balance to the statutory maximum of \$100 million.

This measure is effective on June 30, 1995.

S.B. 261 (Chapter 331)

Senate Bill 261 authorizes the lease of state land to nonprofit organizations and educational institutions at a reduced charge. Such a lease must be approved and the amount of rent established by at least two of the following three persons:

- (a) The Administrator of the Division of State Lands, as ex officio State Land Registrar;
- (b) The Chief of the Building and Grounds Division; and

- (c) The Director of the Department of Human Resources or his designee.

The bill specifies that a decision on the application for a lease must be made within 60 days and outlines the criteria to be used in determining the amount of rent.

Finally, the bill authorizes the State Land Registrar to waive fees for the granting of certain easements to local governments.

The bill is effective on June 26, 1995.

S.B. 288 (Chapter 189)

Senate Bill 288 revises the required contents of the State Controller's annual report. The bill removes the requirement that the report contain the controller's recommended plans for lessening the public expenses.

S.B. 289 (Chapter 84)

Senate Bill 289 authorizes the State Board of Examiners to adopt regulations that provide for the use of sampling procedures and postaudit techniques to determine the correctness of paying claims from money authorized by the Legislature.

S.B. 334 (Chapter 209)

Senate Bill 334 transfers the responsibility to pay the costs of the acquisition, expansion, and renovation of the purchasing warehouse in Reno, Nevada, from the Purchasing Division to the Buildings and Grounds Division of the Department of Administration.

The bill is effective on July 1, 1995.

S.B. 370 (Chapter 200)

Senate Bill 370 authorizes the annual reversion of surplus funds, except proprietary funds and planned reserves, to the account supporting each state agency that has surplus. If the source is federal money or one restricted by statute, the surplus may be expended under an approved work program in the subsequent fiscal year. The measure also deletes certain provisions concerning the deposit in holding accounts of certain money received by state agencies.

This bill is effective July 1, 1995.

S.B. 410 (Chapter 164)

Senate Bill 410 requires the Division of Agriculture to pay expenses incurred in taking up, holding, advertising, and selling an estray, as well as allowable damages for trespass, out of the proceeds of the sale of the estray. The measure further directs the division to place the balance of the proceeds of the sale in an interest-bearing checking account rather than a savings account.

The measure is effective on July 1, 1995.

S.B. 460 (Chapter 239)

Senate Bill 460 requires certain executive branch agencies to review periodically their administrative control and accounting systems to evaluate their compliance with the Uniform System of Internal Accounting and Administrative Control. The agencies must report their findings every even-numbered year to the Director of the Department of Administration. The reports must be made available to the Legislature.

The Uniform System of Internal Accounting and Administrative Control was enacted by the Legislature in 1987 to increase efficiency and reduce costs.

This bill is effective on July 1, 1995.

S.B. 476 (Chapter 262)

Senate Bill 476 eliminates the requirement that any money in the community training center account remaining after certain required allocations are made must be allocated to qualified community-based training centers.

The measure is effective on June 19, 1995.

S.B. 522 (Chapter 260)

Senate Bill 522 requires that any funds collected by the Division of Child and Family Services for the support and maintenance of a juvenile delinquent committed to certain state juvenile facilities must be deposited in a separate administrative account in the State General Fund. The account is to be used to carry out the powers and duties of the administrator and the division.

The bill is effective July 1, 1995.

S.B. 524 (Chapter 329)

Senate Bill 524 revises the provisions governing the funding of certain duties of the Bureau of Mines and Geology. The money necessary to carry out the provisions of S.B. 524 must be provided pursuant to *Nevada Revised Statutes* 519A.260.

Previously, the money necessary to fund joint agreements with the U.S. Geological Survey for investigating mineral and geological conditions and for topographic and geological mapping within the state was provided by direct appropriation from the State General Fund.

This measure is effective July 1, 1995.

S.B. 525 (Chapter 324)

Senate Bill 525 requires that fees collected by the State Land Registrar for certain permits to use state land and copies of specified public records or maps must be credited to the State General Fund.

The measure is effective July 1, 1995.

S.B. 567 (Chapter 481)

Senate Bill 567 revises the provisions governing the obligation of state agencies to pay for the services of the Attorney General. The bill requires a state agency that is included in the cost allocation plan prepared by the Director of the Department of Administration to be charged an amount determined in accordance with that plan. An agency that is not included in the plan must be charged an hourly fee sufficient to pay the salary and expenses of the deputy attorney general who services the agency. Furthermore, the bill requires the director to prepare an annual plan that distributes the indirect costs of the service agencies according to certain principles established by federal law.

The bill is effective on July 1, 1995.

S.B. 571 (Chapter 524)

Senate Bill 571 revises provisions governing the allocation of the money in the unemployment compensation administration fund that is used for the claimant employment program. The bill requires the State Controller, at the end of each fiscal year, to transfer certain excess revenues to the clearing account of the fund.

In addition, S.B. 571 expands the provision of employment program services to unemployed persons who are not claimants.

This measure is effective on July 1, 1995.

S.C.R. 32 (File No. 157)

Senate Concurrent Resolution No. 32 amends the Joint Rules of the Senate and Assembly that concern the review, by the Senate Committee on Finance and the Assembly Committee on Ways and Means, of proposed budgets of state agencies that collect state revenue. The committees must require, if practicable, each agency to deposit revenue that it has received within 24 hours after receipt. The committees must allow such agencies to deposit the revenue directly or contract with a service to deposit the revenue within the specified period.

A.B. 13 (Chapter 361)

Assembly Bill 13 places on the November 1996 statewide ballot a proposal to issue \$20 million in general obligation bonds to support grants to local governments and Nevada's Department of Transportation for erosion control projects and restoration of stream environment zones in the Lake Tahoe Basin.

The bill provides that, if the proposal is approved by the voters, the State Land Registrar is to adopt regulations for awarding grants and report the status of the program to the Legislature's Interim Finance Committee semiannually. The measure further expresses the Legislature's finding that the issuance of these bonds is for the protection of natural resources of the state and, therefore, outside the constitutional limitation on bonded indebtedness.

A.B. 14 (Chapter 44)

Assembly Bill 14 revises the provisions governing the financial administration of the Comstock Historic District Commission. The bill requires the commission to deposit in a trust fund, which is created in the State Treasury, rather than in the State General Fund, the proceeds from certain sales or leases and those gifts, donations, and other funds it is currently authorized to accept. The money in the trust fund and the interest may be used only for the maintenance of the commission or to carry out the district's programs.

Assembly Bill 14 enables the commission to earn interest from the funds it currently deposits in the State General Fund and to utilize the interest for its programs of historic preservation. Under existing law, the interest accrues to the State General Fund.

This measure is effective on July 1, 1995.

A.B. 24 (Chapter 244)

Assembly Bill 24 creates the Office of Financial Management, Training and Controls within the Department of Administration and provides for the appointment of a qualified certified public accountant as the chief of the office.

The responsibilities of the office include evaluating the adequacy of the accounting procedures, administrative controls, and financial management of each state agency to which the office provides training and assistance; developing regulations that require training in certain areas for any employee of an agency responsible for administering budgetary accounts; and providing technical assistance in related areas. The office shall not conduct investigations or provide services to an agency under the direct control of a constitutional officer unless that officer requests such services.

Finally, the office shall provide an annual report to the Governor, the director of the department, the Interim Finance Committee, and the Legislative Auditor regarding the agencies to which services were provided.

The bill is effective on July 1, 1995, expires by limitation on July 1, 1997.

A.B. 31 (Chapter 52)

Assembly Bill 31 abolishes the State Forester Firewarden's revolving account. At the end of Fiscal Year 1994-1995, the liabilities and the unencumbered assets of the account are transferred to the State General Fund.

This measure is effective on July 1, 1995.

A.B. 33 (Chapter 54)

Assembly Bill 33 repeals an obsolete provision that stipulates that the balance in the abandoned property trust fund must be placed in the permanent school fund on July 30, 1994.

This measure is effective on May 1, 1995.

A.B. 39 (Chapter 220)

Assembly Bill 39 makes various changes concerning state purchasing. The bill removes the requirement that the University and Community College System of Nevada utilize the state purchasing system. In addition, certain provisions concerning donated commodities are revised to bring state law into compliance with federal regulations. The bill enables purchasing agencies to make payment directly to vendors, rather than be processed through the state purchasing fund. Finally, the measure raises from \$7,500 to \$10,000 the threshold at which state purchases must be put to bid and increases from 1 to 2 years the allowable period for a contract. The bill is intended to streamline state purchasing and reduce associated costs.

This measure is effective on July 1, 1995.

A.B. 80 (Chapter 554)

Assembly Bill 80 provides a limit of \$2 million on the amount of financial assistance granted annually by the Commission for Cultural Affairs. In addition, the measure limits to \$20 million the total amount that may be granted in a 10-year period.

The Commission for Cultural Affairs awards financial assistance to governmental entities and nonprofit corporations formed for educational or charitable purposes, including the preservation or promotion of cultural resources. Money for the awards comes from the issuance of general obligation bonds by the State Board of Examiners.

This bill is effective on July 1, 1995.

A.B. 194 (Chapter 692)

Assembly Bill 194 authorizes the establishment of one or more legislative committees for the fundamental review of the base budgets of state agencies. The Legislative Commission must establish such a committee if it is determined, by the Legislature during a regular legislative session or the Interim Finance Committee while the Legislature is not in regular session, that a fundamental budgetary review is necessary. The number of committees established will depend on the number of base budgets to be reviewed.

This measure is effective on July 1, 1995.

A.B. 210 (Chapter 729)

Assembly Bill 210 makes various changes to the provisions governing the preparation of the budgets of state government. Among other things, the bill revises deadlines for

the submission of certain budgetary information. The bill also broadens the scope of budgetary information that must be provided to the Fiscal Analysis Division of the Legislative Counsel Bureau by the Budget Division of the Department of Administration. Further, the bill provides a deadline of the 19th day of a regular session for the Governor to submit sufficiently detailed requests for the drafting of legislative measures to carry out the state budget. Finally, the bill creates a budget subcommittee of the Legislative Commission, which must be appointed after each general election and before the start of the next regular session of the Legislature to review and consider certain fiscal issues and reports.

This measure expires by limitation on July 1, 1997.

A.B. 295 (Chapter 126)

Assembly Bill 295 amends certain provisions governing investment of state money to clarify that percentage limitations refer to the par value of the portfolio.

A.B. 387 (Chapter 65)

Assembly Bill 387 authorizes the Interim Finance Committee to approve leases, exchanges, and sales of state lands while the Legislature is in session. The bill also approves the execution of six particular leases or sales of state lands or buildings.

This measure is effective on May 4, 1995.

A.B. 403 (Chapter 240)

Assembly Bill 403 revises the definition of the term "allocable local revenues" for purposes of the provisions relating to the municipal bond bank. In addition, the measure stipulates that allocable local revenues do not constitute a state debt.

A.B. 407 (Chapter 385)

Assembly Bill 407 authorizes the State Treasurer to negotiate the payment of compensation for certain banking services. Under current law, the state must use the compensating balance method to pay for banking services; this measure would allow the State Treasurer to pay for those services directly by check. In addition, the bill clarifies that the term "insured credit union" applies to both in-state and out-of-state institutions.

Currently, banks are required to provide certain services without cost to the state. To reimburse them, the State Treasurer waives payment of interest on a "compensating

balance." Interest earned on the deposit is used by the bank to offset the cost of banking service. The compensating balance method, however, may not be the most cost-efficient method. This measure allows the State Treasurer the flexibility to pay directly. Testimony indicated that the change may benefit the state by as much as \$1.1 million over the next biennium.

This measure is effective on July 1, 1995.

A.B. 453 (Chapter 231)

Assembly Bill 453 revises certain provisions related to unsuccessful bids for state purchasing contracts. The measure clarifies and expands the stipulated procedures related to an appeal by an unsuccessful bidder. Among others, these procedures concern the security posted with the appeal notice and notification of the successful bidder. The bill also requires the Chief of the Purchasing Division to adopt regulations concerning the security posted with the appeal.

The provisions requiring the adoption of regulations are effective on June 15, 1995. The remainder of the bill is effective on October 1, 1995.

A.B. 454 (Chapter 251)

Assembly Bill 454 directs the State Treasurer to adopt regulations concerning the investment of state money. The measure also authorizes the State Treasurer to lend securities from the state's investment portfolio, if the collateral is at least 102 percent of the value of the loan.

This measure is effective on July 1, 1995.

A.B. 561 (Chapter 604)

Assembly Bill 561 makes various changes concerning the issuance of certain state obligations. The measure provides that, with certain exceptions, the State Treasurer shall represent the state in matters concerning bond credit rating agencies and is directly responsible for the issuance of state obligations. The excepted obligations include bonds for public financing of housing; bonds issued by the Colorado River Commission; and revenue bonds for industrial development, financing exportation of goods, and venture capital.

In addition, A.B. 561 stipulates that state general obligation bonds are subject to the review of the State Board of Finance, except for revenue-backed bonds issued by the Colorado River Commission or unless otherwise provided by statute.

Assembly Bill 561 coordinates the issuance of state debt. The measure allows only for the consolidation of the actual process of issuing debt and accessing of the capital markets. The separate procedures for the four state agencies that can issue debt in the state's name (the Department of Business and Industry, the Department of Administration, the Colorado River Commission, and the State Treasurer's office) remain the same. According to testimony, the coordination of debt issues will reduce associated costs and enable the development of a strategy for higher credit ratings.

This measure is effective on July 1, 1995.

A.B. 631 (Chapter 728)

Assembly Bill 631 decreases, from \$10 million to \$7 million, the amount of revenue received by the state from the lease of federal land that must be deposited into the State Distributive School Account. Any revenue in excess of \$7 million must be deposited into the account for revenue from the lease of federal lands. The bill increases, from 50 to 75 percent, the amount from the account that is distributed to the counties from which the fuels, minerals, and geothermal resources are extracted. The distribution to the Department of Business and Industry is removed.

The provision concerning the decrease in the threshold amount is effective on July 1, 1996. The remainder of the bill is effective on July 1, 1995.

A.B. 692 (Chapter 347)

Assembly Bill 692 abolishes the Nevada Highway Patrol (NHP) special account, to which is deposited money received by the NHP for providing, by contract, vehicular control at special events. Any money received from such activities must now be deposited for credit to the State Highway Fund.

This measure is effective on July 1, 1995.

A.B. 698 (Chapter 397)

Assembly Bill 698 authorizes the Department of Motor Vehicles and Public Safety to retain the 6 percent commission it receives for collecting the motor vehicle privilege tax.

This measure is effective on July 1, 1995.

State Employees

S.B. 15 (Chapter 133)

Senate Bill 15 provides that the travel allowances for members of the Board of Regents of the University and Community College System of Nevada are to be computed at the same rate provided to other state officers and employees.

S.B. 124 (Chapter 100)

Senate Bill 124 requires the State of Nevada to pay state employees their lawful salaries without reduction while serving as volunteer emergency medical technicians or volunteer police or sheriff's reserve members at times that would otherwise be devoted to state employment.

S.B. 275 (Chapter 154)

Senate Bill 275 provides that a state employee is entitled to receive a copy of any findings or recommendations made by an appointing authority or its representative regarding a proposed disciplinary action.

S.B. 290 (Chapter 158)

Senate Bill 290 requires the certification of all persons having the five highest scores on the competitive examination for vacancies in state classified service.

The bill is effective on July 1, 1995.

S.B. 323 (Chapter 191)

Senate Bill 323 authorizes the Chief of the Investigation Division of the Department of Motor Vehicles and Public Safety to appoint as investigators persons with special skills or training. The bill includes these investigators within the definition of "volunteer peace officers" for the purposes of industrial insurance. This measure also allows the chief to enter into agreements with any state or local law enforcement agency in Nevada or another state to carry out the duties of the division, except the duties relating to enforcement of the provisions governing the licensing, registration, sale, lease, repair, removal, or disposal of vehicles.

Senate Bill 323 allows Nevada to enter into mutual aid agreements with the state and local law enforcement agencies in other states. Arizona, California, and Utah already

allow law enforcement officers from Nevada to work in their states. In addition, this legislation is intended to allow the division to appoint local law enforcement officers with special skills, such as computer crime investigators, to serve as investigators for the division.

S.B. 357 (Chapter 210)

Senate Bill 357 revises the "whistleblower" law that applies to state officers and employees. The measure requires an employee's written appeal to be accompanied by a statement detailing the facts and circumstances under which the disclosure was made and the retaliatory action allegedly taken against the employee. In addition, S.B. 357 prohibits a hearing officer from ruling against an employee based on the person to whom the employee reported the inappropriate action. The bill also authorizes the Personnel Commission to adopt rules of procedure for conducting a hearing for a determination of whether an action taken against an employee was a reprisal or retaliatory action. Finally, S.B. 357 expands the definition of the term "reprisal or retaliatory action" to include an employer's filing with an occupational licensing board a complaint concerning an employee licensed by that board.

S.B. 369 (Chapter 318)

Senate Bill 369 provides absolute immunity from suit for any member of the Commission on Judicial Discipline, its employees, or independent contractors. The bill removes the provision concerning the Attorney General acting as counsel to the commission at the commission's request. In addition, S.B. 369 also removes the commission from the state personnel system.

This measure is effective on July 1, 1995. The provision granting absolute immunity is retroactive to January 1, 1990.

S.B. 526 (Chapter 668)

Senate Bill 526 authorizes the Director of the Office of Science, Engineering and Technology to engage in consulting and academic pursuits that the Governor determines do not conflict with the duties of the office and may promote the interests of the state.

This bill is effective on July 1, 1995.

S.B. 544 (Chapter 297)

Senate Bill 544 expands the use of catastrophic leave by a state employee to include a death in the employee's immediate family.

S.B. 558 (Chapter 321)

Senate Bill 558 requires the certification of mental health-mental retardation technicians employed by the Division of Child and Family Services.

This measure is effective July 1, 1995.

S.B. 577 (Chapter 628)

Senate Bill 577 appropriates various amounts of money from the State General Fund and the State Highway Fund to increase, by 5 percent in the first year of the biennium and 3 percent in the second, the salaries of certain employees of the State of Nevada. The bill also establishes maximum annual salaries for certain positions in the classified service. In addition, S.B. 577 provides an appropriation to increase the salaries of uniformed highway patrol positions.

This measure is effective on July 1, 1995.

A.B. 44 (Chapter 135)

Assembly Bill 44 revises provisions concerning state employees' payment for unused annual leave that would otherwise be forfeited. The measure prohibits employees with final approval over the use of their own leave from receiving such payment in consecutive years.

This measure is effective on July 1, 1995.

A.B. 327 (Chapter 136)

Assembly Bill 327 stipulates that, if a public employee or officer who is a certified disaster technician is authorized leave by his employer to assist the American National Red Cross, the employee must be relieved of his duties without loss of regular compensation. The measure applies to disasters occurring in Nevada and adjoining states, and the paid leave is limited to 15 working days per year. At least 15 other states have similar laws, and legislation is pending in several others. Currently, there are eight public employees in Nevada who are certified disaster technicians.

A.B. 354 (Chapter 179)

Assembly Bill 354 includes persons with permanent disabilities arising from their employment among those current or former state employees who may be appointed to classified positions without competition. The Department of Personnel is authorized to adopt appropriate regulations.

Certain state employees who are permanently disabled through work injuries may not be able to return to their previous employment. This measure is intended to facilitate their appointments to other state positions.

A.B. 357 (Chapter 122)

Assembly Bill 357 defines the word "veteran" for the purposes of granting preference points to veterans in competitive examinations for state employment. The measure adopts the federal definition, which includes a person who served on active duty for more than 180 days and was not dishonorably discharged; was discharged because of a service-connected disability; or was called to and served on active duty during a military campaign or period of war.

This measure is effective on May 26, 1995.

A.B. 459 (Chapter 542)

Assembly Bill 459 revises provisions concerning the committee established to administer the program of deferred compensation for state employees. The bill requires the Governor to appoint to the committee one member who is retired from state or university system service, three members who are employed by state agencies whose payrolls are administered by the Department of Personnel, and one from an agency whose payroll is not. The measure requires that they be participants in the program and specifies 4-year, staggered terms of office. Further, A.B. 459 states the conditions under which money may be withdrawn from the program. The measure also clarifies members' immunity from liability for decisions relating to investments.

Existing law requires the Governor to appoint a committee to administer the program of deferred compensation, but does not provide much direction concerning those appointments. Assembly Bill 459 is intended to ensure that the people affected by the committee's decisions are represented on the committee.

This bill is similar to Assembly Bill 359 of the 1993 Legislative Session, which was vetoed by the Governor. The provision to which the Governor objected has been deleted.

The provisions governing the appointment of members are effective on July 3, 1995. The remainder of the bill is effective on October 1, 1995.

A.B. 518 (Chapter 543)

Assembly Bill 518 prohibits an executive branch agency from taking certain adverse actions against an employee of the agency who testifies or seeks to testify before the Legislature on his own behalf. Adverse actions that are prohibited include loss or threatened loss of employment and other direct or indirect threats, coercion, and intimidation.

The bill does not apply to probationary employees in the classified service.

A.B. 725 (Chapter 616)

Assembly Bill 725 removes the prohibition against supplemental employment for certain unclassified employees of the executive branch. The measure allows unclassified employees of state departments and agencies, other than directors of departments, to hold outside employment provided the other employment does not conflict with their duties or hours devoted to the state. In addition, employees must first obtain the approval of their supervisors.

According to testimony concerning the measure, A.B. 725 will allow unclassified employees, like classified employees and employees in the private sector, to hold part-time jobs, either for enjoyment (for example, a referee in certain sporting events) or to supplement personal income.

This measure is effective on July 1, 1995.

A.B. 735 (Chapter 617)

Assembly Bill 735 increases and establishes maximum daily salaries for employees of the Senate and Assembly.

A.B. 736 (Chapter 618)

Assembly Bill 736 establishes maximum annual salaries for certain state officers and employees in the unclassified service. The measure appropriates funds for the difference between the maximum amount allowed in certain sections of the bill and the amount budgeted for those positions and for specified increases in the salaries of employees of the State Gaming Control Board.

In addition, the measure provides for a bonus program for certain licensed employees of the State Gaming Control Board. To be considered for a bonus, an employee must be a certified public accountant, an attorney, or an engineer.

This measure is effective on July 1, 1995.

A.B. 740 (Chapter 620)

Assembly Bill 740 increases, from two to three, the number of deputies that may be appointed by the Administrator of the Division of Child and Family Services.

The measure is effective on July 1, 1995.

TAXATION

S.B. 68 (Chapter 417)

Senate Bill 68 provides that the transfer of real property between one corporation sole and another is not subject to the real property transfer tax.

A corporation sole is a corporation established in the name of a single individual, usually a bishop or other religious authority, to hold property for a church or religious society. Nevada law currently provides a number of other exemptions from the real property transfer tax. For example, transfers between close family members are exempt, as are transfers of unpatented mining claims and transfers between wholly owned corporate affiliates.

This measure is effective on July 1, 1995.

S.B. 122 (Chapter 2)

Senate Bill 122 postpones, from March 1, 1995, to June 15, 1995, the due date for the first prepayment of the insurance premium tax. In addition, the bill requires quarterly payments of the tax from each insurer who paid at least \$2,000 in such taxes on business conducted during the 1994 calendar year.

This measure is effective on February 28, 1995.

S.B. 178 (Chapter 144)

Senate Bill 178 provides penalties for the failure to pay a tax levied by the State Board of Sheep Commissioners based on a report from the Committee for Assessing Livestock, including the special tax for control of predatory animals. The State Board of Sheep Commissioners may waive or reduce the penalty for good cause. The measure specifies that all taxes levied by the board, and all penalties and interest, constitute a lien upon the sheep or goats until paid.

The measure further provides that costs incurred by the State Board of Sheep Commissioners in enforcing these provisions must be paid by the person against whom the provisions are enforced or by the owner or person in charge of the seized sheep.

S.B. 271 (Chapter 283)

Senate Bill 271 temporarily repeals provisions that require prepayment of the insurance premium tax. The measure requires an insurer that paid or is required to pay a tax of at least \$2,000 during the preceding calendar year to pay the tax for the current year

in quarterly payments in an amount equal to the tax paid or required to be paid during the preceding calendar year.

This measure is effective on June 19, 1995. Provisions regarding quarterly tax payments apply retroactively to January 1, 1995, and expire by limitation on January 1, 1998.

S.B. 324 (Chapter 533)

Senate Bill 324 reduces the tax on aviation fuel to 10.5 cents per gallon and eliminates provisions for the refund of the tax.

Currently, aviation fuel is taxed at the same rate as gasoline. The total tax rate may be as high as 34 cents per gallon, depending on the county in which it is purchased. Because aviation is an off-road use, however, most of the tax collected is refunded to the taxpayers. The refund process is cumbersome and costly both to the taxpayers and the Department of Taxation. This bill is intended to reduce costs for the department and the taxpayer, make Nevada's tax rate competitive with that of other states, and spread the burden of paying for aviation services among all consumers of aviation fuel.

This measure is effective on July 1, 1995.

S.B. 483 (Chapter 429)

Senate Bill 483 revises the administrative provisions concerning the collection of taxes by the Department of Taxation. The bill requires that sales taxes and gasoline taxes collected by private vendors be placed in a trust fund and requires that brewers and vintners operating in Nevada post the same bond for the payment of liquor taxes now posted by importers of liquor.

In addition, the bill consolidates and clarifies the tax code by eliminating overlapping and redundant provisions.

S.B. 497 (Chapter 534)

Senate Bill 497 clarifies that the kinds of entertainment not subject to the casino entertainment tax include charitable benefits, museum exhibitions, sporting events, trade shows, films, outdoor concerts, certain other concerts, interactive entertainment, and certain types of music. Also exempt from the tax is entertainment that is provided at private meetings, around a swimming pool or beach, or without the requirement of an admission charge or the purchase of certain items.

Senate Bill 497 requires a gaming licensee to pay the casino entertainment tax on the price for admission to a cabaret, nightclub, cocktail lounge, or casino showroom unless the ticket for admission states whether this tax is included in the ticket price.

The amendatory provisions of S.B. 497 are intended as a guide for determining whether a facility or entertainment is subject to the casino entertainment tax. This clarification is not expected to alter substantially the applicability of the current tax.

S.B. 518 (Chapter 439)

Senate Bill 518 exempts any possessory interest in or right to use the property of the Airport Authority of Carson City from all state and local taxation. This measure also allows the city official who is appointed a member of the airport authority's board of trustees to be reappointed.

This measure is effective on July 1, 1995.

S.B. 546 (Chapter 725)

Senate Bill 546 provides for the submission to the voters of the question of whether a bill that imposes or increases a tax or assessment must be considered and approved twice for final passage by each house of the Legislature before it may be enacted.

The provisions concerning the question are effective on October 1, 1995. The sections requiring such consideration and approval are effective on January 1, 1997, if, at the general election on November 5, 1996, the voters approve this question and reject Question 11, which was on the ballot for the 1994 General Election and will be resubmitted in 1996.

S.B. 547 (Chapter 454)

Senate Bill 547 repeals the tax on hospitals and establishes the manner in which certain hospitals may receive additional compensation for treating a disproportionate share of Medicaid, indigent, or other low-income patients. The measure requires counties that have public hospitals or certain private hospitals that receive disproportionate share payments to transfer a portion of their payments to the intergovernmental transfer account in the State General Fund. This money will be matched by the Federal Government and return a net benefit to the participating hospitals.

As a result of more restrictive federal regulations, the state was required to discontinue its hospital tax program, which was used to leverage additional federal Medicaid dollars. To continue to derive a state benefit, another mechanism was proposed to generate matching funds. Under federal law, states are allowed to receive intergovernmental

transfers only from public hospitals or agencies. Therefore, the new program is based on the use of intergovernmental transfers from public hospitals. Since there is no public hospital in Washoe County, the county will transfer indigent funds to the state. In exchange, Washoe Medical Center will serve indigent patients without direct compensation from the county.

The measure is effective on July 1, 1995.

S.B. 572 (Chapter 449)

Senate Bill 572 clarifies the provisions concerning the payment of the insurance premium tax for calendar year 1995. The bill requires Nevada's Department of Taxation to refund, on or before July 31, 1995, without interest, any payments of the insurance premium tax in excess of the quarterly payment due for the period from January 1, 1995, through June 30, 1995, that were made as a result of Senate Bill 122 or Senate Bill 271 of the 1995 Legislative Session.

This measure is effective on June 30, 1995.

S.C.R. 40 (File No. 162)

Senate Concurrent Resolution No. 40 directs the Legislative Commission to conduct an interim study of the laws relating to the distribution of revenue among local governments from state and local taxes. The Legislative Commission is required to appoint a subcommittee, which must examine specified laws relating to the distribution of revenue from the local school support tax, certain fuel taxes, the tax on intoxicating liquor, tobacco tax, vehicle privilege tax, real estate transfer tax, and the tax on gaming licenses. In addition, the Legislative Commission is directed to appoint an advisory committee to assist the subcommittee.

The measure recognizes that Nevada is a dynamic state with a growing population and a diverse economic base and that the present laws relating to the distribution of revenue among local units of government from state and local taxes are inadequate to meet the demands created by this growth.

A.B. 69 (Chapter 255)

Assembly Bill 69 provides a partial exemption from the state business tax to a business that employs a student participating in a work-study program supervised by the school. A business may exclude the hours worked by such a student and the equivalent

number of hours worked by another full-time or part-time employee for the purpose of computing the business license tax.

The measure is effective on July 1, 1995.

A.B. 272 (Chapter 38)

Assembly Bill 272 amends the law relating to the payment of the taxes on net proceeds of mines and royalties. The prepayment of net proceeds taxes by mines and royalty recipients is eliminated. Instead, all mines are required to provide an estimate of gross yield, net proceeds, and royalty payments by April 30 of each year for use by local governments in the preparation of budgets for the ensuing fiscal year.

The bill establishes payment schedules for the payment of taxes by mines with net proceeds of \$4 million or more and recipients of royalties of \$100,000 or more. These taxes are to be paid on actual net proceeds and royalties in three annual installments. Other mines and royalty recipients are to pay any tax due by May 10, rather than June 30 as is currently required.

Mines and royalty recipients are to be notified by the Department of Taxation by March 15 of each year regarding the payment requirement but failure to receive this notice does not relieve the taxpayer of the obligation to pay the taxes on time. The date on which taxpayers must file their annual activity statement is changed from February 15 to February 1 and the preapproved grace period is shortened from 30 to 15 days.

The bill also provides for crediting any overpayments from the previous year. Mines and royalty recipients may take only a proportional credit for a prior year's overpayment in each payment period. Provisions regarding penalties for nonpayment and underpayment are also revised. The grace period is shortened from 30 to 10 days and a penalty of 10 percent plus 1.5 percent interest per month is imposed. In addition, provision is made for local governments and school districts to share the penalties and interest.

The Department of Taxation is required to transfer to the counties any payments that it receives for distribution to the local governments and school districts within 20 days after they are collected.

The bill is effective on July 1, 1995, and provision is made for the transition to the new payment schedule.

A.B. 333 (Chapter 303)

Assembly Bill 333 amends the law relating to the calculation of the motor vehicle privilege tax. For the purpose of that calculation, a vehicle is considered new if it has never been registered.

The measure addresses the findings of an audit of the Department of Motor Vehicles and Public Safety. The Legislative Auditor found that the method used by the department to determine the valuation of vehicles for the assessment of this tax is inaccurate. When a vehicle is purchased during the calendar year before its model year (for example, a car with a model year of 1993 that is purchased in 1992), the department is incorrectly taxing it as a new vehicle for 2 years. This policy results in an overcharge of about 15 percent in the second year the vehicle is registered and a 10 percent overcharge in each subsequent year until the vehicle is 10 years old. In other cases, when a vehicle is purchased after the end of its model year (for example, a new 1992 vehicle purchased in 1993), it is never taxed as a new car, resulting in an undercharge of 15 percent the first year and 10 percent in each subsequent year. In 1992, the auditor estimates that about 112,000 new vehicles were overvalued, resulting in a total overcharge of about \$2.6 million. About 50,000 vehicles were undervalued, resulting in a total undercharge of about \$1 million.

A.B. 377 (Chapter 593)

Assembly Bill 377 exempts religious, charitable, and educational organizations from the obligation to pay the business tax on behalf of those participating in trade shows or conventions which the organizations sponsor. The exemption applies only to organizations that conduct only one or two events during the year and notify the Department of Taxation in advance.

This measure does not eliminate the tax liability of participants in trade shows or conventions sponsored by these organizations. Since the bill requires advance notification, the department will be able to send a revenue officer to the event to collect business tax directly from the participants and any sales taxes which may be due.

This measure is effective on July 1, 1995.

A.B. 414 (Chapter 413)

Assembly Bill 414 requires school districts, in specified situations, to reduce their capital projects levy or transfer funds to other local governments to ensure that the combined tax rate in the county does not exceed the statutory maximum.

Although it applies to all counties, A.B. 414 is expected to be helpful in resolving the budgetary problems of the White Pine County School District.

This bill is effective on June 29, 1995.

A.B. 415 (Chapter 626)

Assembly Bill 415 moves the collection point for the tax on special fuels from the retail level to the terminal rack. The terminal rack is defined as the point at which the fuel is first stored or sold in Nevada.

The bill provides for fuel that is sold for off-road use or use by tax-exempt entities to be dyed before it leaves the terminal. No vehicle using dyed fuel may be operated on the highways unless it is operated by an exempt entity.

Studies by the Federal Government and several states show that moving the point of collection to the terminal rack substantially increases tax revenue by eliminating opportunities for evasion. According to testimony on the measure, A.B. 415 is expected to increase Nevada's tax collections by an estimated \$4 million annually.

This measure is effective on July 5, 1995, for the purpose of adopting regulations and on January 1, 1996, for all other purposes.

A.B. 527 (Chapter 700)

Assembly Bill 527 repeals four statutes regarding the tax on liquor. The first statute requires the retention of a certain amount of stock as a condition for obtaining and retaining an importer's or wholesaler's license. The second requires suppliers of liquor to Nevada wholesalers to file an affidavit concerning prices charged for various brands and a schedule of prices for those brands. The third limits the price that a supplier can charge for any brand to the lowest price charged anywhere in the United States. The fourth provides for the suspension or revocation of the license of a supplier who violates the two previous sections.

According to testimony, the Attorney General has determined that these provisions violate the commerce clause of the *United States Constitution* and, therefore, cannot be enforced.

This measure is effective on July 1, 1995.

A.B. 656 (Chapter 612)

Assembly Bill 656 allows veterans who are eligible for an exemption from the property tax or motor vehicle privilege tax to forgo the exemption and have the amount by which

their tax liability would have been reduced credited to the veteran's home account in the State General Fund.

The bill also extends the tax exemption for members of the armed forces who served during the Gulf War. It provides that all honorably discharged veterans or currently serving members of the armed forces who were on active duty during the Gulf War are eligible, regardless of where they were stationed.

At the present time, Gulf War Veterans are eligible for the tax exemption only if they served outside the United States during the period of the war. In its current form, this provision is difficult to administer and is inconsistent with the provisions which apply to veterans of other wars.

This measure is effective on July 1, 1995.

A.B. 671 (Chapter 705)

Assembly Bill 671 exempts from taxation tangible personal property purchased by a business to be consumed during the operation of the business.

This measure is effective on July 1, 1996.

A.B. 696 (Chapter 492)

Assembly Bill 696 makes various changes concerning the collection of certain license taxes. The measure requires a newly incorporated city or town to continue to collect certain professional, occupational, or trade license taxes, which before incorporation were levied by the county, for the payment of bonds or obligations related to the furnishing of recreational facilities.

In addition, the measure requires a county with a population of 400,000 or more, and cities located therein, to continue to levy any professional, occupational, or trade license taxes in effect on January 1, 1995, for as long as any bonds or obligations issued pertaining to county fair and recreation boards remain outstanding or unpaid.

This measure is effective on July 2, 1995.

Property Tax

S.B. 293 (Chapter 197)

Senate Bill 293 authorizes the board of trustees of a county hospital to acquire and operate facilities adjacent to the county or counties where the hospital is established. The measure permits the board to contract with a private hospital to operate such a facility as long as the maintenance and operation of the hospital are not financed by county tax or by appropriation from the county general fund. The board of hospital trustees may use money in the hospital fund or any separate account to fund the acquisition and operation of the additional facility. Upon approval by the board of county commissioners, the trustees also may lease buildings in the county or counties in which the hospital is established.

To finance the acquisition of the additional facility, the board of hospital trustees may, without any election, issue special obligations payable only from revenues of the additional facility or from those revenues derived from the county hospital and related facilities. The measure states that the revenue bonds are not an indebtedness of the county or counties where the county hospital is established or of the county in which the additional facility is located.

In addition, S.B. 293 specifies that the board of county commissioners in which a county hospital is established may only levy an ad valorem tax to pay for the cost of services rendered in the county where the hospital is established. Although the board of hospital trustees may annually request that a tax be levied for the maintenance and operation of the hospital, the bill prohibits the county commissioners from levying a tax for the establishment, maintenance, or operation of any facility located outside the county or counties in which the county hospital is located.

Finally, the measure deletes the provision allowing voter approval at a special election of an ad valorem tax levy to the pay for emergency hospital admissions. The measure limits this approval to a primary or general election.

Senate Bill 293 was requested to allow a public hospital to purchase property in another county while minimizing the risk to the taxpayers in which the county hospital is located.

S.B. 308 (Chapter 463)

Senate Bill 308 changes, from property taxes to special assessments, the source of funding for special districts created within redevelopment districts to provide additional police protection and defray the cost of maintenance. The bill also provides a method for apportioning the assessment between property owners in the district.

These special districts exist only within the City of Reno. Because the districts are now supported by property taxes, they bring the combined property tax rate close to the statutory maximum of \$3.64, threatening the ability of the Washoe County School District to issue bonds for school construction. Changing the source of financing for these districts makes a part of the property tax rate available to the schools.

This measure is effective January 1, 1996.

S.B. 309 (Chapter 330)

Senate Bill 309 revises the provisions governing delinquent property taxes. The bill provides the manner in which notices of delinquency must be mailed and published and specifies the content of such notices.

S.B. 337 (Chapter 438)

Senate Bill 337 consolidates into a single section the provisions regarding property tax exemptions for energy systems that use solar power or recycled materials and for manufacturing facilities that recycle at least 50 percent of their materials. The bill also extends the manufacturers' exemption to a maximum of 20 years for real property and limits the exemption for personal property to 10 years. The value of the exemption for energy systems is limited to 75 percent of the valuation of the property.

This measure is effective on July 1, 1995.

S.B. 519 (Chapter 536)

Senate Bill 519 exempts from taxation real estate and personal property that is owned by a public airport and leased, loaned, or used by another entity in connection with a business or residence that is otherwise subject to taxation.

This measure is effective on July 3, 1995.

S.B. 556 (Chapter 590)

Senate Bill 556 allows a board of county commissioners in a county with a population greater than 400,000 to provide by ordinance for the formation of an unincorporated town in an area without residents, upon the written request of all landowners within the boundaries of the proposed town. The bill also specifies a formula for the Nevada Tax Commission to establish the allowed ad valorem revenue and basic ad valorem revenue of an unincorporated town for which such revenue was not established prior

to the end of Fiscal Year 1989 or for new unincorporated towns. In addition, S.B. 556 includes these towns in the distribution of the motor vehicle privilege tax.

The provision concerning the motor vehicle privilege tax is effective on July 1, 2000. The remainder of the bill is effective on October 1, 1995.

S.J.R. 14 (File No. 91)

Senate Joint Resolution No. 14 proposes to amend the *Constitution of the State of Nevada* to authorize the Legislature to provide for the abatement of taxes on property used in a manner that conserves water.

If this resolution is approved in identical form by the 1997 Legislature, it will be submitted to the voters for final approval or disapproval at the 1998 General Election.

S.J.R. 17 (File No. 127)

Senate Joint Resolution No. 17 proposes to amend the *Constitution of the State of Nevada* to authorize the Legislature to exempt property from taxation if the cost to collect the tax exceeds the amount of the tax.

If this resolution is approved in identical form by the 1997 Legislature, it will be submitted to the voters for approval or disapproval at the 1998 General Election.

A.B. 72 (Chapter 221)

Assembly Bill 72 requires a board of county commissioners to submit a proposed imposition of an additional tax ad valorem for capital projects to the county's general obligation bond commission for its approval. In addition, the measure specifies that the question submitted to the voters for a tax to finance school construction must include the period, not to exceed 20 years, during which the tax will be levied.

Existing law does not specify a time limit for a "pay-as-you-go" property tax levy for school construction. Similar "pay-as-you-go" provisions for counties, approved by the 1993 Legislature, are limited to a maximum duration of 10 years. The bill does not place a retroactive limit upon existing "pay-as-you-go" levies.

A.B. 166 (Chapter 34)

Assembly Bill 166 amends a provision that exempts the property of certain charitable organizations from taxation. The bill provides that, if one of the enumerated

organizations rents property to another tax-exempt entity, the property remains exempt from taxation.

This bill is effective on April 17, 1995.

A.B. 306 (Chapter 114)

Assembly Bill 306 exempts pipe and other irrigation equipment from property taxes.

This measure is effective on July 1, 1995.

A.B. 607 (Chapter 545)

Assembly Bill 607 provides an exemption from property taxes for privately owned parks that are built and maintained to accommodate the general public through an agreement with a local government. The bill also requires the county treasurer to notify taxpayers subject to a penalty for late payment that they may appeal to the Department of Taxation.

This measure is effective on July 1, 1995.

A.B. 672 (Chapter 547)

Assembly Bill 672 exempts from taxation property leased or rented to the University of Community College System of Nevada when the consideration given for the lease is less than 10 percent of the fair market value.

The bill also expands the exemption for churches and chapels to include vacant land on which a religious organization intends to build a church or chapel. The exemption is available for 3 consecutive years. If the church or chapel is not built within that time, the exemption is withdrawn and the organization must pay back taxes for the exempt period.

This measure is effective on July 1, 1995.

A.B. 738 (Chapter 619)

Assembly Bill 738 makes appropriations and authorizes the issuance of general obligation bonds for capital improvement projects for state agencies and the University and Community College System of Nevada (UCCSN). (See also: Appropriations.) This measure also establishes a statewide property tax rate of 15 cents on each \$100 of assessed value per year for Fiscal Years 1995-1996 and

1996-1997 to redeem certain state bonds, including the capital improvement program authorized by the 1995 Legislature.

This measure is effective on June 30, 1995.

Sales and Use Tax

S.B. 144 (Chapter 459)

Senate Bill 144 provides for a proposal to appear on the ballot to exempt sales by religious, charitable, and educational organizations from sales taxes. The question will be submitted to the voters at the general election to be held on November 5, 1996. The bill also defines the criteria which organizations must meet to be eligible for this exemption.

A similar proposal appeared as Question 7 on the ballot at the general election held in November 1994 and was defeated. The failure of Question 7 has been attributed by some to voter misunderstanding. This measure presents the question in a somewhat different form, making it clear that only nonprofit organizations are eligible for the exemption.

The provisions defining eligible organizations are effective January 1, 1997, if the voters approve the exception.

S.B. 311 (Chapter 464)

Senate Bill 311 relates to taxes on retail sales. The measure provides for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to revise and clarify the provisions governing the exemptions for aircraft and aircraft parts. The measure clarifies that the exemption applies to the storage and sale of aircraft engines and other aircraft components and provides an exemption for aircraft that are sold for subsequent lease to certain air carriers. The bill also deletes the requirement that an air carrier must maintain a central office in Nevada in order to qualify for the deduction. Finally, the bill provides an exemption for certain equipment used exclusively for the repair of aircraft.

According to testimony concerning the measure, Nevada is one of few states that do not offer an exemption for leased aircraft and repair facilities. The lack of such exemptions puts local carriers and airports at a competitive disadvantage.

The proposal must be submitted to a vote of the people at the general election on November 5, 1996. If approved by the electorate, this measure becomes effective January 1, 1997. The portions of the bill clarifying existing law are effective July 1, 1995.

S.B. 485 (Chapter 666)

Senate Bill 485 allows a retailer to deduct from sales tax payments any tax that was reported but not collected in a previous reporting period. If the retailer receives the uncollected sales tax at a later date, it must be reported in the current reporting period.

This bill does not apply to sales or purchases made before July 1, 1997, the date on which this measure is effective.

S.B. 490 (Chapter 681)

Senate Bill 490 expands the definition of "manufactured home" to include those homes built to the specifications in state laws governing manufactured buildings.

This measure is intended to allow modular homes to be treated the same as other manufactured homes for purposes of sales taxes. Forty percent of the value of a new modular home will be exempt from taxation, and a used modular home will be exempt if it has been previously taxed.

S.B. 520 (Chapter 298)

Senate Bill 520 provides an abatement from certain sales and use taxes for eligible machinery and equipment used by certain businesses in this state. The bill authorizes the Commission on Economic Development to approve an application for abatement if a business is consistent with the commission's goals concerning industrial development and diversification, the abatement is a significant factor in the decision to locate or expand in Nevada, certain wage and benefit standards are met, and the business will employ at least 10 full time employees in the state by the end of the fourth quarter of operation. The business must remain in Nevada for at least 5 years. If the business does not remain for the required period of time, the applicant must repay the amount of the abatement actually received. Senate Bill 520 authorizes a 2-year abatement for qualifying firms.

The bill is effective on June 21, 1995, for the purpose of adopting regulations and on July 1, 1995, for all other purposes.

A.B. 170 (Chapter 689)

Assembly Bill 170 clarifies the legislative intent regarding the exemption of food from sales taxes. The measure makes it clear that food intended for immediate consumption

is taxable and food intended for preparation at home is not taxable, regardless of the type of business in which it is sold.

This bill is effective on July 1, 1997.

A.B. 373 (Chapter 404)

Assembly Bill 373 requires that a question be submitted to the voters at the general election on November 5, 1996, regarding whether to exempt from taxes on retail sales certain orthotic appliances, ambulatory casts, splints, bandages, pads, compresses, and dressings.

This bill is effective on October 1, 1995. If the question submitted to the voters is approved, the exemption of certain medical devices from sales taxes becomes effective on January 1, 1997.

A.B. 450 (Chapter 577)

Assembly Bill 450 clarifies that retailers are to calculate the sales taxes due on each sale based upon the rate in effect in the county where the goods are delivered or used. In addition, the bill provides for penalties to be imposed on retailers who fail to credit taxes to the correct county and clarifies the calculation of use taxes on meals furnished by employers to their employees.

This measure is effective on January 1, 1996.

TRANSPORTATION

S.B. 109 (Chapter 10)

Senate Bill 109 authorizes the use of television-type receiving equipment for the navigation of a motor vehicle. Certain electronics companies have developed mobile navigation systems for motor vehicles. These systems allow the driver to plan the best route for a trip, select a new course while on the road, respond quickly to changing traffic conditions, and avoid getting (or staying) lost. Using positioning signals from satellites and detailed digital moving maps, such a system provides the driver with the vehicle's geographic location and displays it on a road map that the driver views on a small (5-inch) screen. Some rental car companies are using these systems in certain states, and at least one major automobile manufacturer plans to offer navigational systems as options on its vehicles.

S.B. 133 (Chapter 634)

Senate Bill 133 increases, from 70 miles per hour (mph) to 75 mph, the maximum speed limit in state law prohibiting the unnecessary waste of a resource currently in short supply. In addition, the bill increases, from 70 mph to 75 mph, the maximum speed limit under which a violation must not be charged against a driver in the uniform system of demerits for traffic violations established by the Department of Motor Vehicles and Public Safety. Furthermore, the bill makes it unlawful to drive or operate a vehicle at a rate of speed that is not proper, giving due regard for the weather and other highway conditions.

In addition, the bill authorizes Nevada's Department of Transportation to establish speed limits on state highways, unless otherwise provided by federal law. These speed limits may not exceed 75 mph. The provision setting the maximum speed limit at 75 mph takes effect if Congress repeals, or the courts overturn, the national maximum speed limit.

This measure also expands the conditions under which slower drivers are required to drive to the extreme right side of the highway, drive in the extreme right-hand lane, or use alternate routes.

In 1974, in response to an energy crisis (the Arab oil embargo), the Federal Government adopted a national maximum speed limit of 55 mph. In 1987, Congress amended federal law to allow a speed limit of 65 mph on rural portions of interstate highways.

Under current Nevada law, a driver who violates the national maximum speed limit but does not exceed 70 mph is guilty only of unnecessary waste of a resource in short supply. The penalty for this violation is a \$5 fine and a \$10 administrative assessment, but the infraction is not included on the driver's record as a moving traffic violation.

Senate Bill 133 increases the maximum speed limit to 75 mph for violations of the unnecessary waste of a resource in short supply.

S.B. 349 (Chapter 423)

Senate Bill 349 authorizes a regional transportation commission (RTC) to be designated as a metropolitan planning organization and carry out the duties prescribed for such an organization by federal law.

This measure also expands the services that may be provided by a public transit system in a county with a population of 400,000 or more. In addition to the transportation services authorized under existing law, such a public transit system may provide programs to reduce or manage traffic. The transit system may also provide any other services for public mass transportation requested by the general public, if those services are included in a long-range plan adopted according to federal law. Furthermore, the bill authorizes such a transit system to provide on-call public transportation in an area of the county if the RTC receives a determination from the Public Service Commission of Nevada and the Taxicab Authority that there are no common motor carriers of passengers who are authorized to provide on-call operations in that area, or there are no authorized carriers who are willing and able to provide such services.

S.B. 467 (Chapter 476)

Senate Bill 467 requires a restraining device to be used to transport children under 5 years of age and weighing less than 40 pounds in any motor vehicle in Nevada. Existing law applies only to vehicles registered in this state. In addition, the bill removes the authority for a court to waive the punishment and void the citation of a person who violates this law if that person presents proof of the rental of such a device.

S.B. 566 (Chapter 631)

Senate Bill 566 expands the public transportation services that may be provided by a regional transportation commission (RTC). The bill authorizes an RTC to establish or operate a public transit system, which is defined as a system employing motor buses, rails, or any other means operated for the public conveyance of persons.

The measure also authorizes additional services that may be provided by a public transit system in a county with a population of less than 400,000. Such services may include minor deviations from regular routes and fixed schedules on a recurring basis to serve public transportation needs and the transportation of persons upon request without regard to regular routes or fixed schedules, under certain circumstances.

In addition, the bill exempts from the special fuel and the privilege taxes those vehicles dedicated for exclusive use as part of a public transportation system.

This measure is effective on July 1, 1995.

Drivers' Licenses and Vehicle Registration

S.B. 65 (Chapter 92)

Senate Bill 65 authorizes the Department of Motor Vehicles and Public Safety to waive the driver's license examination for certain drivers who have a valid license issued by another state. Among other provisions, the examination may not be waived for drivers:

- Who are under 25 years of age;
- Whose licenses have been suspended or revoked during the preceding 4 years;
- Who have been convicted of driving under the influence during the preceding 7 years; and
- Who have three or more moving violations during the preceding 4 years.

This measure is effective on May 16, 1995.

S.B. 66 (Chapter 72)

Senate Bill 66 revises the provision requiring the Department of Motor Vehicles and Public Safety to establish license qualifications for persons to drive various types, sizes, or combinations of vehicles. The bill allows the department to examine applicants for drivers' licenses to determine their qualifications for the types or classes of licenses for which they have applied, but it removes the requirement that the department examine such applicants.

This legislation also changes the provisions relating to the examination of applicants for motorcycle drivers' licenses. The bill provides that applicants may complete an approved motorcycle safety course in lieu of taking the written examination and driving test administered by the department.

This measure is effective on May 9, 1995.

S.B. 119 (Chapter 117)

Senate Bill 119 requires the Department of Motor Vehicles and Public Safety to enforce the federal law relating to disclosure of the odometer reading and certain other information when the ownership of a motor vehicle is transferred.

S.B. 172 (Chapter 75)

Senate Bill 172 provides statutory authority for the Department of Motor Vehicles and Public Safety to deny, suspend, or revoke the license of a fleet station. The measure establishes the department's authority to place fleet stations under the same requirements as authorized stations which operate under the program to control emissions from motor vehicles.

S.B. 173 (Chapter 76)

Senate Bill 173 provides that evidence of compliance with the requirements for emission controls must be presented upon registration of a motor vehicle only when inspection of the vehicle is required. The bill also requires that evidence of compliance accompany the registration of a used experimental vehicle.

The bill is effective on May 9, 1995.

S.B. 188 (Chapter 203)

Senate Bill 188 authorizes the Department of Motor Vehicles and Public Safety to issue sample license plates. These plates must be inscribed with the word SAMPLE. The bill allows the director of the department to establish a fee of not more than \$15 for the issuance of each sample license plate, and it requires that the money collected from the fee be deposited in the motor vehicle fund.

Furthermore, this measure prohibits a person from affixing a sample license plate to a vehicle. A person violating this provision is guilty of a misdemeanor.

The department has been issuing sample license plates for about 20 years without specific statutory authorization. Most of these license plates have been issued at no more than actual cost (approximately \$2 per plate) to school children, collectors, and persons attending conferences held in Nevada. The bill provides the department with the authority to continue to issue sample license plates.

S.B. 231 (Chapter 714)

Senate Bill 231 reduces, from 45 to 30 days, the time period within which a new resident of Nevada is required to obtain a driver's license and register motor vehicles. The measure also allows law enforcement officials to cite a motor vehicle in violation of new resident registration laws, regardless of whether the vehicle is in operation or parked on a highway, in a public parking lot, or on private property open to the public, if the officer first communicates with the owner or operator of the vehicle and determines that the owner is a Nevada resident or that the vehicle is being used for a commercial purpose.

S.B. 322 (Chapter 715)

Senate Bill 322 makes various changes to the provisions concerning the financial responsibility required for operating motor vehicles.

This bill clarifies the terms "certificate of financial responsibility," "evidence of insurance," and "insurance" as used in the provisions relating to insurance required for operating a motor vehicle, security required following an accident, and proof of financial responsibility. The measure requires a person whose license or registration is suspended for failure to maintain proof of financial responsibility to provide and maintain such proof before the license or registration may be reinstated. Such a person must maintain proof of financial responsibility for 3 years after the date of reinstatement. The bill also abolishes the requirement that certain persons whose motor vehicle registrations are suspended must furnish proof of financial responsibility before their registrations will be reinstated. It excludes fleet vehicles and self-insured persons from the provision that allows a reduced fine for persons who violate the evidence of insurance provisions but obtain a motor vehicle liability policy within 30 days of the fine being imposed.

This measure allows the filing of certificates of financial responsibility by electronic transmission or any other means the Department of Motor Vehicles and Public Safety (DMV&PS) determines to be appropriate. It changes the date that each insurer providing motor vehicle liability insurance in Nevada must provide the DMV&PS with a record of each policy in effect or terminated in the previous month. Furthermore, this measure removes the provisions that authorize the department to contract with a nongovernmental agency to develop and maintain the data base for verifying that the owners of motor vehicles maintain insurance on their vehicles.

In addition, the bill increases, from \$100 to \$250, the fee to reinstate a motor vehicle registration suspended for failure to have insurance on the date specified in the insurance verification form mailed by the department. The measure also increases, from \$350 to \$750, the amount of damage to a vehicle or property required before a driver involved in an accident must submit a written report of the accident to the department.

Finally, S.B. 322 repeals obsolete provisions that provide alternatives to proof of financial responsibility.

S.B. 340 (Chapter 422)

Senate Bill 340 requires the Department of Motor Vehicles and Public Safety to provide a form to be used by a transferor of a motor vehicle to designate the transferee as the attorney in fact for the purpose of disclosing the odometer reading of the vehicle. Such a form may be used whenever application is made to the department for the registration of a motor vehicle 9 years old or newer of which the ownership has been transferred and the ownership certificate is lost or otherwise not available. The bill specifies that the form should not be easily counterfeited and must be substantially similar to the form prescribed in federal law. The department may charge a fee not to exceed 50 cents for each form.

This measure also establishes a procedure for a transferee to consign a motor vehicle to a wholesale vehicle auctioneer.

S.B. 397 (Chapter 720)

Senate Bill 397 changes the provisions governing the renewal of special license plates for a person with a disability that limits or impairs the ability to walk. Every second year after the initial issuance of special license plates to a disabled person, the Department of Motor Vehicles and Public Safety must require the disabled person, when applying to renew the license plates, to submit a physician's statement certifying the disability. This measure prohibits the department from requiring the submission of a physician's statement with the renewal application of a person who the department has determined is permanently disabled.

The bill also requires that a special or temporary parking placard for a disabled person must be placed on the dashboard of a vehicle without a rearview mirror or in such a way that the placard can be seen easily from outside the parked vehicle. In addition, this measure increases the minimum fine for a third or subsequent offense by a person who illegally parks in a handicapped parking space or illegally uses a disabled person's special license plate or placard.

This measure is effective on July 1, 1995.

S.B. 441 (Chapter 624)

Senate Bill 441 prohibits the Department of Motor Vehicles and Public Safety (DMV&PS) from renewing the registration of a motor vehicle if the vehicle's owner owes any civil penalty, criminal fine, or other charge imposed for illegally stopping, standing, or parking a vehicle. The DMV&PS is required to include the amount of nonpayment

with the application mailed for renewing a motor vehicle and provide a copy of the notice to the registered owner who requests it.

The measure permits a local authority to file a notice of nonpayment of parking violations with the DMV&PS and allows the department to adopt pertinent regulations.

In addition, the bill requires the DMV&PS to collect the amount set forth in the notice when it collects the fees for renewing the vehicle's registration, except for a registration not renewed for two consecutive periods. When the department collects the amount of nonpayment owed by a vehicle's owner, it must issue a receipt to the owner, notify the local authority that filed the notice, and remit the amount collected to the local authority. The DMV&PS is required to collect a fee of \$10 to defray the cost of administration.

Further, S.B. 441 authorizes the expenditure of \$290,622 by the DMV&PS during the Fiscal Year (FY) beginning July 1, 1995, and ending June 30, 1996, to implement this measure. Also authorized is the expenditure of \$316,640 by the department during FY 1996-1997.

This bill is effective on July 1, 1995, for the purposes of adopting the necessary regulations, authorizing expenditures, and conducting any preliminary activities to implement the provisions of the bill. The other provisions of the measure are effective on July 1, 1996.

S.B. 570 (Chapter 622)

Senate Bill 570 authorizes the Department of Motor Vehicles and Public Safety (DMV&PS) to conduct a test of the emissions from a motor vehicle while the vehicle is being driven on a highway in a county with a population of 100,000 or more. If the test indicates that a motor vehicle registered in a county with a population of 100,000 or more does not comply with the laws and regulations governing vehicle emissions, the department must mail to the vehicle's owner a notice that the vehicle failed the test. This measure requires the DMV&PS to rescind and cancel the registration of any vehicle failing the test unless the registered owner, within 30 days after the notice is mailed by the department, has the vehicle inspected by an authorized inspection station and provides the department with evidence that the vehicle complies with the state's emission standards.

The bill also requires the DMV&PS to rescind and cancel the registration of vehicles cited or noticed for violating the law that requires motor vehicles to be equipped with a muffler and engine in good working order to prevent the escape of excessive emissions, fumes, or smoke. The department must take such action unless the registered owner, within 30 days after the citation or notice is issued, provides the department with proof that the vehicle's emission problems have been corrected.

Finally, this measure exempts new vehicles from the existing inspection and maintenance requirements until the third year of renewing the vehicle's registration.

Senate Bill 570 allows the use of remote sensing devices. Such devices use infrared technology to measure tailpipe emissions and photograph vehicles exceeding the emission standards.

A.B. 23 (Chapter 18)

Assembly Bill 23 amends the definition of "golf cart" used in the laws regarding licensing and registration of motor vehicles. The bill deletes a provision stating that a golf cart has a weight of less than 1,300 pounds.

In Clark County, the Department of Motor Vehicles and Public Safety may issue permits for golf carts to be driven on roads or streets if the carts are properly equipped and insured (*Nevada Revised Statutes* 482.398). Many carts now have batteries which weigh as much as 450 pounds. As a result, some carts now exceed the weight limit specified in the law.

A.B. 27 (Chapter 35)

Assembly Bill 27 amends the provisions regarding the types of documents that the Department of Motor Vehicles and Public Safety must accept as proof of age from an applicant for a driver's license or identity card. For an applicant born in the United States, the bill clarifies that a birth certificate presented as proof of age must be issued by a state or the District of Columbia. This measure requires the department to accept a baptismal certificate as proof of age if the applicant also provides other proof acceptable to the department. In addition, A.B. 27 authorizes the department to accept other documents as proof of age from persons who were born outside the United States.

A.B. 29 (Chapter 17)

Assembly Bill 29 establishes a fee of \$30 for each endorsement added to a commercial driver's license after its initial issuance if the endorsement requires the Department of Motor Vehicles and Public Safety to administer a driving skills test. If no test is necessary, the fee remains at the current level of \$14.

The bill is effective on July 1, 1995.

A.B. 118 (Chapter 505)

Assembly Bill 118 requires the Department of Motor Vehicles and Public Safety to design and issue license plates for the support of missing or exploited children. These special plates are to be inscribed with the symbol of a hand.

The measure stipulates that, in addition to the usual registration fees, a \$35 special plate fee must be paid for the initial issuance of the plates and \$10 for the annual renewal. Further, applicants must pay an additional fee of \$15 when the plates are issued and \$10 when they are renewed. The bill requires that the proceeds of the latter fee be deposited in a special account created by this bill. The money from this account must only be expended to support the activities of the Missing Children's Clearinghouse and the Advocate for Missing and Exploited Children in the Office of the Attorney General.

This bill prohibits the department from designing, preparing, or issuing these special plates unless it receives at least 250 applications.

A.B. 153 (Chapter 504)

Assembly Bill 153 requires the Department of Motor Vehicles and Public Safety to design and issue license plates expressing support for Drug Abuse Resistance Education (DARE).

Applicants for these plates must pay, in addition to the usual registration fees, a special plate fee of \$35 when the plates are initially issued and \$10 when they are renewed each year. Further, they must pay an additional \$25 when the plates are issued and \$20 upon renewal. The proceeds of the latter fee must be deposited in a special account created by this bill and distributed to each county in proportion to the number of special plates issues in the county. The funds may only be used for the support of the DARE program.

This bill prohibits the department from designing, preparing, or issuing these special plates unless it receives at least 250 applications.

A.B. 187 (Chapter 560)

Assembly Bill 187 declares confidential all personal information in the registration and licensing records of the Department of Motor Vehicles and Public Safety, except as specifically provided.

The bill allows the department to release personal information if the requestor obtains a notarized release from the person who holds a lien on a vehicle or the person about whom the information is requested. A list containing license plate numbers and corresponding personal information may be released only to a law enforcement agency,

and no personal information may be released to other persons on the presentation of a license plate number. If a vehicle is used in connection with the commission of certain crimes, however, a person may present the license to a law enforcement agency, which is then required to conduct an investigation or to release information regarding the owner of the vehicle to the business that was defrauded to aid in the recovery of civil damages from the perpetrator. A file containing social security numbers may not be released to anyone if the information will be used in a commercial solicitation.

In addition, A.B. 187 allows specified individuals, organizations, or government agencies to obtain access to personal information if they present the department with a description of the information and the proposed use and sign an affidavit. Representatives of the news media may obtain such information, but the department may not inquire into their reasons for requesting the information other than whether it will be used for a journalistic purpose. Persons who receive information under one of these provisions must maintain for 5 years a record of the persons to whom they have disclosed the information and the purposes for which it will be used. The measure also requires the department to establish a procedure whereby information may be given out over the telephone to certain authorized persons who have previously made arrangements with the department and signed the required affidavit.

Finally, the bill makes it unlawful for a person to make a false representation to gain access to information or to disclose information for a use that is not permitted.

According to testimony, information from driver's license and vehicle registration files is readily available to the public with few controls or restrictions. It is possible that this information may be used to stalk or harass individuals. This measure is intended to preserve individual privacy while still allowing for legitimate uses of this data. The measure is consistent with many of the provisions of the federal Driver's Privacy Protection Act of 1994, which, effective 1997, limits the release of personal information contained in a driver's record.

A.B. 258 (Chapter 506)

Assembly Bill 258 requires the Department of Motor Vehicles and Public Safety to design and issue special license plates for retired members of the Armed Forces of the United States. Funds raised by the issuance of these plates are designated for the support of veterans' cemeteries.

In addition to the usual registration and license fees, the bill requires an applicant for these special plates to pay a \$35 special plate fee when a plate is issued and \$10 when it is renewed each year. The applicant must also pay \$25 when the plates are issued and \$20 when they are renewed each year, to be used for the support of veterans' cemeteries.

This bill prohibits the department from designing, preparing, or issuing these special plates unless it receives at least 250 applications.

A.B. 289 (Chapter 310)

Assembly Bill 289 authorizes the Department of Motor Vehicles and Public Safety to issue special license plates and certificates of registration for classic vehicles. Classic vehicles include passenger cars and light trucks manufactured at least 25 years ago and containing only original parts or duplicate replacement parts. The plates must be inscribed with the words CLASSIC VEHICLE.

The measure provides that applicants for these plates must pay, in addition to the usual registration fees, a fee of \$35 when the plates are issued and \$10 when they are renewed.

A.B. 352 (Chapter 541)

Assembly Bill 352 authorizes the Department of Motor Vehicles and Public Safety (DMV&PS) to establish a program to allow new vehicle dealers to register vehicles for their customers. Dealers who participate in this program are authorized to collect registration fees and taxes, remit them to the department, and issue certificates of registration. Dealers may not charge customers an extra fee for providing this service and bear the cost of any requisite computer equipment or software. Dealers may not accept renewal applications or issue certificates of registration if the applicant requests special license plates or claims a veterans' exemption.

The DMV&PS will continue to issue the license plates and decals for vehicles registered under this program and is required to establish a secure system for ensuring that these plates are delivered to their proper recipients. To allow time for the delivery of these plates, the bill extends the effective period for the dealer's report of sale from 10 to 20 days.

Dealer registration programs operate successfully in several states. This measure is expected to reduce lines and waiting times at DMV&PS offices.

A.B. 425 (Chapter 388)

Assembly Bill 425 requires the Department of Motor Vehicles and Public Safety (DMV&PS) to suspend the licenses of drivers who are in arrears in the payment of child support.

The bill applies to parents who owe at least \$1,000 in child support and are at least 2 months in arrears or who have failed to provide health insurance coverage for a child as required by a court order. The parent may request a hearing on the subject. If the

delinquent parent does not request a hearing or if the hearing officer finds that the parent is in arrears, the department must be notified. The DMV&PS must send a notice informing the driver of the suspension of the license if the arrearage is not satisfied within 30 days. The arrearage is considered satisfied if the driver pays all past due child support, or if unable to do so, pays the amount past due for the previous 12 months. If the arrearage was a result of a failure to maintain health insurance for a child, the arrearage is considered satisfied when the parent presents proof that the child is covered.

The department may issue a restricted license to a driver whose license has been suspended. This restricted license allows the driver to drive to and from work and during the course of work, to receive regularly scheduled medical care, and to exercise a court-ordered right to visit a child.

This bill is effective January 1, 1996.

A.B. 452 (Chapter 502)

Assembly Bill 452 requires the Department of Motor Vehicles and Public Safety, in cooperation with the State Council on the Arts, to design and issue license plates expressing support for the education of children in the arts.

The measure provides that applicants for these plates must pay, in addition to the usual registration fees, a fee of \$35 when the plates are issued and \$10 when they are renewed each year. Further, they must pay an additional fee of \$15 when the plates are issued and \$10 when they are renewed. The bill requires the proceeds of the latter fees to be deposited in an account created by A.B. 452 for the education of children in the arts.

This bill prohibits the department from designing, preparing, or issuing these special plates unless it receives at least 250 applications.

A.B. 530 (Chapter 332)

Assembly Bill 530 requires the Department of Motor Vehicles and Public Safety to establish a procedure to allow drivers to renew their licenses by mail. The department is authorized to charge and collect a fee of \$1.50 from persons who choose to use this service.

The bill also provides that the department is not required to administer an eye examination to drivers who renew by mail or are not able to appear in person. The department must determine by regulation which drivers will be required to take an eye examination and the circumstances under which an examination administered by an ophthalmologist, optometrist, or an agency of another state will be accepted.

The regulations required to implement this measure must be adopted by January 1, 1996, so that the mail-in renewal program may begin at that time. The bill also appropriates \$30,700 from the State Highway Fund to pay the costs of establishing the program.

Mail-in renewal is intended to enable many drivers to avoid the inconvenience of appearing at department offices every 4 years when their licenses expire. The department intends to adopt regulations to determine eligibility for this program. Drivers with poor records or handicaps that require periodic evaluation will still be required to renew in person. Mail-in renewal programs are operating successfully in several other states.

The bill is effective on July 1, 1995.

Driving Under the Influence

S.B. 273 (Chapter 188)

Senate Bill 273 establishes that a person is guilty of driving under the influence (DUI) of intoxicating liquor and causing death or substantial bodily harm if a subsequent test within two hours after driving or being in actual physical control of a vehicle shows the presence of the required level of alcohol in his blood. The bill also establishes an affirmative defense for certain defendants in such cases. In the event alcohol was consumed after driving but before testing, the measure allows a person to offer this defense provided advance notice is given to the prosecuting attorney.

Senate Bill 273 is intended to conform the felony DUI statute with the existing statutes regarding misdemeanor and third and subsequent DUIs. The measure corrects an oversight in Assembly Bill 490 of the 1993 Session.

This measure is effective on June 12, 1995.

S.B. 498 (Chapter 690)

Senate Bill 498 provides that a person who serves or sells alcoholic beverages is not liable in a civil action based on the grounds that the service or sale was the proximate cause of injuries caused by an intoxicated person. In addition, the violation of a law regulating the sale or service to a minor or intoxicated person does not constitute negligence *per se* in an action brought against the seller or server for certain injuries.

This bill is effective on July 6, 1995.

A.B. 91 (Chapter 258)

Assembly Bill 91 requires the juvenile court, or adult court if appropriate, to order the evaluation of a person under the age of 21 who has been convicted of driving under the influence (DUI) to determine if that person is an abuser of alcohol or drugs. The evaluation must be conducted by a certified or approved evaluator. The results of the evaluation must be reported to the judge prior to sentencing and must include any recommendations concerning the type and length of treatment that may be appropriate.

The court is authorized to order the person to undergo treatment and to pay the costs of such treatment to the extent of his resources. If the person is less than 18 years of age, the court may order the parents or guardian to pay for the treatment. Persons who cannot pay for the treatment may be required to perform community service in lieu of payment.

Records evidencing the fact that a juvenile has been convicted of DUI must be included on that person's driving record for 7 years.

This measure only applies to persons who are found to violate the DUI provisions on or after October 1, 1995.

A.B. 92 (Chapter 555)

Assembly Bill 92 requires a juvenile court to revoke the driver's license of a person less than 18 years of age who is convicted of driving under the influence (DUI) of alcohol or drugs. Existing law authorizes the judge to revoke the license for up to 6 months for possession, use, or consumption of alcohol or drugs. This bill mandates a 6-month revocation specifically for DUI by juveniles. In addition, the judge must require that the child submit to any tests required by regulation for the reinstatement of a license.

This measure does not prohibit the Department of Motor Vehicles and Public Safety from reporting such revocation to an insurance company that inquires about the child's driving record.

A.B. 277 (Chapter 172)

Assembly Bill 277 authorizes a sentence of residential confinement for a person who is convicted of driving under the influence and later convicted of driving with a revoked or suspended license. The court may sentence such an offender to jail for not less than 30 days or to residential confinement for not less than 60 days nor more than 6 months.

This measure is intended to provide the courts with more flexibility in punishing persons who drive while their licenses are revoked or suspended. This punishment would be in addition to any other penalty that may be imposed for a crime that led to the

discovery the person was driving with a suspended license. Offenders sentenced to residential confinement are able to maintain employment, support their families, and pay restitution to victims.

A.B. 643 (Chapter 546)

Assembly Bill 643 revises the provisions related to evidentiary tests used to determine if a person has committed the offense of driving under the influence (DUI) of alcohol. Existing law requires a person to submit to a test if he has caused death or substantial bodily harm or has been previously convicted of DUI. First-time offenders may refuse to submit to the test. This measure eliminates the authority for such refusal and requires a first-time offender to submit to a test. Various provisions are amended to comport with the change in testing requirements.

This measure is intended to make the law regarding first-time offenders consistent with that for other DUI offenders. Testimony indicated that, if an offender refuses to take the evidentiary test, prosecution of such offenses is difficult. The mandatory testing is intended to assist prosecutors in determining if an offender has committed DUI and provide for prosecution where appropriate.

Motor Vehicles and Motor Carriers

S.B. 186 (Chapter 178)

Senate Bill 186 revises the provisions governing the fee for processing fingerprints of applicants for licensure as vehicle transporters, manufacturers, distributors, dealers, and rebuilders. The bill requires the Department of Motor Vehicles and Public Safety to establish the fee by regulation and specifies that the fee must not exceed the amount charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation (FBI) for processing the fingerprints.

The existing statutory fee of \$38 is no longer adequate to cover the increased fee charged by the FBI (increased from \$23 to \$24) and the state fee for the criminal records repository (\$15). If the department is allowed to set the fee by regulation, it will no longer need to request legislation each time the cost of processing fingerprints is increased.

This measure is effective on July 1, 1995.

S.B. 332 (Chapter 730)

Senate Bill 332 prohibits a motor vehicle manufacturer, distributor, or factory branch from requiring a dealer to comply with unreasonable standards relating to the sales or service of motor vehicles. This measure provides that a manufacturer may not discriminate against a dealer, take any action to terminate a dealer's franchise, or add a new franchise within a dealer's relevant market area solely on the basis of a customer survey of dealer performance. Contests or other award programs to recognize dealer performance are not prohibited if they are based on reasonable criteria relating to sales or service of motor vehicles.

S.B. 352 (Chapter 623)

Senate Bill 352 prohibits a state agency from requiring a vehicle dealer to have his signature notarized on certain documents that the dealer is required to file with the State of Nevada. In addition, the measure requires the Department of Motor Vehicles and Public Safety to provide a form that a vehicle dealer may use to transfer the ownership of a vehicle when the spaces on the certificate of ownership have been filled.

The bill also allows charitable organizations that have operated in Nevada for at least 2 years to sell motor vehicles that have been received as donations without being licensed as vehicle dealers. An organization is eligible for a temporary permit to move a vehicle, but must maintain liability insurance until the vehicle is sold.

S.B. 442 (Chapter 684)

Senate Bill 442 limits state regulation of motor carriers and brokers to matters not preempted by federal law. In 1994, Congress passed and the President signed into law the Federal Aviation Administration Authorization Act (Public Law 103-305). This law became effective on January 1, 1995, and imposed limitations on state regulation of motor carriers. Although the federal law does not limit or preempt state regulation of motor carriers involved in the transportation of passengers or household goods, it does preempt state regulation of all other motor carriers.

The measure establishes the authority of the Public Service Commission of Nevada (PSCN) to continue to regulate the advertising, rates, routes, and services only of "fully regulated carriers." The fully regulated carriers are those common carriers or contract carriers of passengers or household goods that are required to obtain a certificate of public convenience and necessity from the commission. The bill limits the authority of the state to regulate motor carriers to compliance with standards regarding safety; liability insurance and financial responsibility; vehicle size and weight; and transportation of radioactive waste.

The measure clarifies the authority of the Department of Motor Vehicles and Public Safety to regulate private motor carriers and carriers of property, other than fully regulated carriers. It requires the PSCN to cooperate with the department in the issuance of permits by providing safety and operational inspections.

Further, this measure revises the provisions concerning vanpool permits for employers and penalties for violating the laws regulating motor carriers. It removes the exemptions for the safety regulation of certain motor carriers, such as carriers for carnivals, motion picture productions, livestock shows, sporting events, and contractors transporting their own personal equipment.

Finally, Senate Bill 442 repeals various provisions that conflict with federal law or are obsolete.

The bill is effective on July 1, 1995.

S.B. 443 (Chapter 472)

Senate Bill 443 limits the state regulation of tow cars to matters not preempted by federal law. This measure exempts tow cars from the provisions that allow the Public Service Commission of Nevada (PSCN) to regulate the rates, routes, and services of certain motor carriers. It requires tow car operators to use tow cars of sufficient size and weight, which are appropriately equipped to transport safely vehicles being towed; provide evidence of liability insurance, bond, or other surety; and comply with other requirements adopted by the commission pursuant to this act. In addition, the bill requires those tow car operators not holding a PSCN certificate prior to July 1, 1995, to obtain a certificate of operation from the commission.

This measure sets conditions that must be met before a vehicle can be towed upon the request of someone other than the vehicle's owner, agent of the owner, or a law enforcement officer. Furthermore, the bill establishes requirements for tow car operators to notify the owners of any such vehicles towed at another person's request.

The bill authorizes the PSCN to act upon complaints regarding the failure of tow car operators to comply with this law. The measure also contains provisions that would allow the PSCN to reinstate its regulation of the rates, routes, or services of tow cars if the federal law preempting such regulation is overturned by the federal courts or repealed by Congress.

Finally, S.B. 443 repeals several provisions that conflict with federal law or are obsolete.

The Legislative Counsel issued an opinion that the Federal Aviation Administration Authorization Act of 1994 (Public Law 103-305) preempts the states from regulating the economic activities of motor carriers, including tow cars. Although Nevada is preempted from regulating the rates, routes, or services of tow cars, it may regulate the

safety, size, and weight of tow cars. In addition, the state may require tow cars to maintain adequate insurance coverage and to comply with other standards that are not strictly related to rates, routes, or services.

This measure is effective on July 1, 1995.

A.B. 205 (Chapter 307)

Assembly Bill 205 prohibits used vehicle dealers from selling new vehicles to the public. The bill allows used vehicle dealers to sell new vehicles at wholesale to other dealers or to sell new vehicles on consignment from private individuals.

The bill also redefines the terms "new vehicle," "used vehicle," and "used vehicle dealer" as used in the law governing the sale of motor vehicles. A new vehicle is defined as one that has not been previously registered and has been driven 2,500 miles or less. A used vehicle is defined as one that has been previously registered and has been driven more than 2,500 miles. A used vehicle dealer is defined as a dealer who acquires used vehicles for resale. Under current law, any vehicle that has been registered is considered a used vehicle, while any vehicle that has not been registered is considered a new vehicle.

The bill allows a long-term lessor who also held a license as a vehicle dealer on January 1, 1995, and maintained appropriate facilities, to continue to sell new vehicles.

Assembly Bill 205 prevents used car dealers from acting as auto brokers. Currently, a used car dealer may purchase a new vehicle and register it, then immediately resell it to a customer. Under this bill, the used car dealer would not be allowed to resell a vehicle unless it had been driven more than 2,500 miles.

A.B. 334 (Chapter 380)

Assembly Bill 334 authorizes the Public Service Commission of Nevada to revoke the certificate of public convenience of a common motor carrier that has violated the laws or regulations under which it is allowed to operate.

A.B. 447 (Chapter 625)

Assembly Bill 447 provides for the licensing and regulation of automobile brokers. The bill defines a broker as a person who offers services to assist in the purchase of a new or used motor vehicle. Brokers are required to meet the licensing criteria that apply to motor vehicle dealers, including undergoing a criminal background check, paying a license fee, and posting a bond. Licensed brokers are prohibited from representing themselves as motor vehicle dealers. Brokers must also maintain a permanent place of business in Nevada. When considering an application to renew a broker's license,

the Department of Motor Vehicles and Public Safety is required to consider consumer complaints against the applicant.

The measure allows brokers to accept a deposit of not more than 10 percent of the purchase price of a vehicle. This deposit must be placed in a trust account and may not be commingled with other funds. The bill also requires the execution of a written brokerage agreement, which must list specified details. Dealers are prohibited from working directly with a purchaser who is represented by a broker until at least 30 days after the brokerage agreement expires.

Finally, the bill amends a provision that allows dealers to register up to 12 vehicles without paying the vehicle privilege tax. The change eliminates language that allows dealers to transfer these registrations to other vehicles.

A.B. 486 (Chapter 485)

Assembly Bill 486 amends the law governing automobile wreckers. The bill prohibits removing a total-loss vehicle from Nevada for the purpose of selling it until the ownership certificate or other evidence of title has been sent to the Department of Motor Vehicles and Public Safety (DMV&PS), in the case of a motor vehicle, or the Division of Manufactured Housing, in the case of a mobile home or commercial coach.

The evidence of title must be sent to the appropriate agency within 120 days after the vehicle is damaged. This measure authorizes the owner of a total-loss vehicle to sell the vehicle, with the proper ownership certificate or evidence of title, to a salvage pool, automobile auction, rebuilder, automobile wrecker, or a new or used motor vehicle dealer.

The bill also requires a salvage pool, auto auction, leasing company, or financial institution, when selling a salvage vehicle, to issue a bill of salvage to the purchaser. Currently, this requirement applies only to insurance companies.

Further, A.B. 486 requires a person who is licensed or otherwise authorized in another state or a foreign country as a dealer in new or used vehicles, or a rebuilder, to present evidence of licensure or authorization to the operator of a salvage pool before submitting a bid on a vehicle. The bill repeals the authorization of the DMV&PS to issue an automobile wrecker license to a person who is licensed in another state.

Assembly Bill 486 is expected to assist law enforcement to address vehicle theft by preventing the removal of identifying information from total-loss vehicles and its subsequent placement in stolen vehicles.

This measure is effective on July 1, 1995.

Transportation Fees and Taxes

S.B. 121 (Chapter 642)

Senate Bill 121 makes changes to the fund for cleaning up discharges of petroleum from storage tanks. It raises the fee on motor vehicle fuel, diesel fuel, and heating oil from 0.6 cent to 0.75 cent per gallon and increases the annual registration fee for tanks from \$50 to \$100.

The bill maintains the existing deductible and ceiling on payments from the fund to clean up discharges from home heating oil tanks. For other tanks, the operator pays 10 percent, and the fund pays the balance, for up to \$1 million in clean-up costs and \$1 million in off-site damages. Payments by public agencies are capped at \$10,000 for clean-up and \$10,000 for damages per tank, and payments by small business are capped at \$50,000 for clean-up and \$50,000 for damages per site.

The measure also directs political subdivisions of the state that receive reimbursements for a clean-up to hold regular public hearings to ensure that the project complies with cost-effectiveness requirements of the Division of Environmental Protection.

Finally, the bill clarifies that payments to clean up discharges from heating oil tanks are for actions necessary to protect the environment or the public health and safety.

This measure is effective on July 1, 1995.

S.B. 295 (Chapter 208)

Senate Bill 295 revises the provisions governing the payment of the registration fees and privilege taxes for fleets of vehicles with a declared gross weight in excess of 26,000 pounds. If a person who pays such fees and taxes in installments fails to pay them when due, the Department of Motor Vehicles and Public Safety may require that person to pay the entire amount due for the remainder of the calendar year and to pay such fees and taxes on an annual basis in subsequent years.

The department allows the quarterly payment of registration fees and privilege taxes on commercial vehicles with a weight in excess of 26,000 pounds because the cost may total thousands of dollars. In some instances, however, the owners pay the initial quarterly payment and skip the others; the department must try to collect the delinquent fees and taxes.

With the enactment of S.B. 295, the department may require payment in full by persons delinquent in making payments. In addition, such persons may be required to pay their future fees and taxes on an annual rather than a quarterly basis.

S.B. 297 (Chapter 190)

Senate Bill 297 revises the requirements for the preservation of the records of certain motor carriers. It also allows a motor carrier to obtain, before entering the state, a permit to temporarily operate in Nevada. Furthermore, this measure revises the rate of interest required to be paid on additional or estimated assessments payable to the Department of Motor Vehicles and Public Safety for fees owed by motor carriers.

Senate Bill 297 conforms Nevada law with the International Registration Plan and the International Fuel Tax Agreement.

S.B. 440 (Chapter 199)

Senate Bill 440 prohibits the Department of Motor Vehicles and Public Safety from imposing a fee for the issuance of a certificate of dismantling and removes the existing statutory fee of \$10.

A.B. 333 (Chapter 303)

Assembly Bill 333 amends the law relating to the calculation of the motor vehicle privilege tax. For the purpose of that calculation, a vehicle is considered new if it has never been registered.

The measure addresses the findings of an audit of the Department of Motor Vehicles and Public Safety. The Legislative Auditor found that the method used by the department to determine the valuation of vehicles for the assessment of this tax is inaccurate. When a vehicle is purchased during the calendar year before its model year (for example, a car with a model year of 1993 that is purchased in 1992), the department is incorrectly taxing it as a new vehicle for 2 years. This policy results in an overcharge of about 15 percent in the second year the vehicle is registered and a 10 percent overcharge in each subsequent year until the vehicle is 10 years old. In other cases, when a vehicle is purchased after the end of its model year (for example, a new 1992 vehicle purchased in 1993), it is never taxed as a new car, resulting in an undercharge of 15 percent the first year and 10 percent in each subsequent year. In 1992, the auditor estimates that about 112,000 new vehicles were overvalued, resulting in a total overcharge of about \$2.6 million. About 50,000 vehicles were undervalued, resulting in a total undercharge of about \$1 million.

VARIOUS OTHER BILLS

S.B. 116 (Chapter 11)

Senate Bill 116 declares December 7 of each year as Pearl Harbor Remembrance Day in commemoration of those Americans who defended their country at Pearl Harbor on December 7, 1941. The measure requires the Governor to issue annually a proclamation encouraging the observance of this day. State officers will be requested to fly the United States flag at half-mast on all state buildings, and residents will be encouraged to do the same at their homes and other suitable places.

S.B. 168 (Chapter 66)

Senate Bill 168 directs the State Land Registrar to exchange a parcel of state property at the Stewart Complex south of Carson City for an adjacent parcel owned by the American Baptist Home Mission Society. Senate Bill 168 clarifies the two property titles so that they will reflect the actual uses of the land. A literal reading of the current titles indicates that the State of Nevada owns the church's parking lot and the church owns a portion of the public street.

S.B. 234 (Chapter 532)

Senate Bill 234 provides that the act of assisted suicide is not condoned, authorized, or approved under Nevada's Uniform Act on the Rights of the Terminally Ill, which permits the withholding or withdrawal of life-sustaining treatment in certain circumstances.

S.B. 402 (Chapter 211)

Senate Bill 402 revises the provisions relating to the labeling of and specifications associated with lubricating oil and motor oil.

The bill defines the terms "performance rating" and "viscosity grade classification" and provides for their appropriate use in specifying the properties of lubricating oil and motor oil. It also defines "recycled oil," "re-refined oil," and "used oil" and requires that recycled and used oil must be so labeled on their respective containers. Under current law, all three types of oil must be labeled as being "reclaimed."

The bill is effective on July 1, 1995.

S.B. 414 (Chapter 722)

Senate Bill 414 requires that a petition for appointment as an administrator of an estate or as a guardian must state that the applicant has never been convicted of a felony. The bill also authorizes a court to accept the highest bid from an offeror during a proceeding to confirm a sale of real property. In addition, the measure provides for the division, between the listing agent and the agent who procured the purchaser, of the commission on real estate sold by an administrator or executor of an estate.

This measure is effective January 1, 1996.

S.B. 477 (Chapter 478)

Senate Bill 477 exempts convention halls from the requirement to provide a sufficient number of water closets and urinals in compliance with the *Uniform Plumbing Code*. The measure also provides a definition of "convention hall."

S.B. 550 (Chapter 643)

Senate Bill 550 revises the provisions governing the use of the *Uniform Plumbing Code*. The bill permits the use of the most recently published edition of the code. Any amendments to the code that are issued between published editions must be reviewed by the chairman of the State Public Works Board, or his designee, to approve or disapprove the amendment for use in Nevada. If a notice of approval is not posted within 30 days after the amendment is published, the amendment is deemed approved.

Current law requires compliance with a version of the *Uniform Plumbing Code* that is tied to a specific date. The Health Division must then return to the Legislature each time a new edition of the *Uniform Plumbing Code* is published in order to revise that date. The new language allows cities and counties to use the most up-to-date version of the code.

The bill is effective on July 1, 1995.

A.B. 582 (Chapter 498)

Assembly Bill 582 amends the statute that requires persons portrayed in certain photographs to grant their written permission before the pictures may be used for a promotional purpose. The measure exempts the Commission on Tourism from the requirement, as well as a governmental agency in a county with a population of 100,000 or more that has the statutory duty of promoting travel and tourism in this state and employs photographers to take pictures that portray events, persons, or sites significant to Nevada and its history. The measure also requires, if practicable, that a

governmental agency announce or otherwise inform people at a public event that photographs may be taken and used for promotional purposes without permission from those people shown in the picture.

Under current law, a photograph that contains the likeness of a person cannot be used for a commercial purpose without that person's permission. According to testimony concerning the measure, photographers employed by tourism agencies often take photographs of parades, festivals, or historical sites for use in promotional materials. These photographs contain pictures of many individuals, and it is not practical to seek the permission of each person who appears in these pictures.

VETERANS

S.B. 161 (Chapter 653)

Senate Bill 161 consolidates the separate areas of authority of the Commissioner and Deputy Commissioner for Veteran Affairs. The measure specifies that the deputy commissioner must assist the commissioner in performing the duties of the Office of Nevada Commissioner for Veteran Affairs.

In addition, S.B. 161 requires the cemetery advisory committees to meet jointly at least twice a year in alternating locations. Finally, the bill specifies that the members of the committees are entitled to payment for per diem and travel expenses while engaged in the work of the advisory committees.

Testimony indicated that this measure is expected to improve management strategy for state veterans' programs by creating a single line of authority through the Commissioner for Veteran Affairs.

S.B. 163 (Chapter 264)

Senate Bill 163 revises provisions regarding the Nevada Veterans' Advisory Commission. The measure specifies that the chairmen of the advisory committees for a veterans' cemetery in northern and southern Nevada must each appoint one member from their respective committees to serve on the commission. These members must be representatives of a nationally recognized veterans' organization. Accordingly, S.B. 163 reduces, from five to three, the number of Veterans' Advisory Commission members who are appointed by the Governor and are representatives of nationally recognized veterans' organizations. The bill states that each commission member's term of office is 2 years.

In addition, S.B. 163 increases, from \$60 to \$80 per day, each member's salary and raises the per diem and travel allowance, from a maximum of \$40 to \$56 per day. Furthermore, the measure requires the advisory commission to meet at least four times each year instead of twice.

A.B. 238 (Chapter 278)

Assembly Bill 238 appropriates \$237,200 to the Nevada Commissioner on Veteran Affairs of the Department of Motor Vehicles and Public Safety for improvements to the veterans' cemeteries. Of this amount, \$22,200 must be expended for preburial vaults. This appropriation will be supplemented by federal matching funds and by in-kind use of existing land.

This measure is effective on June 19, 1995.

A.B. 258 (Chapter 506)

Assembly Bill 258 requires the Department of Motor Vehicles and Public Safety to design and issue special license plates for retired members of the Armed Forces of the United States. Funds raised by the issuance of these plates are designated for the support of veterans' cemeteries.

In addition to the usual registration and license fees, the bill requires an applicant for these special plates to pay a \$35 special plate fee when a plate is issued and \$10 when it is renewed each year. The applicant must also pay \$25 when the plates are issued and \$20 when they are renewed each year, to be used for the support of veterans' cemeteries.

This bill prohibits the department from designing, preparing, or issuing these special plates unless it receives at least 250 applications.

A.B. 357 (Chapter 122)

Assembly Bill 357 defines the word "veteran" for the purposes of granting preference points to veterans in competitive examinations for state employment. The measure adopts the federal definition, which includes a person who served on active duty for more than 180 days and was not dishonorably discharged; was discharged because of a service-connected disability; or was called to and served on active duty during a military campaign or period of war.

This measure is effective on May 26, 1995.

A.B. 431 (Chapter 151)

Assembly Bill 431 revises provisions governing the estates of persons for whom the Nevada Commissioner for Veteran Affairs acts as a guardian. The measure creates a trust fund into which must be deposited all money received by the commissioner as guardian. After deducting any applicable charges, the commissioner must account separately for the money attributable to the estate of each person and allocate the interest earned by the fund based on the percentage of money in each estate. In addition, A.B. 431 requires the commissioner to maintain a checking account to pay certain expenses associated with the estates.

The consolidation of the individual estate investments into one trust fund is expected to increase the amount of interest earned and decrease the administrative burden required by multiple bank accounts.

This measure is effective on July 1, 1995.

A.B. 656 (Chapter 612)

Assembly Bill 656 allows veterans who are eligible for an exemption from the property tax or motor vehicle privilege tax to forgo the exemption and have the amount by which their tax liability would have been reduced credited to the veteran's home account in the State General Fund.

The bill also extends the tax exemption for members of the armed forces who served during the Gulf War. It provides that all honorably discharged veterans or currently serving members of the armed forces who were on active duty during the Gulf War are eligible, regardless of where they were stationed.

At the present time, Gulf War Veterans are eligible for the tax exemption only if they served outside the United States during the period of the war. In its current form, this provision is difficult to administer and is inconsistent with the provisions which apply to veterans of other wars.

This measure is effective on July 1, 1995.

VETOED BILLS

Six bills were vetoed by the Governor. The vetoes of two measures, Assembly Bill 43 and Assembly Bill 214, were sustained by the 1995 Legislature and receive no further consideration. The remaining four bills, vetoed after adjournment *sine die*, will be returned to the 1997 Legislature for reconsideration and determination of whether to override or sustain the veto. An override requires a two-thirds majority of the members of each house.

The Governor's veto messages, which outline his rationale for rejecting the measures, are available in the Research Library of the Legislative Counsel Bureau.

S.B. 70 (Vetoed)

Senate Bill 70 provides that a board or commission that issues occupational or professional licenses must not be required to employ a person who is an employee of the state or to use any state facility in the discharge of its duties.

This bill also authorizes the board of examiners for marriage and family therapists to issue subpoenas for the attendance of witnesses and the production of books and papers.

S.B. 341 (Vetoed)

Senate Bill 341 prohibits public schools from eliciting certain information from pupils without parental consent. The measure requires public schools to obtain written consent of a pupil's parent or guardian before any survey, analysis, or evaluation is administered that reveals certain personal information not directly related to academic instruction. Before such consent is valid, a parent or legal guardian must be given written notice regarding the type of information for which the consent must be obtained. The notice must list student records and other information that may be examined and the manner in which the records may be obtained and examined, the purpose of the records or information, the persons who will have access to such information, and the method by which the parent or guardian can give valid consent. Upon the request of a parent or guardian, a school district must furnish copies of all its records concerning a pupil.

The measure does not require consent to obtain certain personal information if a school employee reasonably believes a situation is an emergency or in cases of suspected child abuse or neglect. In addition, the bill does not apply to the assessment of a pupil for special education placement, to any spontaneous expression by a pupil, or to the voluntary disclosure and discussion of information between a pupil and a school counselor or between a pupil and a school social worker at an at-risk school. The provisions of the act must not be construed to interfere with a law enforcement investigation. Unless disclosure is prohibited by law or requested not to be given,

a school employee must report any serious threat to the student's well-being to a parent or guardian.

Furthermore, the State Board of Education is required to adopt regulations regarding the schools' compliance with parental consent provisions and provide disciplinary procedures for violations.

Senate Bill 341 is based upon various provisions of the "Grassley amendment" to the federal Goals 2000 legislation and the federal Family Educational Rights and Privacy Act (FERPA).

S.B. 501 (Vetoed)

Senate Bill 501 prohibits the Attorney General from charging the State Board of Sheep Commissioners or the Committee to Control Predatory Animals for any services unless they request those services. Furthermore, the bill mandates that the portion of the statewide cost allocation plan that is attributable to the board and committee, up to \$5,000, shall be reimbursed from the State General Fund. The bill requires the Director of the Department of Administration to report to the Legislature if the reimbursement is no longer necessary. Finally, the measure requires the director to remove any amounts for service agency indirect costs from the account of the board and commission.

A.B. 43 (Vetoed)

Assembly Bill 43 clarifies the limited authority of federal officers to enforce state laws while on federal lands. This measure provides that a federal officer may not enforce Nevada laws while on federal lands or exercise state peace officer powers unless such authority is specifically granted by a state or federal statute or a cooperative agreement with a sheriff or chief of police.

A.B. 214 (Vetoed)

Assembly Bill 214 authorizes the Legislature to reject certain proposed administrative regulations. Under current law, the Legislative Commission reviews proposed regulations and may object to them if they are determined to exceed the agency's statutory authority or do not carry out legislative intent. This bill removes the provision that allows a regulation to become effective over the objection of the commission. Instead, the measure establishes a procedure for the resubmission of regulations to the commission. If the agency refuses to revise the proposed regulation, the commission is authorized to postpone the filing of the regulation until it is approved or rejected by the Legislature in the next regular session.

The measure also establishes a similar procedure for the legislative approval or rejection of agency-generated forms that do not conform to the appropriate statutory

authority. Finally, A.B. 214 contains a detailed legislative finding concerning the proper roles of the three branches of government regarding the adoption, enforcement, and interpretation of administrative regulations.

A.B. 367 (Vetoed)

Assembly Bill 367 requires the State Board of Health and district boards of health to review regulations governing the disposal of sewage to determine whether conflicts exist between the regulations and statutes concerning general improvement districts. The bill also requires the boards to amend or repeal, on or before January 1, 1996, any regulations determined to be in conflict.

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SENATE STANDING COMMITTEES

Sixty-Eighth Session, 1995

(The Chairman is named first and the Vice Chairman is named second on each committee.)

COMMERCE AND LABOR

Townsend, O'Connell, Lowden, Augustine, Shaffer, Regan, Neal.

FINANCE

Raggio, Rawson, Jacobsen, O'Donnell, Rhoads, Mathews, Coffin.

GOVERNMENT AFFAIRS

O'Connell, Townsend, Porter, Raggio, O'Donnell, Titus, Shaffer.

HUMAN RESOURCES AND FACILITIES

Rawson, Lowden, Washington, Augustine, Neal, Coffin, Mathews.

JUDICIARY

James, Porter, Washington, McGinness, Adler, Titus, Lee.

LEGISLATIVE AFFAIRS AND OPERATIONS

McGinness, Raggio, Rawson, James, Titus, Coffin, Mathews.

NATURAL RESOURCES

Rhoads, Jacobsen, James, McGinness, Adler, Regan, Lee.

TAXATION

Lowden, Augustine, O'Connell, Rhoads, Townsend, Regan, Adler.

TRANSPORTATION

O'Donnell, Washington, Jacobsen, Porter, Lee, Neal, Shaffer.

PRESIDENT PRO TEMPORE

Lawrence E. Jacobsen.

MAJORITY FLOOR LEADER

William J. Raggio.

ASSISTANT MAJORITY FLOOR LEADER

Raymond D. Rawson.

MAJORITY WHIP

Suzanne (Sue) Lowden.

MINORITY FLOOR LEADER

Alice Costandina (Dina) Titus.

ASSISTANT MINORITY FLOOR LEADER

Ernest (Ernie) E. Adler.

MINORITY WHIP

John (Jack) B. Regan.

ASSEMBLY STANDING COMMITTEES

Sixty-Eighth Session, 1995

(The membership of the Assembly in 1995 was evenly divided between Democrats and Republicans; therefore the Co-Chairmen are named first and the Co-Vice Chairmen are named second on each committee, by party affiliation.)

COMMERCE

- (D) Spitler, Perkins, Arberry, Buckley, Giunchigliani, Schneider.
- (R) Tiffany, Brower, Allard, Fetic, Hettrick, Humke.

ECONOMIC DEVELOPMENT AND TOURISM

- (D) Schneider, Manendo, Goldwater, Segerblom.
- (R) Steel, Brower, Batten, Close.

EDUCATION

- (D) Williams, Segerblom, Chowning, de Braga, Manendo, Neighbors.
- (R) Harrington, Tripple, Batten, Bennett, Braunlin, Stroth.

ELECTIONS AND PROCEDURES

- (D) Giunchigliani, Perkins, Dini, Evans, Freeman, Price.
- (R) Close, Lambert, Allard, Fetic, Humke, Monaghan.

GOVERNMENT AFFAIRS

- (D) Bache, Neighbors, de Braga, Freeman, Krenzer, Segerblom, Williams.
- (R) Lambert, Braunlin, Bennett, Ernaut, Harrington, Nolan, Tripple.

HEALTH AND HUMAN SERVICES

- (D) Freeman, Evans, Buckley, Krenzer, Williams.
- (R) Monaghan, Harrington, Braunlin, Nolan, Steel.

JUDICIARY

- (D) Anderson, Buckley, Goldwater, Manendo, Ohrenschall, Perkins, Schneider.
- (R) Humke, Sandoval, Batten, Carpenter, Monaghan, Steel, Stroth.

LABOR AND MANAGEMENT

- (D) Krenzer, Goldwater, Anderson, Bache, Manendo.
- (R) Nolan, Hettrick, Carpenter, Ernaut, Sandoval.

NATURAL RESOURCES, AGRICULTURE AND MINING

- (D) de Braga, Ohrenschall, Bache, Neighbors, Segerblom.
- (R) Carpenter, Bennett, Fetic, Humke, Sandoval.

TAXATION

- (D) Price, Schneider, Arberry, Manendo, Neighbors, Spitler.
- (R) Stroth, Ernaut, Brower, Lambert, Marvel, Sandoval.

TRANSPORTATION

- (D) Chowning, Goldwater, Anderson, de Braga, Ohrenschall.
- (R) Batten, Allard, Carpenter, Nolan, Tripple.

WAYS AND MEANS

- (D) Arberry, Evans, Chowning, Dini, Giunchigliani, Price, Spitler.
- (R) Marvel, Tiffany, Allard, Brower, Close, Fetic, Hettrick.

SPEAKERS

- | | |
|-------------------------|-----------------------|
| (D) Joseph E. Dini, Jr. | (R) Lynn C. Hettrick. |
|-------------------------|-----------------------|

SPEAKERS PRO TEMPORE

- | | |
|----------------|------------------------|
| (D) Jan Evans. | (R) Sandra J. Tiffany. |
|----------------|------------------------|

FLOOR LEADERS

- | | |
|-------------------------|----------------------|
| (D) Richard D. Perkins. | (R) Peter G. Ernaut. |
|-------------------------|----------------------|

ASSISTANT FLOOR LEADERS

- | | |
|----------------------|----------------------|
| (D) Robert E. Price. | (R) Jeannine Stroth. |
|----------------------|----------------------|

WHIPS

- | | |
|-------------------------------------|-----------------------|
| (D) Wendell P. Williams. | (R) Dennis L. Allard. |
| (D) Sandra Krenzer, Assistant Whip. | |