NEVADA LEGISLATURE

SEVENTIETH SESSION

1999

SUMMARY OF LEGISLATION



PREPARED BY

RESEARCH DIVISION

LEGISLATIVE COUNSEL BUREAU

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INTRODUCTION

The 1999 Nevada Legislature considered 1458 legislative measures. Of this total, 646 bills were enacted and 148 resolutions were adopted. Four bills were vetoed by the Governor, one of which will be returned to the 2001 Legislative Session for reconsideration.

The *Summary of Legislation* reviews each of the bills and concurrent and joint resolutions, including the vetoed bills, passed by the 1999 Legislature. These summaries do not constitute legal analyses and are not intended for use by the legal community in place of the actual statutes.

Unless otherwise noted, the measures passed during the 1999 Legislative Session become effective on October 1, 1999.

Occasionally, descriptions of "current" or "existing" law are used to illustrate the changes resulting from a bill. These descriptions refer to the law in effect prior to the passage of new legislation. In many cases, the "current" law so referenced will already have been changed at the time of this document's publication. Furthermore, numerous measures required inclusion in more than one chapter of this document. In some cases, the summary of a bill has been shortened to reflect only material relevant to a specific chapter; therefore, for a complete description of a measure, it may be necessary to review all referenced listings.

Except as otherwise expressly provided in a particular statute or required by the context, the masculine gender includes the feminine gender.

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

Please see the "Numerical Index" for a complete list of enacted and vetoed legislation, or consult the "Table of Contents" and "Subject Index" for references to legislation enacted within selected major or specific topic areas. For a comprehensive index to all legislative measures considered, please consult the *Index and Tables* for the 70th Legislative Session.

Research Division
Legislative Counsel Bureau
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APPROPRIATIONS AND AUTHORIZATIONS

S.B. 1 (Chapter 1)

Senate Bill 1 appropriates $10 million from the State General Fund to the Legislative Fund.

This bill is effective on February 2, 1999.

S.B. 37 (Chapter 388)

Senate Bill 37, in addition to privatizing the State Industrial Insurance System (SIIS) and creating the Office for Consumer Health Assistance (OCHA) within the Office of the Governor, appropriates from the State General Fund $212,404 for Fiscal Year (FY) 1999-2000, and $251,001 for FY 2000-2001, to pay for a portion of the cost of the OCHA. In addition, the bill appropriates from the Fund for Workers' Compensation and Safety $262,085 for FY 1999-2000, and $325,848 for FY 2000-2001, to pay for the cost associated with selected positions transferred to OCHA from SIIS. Further, the bill appropriates from the State General Fund $36,248 for FY 1999-2000, and $50,314 for FY 2000-2001, to pay for the cost associated with the position transferred from the Health Division to OCHA.

This measure has various effective dates.

S.B. 47 (Chapter 488)

Senate Bill 47 appropriates $20,000 to the State Department of Education to reimburse up to $2,000 of the costs incurred by a teacher in obtaining certification by the National Board for Professional Teaching Standards. Teachers wishing to be reimbursed must file a statement of intent with their school district at least one year before certification. Upon completion of certification, the school district shall notify the State Department of Education to reimburse the teacher. The measure also provides that a teacher who receives reimbursement from the State Department of Education for costs incurred in acquiring national certification must teach in a public school in Nevada for at least two full school years after receiving such reimbursement. If the teacher moves out of the state or is no longer employed as a teacher in a public school before the end of two years, the teacher must repay the department. The bill allows the agency to establish, by regulation, a process to allow individuals who are unable to repay the department because of hardship to appeal to the State Board of Education for relief. Money repaid to the department may be used to reimburse other teachers for national certification costs.

The bill is effective on June 8, 1999.

S.B. 159 (Chapter 151)

Senate Bill 159 appropriates $97,840 from the State General Fund to the emergency account to restore the balance in the account to approximately $400,000.

This measure is effective on May 18, 1999.

S.B. 184 (Chapter 552)

Senate Bill 184, in addition to creating a pilot program for the release of inmates, appropriates $330,000 from the State General Fund to the Second Judicial District and $700,000 from the State General Fund to the Eighth Judicial District for the continued support of alcohol and drug abuse treatment programs.

The bill is effective on July 1, 1999; however, Sections 1 through 10, which address certain aspects of the pilot program, expire by limitation on June 30, 2001.

S.B. 236 (Chapter 511)

Senate Bill 236 appropriates $1 million to the Lincoln County School District to construct a new elementary school to replace the existing school that has been found unsafe, structurally unsound, and unsuitable for continued use as a school. The measure provides that the appropriation is contingent upon a determination by the State Board of Examiners that the following conditions have been met: the total ad valorem tax rate upon property within the Lincoln County School District is at the maximum rate allowable under law; the taxable value of property within Lincoln County is declining; and the repair or replacement of the building is necessary to alleviate a substantial risk to public safety. The school district is required to submit a final report of expenditures to the Department of Administration and the Legislative Counsel Bureau on or before January 15, 2001. Any remaining balance of the appropriation must not be committed for expenditure after June 30, 2001, and reverts to the State General Fund after June 30, 2001.

The bill is effective on June 8, 1999.

S.B. 250 (Chapter 152)

Senate Bill 250 appropriates, from the State General Fund to the Budget Division of the Department of Administration, the sum of $150,000 to reimburse the Legal Division of the Legislative Counsel Bureau for the expenses involved in preparing legislation requested by agencies of the executive branch. Any remaining balance of the appropriation made by this act must not be committed for expenditure after June 30, 2001, and reverts to the State General Fund as soon as all payments of money committed have been made.

This measure is effective on May 18, 1999.

S.B. 277 (Chapter 103)

Senate Bill 277 makes a supplemental appropriation to the Department of Museums, Library and Arts to cover unanticipated expenses, including $1,550 for additional expenses in the administration of the department; $10,000 to offset a shortfall in revenue from admissions at the Nevada State Museum and Historical Society in Las Vegas; $8,769 to cover additional utility expenses and a shortfall in revenue from admissions to the Nevada State Railroad Museum in Carson City; and $15,145 for additional utility expenses at the Nevada State Museum in Carson City. Any remaining balance from this appropriation will revert to the State General Fund after June 30, 1999.

This measure is effective on May 11, 1999.

S.B. 278 (Chapter 36)

Senate Bill 278 makes a supplemental appropriation of $15,440,452 from the State General Fund to the fund for class-size reduction.

This measure is effective on April 8, 1999.

S.B. 279 (Chapter 553)

Senate Bill 279 appropriates $7,707,993 from the State Highway Fund to the Department of Motor Vehicles and Public Safety, for the implementation of phase II of Project Genesis and related enabling technologies, and extends the reversion date of the 1997 legislative appropriation for Project Genesis to June 30, 2000. The measure also appropriates $10,800 from the State Highway Fund to the department for additional expenses relating to the registration of motor vehicles.

The bill is effective on June 9, 1999.

S.B. 280 (Chapter 510)

Senate Bill 280 appropriates $1,185,476 from the State Highway Fund to the Department of Motor Vehicles and Public Safety for the purchase of modular furniture for its remodeled office in Carson City.

This measure is effective on June 8, 1999.

S.B. 281 (Chapter 119)

Senate Bill 281 makes a supplemental appropriation to the State Department of Conservation and Natural Resources for a shortfall in salaries and operating expenses in the office of the director. The amount of the appropriation is $13,918, which is supplemental to that provided in Section 23 of Chapter 244, *Statutes of Nevada 1997.*

This measure is effective on May 13, 1999.

S.B. 282 (Chapter 476)

Senate Bill 282 reallocates appropriations contained in Senate Bill 482 of the 1997 Session, the Nevada Education Reform Act of 1997, to cover shortfalls in operating costs for the State Department of Education's testing program and the Council to Establish Academic Standards. The measure reallocates $33,900 of the appropriation made by the 1997 Legislature to cover a shortfall in the operating costs of the Council to Establish Academic Standards. The bill also reduces the appropriation made to the department last session for the support of an education consultant to work on remedial education programs. A corresponding adjustment is made to increase, from $23,950 to $57,850, the appropriation for the Council to Establish Academic Standards. Finally, the measure authorizes the department to use $11,500 from the unspent appropriation for the remedial education consultant to help cover this year's billing for the statewide, norm-referenced test, *TerraNova*.

The bill is effective on June 8, 1999.

S.B. 283 (Chapter 509)

Senate Bill 283 appropriates $4,562,736 from the State General Fund to the contingency fund to restore the balance in the fund to approximately $8 million. Under Nevada law, money in the contingency fund must be provided by direct legislative appropriation and may only be allocated for emergency use to supplement regular legislative appropriations that fail to cover unforseen expenses, expenses made pursuant to the requirements of the law, or required by a specific statute.

This bill is effective on June 8, 1999.

S.B. 284 (Chapter 286)

Senate Bill 284 changes the reversion date of money previously appropriated for the Medicaid Managed Care Program. The reversion date is changed from June 30, 1999, to June 30, 2001.

This measure is effective on May 25, 1999.

S.B. 303 (Chapter 244)

Senate Bill 303 appropriates $303,600 from the State General Fund to the National College of Juvenile and Family Law to assist in securing public and private grants and other funding during the 1999-2001 biennium. The bill also directs the State Controller to transfer the sum of $2.5 million from the fund for the National College of Juvenile and Family Law to the State General Fund. The measure allows the State Board of Examiners, on or after July 1, 2001, to recommend to the Interim Finance Committee that the money transferred to the State General Fund be repaid to the fund for the National College of Juvenile and Family Law if sufficient money exists from the appropriate revenue sources to effect the repayment. Upon approval by the Interim Finance Committee, the money may be transferred.

The bill is effective on May 24, 1999.

S.B. 304 (Chapter 245)

Senate Bill 304 appropriates $600,000 from the State General Fund to the National Judicial College to assist in securing public and private grants and other funding during the 1999-2001 biennium. The bill also directs the State Controller to transfer the sum of $5 million from the fund for the National Judicial College to the State General Fund. The measure allows the State Board of Examiners, on or after July1, 2001, to recommend to the Interim Finance Committee that the money transferred to the State General Fund be repaid to the fund for the National Judicial College if sufficient money exists from appropriate revenue sources to effect the repayment. Upon approval by the Interim Finance Committee, the money may be transferred.

The bill is effective on May 24, 1999.

S.B. 305 (Chapter 605)

Senate Bill 305 makes a supplemental appropriation of $88,767 from the State General Fund, and $3,690,770 from the State Highway Fund, to the Department of Administration for the completion of phase III of the Integrated Financial Management System, and extends, to June 30, 2001, the date by which those funds may be committed for expenditure. This provision of the measure is effective on June 9, 1999.

In addition, the bill also appropriates $10,550,242 from the State General Fund, and $5,619,795 from the State Highway Fund, to the Department of Administration for the continued development and implementation of the Integrated Financial Management System. Any remaining balance of this appropriation must not be committed for expenditure after June 30, 2001, and reverts to the State General Fund and the State Highway Fund, respectively, as soon as all payments of money committed have been made. This provision of the bill is effective on July 1, 1999.

S.B. 308 (Chapter 613)

Senate Bill 308 appropriates $562,246 to the Division of Museums and History, Department of Museums, Library and Arts, for the remodeling of the Boulder City Railroad Museum. Any remaining balance of the appropriation must not be committed for expenditure after June 30, 2001, and reverts to the State General Fund as soon as all payments of money committed have been made.

This measure is effective on June 9, 1999.

S.B. 353 (Chapter 554)

Senate Bill 353 directs the Department of Personnel to increase by one grade level the compensation of certain custody positions within Nevada's Department of Prisons (NDOP). An appropriation of $1,220,235 is included in the bill to provide for the increase. The measure also requires the Department of Personnel to conduct an occupational study of all custody positions and any related positions within NDOP by September 1, 2000, and to report the results of the study to the Director of the Department of Administration.

The grade-level increase for the custody positions is effective on January 1, 2001. The section of the measure regarding the study to be conducted by the Department of Personnel is effective on July 1, 1999.

S.B. 401 (Chapter 507)

Senate Bill 401 increases, from 8 to 11, the number of Family Court judges in Clark County. An appropriation of $199,500 is authorized from the State General Fund for the salaries of the three additional judges, who must be selected at the General Election on November 7, 2000, and who will take office on January 1, 2001.

The sections of this measure that authorize the additional judges and the payment of the salaries are effective on January 1, 2001, and the remainder of the bill is effective on October 1, 1999.

S.B. 432 (Chapter 529)

Senate Bill 432 directs the Legislative Commission to appoint an interim subcommittee to study the programs for air quality control in Clark County and requires the Department of Motor Vehicles and Public Safety (DMV&PS), in consultation with the State Environmental Commission and local air pollution control agencies, to implement an improved program to determine whether a motor vehicle that uses diesel fuel complies with controls over emissions. In addition, the measure appropriates $500,000 from the pollution control account of the State General Fund to the Legislative Commission to carry out the provisions of the bill. At least $100,000 of the

appropriation must be distributed to the DMV&PS to implement a program for the inspection of heavy-duty, diesel-powered vehicles.

This measure is effective on June 8, 1999.

S.B. 443 (Chapter 505)

Senate Bill 443, in addition to creating the Committee to Study the Funding of Higher Education and setting forth its duties and membership, appropriates $150,000 from the State General Fund to the Legislative Commission to conduct this study.

The measure is effective on July 1, 1999, and expires by limitation on January 1, 2001.

S.B. 466 (Chapter 621)

Senate Bill 466, in addition to revising several provisions of the Nevada Education Reform Act, appropriates $48,000 to pay the State Department of Education for costs associated with the newly created task force to compare the various high school proficiency examinations with approved courses of study. An additional appropriation of $300,000 is included to provide matching funds for school districts for remedial programs designed to help pupils that have failed the high school proficiency exam in mathematics. The measure also contains a $300,000 appropriation to the Interim Finance Committee for the purchase of a financial analysis model program that is designed to track expenditures to individual schools. This system will provide financial information to school districts, the State Department of Education, the Budget Division, and the Legislature.

This measure has various effective dates.

S.B. 504 (Chapter 503)

Senate Bill 504 appropriates $355,392 from the State General Fund and $9,864,060 from the State Highway Fund to various divisions within the Department of Motor Vehicles and Public Safety for the phase II costs of the VHF Highband Radio Project. The bill also appropriates $4,332,250 from the State Highway Fund to Nevada's Department of Transportation for the costs to complete the development and installation of the 800 MHZ radio communication system.

This bill is effective on June 8, 1999.

S.B. 507 (Chapter 533)

Senate Bill 507 makes a supplemental appropriation of $4,063 to the Agency for Nuclear Projects of the Office of Governor for additional expenses relating to projected salaries, travel, and operating costs.

This bill is effective on June 8, 1999.

S.B. 508 (Chapter 491)

Senate Bill 508, in addition to creating a revolving account for land management as a special account in the State General Fund, authorizes an appropriation of $20,000 to this account from the State General Fund. Money from the contingency fund may be requested if the balance in the account falls below $5,000. Donations and reimbursements received by the division may also be deposited into the account.

This measure is effective July 1, 1999.

S.B. 517 (Chapter 138)

Senate Bill 517 makes a supplemental appropriation from the State Highway Fund to the Department of Motor Vehicles and Public Safety for additional expenses relating to registration of motor vehicles. The amount of the appropriation is $321,570, which is in addition to that provided in Section 27 of Chapter 244, *Statutes of Nevada 1997.*

This measure is effective on May 18, 1999.

S.B. 545 (Chapter 614)

Senate Bill 545 makes a supplemental appropriation of $165,000 from the State General Fund to the Department of Taxation for an estimated shortfall in the amount budgeted for payment for services provided to the department by the Department of Information Technology.

This measure is effective on June 9, 1999.

S.B. 546 (Chapter 424)

Senate Bill 546 makes a supplemental appropriation of $15,600 from the State General Fund to the Commission on Ethics for an anticipated shortfall in operational expenses.

This measure is effective on May 29, 1999.

S.B. 547 (Chapter 428)

Senate Bill 547 makes an appropriation of approximately $9 million to the Welfare Division of the Department of Human Resources for expenses related to the Nevada Operations Multi Automated Data Systems (NOMADS) project including, but not limited to, anticipated penalties and payment of bonuses. The measure provides that any remaining balance of the appropriation will revert to the State General Fund after June 30, 2001.

This measure is effective on May 29, 1999.

S.B. 550 (Chapter 555)

Senate Bill 550, in addition to creating the Division of Internal Audits and the Executive Branch Audit Committee within the Department of Administration, appropriates $751,833 for Fiscal Year (FY) 1999-2000 and $1,168,609 for FY 2000-2001 from the State General Fund to the Department of Administration to establish the Division of Internal Audit.

The bill is effective on July 1, 1999.

S.B. 555 (Chapter 559)

Senate Bill 555 appropriates $940,583,978 over the biennium, from the State General Fund to the state's Distributive School Account (DSA), to keep the statewide average basic support per pupil stable at the current rate of $3,804 for Fiscal Year (FY) 1998-1999, and increase the rate to $3,806 per pupil for FY 1999-2000, then to $3,804 per pupil for the following year. Combined with other authorized revenues, the total state responsibility for aid to elementary and secondary education will exceed $1.206 billion for the 1999-2001 biennium, a 13 percent increase over the past biennium. The number of special education units are increased, from the current level of 2,088, to 2,186 in the first year of the biennium and to 2,291 in the second year. The measure provides that a unit may consist of other licensed professionals, including school psychologists and physical therapists, but excludes teachers' aides. The unit cost is $28,813 and $29,319, respectively, for those fiscal years. Forty discretionary units are reserved for allocation by the State Board of Education to address school district shortfalls, and an additional five units are provided for gifted and talented pupils to participate in the "Star Gate" program. Additional funding of $26.6 million is appropriated for adult education programs.

The bill also appropriates $9 million per year to support remedial education programs; for professional development centers, to train teachers to teach to higher academic standards; and to contract with a nationally recognized testing firm to improve the state high school proficiency test. The measure also contains funding to continue the implementation of the statewide automated student records system (SMART); improvement of education technology for schools that did not achieve minimal levels of classroom technology; and expansion of the satellite downlink system as well as the state-funded School-to-Careers and the early childhood and family literacy programs.

The bill also converts school districts from the previous system, in which the revenue from the tax on net proceeds of mines was spent the year it was collected, to a system in which the amount received during a fiscal year is spent the following year. During the FY 1999-2000 transition period, revenues will be deposited in a reserve fund; thereafter, expenditures would be made in succeeding years.

The measure also requires the State Department of Education to conduct annual audits of the pupil count for apportionment purposes and establishes procedures for reports to the Legislature concerning annual school district financial audits. Further, the measure requires the department to consult with the school district superintendent in preparing the biennial budget request and specifies that certain training must be provided to school district financial officers. The bill also requires the superintendent to coordinate federal funds with state education reform efforts.

Senate Bill 555 also establishes a base level of $50,000 per district for special student counseling services. The measure also combines the class-size reduction program into the DSA, but provides that expenditures will be tracked in a separate category. Finally, a portion of the 1997 appropriation is restored for developing, writing, and printing the new statewide achievement tests for grades 3 and 5, based upon the newly adopted academic standards. The balance of the original appropriation, $70,000, is directed toward writing new test items for the high school proficiency examination.

The sections pertaining to funding district student counseling and testing services as well as the combining of the class-size reduction funds into the DSA are effective on June 9, 1999. The remaining portions of the measure are effective on July 1, 1999.

S.B. 556 (Chapter 598)

Senate Bill 556 creates a task force concerning access to public health services. The measure sets forth the membership of the task force, identifies the responsibilities of the task force, and appropriates $50,000 to the Department of Human Resources to carry out the provisions of the bill.

The task force must, among other things, establish the basic coverage that must be included in each health insurance policy; identify, review, and prioritize the basic health care services available; and identify and analyze current public and private resources within this state that provide health care services and coverage to persons without health insurance.

This measure is effective on July 1, 1999.

S.B. 558 (Chapter 549)

Senate Bill 558 appropriates $250,000 from the State General Fund to Nevada's Department of Transportation to conduct a study of the feasibility of improving roads and highways in adjoining

states that provide access to the State of Nevada. The study must include a review of the construction, improvement, and maintenance of such highways.

The appropriated money may only be used if matching funds are provided by Clark County or received from sources other than the State General Fund. Any remaining balance as of June 30, 2001, reverts to the State General Fund.

This measure is effective on July 1, 1999.

S.B. 560 (Chapter 544)

Senate Bill 560 makes appropriations to various projects and programs that benefit the residents of Nevada. The bill establishes a position of weed control analyst within the Department of Agriculture to research biological methods of controlling noxious weeds, document the effectiveness of those methods, and develop strategies for managing the weeds. The bill also appropriates $10,000 to establish a program for the eradication and control of certain ants and bees. Funds are appropriated to continue the Nevada Humanities Committee Office; to purchase library books for distribution to school districts; to expand the program administered by the Pediatric Diabetes and Endocrinology Center at the University of Nevada School of Medicine; and to pay the salary of certain positions within the Office of Science, Engineering and Technology.

The measure also appropriates money for the design of a community college in Mesquite, for purchasing paratransit vehicles for Nevada's Department of Transportation's programs for elderly and disabled persons; for the continuation of the Nevada Commission for National and Community Service's program for promoting citizen volunteerism; for various programs operated by the Alliance for the Mentally Ill of Nevada; for the development of statistics for "Kids Count" to determine priorities for funding programs for children; and for the renovation of the Hawthorne National Guard Armory into a facility to house juvenile offenders in Mineral County.

Senate Bill 560 also appropriates money for following programs: Life Line Pregnancy Assistance and Vocational Training Center; Death Penalty Resource Center at the National Judicial College; suicide hotline services; Gerlach Community Center Expansion Project; Make-A-Wish Foundation in Las Vegas and Reno; the Harry Reid Center for Environmental Studies at the University of Nevada, Las Vegas; "Classroom on Wheels"; Nevada Women's Fund; campus improvement projects at the University of Nevada, Las Vegas, and the University of Nevada, Reno; Economic Opportunity Board of Clark County; temporary housing for spouses of veterans residing in the veterans' home established in southern Nevada; Las Vegas Springs Preserve Foundation; and the expansion of the China Springs Youth Camp.

This measure has various effective dates.

A.B. 151 (Chapter 393)

Assembly Bill 151 appropriates $200,000, from the State General Fund to the State Department of Conservation and Natural Resources, for certain costs of litigation involving the stream systems of the Carson, Truckee, and Walker Rivers and for costs related to consultants on the administration of water resources statewide.

This measure is effective on May 29, 1999.

A.B. 175 (Chapter 142)

Assembly Bill 175 appropriates the sum of $752,114, from the State General Fund to the reserve for statutory contingency account, to restore the balance in the account to approximately $1.5 million.

This measure is effective on May 18, 1999.

A.B. 176 (Chapter 2)

Assembly Bill 176 appropriates $9 million from the State General Fund to the benefit services fund. In addition, a total of $1 million is appropriated from the State Highway Fund to the benefit services fund. The measure also indefinitely suspends the operation of the Committee on Benefits and transfers all powers and duties of the committee to the Governor.

This measure is effective on February 19, 1999.

A.B. 177 (Chapter 14)

Assembly Bill 177 appropriates $1,491,065 from the State General Fund to the stale claims account to restore the balance in the account to approximately $1.5 million.

This measure is effective on March 18, 1999.

A.B. 205 (Chapter 560)

Assembly Bill 205 appropriates $3.5 million to the State Public Works Board for the construction of a Hi-tech Learning Center in Pahrump. The bill requires the State Public Works Board to construct the facility in cooperation with the University and Community College System of Nevada.

The measure is effective on July 1, 1999.

A.B. 220 (Chapter 513)

Assembly Bill 220, in addition to creating an advisory committee to assess the need and prepare a plan for a four-year college in Henderson, Nevada, appropriates $500,000 from the State General Fund to the advisory committee for completion of the needs assessment and implementation plan.

The measure is effective on June 8, 1999.

A.B. 224 (Chapter 629)

Assembly Bill 224 provides a one-time State General Fund appropriation of $300,000 to the State Department of Education for distribution among Nevada's public broadcasting stations whose programs are devoted primarily to serving the educational, informational, and cultural needs of Nevada's communities.

The bill is effective on June 11, 1999.

A.B. 320 (Chapter 634)

Assembly Bill 320 appropriates $150,000 from the State General Fund to the account for local cultural activities, including concerts, operas, ballets, and public dances. Any remaining balance reverts to the State General Fund as soon as all payments of money committed have been made. No appropriation may be committed for expenditure after June 30, 2001.

This measure is effective on June 11, 1999.

A.B. 321 (Chapter 470)

Assembly Bill 321 appropriates $874,000 from the State General Fund to the Legislative Fund for additional equipment and software for information systems for the Legislative Counsel Bureau. Any remaining balance of this appropriation must not be committed for expenditure after June 30, 2001, and reverts to the State General Fund as soon as all payments of money committed have been made.

This measure is effective on June 8, 1999.

A.B. 322 (Chapter 143)

Assembly Bill 322 appropriates, from the State General Fund to the Legislative Fund, the sum of $76,350 for the cost of reproducing volumes of *Nevada Reports* that are out of print or of limited supply. Any remaining balance of the appropriation must not be committed for expenditure after

June 30, 2001, and reverts to the State General Fund as soon as all payments of money committed have been made.

This measure is effective on May 18, 1999.

A.B. 323 (Chapter 608)

Assembly Bill 323 appropriates $15,000 from the State General Fund to the Department of Agriculture, formerly the Division of Agriculture of the Department of Business and Industry, for payment of compensation, per diem allowances, and travel expenses of the Advisory Council for Organic Agricultural Products, and for program support, promotion, and public outreach. Any remaining balance of this appropriation must not be committed for expenditure after June 30, 2001, and reverts to the State General Fund as soon as all payments of money committed have been made.

This measure is effective on June 9, 1999.

A.B. 324 (Chapter 496)

Assembly Bill 324, in addition to revising provisions governing certain agricultural extension programs of the University and Community College System of Nevada (UCCSN), appropriates $75,000 to the UCCSN for the abatement of tall white top, which is a noxious and invasive weed. Any balance of this appropriation remaining after June 30, 2001, must be returned to the State General Fund.

The measure is effective on June 8, 1999.

A.B. 330 (Chapter 635)

Assembly Bill 330 appropriates $3 million from the State General Fund to the Interim Finance Committee for distribution to Washoe County to provide a portion of the funding necessary for the construction of a new juvenile detention facility and juvenile addiction center in Washoe County. Before any of this money may be distributed to Washoe County, the Interim Finance Committee must make a determination that, with the assistance of this money, the county is able to meet its financial obligations for the construction of the new facilities. These funds may only be used to pay the actual cost for work performed not to exceed the amount appropriated.

The bill is effective on July 1, 2000.

A.B. 341 (Chapter 400)

Assembly Bill 341 appropriates $297,946 from the State Highway Fund to the Department of Motor Vehicles and Public Safety to purchase customer management systems (Q-Matics) for the offices at West Flamingo Road and Carey Avenue in Las Vegas and at Galletti Way in Reno. Any remaining balance of the appropriation must not be committed for expenditure after June 30, 2001, and reverts to the State Highway Fund as soon as all payments of money committed have been made.

This measure is effective on May 29, 1999.

A.B. 342 (Chapter 609)

Assembly Bill 342, in addition to amending certain provisions of Chapter 482, "Vehicle Licensing, Registration," of *Nevada Revised Statutes*, appropriates $3,773,076 from the State Highway Fund to the Registration Division of the Department of Motor Vehicles and Public Safety. Of this appropriation, $148,867 is for the manufacture of "blue" license plates, $3,610,140 is for the redesign of existing standard license plates, and $14,069 is for the production of special license plates for eligible interests where applications have exceeded 250 units. Any remaining balance of this appropriation must not be committed for expenditure after June 30, 2001, and reverts to the State Highway Fund as soon as all payments of money committed have been made.

This measure is effective on June 9, 1999.

A.B. 343 (Chapter 401)

Assembly Bill 343 appropriates $161,478 from the State General Fund to the Division of Parole and Probation of the Department of Motor Vehicles and Public Safety for the completion of the Agency Automation Project. Any remaining balance of the appropriation must not be committed for expenditure after June 30, 2001, and reverts to the State General Fund as soon as all payments of money committed have been made.

This measure is effective on May 29, 1999.

A.B. 344 (Chapter 402)

Assembly Bill 344 makes a supplemental appropriation of $13,764 from the State General Fund to the Department of Agriculture, formerly the Division of Agriculture of the Department of Business and Industry, for a shortfall in revenue for personnel services. Any remaining balance of this appropriation must not be committed for expenditure after June 30, 1999, and reverts to the State General Fund as soon as all payments of money committed have been made.

This measure is effective on May 29, 1999.

A.B. 345 (Chapter 53)

Assembly Bill 345 makes a supplemental appropriation of $17.9 million from the State General Fund to the State Distributive School Account. Any balance remaining after June 30, 1999, must revert to the State General Fund as soon as all payments of money committed have been made.

This measure is effective on April 27, 1999.

A.B. 346 (Chapter 469)

Assembly Bill 346 appropriates $816,788 from the State General Fund to the Motor Pool Division of the Department of Administration for the purchase of additional vehicles. Any remaining balance of this appropriation must not be committed for expenditure after June 30, 2001, and reverts to the State General Fund as soon as all payments of money committed have been made.

This measure is effective on June 8, 1999.

A.B. 348 (Chapter 606)

Assembly Bill 348, in addition to making several revisions to Nevada's charter school laws, appropriates $600,000 to the Andre Agassi Foundation for expansion of the Andre Agassi Boys and Girls Club Education Center in southern Nevada, contingent upon a finding by the Superintendent of Public Instruction and the Director of the Department of Administration that the Andre Agassi Foundation has received federal funding sufficient to assist in the expansion project. There is also an appropriation of $57,845 in the first year of the biennium and $59,155 in the second year to the State Department of Education to support the travel and per diem costs of the subcommittee on charter schools, a half-time education consultant and a quarter-time secretary to carry out this program.

The appropriations are effective on June 9, 1999. The remaining sections of the bill are generally effective July 1, 1999, except for those concerning the number of charter schools in the state, which have various effective dates.

A.B. 360 (Chapter 561)

Assembly Bill 360 appropriates $150,000, from the State General Fund to the State Public Works Board, for two feasibility studies regarding the construction of Hi-tech Learning Centers, one in Douglas County and one in Lyon County, at either the Fernley or Yerington high school. On or before March 1, 2001, the State Public Works Board must report the results of its studies to the Director of the Legislative Counsel Bureau for transmittal to the 2001 Nevada Legislature.

Any remaining balance of this appropriation must not be committed for expenditure after June 30, 2001, and reverts to the State General Fund as soon as all payments of money committed have been made.

This measure is effective on June 9, 1999.

A.B. 380 (Chapter 515)

Assembly Bill 380, in addition to revising provisions governing certain portions of Nevada water law, creates the Newlands Project Water Rights Fund for acquisition of surface water rights and appropriates $3.3 million to the fund. The fund is established to assist in the resolution of legal and administrative challenges in existence on April 1, 1999, regarding water rights for the Newlands Reclamation Project. All interest generated from the appropriation accrues to the benefit of the fund. The appropriation, with interest, will be used to pay the state's $4 million fund contribution over a five-year period. Only $1.6 million of the state's contribution may be disbursed during the 1999-2001 biennium. The bill specifies criteria that must be met before the money from the fund may be committed for expenditure and provides that the 2001 Legislature will review compliance by all parties with the signed joint testimony provided in support of the measure.

This measure is effective on June 8, 1999, and provisions for the Newlands Project Water Rights Fund expire by limitation on July 1, 2004.

A.B. 416 (Chapter 136)

Assembly Bill 416 makes two appropriations to the benefit services fund for anticipated expenses for Fiscal Year 1999. The first appropriation, $6,970,765, is made from the State General Fund. The second appropriation, $1,797,547, is made from the State Highway Fund.

The measure further requires an assessment of state agencies whose budgets include expenditures of money from the Federal Government or any source other than an appropriation from the State General Fund or State Highway Fund. The assessment is set at a rate of $1,208 per employee, not to exceed a total of $7,230,494, to be deposited in the benefit services fund. Finally, the bill requires each applicable agency to revise its work programs to pay the assessment as soon as practicable.

This measure is effective on May 14, 1999.

A.B. 474 (Chapter 538)

Assembly Bill 474, in addition to setting forth the state's priorities for expending the proceeds from settlement agreements with manufacturers of tobacco products, creating two separate funds from a portion of the proceeds, and establishing administrative responsibilities for these funds,

makes miscellaneous appropriations from the proceeds. The bill specifies the conditions under which these appropriations are to be made. The appropriations include:

- $2 million to public broadcasting stations KNPB and KLVX to carry out the conversion to digital television;

- $5 million to the University of Nevada School of Medicine for capital improvements required to establish a program in Las Vegas that is designed to provide health care services to persons for whom health care is not readily accessible;

- $5 million to the Rehabilitation Division of the Department of Employment, Training and Rehabilitation for disbursement to Accessible Space, Inc., to construct an accessible housing and supportive services complex in Clark County for disabled persons; and

- $1 million to the Office of Rural Health, University of Nevada School of Medicine for emergency medical services provided in rural counties, the improvement of billing technology used by rural hospitals, and the development of systems to provide health care services, by the use of telemedicine and other electronic means, in counties with a population of less than 100,000.

A.B. 480 (Chapter 518)

Assembly Bill 480 appropriates $2,031,337 from the State General Fund to the White Pine County School District for the payment of short-term debts incurred by the school district.

The bill is effective on June 8, 1999.

A.B. 521 (Chapter 591)

Assembly Bill 521, in addition to requiring the principal of each public school to establish a progressive discipline plan, appropriates $1 million from the State General Fund to the State Department of Education for Fiscal Year (FY) 1999-2000 and FY 2000-2001 for the establishment of a pilot project for alternative education programs for disruptive students in eight schools.

The appropriation section of this measure is effective on June 9, 1999, and the remainder is effective on July 1, 1999.

A.B. 622 (Chapter 564)

Assembly Bill 622 increases, from $2,000 to $2,500 per month, benefits provided to surviving spouses of Supreme Court justices and district judges. The measure also appropriates, from the State General Fund to the Supreme Court for the support of the pensions of justices, judges, and

surviving spouses, $73,109 in each of the next two fiscal years. Any remaining balance at the end of the respective fiscal year reverts to the State General Fund.

This bill is effective on July 1, 1999.

A.B. 656 (Chapter 414)

Assembly Bill 656 makes a supplemental appropriation of $171,070 from the State General Fund to the Division of Insurance, Department of Business and Industry, for additional expenses relating to projected salaries, travel, and operating costs.

This measure is effective on May 29, 1999.

A.B. 657 (Chapter 415)

Assembly Bill 657 makes a supplemental appropriation of $12,160 from the State Highway Fund to the Department of Motor Vehicles and Public Safety for additional operating expenses of the Nevada Highway Patrol Division.

This measure is effective on May 29, 1999.

A.B. 658 (Chapter 416)

Assembly Bill 658 makes a supplemental appropriation of $387,307 from the State General Fund to the Division of Parole and Probation, Department of Motor Vehicles and Public Safety, for additional anticipated expenses.

This measure is effective on May 29, 1999.

A.B. 661 (Chapter 417)

Assembly Bill 661 makes a supplemental appropriation of $1,359 from the State Highway Fund to the Department of Motor Vehicles and Public Safety for the payment of a stale claim for a health insurance premium.

This measure is effective on May 29, 1999.

A.B. 686 (Chapter 607)

Assembly Bill 686, in addition to creating an 11-member Commission on School Safety and Juvenile Violence, appropriates $20,000 from the State General Fund to the Legislative Fund to

pay for the compensation, per diem, and travel expenses over the course of the study as authorized in the bill.

This appropriation is effective on June 9, 1999.

A.B. 690 (Chapter 520)

Assembly Bill 690 appropriates $2,160,399 from the State General Fund to the Department of Prisons for initial operating supplies and equipment to open Cold Creek State Prison. The measure specifies the amounts that must be allocated to, among other things, information services, medical equipment and supplies, training, furnishings, and vehicles.

Any remaining balance of this appropriation must not be committed for expenditure after June 30, 2001, and reverts to the State General Fund as soon as all payments of money committed have been made.

This measure is effective on July 1, 1999.

A.B. 691 (Chapter 570)

Assembly Bill 691 increases, from $6 to $7.50, the maximum daily travel allowance for persons employed at various prison facilities who reside more than 25 miles from those facilities and adds Cold Creek State Prison to the list of facilities at which the travel allowance applies.

The bill appropriates $156,354 in Fiscal Year (FY) 1999-2000, and $224,718 in FY 2000-2001, from the State General Fund to the Department of Prisons for these travel expenses. The measure also appropriates $5,745 in FY 1999-2000, and $5,713 in FY 2000-2001, from the State General Fund to the Division of Forestry of the State Department of Conservation and Natural Resources for these travel expenses.

This measure is effective on July 1, 1999.

A.B. 697 (Chapter 571)

Assembly Bill 697 is the general appropriations act to support Nevada state government during the 1999-2001 biennium. This measure makes appropriations totaling $2,036,692,132 from the State General Fund and the State Highway Fund for all state agencies and the University and Community College System of Nevada. Specifically, the measure appropriates $931,606,173 for the Fiscal Year (FY) 1999-2000, and $958,010,722 for FY 2000-2001, for support of the government of the State of Nevada. Also, the measure appropriates approximately $87.1 million for the first fiscal year, and approximately $87.6 million for the second year, of the biennium from the State Highway Fund.

The sections of the bill making appropriations to the Legislative Fund are effective on June 9, 1999. The remainder of the measure is effective on July 1, 1999.

A.B. 699 (Chapter 542)

Assembly Bill 699 provides for the implementation of the 1999-2001 Capital Improvement Program as approved by the legislative money committees. The bill includes funding for projects in the amount of $231 million. The program will be funded primarily through the issuance of $158.4 million in state general obligation bonds. The measure also provides for the reallocation of $4 million from previous capital improvement programs to the projects included in the 1999-2001 program and includes $20.3 million in federal funds and $28 million in donations and other funding for projects approved for the University and Community College System of Nevada. In addition, the bill appropriates approximately $11.8 million from the State Highway Fund for Department of Motor Vehicles and Public Safety projects.

Significant Construction Programs

Major construction projects contained in the 1999-2001 Capital Improvement Program include:

- Approximately $45.7 million for the construction of phase II of the Cold Creek State Prison at Indian Springs;
- Approximately $16.2 million to convert the Dickenson Library into the William S. Boyd School of Law at the University of Nevada, Las Vegas (UNLV);
- Approximately $12.6 million for the construction of phase I of the Redfield Campus of the University of Nevada, Reno (UNR);
- Approximately $10 million for the construction phase of a 60,000-square-foot psychiatric hospital at the Nevada Mental Health Institute in Sparks, which was postponed from the 1997 Capital Improvement Program due to the budgetary shortfall; and
- Additional funds for the construction of and improvements to facilities at the Lied Library on the UNLV campus, the West Charleston Campus of the Community College of Southern Nevada, and the Dandini Campus of Truckee Meadows Community College.

Construction Projects Not in Governor's Recommendations

The bill also includes funding for the following construction projects that were not included in the Governor's recommended 1999-2001 Capital Improvement Program:

- $600,000 to advance the planning for phase I of the Wright Hall remodel (UNLV);
- $6 million (including $1 million in donations) to construct a high-tech center in Green Valley;

- $10 million (including $6 million in donations) to fund a new 61,000-square-foot medical school learning resource center at UNR;

- $5 million to construct a high-tech center for use by the Washoe County School District and Truckee Meadows Community College;

- $2.5 million, including $1 million in state funds, to support the construction costs of a 48,800-square-foot Southern Nevada Science Center for Desert Research Institute in Las Vegas;

- $407,649 to be provided to the Division of State Parks to complete various improvements at the old Las Vegas Mormon Fort; and

- $10.8 million from the State Highway Fund for the construction of a 60,000-square-foot highway patrol headquarters building in Las Vegas.

Maintenance Projects and Statewide Projects

The bill provides approximately $9.3 million for various maintenance projects for existing state facilities and about $9.1 million to fund statewide projects, including roofing repairs, repaving projects, and asbestos removal projects.

This measure is effective on June 9, 1999.

A.B. 700 (Chapter 543)

Assembly Bill 700 appropriates approximately $82.9 million and $86.9 million in Fiscal Years (FY) 1999-2000 and 2000-2001, respectively, for continued support of the class-size reduction program. The measure specifies that the funds will pay for the salaries and benefits for teachers hired to reduce pupil-teacher ratios, at least 1,786 in the first year of the biennium and 1,826 in the second year. The bill consolidates the class-size reduction program into the Distributive School Account (DSA) but maintains a separate expenditure category to highlight the program. Funds will still be allocated based upon the number of teachers needed in each district to reach the ratios of 16 to 1 in first and second grades and 19 to 1 in third grade, as in the current year. To ensure that the school districts with the greatest need for class-size reduction teachers receive adequate funding, money will be distributed by the same method utilized in the past. The bill also renames the Trust Fund for Class-size Reduction to the Trust Fund for School Improvement, and further provides that any estate tax collected in excess of the amount budgeted in the DSA ($13,891,737 annually) will be available to be spent during the next legislative session on school improvement programs.

The measure expands the flexibility previously allowed for the use of the third-grade funding to the money budgeted for first and second grades for the purpose of carrying out alternative programs to reduce the ratio of pupils per teacher or to implement remedial programs that have been found to be effective in improving pupil achievement. The bill also authorizes a demonstration project for the Elko County School District to reduce pupil-teacher ratios to

22 to 1 in grades K through 5 in an effort to eliminate team teaching. The district is required to complete an evaluation and report back to the 2001 Legislature.

Assembly Bill 700 also includes a second supplemental appropriation for the program in the current biennium. Due to shortfalls in estate tax revenues, $856,633 is provided to the school districts for FY 1997-1998, and $4,226,953 is provided to supplement funds already appropriated for FY 1998-1999.

The appropriation to cover the shortfall is effective on June 9, 1999; the appropriation for FY 2000-2001 is effective on July 1, 2000; the remaining provisions of the bill are effective on July 1, 1999.

A.B. 703 (Chapter 584)

Assembly Bill 703 makes appropriations for various projects and programs that benefit the residents of the state. The bill appropriates money to the City of Las Vegas for children's athletic programs, child care training programs, the California-Nevada Super Speed Ground Transportation Commission, the revitalization of the Herbert Gerson Park, and an emergency shelter for women and children. The measure also provides funding for certain programs in Clark County, including a pilot program to provide guardians ad litem for abused and neglected children, the continuation of the activities organized by Greater Las Vegas Inner-City Games, and small business loans through the Enterprise Community Federal Credit Union.

Funds are appropriated for museums in Lyon County and in the cities of Boulder City and Sparks. Under the bill, the Department of Museums, Library and Arts receives money for the State Arts Council, the Nevada History CD-ROM Project, a performing arts center in Las Vegas, the Las Vegas Art Museum, the Charleston Heights Art Center, the Las Vegas Lied Discovery Children's Museum, the Las Vegas Natural History Museum, and the Carson City Children's Museum. Grant money is provided for public libraries through the Division of State Library and Archives. The bill also appropriates money for the restoration of the Thompson School House in Lyon County, the Logandale Elementary School in Clark County, and the Fernley Train Depot.

In addition, the bill appropriates money to the Department of Agriculture, formerly the Division of Agriculture, for research on White Rot and analysis relating to grazing trends; the Commission on Racial and Economic Bias, for a variety of statewide programs including peer mediation and conflict resolution; the State Department of Education, for the southern and northern Nevada Writing Projects; Nevada Partners, for assistance in employment of certain persons; the Nevada Network for Domestic Violence, for training in identifying victims of domestic violence; the AmeriCorps program; and the Close Up Foundation of Nevada.

Finally, the bill provides funding to local governments for various projects, including the operation of a veterans' field service office in Churchill County, expenses relating to a criminal trial in White Pine County, Opportunity Village in Henderson, improvements to the Juvenile Detention Center in Humboldt County, and the Mason Valley Boys and Girls Club in Yerington.

This measure is effective on July 1, 1999.

CAPITAL IMPROVEMENTS AND PUBLIC WORKS

S.B. 144 (Chapter 429)

Senate Bill 144 revises provisions concerning progress payments and retainage for public works projects. Contracts entered into by Nevada's Department of Transportation pursuant to Chapter 408 of the *Nevada Revised Statutes* (NRS) are exempt from the provisions of this measure.

The bill sets forth the circumstances under which interest will be paid on amounts withheld from progress payments and retainage. In addition, the bill specifies the conditions for payment to a contractor when a public body uses or occupies a public work or when a notice of completion has been received. The measure delineates the situations under which a public body, contractor, or subcontractor may withhold amounts to pay expenses the organization reasonably expects to incur as a result of the failure of the contractor, subcontractor, or supplier to comply with the contract or applicable building code, law, or regulation.

The measure outlines the requirements for payment of interest when a public body, contractor, or subcontractor incorrectly withholds payment. The bill describes procedures for notification when certain parties to a contract have not been paid, and sets forth the procedures that must be followed when a written notification of wrongful withholding is received. Further, the measure specifies the method by which a subcontractor may pay his subcontractors and suppliers, and the conditions under which a subcontractor or supplier may enter into a subcontract for a public work.

For legal remedies, the measure permits a contractor to apply to the district court of the county in which the public work is located for an alternate writ of mandamus to compel the public body to make a payment, provide written notice of any withholding, or provide requested information relating to a payment. In addition, the bill allows a public body to include a provision in a contract that governs the payment of attorney's fees in a contract for a public work. Finally, the measure sets forth the conditions under which a subcontractor or supplier of a contractor may apply to the district court when he believes that the amount withheld by the contractor or subcontractor is not justified or is excessive.

S.B. 168 (Chapter 363)

Senate Bill 168 authorizes Nevada's Department of Transportation to include an incentive for early completion in contracts for the construction, improvement, maintenance, or repair of highways.

S.B. 255 (Chapter 28)

Senate Bill 255 revises the provisions governing funding for a railroad grade separation project in Washoe County. The bill ratifies the one-quarter cent sales and use tax increase, which was imposed by the Washoe County Board of Commissioners to finance the railroad grade separation and other infrastructure projects, and clarifies the intent of related legislation enacted by the 1997 Legislature.

The measure also permits Nevada's Department of Taxation, without a contractual agreement with the county, to perform all functions incident to the administration and operation of the railroad project and infrastructure-related taxes. The department is to be compensated for administrative expenses and is required to transfer the net revenue each month to the railroad and infrastructure funds in the county.

Further, the bill clarifies the relationship between the sales tax imposed by Washoe County and the room tax imposed by the city of Reno for the railroad project. Under the current law, to impose the sales tax, matching funds are required. This provision allows the proceeds of the room tax to be used as matching funds.

The measure adds that proceeds of the room tax imposed by the city of Reno may be used to pay direct expenses of the project; prepay principle and interest on notes, bonds, or other obligations issued to fund the project; and service debt. The bill also allows the money from the railroad project fund to be used for those purposes.

This measure is effective on March 30, 1999.

S.B. 301 (Chapter 99)

Senate Bill 301 requires contractors to make prompt payment to subcontractors for the construction and improvement of highway projects. The bill requires a principal contractor to pay a subcontractor or supplier within 15 days of receiving a payment from Nevada's Department of Transportation (NDOT). The payment to the subcontractor must include interest and be in proportion to the value of the work performed. If the payment to the subcontractor is made outside of the prescribed 15 days, an additional 2 percent interest must be added.

The bill also provides that if a contractor withholds more than 10 percent of a payment, the subcontractor or supplier may inform the director of NDOT in writing of the amount due. The director is to assist in resolving the issue within 20 working days. If no resolution is reached, the contractor must hold a portion of the subsequent payment in an interest-bearing escrow account while the affected parties pursue any available legal or equitable remedy. Finally, the bill specifies that the director must not be a party to any related legal or equitable action that may be brought.

S.B. 371 (Chapter 249)

Senate Bill 371 authorizes the Board of Regents of the University and Community College System of Nevada to issue revenue bonds not to exceed $8.6 million for a building project at the Desert Research Institute (DRI) in Las Vegas. The bill allows pledged revenue, which includes grants from the Federal Government and net revenues from the operation of any facilities at DRI, to repay the bonds. Definitions, as they relate to the project, are provided in the measure.

Further, the bill authorizes the Board of Regents to request that the State Public Works Board delegate certain authorities with respect to the construction of the project. This delegation, however, is discretionary for both the Board of Regents and the State Public Works Board.

Testimony indicated that DRI has a unique partnership opportunity to construct a joint use facility in cooperation with the federal Department of Energy. The purpose of this facility is to house, and make available to the public, artifacts and documents pertaining to the Atomic Age and the Nevada Test Site. Although the Legislature must approve the sale of the revenue bonds, proponents of the measure emphasized that such bonds will not count against the state's bonding capacity.

The measure is effective on May 24, 1999.

S.B. 407 (Chapter 377)

Senate Bill 407 authorizes a board of county commissioners to enter into a lease or a lease-purchase agreement to construct or remodel a building or facility.

S.B. 437 (Chapter 390)

Senate Bill 437 makes various changes regarding the eligibility of a Nevada contractor to receive preferential treatment in bidding on public works projects. The bill provides that contractors with certificates of eligibility to receive a preference in bidding in public works ("bidder's preference" certificates) must be considered to have a better bid on public works projects if such a bid is not more than 5 percent higher than the amount bid by a competing contractor who does not possess a bidder's preference certificate. The bill also clarifies and defines terms regarding contracting and bidding.

The measure outlines the qualifications and procedures for a contractor to obtain a bidder's preference certificate, which is issued by the State Contractors' Board to general contractors who are licensed in this state. Such contractors also must provide an affidavit from a certified public accountant verifying that construction related taxes in Nevada have been paid for the preceding 60 months. In addition, the bill identifies the prerequisites for such a certificate if the construction firm is acquired by inheritance, gift, or transfer through a stock option plan for employees. Certificate requirements for joint ventures are also addressed in the measure. Further, the bill instructs the board to adopt regulations and assess fees relating to the certification process.

The bill provides that a certificate must be renewed annually and be supported by an affidavit setting forth that all applicable taxes have been paid during the preceding 12 months. Contractors who fail to provide an affidavit for certificate renewal are considered to be ineligible and must reapply. Contractors who provide false information with their application are not eligible to receive a bidder's preference certificate for five years after the board has been made aware of this fact.

Finally, the measure provides remedies for those persons or entities who wish to challenge the validity of a certificate. The objection must be in writing and filed with the public body contracting for the public works project. In turn, the public body may determine the merits of the challenge and contract accordingly.

S.B. 475 (Chapter 627)

Senate Bill 475 authorizes public bodies and Nevada's Department of Transportation (NDOT) to use a design-build method of contracting. The bill outlines the types of projects that are eligible to employ the design-build method, including any project exceeding $30 million, or $100 million for a water or sewage treatment plant, if it can be demonstrated that the project may be completed more efficiently and effectively using this method. In addition, the measure authorizes Clark County to initiate one design-build project, with an estimated cost between $5 million and $30 million, per fiscal year. Further, the design-build method is authorized for certain "stand-alone" projects that are limited in scope. Finally, the bill allows this method to be contracted for certain wetland-related projects.

Under the provisions of the bill, public bodies and the NDOT are required to publicly solicit proposals for a design-build project. Further, the bill outlines the competitive bidding process and sets forth the minimum qualifications of a design-build team. A design-build contract must specify a completion date and the maximum amounts the public body will pay for the performance of the work and for required professional services. The contract must exclude, however, any costs that may be incurred as a result of unexpected conditions or occurrences.

The measure also addresses the certificate of eligibility for local bidder's preference and describes the objective criteria for the selection of three to five finalists from among the teams who submit proposals. In addition, the criteria for both the submittal of final proposals and the selection of the design-build team are addressed. Further, the measure allows for an architect or engineer to be hired as a project consultant.

Finally, the measure establishes a 16-member interim advisory committee to study, over the next four years, the use of the design-build method. This committee is required to submit recommendations and findings to the 2003 Session of the Legislature.

This measure has various effective dates.

A.B. 182 (Chapter 437)

Assembly Bill 182 requires that Nevada's Department of Transportation (NDOT) and Clark County enter into an interlocal agreement, on or before July 1, 2000, pertaining to highways other than freeways in Clark County in which both public entities have an ownership interest. This interlocal agreement is to address ownership of the highways, maintenance of and improvements to the highways, and standards of construction for the highways. In addition, this measure requires that, until the agreement has been entered into, NDOT shall consult with Clark County regarding standards of construction for such highways to ensure consistency with state and local standards and with encroachment requirements of third parties.

This measure is effective on May 31, 1999.

A.B. 295 (Chapter 326)

Assembly Bill 295 adds projects of the Moapa Valley Water District and the Virgin Valley Water District to the list of highway, school, utility, and water district projects exempt from the advertising requirements for public contracts. The bill also makes corrections to the boundaries of the service area of the Virgin Valley Water District.

This measure has various effective dates.

A.B. 298 (Chapter 471)

Assembly Bill 298 authorizes the governing board of each local government that sponsors or finances public works to adopt criteria for the qualification of bidders and to require bidders to be prequalified. The bill requires the State Public Works Board to adopt criteria for public works of the state, after conducting a public hearing, and to require bidders to be prequalified. The bill also identifies persons who are exempt from a requirement to prequalify. Qualification criteria adopted under this measure at the state or local level are limited to certain specified subjects and may not require or allow the use of discretion by any one person.

A person who wishes to qualify as a bidder on a public works contract must submit an application to the State Public Works Board or the local governing body, which must conduct an investigation and notify the applicant of its determination. If an application is denied, the applicant has a right to a hearing as set forth in this measure. The measure further allows a public body to accept a bid from a person who does not qualify if the person holds a contractor's license issued by the State Contractors' Board and provides appropriate bid and performance bonds. In addition, a nonqualifying person may be considered if, among other criteria, a qualified supervisor is employed.

Further, the bill outlines notices and bidding requirements. Projects for which the estimated cost exceeds $100,000 must be advertised in a newspaper of general circulation. Further, such projects must not be divided to avoid notice and bidding requirements. For projects between

$25,000 and $100,000, a public body is authorized to solicit bids from three contractors who appear on a qualifying list.

The measure also requires the local governing board to prepare a list of information relative to the public works project and make it available to the public. In addition, the bill explicitly states that a public works contract shall not be awarded to an unlicensed contractor or to a contractor whose license limitations would be exceeded by the project. Subcontractors must also be properly licensed. If the public body discovers that the contractor is not properly licensed after the bid is awarded, it is authorized to reject the bid and accept the next lowest one.

The bill further instructs the public body to award the contract to the best bid unless a contractor prequalifies and has paid relevant taxes. The measure also addresses joint ventures and expands the definition of "eligible bidder" to include a prequalified bidder or one who is exempt from meeting such qualifications.

Finally, Assembly Bill 298 repeals an existing section of state law pertaining to the qualifications of bidders on contracts for public works.

This measure has various effective dates.

A.B. 598 (Chapter 546)

Assembly Bill 598 requires that all plans and specifications for the construction or alteration of public buildings and facilities owned by the state or a political subdivision comply with the requirements of the Americans with Disabilities Act of 1990 and accompanying Accessibility Guidelines for Buildings and Facilities; the Minimum Guidelines and Requirements for Accessible Design; and the Fair Housing Act and accompanying regulations. The State of Nevada, its political subdivisions, and school districts must also comply with these requirements in the design, construction, and alteration of public and school buildings and facilities.

In addition, the bill gives the State Public Works Board the authority to enter into an agreement with a county or city building department to review plans, designs, and specifications of a school district for the construction or alteration to school buildings and facilities. The county or city building department must then review such plans for compliance with the applicable federal requirements concerning accessibility specified in the measure.

A.B. 699 (Chapter 542)

Assembly Bill 699 provides for the implementation of the 1999-2001 Capital Improvement Program as approved by the legislative money committees. The bill includes funding for projects in the amount of $231 million. The program will be funded primarily through the issuance of $158.4 million in state general obligation bonds. The measure also provides for the reallocation of $4 million from previous capital improvement programs to the projects included in the 1999-2001 program and includes $20.3 million in federal funds and $28 million in donations and other funding for projects approved for the University and Community College System of

Nevada. In addition, the bill appropriates approximately $11.8 million from the State Highway Fund for Department of Motor Vehicles and Public Safety projects.

Significant Construction Programs

Major construction projects contained in the 1999-2001 Capital Improvement Program include:

- Approximately $45.7 million for the construction of phase II of the Cold Creek State Prison at Indian Springs;
- Approximately $16.2 million to convert the Dickenson Library into the William S. Boyd School of Law at the University of Nevada, Las Vegas (UNLV);
- Approximately $12.6 million for the construction of phase I of the Redfield Campus of the University of Nevada, Reno (UNR);
- Approximately $10 million for the construction phase of a 60,000-square-foot psychiatric hospital at the Nevada Mental Health Institute in Sparks, which was postponed from the 1997 Capital Improvement Program due to the budgetary shortfall; and
- Additional funds for the construction of and improvements to facilities at the Lied Library on the UNLV campus, the West Charleston Campus of the Community College of Southern Nevada, and the Dandini Campus of Truckee Meadows Community College.

Construction Projects Not in Governor's Recommendations

The bill also includes funding for the following construction projects that were not included in the Governor's recommended 1999-2001 Capital Improvement Program:

- $600,000 to advance the planning for phase I of the Wright Hall remodel (UNLV);
- $6 million (including $1 million in donations) to construct a high-tech center in Green Valley;
- $10 million (including $6 million in donations) to fund a new 61,000-square-foot medical school learning resource center at UNR;
- $5 million to construct a high-tech center for use by the Washoe County School District and Truckee Meadows Community College;
- $2.5 million, including $1 million in state funds, to support the construction costs of a 48,800-square-foot Southern Nevada Science Center for Desert Research Institute in Las Vegas;
- $407,649 to be provided to the Division of State Parks to complete various improvements at the old Las Vegas Mormon Fort; and

- $10.8 million from the State Highway Fund for the construction of a 60,000-square-foot highway patrol headquarters building in Las Vegas.

Maintenance Projects and Statewide Projects

The bill provides approximately $9.3 million for various maintenance projects for existing state facilities and about $9.1 million to fund statewide projects, including roofing repairs, repaving projects, and asbestos removal projects.

This measure is effective on June 9, 1999.

COMMERCE

S.B. 25 (Chapter 147)

Senate Bill 25 requires that an ordinance passed by a board of county commissioners prohibiting, restricting, suppressing, or otherwise regulating fireworks provide that any license or permit required for the sale of fireworks must be issued by the licensing authority for the county, if sales are within unincorporated areas, or by a city if sales are within its boundaries.

This bill is effective on May 18, 1999.

S.B. 32 (Chapter 353)

Senate Bill 32 makes various changes to provisions governing recovery of losses resulting from certain constructional defects to residential real property. The bill provides that in complex cases, a claimant may commence an action in district court. At the same time and in the same manner that service of the summons and complaint is made, a claimant must serve the contractor with a written notice specifying in reasonable detail for each residence or appurtenance, or unit in a multiunit residence, the defects and damage that form the basis of the lawsuit. The bill also requires the notice to be accompanied by the written opinion of an expert documenting the existence and extent of each defect, if such an opinion has been rendered. The opinion may be based upon valid and reliable representative sampling of residences and appurtenances, or a multiunit complex, as applicable.

The measure also requires the contractor to file an answer to the complaint, and within 30 days of serving the answer, the contractor, the claimant, or their representative must meet and confer to establish a schedule for exchanging pertinent information; independently inspecting the subject property; determining the nature, cause, and extent of any defects; and adding additional parties to the complaint. At the meeting, the contractor must determine whether to schedule mediation and whether or not to seek the appointment of a special master. In addition, S.B. 32 requires a second conference within 60 days after the deadline for filing all third-party civil actions. The second conference is to allow all parties to meet and confer on the topics discussed in the first conference. Further, the bill requires a claimant to diligently pursue a claim under a homeowner's warranty if one covers the affected residence or appurtenance.

The bill also requires the parties to exchange responses concerning a claim within specified time frames and places certain limits on discovery in a civil action until mediation is either completed or waived by the parties. Moreover, any applicable statute of limitations in a case that is not complex is tolled (does not begin to run) until 30 days after mediation is completed or waived.

The measure also provides that a contractor who receives notice of a defect on an individual residence in a matter that does not involve a housing complex within one year of close of escrow shall make repairs within 45 days if reasonably possible. The parties may agree to extend the time, however. Failure to comply in a timely manner is grounds for discipline by the State Contractors' Board.

Moreover, the bill prohibits filing a civil action against a developer of a planned community for defects in any appurtenance to the extent the construction was performed by a licensed general contractor, unless the claimant has not made full recovery against the contractor or the developer fails to provide the claimant with the name, address, and telephone number of each contractor hired to construct the appurtenance within 30 days of receiving a request for the information. All applicable statutes of limitations or repose are tolled against the developer until one year after a court determines that full recovery cannot be made against the contractor or the claimant receives notice that the contractor is bankrupt or dissolved, whichever comes first. These provisions, however, do not apply in the case of a constructional defect in a residence if the developer was responsible for the construction of the residence. Further, this bill provides that a person other than the claimant is not prohibited from filing a civil action against a developer to enforce his rights.

Senate Bill 32 requires a claimant to make certain written disclosures to a prospective purchaser if the property has been the subject of a claim governed by *Nevada Revised Statutes* (NRS) 40.600 to 40.695. Not less than 30 days before close of escrow, the seller must provide all expert opinions the seller obtained regarding constructional defects, the terms of any settlement offer or judgment, and a detailed report of all repairs made as a result of constructional defects.

The bill expands the definition of appurtenance to encompass an improvement that benefits one or more residences, including common elements of common interest communities. The measure also provides that in cases that do not involve a housing complex, a claimant must give at least 60 days' notice to the contractor before commencing an action for a constructional defect. In addition, the claimant must describe the location of such defects within each residence, to the extent known.

The bill specifies how to determine when substantial completion of an improvement to real property occurs. The measure also provides that certain statutes of limitation, which commence with substantial completion of an improvement, do not apply to claims for indemnity or contribution.

Moreover, the first seller of a residence built by a licensed contractor, but not lived in by the contractor for more than 120 days, shall make certain disclosures to a purchaser, including reports regarding soil conditions.

Finally, S.B. 32 authorizes an insurer who issues policies for home protection, other than casualty insurance, to invest as much as 35 percent of its assets in tangible personal property for use in fulfilling its obligations under such policies. Such a policy must specify the insured's copayment and provide that the insurer will commence an investigation of a claim based upon a telephone request from the insured without requiring that a claims form be filed. In addition, the home protection policy must specify that work must begin not later than 24 hours after the report of an emergency, including, without limitation, the loss of heating, cooling, plumbing, or electrical service.

The bill is effective on July 1, 1999, and only applies to claims initiated pursuant to NRS 40.600 to 40.695 on or after that date.

S.B. 61 (Chapter 357)

Senate Bill 61 makes various changes concerning the statutes relating to businesses. The measure authorizes the creation of business trusts, clarifies the circumstances under which a business entity that is no longer in good standing loses its distinguishable name, revises the business judgment rule for cases involving corporate takeovers, rewrites the rules governing the votes needed for removal of a director, and makes technical changes to outdated provisions.

Senate Bill 61 also makes changes throughout Title 7 of *Nevada Revised Statutes*, "Business Associations; Securities; Commodities," to enable the Office of the Secretary of State to further implement electronic filings. The bill defines the terms "signed" and "signature" and deletes certain acknowledgment requirements for documents filed with the Secretary of State. Senate Bill 61 includes a fee change for filing articles of merger. The minimum fee of $75 is increased to $125, which is the same filing fee for other amendatory documents. The measure also clarifies certain bankruptcy filings and repeals other filings within its office.

Finally, the bill combines the various disclosure documents required for the initial purchaser of a residence into one document, and allows parties to contract to sell a piece of unparcelled real property, provided that the map is recorded before closing.

S.B. 62 (Chapter 104)

Senate Bill 62 revises Article 9 of the *Uniform Commercial Code* (UCC), which governs secured transactions. The bill expands the scope of Article 9 to include additional types of collateral, such as sales of payment intangibles and promissory notes, security interests created by governmental debtors, health insurance receivables, consignments, and commercial tort claims. The measure also revises the choice of law for interstate secured transactions to provide that the laws of the state in which the debtor is located govern the transactions. Senate Bill 62 also creates new rules governing the perfection of security interests based on the type of collateral.

Senate Bill 62 also provides for centralized filing of financing statements and relieves offices that file financing statements from the responsibility for the accuracy of information on the statements. The definition of proceeds is broadened to include distributions on account of collateral; claims rising out of the loss or nonconformity of, defects in, or damage to collateral; and collections on account of supporting obligations. Further, the measure sets forth the rules relating to third parties that govern multiple issues, including the alienability of a debtor's rights in collateral, agreements not to assert defenses against assignees, and rights in receivables.

The revisions to Article 9 under S.B. 62 also make a clearer distinction between transactions in which the debtor is a consumer. In addition, the good faith standard becomes the objective standard of commercial reasonableness to govern these transactions. Moreover, the bill revises the law governing debtor default and creditor enforcement of security transactions, particularly in nonconsumer transactions.

The revisions to Article 9 were promulgated by the National Conference of Commissioners on Uniform State Laws in 1998. Proponents of these revisions stressed that the amended Article 9 was designed to modernize and speed the filing process by allowing the filing to take place electronically. Other areas, such as foreclosure, are not affected.

The repealer sections that affect the UCC are effective on May 11, 1999; however, the majority of the measure is effective on July 1, 2001, and governmental agencies affected by S.B. 62 may test the changes authorized under the bill as long as the agency also allows actions to be taken under the existing law until July 1, 2001.

S.B. 128 (Chapter 547)

Senate Bill 128 authorizes the State Contractors' Board to issue an order to cease and desist unlawful advertising if the board, after notice and hearing, has determined that a person is advertising without having a contractor's license in an appropriate classification. The order also must require the disconnection of any telephone number included in the advertising, other than a telephone number for a paging service. If the advertising includes a number of a beeper, the order must require that the person request the provider of the paging service to change the number of any beeper that is included in the advertising or disconnect the paging services to that beeper.

If a person fails to disconnect the telephone number included in the advertising within five days after he receives the order, the board may request the Public Utilities Commission of Nevada to order the appropriate provider of telephone service to disconnect any telephone number included in the advertisement (excluding paging services). If the telephone number in the advertisement is for a beeper, and a person fails to request, within five days after the person receives the order, that the paging service either change the number of the beeper or disconnect the paging service, the board may request the provider of the paging service to switch the beeper number or disconnect the paging services, whichever the provider deems appropriate.

If the commission receives an order to disconnect a telephone number, it must issue an order to the appropriate telephone service provider to disconnect the number. Compliance in good faith with the order is a complete defense to any civil or criminal action against the telephone provider arising from termination of service.

The bill also prohibits a provider of telephone service from forwarding or offering to forward telephone calls to the disconnected number to another number. In addition, the measure prohibits offering to provide or providing a recorded message that includes a new telephone number for a business whose telephone number was disconnected pursuant to the provisions of this bill.

S.B. 244 (Chapter 368)

Senate Bill 244 prohibits a dealer of cigarettes in Nevada from exporting cigarettes that are manufactured for export outside of the United States unless certain conditions are met. For instance, the package, carton, packet, or other container of cigarettes must meet the requirements

of the Federal Cigarette Labeling and Advertising Act; be labeled "for export only," or with similar wording indicating that the manufacturer did not intend for the product to be sold in the United States; and must not have been exported from the United States after January 1, 2000. Further, a wholesale or retail dealer must not affix Nevada cigarette revenue stamps to these cigarettes; sell or distribute them in Nevada; or possess them with the intent to sell or distribute them in Nevada. A violator of this bill may be fined $5,000 for a first violation and $10,000 for each subsequent violation.

This measure is effective on January 1, 2000.

S.B. 262 (Chapter 198)

Senate Bill 262 creates the presumption that certain tangible personal property initially used in interstate or foreign commerce outside Nevada was not purchased for storage, use, or other consumption in this state. Under current law it is presumed that tangible personal property delivered in Nevada is not sold for resale, but rather for storage, use, or other consumption until the contrary is established and a resale certificate is issued. Senate Bill 262 pertains to tangible personal property delivered outside Nevada for use in interstate or foreign commerce. The measure creates a presumption that property was not purchased from a retailer for storage, use, or other consumption if the property was first used in interstate or foreign commerce outside of this state for at least 12 months.

S.B. 372 (Chapter 485)

Senate Bill 372 amends the laws regulating the relationship between manufacturers of motor vehicles and franchise dealers. The bill requires the Director of the Department of Motor Vehicles and Public Safety (DMV&PS) to consider the time and effort that a dealer has committed to building his business and real property that has been devoted to the use of the dealership when determining whether a manufacturer has good cause to terminate, refuse to continue, modify, or replace a dealer's franchise. The bill also provides that the desire of a manufacturer or distributor to increase market penetration does not, by itself, constitute good cause to take those actions. Further, when the director evaluates a proposal by a manufacturer to establish an additional dealership, he must consider the economic effect on existing dealers.

Senate Bill 372 also prohibits manufacturers from operating repair facilities in Nevada except to repair their own vehicles or do service work that is required by law. If manufacturers supply a dealer with parts or assembled components, the dealer is entitled to his normal retail markup.

The bill makes it an unfair practice for manufacturers to sell a vehicle to one dealer at a price lower than the price it charges to another dealer, or to sell a vehicle to any other person for a lower price. The same rule applies to parts, except that a manufacturer may sell parts for a lower price to a dealer who is acting as a parts distributor. Manufacturers also are prohibited from allocating vehicles between dealerships in an unfair or unreasonable manner or refusing to deliver new vehicles to a dealer in reasonable quantities and in a reasonable time.

Currently, in many franchise agreements, the manufacturer reserves a right of first refusal if the dealership is sold or transferred. The bill provides that this right may not be exercised if the dealership is being transferred to the dealer's spouse, a member of his family, or a qualified manager. To exercise a right of first refusal, a manufacturer must notify the dealer in writing within 60 days of the time it receives notice of the proposed transfer. Otherwise, the transfer is deemed to be approved. The manufacturer must also pay the dealer the same or greater compensation than he had negotiated with the person who proposed to acquire the dealership and must pay any expenses and attorney's fees that the dealer incurred before the manufacturer exercised its right. The bill forbids the manufacturer to discourage or influence any third person from acquiring the dealership.

Further, the manufacturer may not refuse to consent to the designation of a successor in a dealership because of the results of a customer survey intended to measure the dealer's performance. If a manufacturer refuses a request by a dealer to sell or service another line of vehicles, it must state the reasons for the denial. If the manufacturer fails to approve or deny the request within 90 days, it is considered approved.

Senate Bill 372 also provides that a manufacturer cannot require a dealer to disclose information about his customers if the customers object. The bill requires the Director of DMV&PS to adopt regulations providing for discovery in disputes between manufacturers and franchise dealers and adjusts the timetable for hearing disputes or filing protests.

S.B. 375 (Chapter 449)

Senate Bill 375 makes various changes to provisions governing trade secrets. The measure expands the definition of "trade secret" to include a product, system, process, design, prototype, procedure, code, or computer programming instruction. The bill prohibits stealing, misappropriating, taking, or concealing a trade secret, or obtaining a trade secret through fraud or deception, with intent to injure the owner, or with reason to believe the action will injure an owner. The bill also prohibits wrongfully copying, duplicating, drawing, photographing, altering, destroying, or conveying a trade secret. In addition, the measure prohibits receiving, buying, or possessing a trade secret with knowledge or reason to believe it was obtained in a manner prohibited in the act.

Further, the measure prohibits conspiring or attempting to violate the provisions of the act or soliciting another person to commit an offense described in the bill. A violation of the provisions of the measure is a category C felony punishable by imprisonment in state prison for a minimum of one year and a maximum of ten years, and may further be punished by a fine of not more than $10,000.

Senate Bill 375 authorizes a court to determine the need for any information before allowing discovery in a civil or criminal action and award an owner of a trade secret exemplary damages if the court determines that willful, wanton, or reckless disregard of the rights of the owner exists. Finally, the measure authorizes a court to allow the owner of a trade secret to obtain a signed agreement of confidentiality from any party who obtains knowledge of the secret, and order a

person who obtains knowledge of the trade secret to return to the owner any writing that contains the secret.

S.B. 428 (Chapter 450)

Senate Bill 428 exempts a person, who is a resident of the state, is 21 years of age or older, and imports 12 cases of wine or less per year for his own household or personal use, from the state's licensure requirements governing the sale, transport, or importation of intoxicating liquor. This exemption does not apply to suppliers, wholesalers, or retailers acting in their professional capacity.

In addition, the bill requires suppliers who ship liquor into the state under certain circumstances to pay an excise tax, designate an importer, and pay a fee equal to the amount of the fee paid for an importer's license in specific instances.

Finally, the Department of Taxation must adopt regulations governing suppliers, importers, wholesalers, and retailers as necessary to carry out the provisions of this measure

This bill is effective on June 7, 1999.

S.B. 537 (Chapter 384)

Senate Bill 537 establishes that a person who intends to locate or expand a business in this state may apply to the Commission on Economic Development for a partial abatement of one or more of the taxes imposed on the new or expanded businesses in this state. This measure requires that the commission must approve an application for a partial abatement if the commission makes certain determinations. However, S.B. 537 also allows the commission to waive or add to the requirements that a business must meet to qualify for a partial tax abatement. In determining whether to approve an application, the commission may look at whether the business is consistent with the state plan for industrial development and diversification, how many employees the business has, how large a capital investment the business has made in the state, and other factors showing a commitment to Nevada and its residents.

Further, this measure establishes that the commission must adopt regulations regarding the minimum level of benefits that a business must provide to its employees if the business is going to use benefits paid to employees as a basis to qualify for a partial abatement. In addition, the Nevada Tax Commission must adopt regulations that, among other things, set forth the capital investment requirements a new business must meet.

Finally, this bill requires that the Commission on Economic Development must, on or before January 15 of each odd-numbered year, prepare and submit a report to the Director of the Legislative Counsel Bureau for transmission to the Legislature concerning the abatements from taxation that the commission approved pursuant to this measure.

This bill is effective on May 29, 1999.

A.B. 85 (Chapter 42)

Assembly Bill 85 provides that a merchant is presumed to have reason to believe merchandise has been wrongfully taken if he observes a person concealing merchandise while on the premises. Further, the measure notes that a merchant can recover the merchandise by taking a person into custody and detaining him.

A.B. 107 (Chapter 164)

Assembly Bill 107 clarifies requirements for transactions for the sale or exchange of manufactured homes by requiring that a dealer prepare an itemized statement concerning the expenditure or deduction of money made by the dealer. The dealer must provide a copy of the statement to the buyer and retain a copy at his place of business. The bill also places certain restrictions on the disbursement of money held by the dealer concerning a sale or exchange of a manufactured home, mobile home, or commercial coach.

In addition, A.B. 107 establishes requirements relating to the enforceability of certain brokerage agreements and requires dealers who enter into brokerage agreements to perform certain acts relating to their clients. The bill provides that, unless specifically waived in writing by the buyer, each sale of a manufactured home, mobile home, or commercial coach includes an implied warranty that all the essential systems, such as heating, air conditioning, electrical, plumbing, and drainage, are in working order. The measure further requires the Administrator of the Manufactured Housing Division to prescribe, by regulation, the form of the contract that must be used for the sale of a manufactured home, mobile home, or commercial coach and provides that the dealer may not obtain or attempt to obtain a signature of a buyer on a contract if any of the essential provisions of the contract are not set forth therein.

Also, the bill adds to the definition of a dealer any person who leases or rents an interest in a manufactured home, mobile home, or commercial coach. Finally, A.B. 107 allows a person who is licensed as a limited serviceman to install and repair the air conditioning systems of manufactured homes, mobile homes, and commercial coaches.

A.B. 109 (Chapter 493)

Assembly Bill 109 prohibits an informal merchant from selling or knowingly allowing the sale of certain new products. These products include any that the merchant knows or reasonably should have known are stolen; have been recalled by the manufacturer; have been adulterated; have not been maintained at the proper temperature; have an expiration date that has passed; have been discarded by the manufacturer or a retailer; are inferior products, if he does not clearly indicate such inferiority; or have any other defects that make the products ineffective for the use for which they are purchased, or that make the products below the quality expected by the consumer. The bill defines an informal merchant as a person who does not have an established retail store in the county and who transports an inventory of goods to an informal market (such as a flea market) for retail sale.

Upon request of a peace officer, an informal merchant must provide reliable evidence of the legal acquisition of a new product that the merchant is offering for sale. If it is determined that the product was stolen and the informal merchant fails to provide such evidence, an inference is created that the merchant knew or should have known that the product was stolen. A violation of this provision is a misdemeanor unless the sale of a product causes substantial bodily harm to another person, in which case a merchant is subject to punishment for a category C felony.

The measure also removes a provision that currently allows a credit service organization that is exempt from taxation under Section 501(c)(3) of the *Internal Revenue Code* to be exempt from registration and bonding requirements of the Deceptive Trade Practices Act. The bill provides that if a licensed real estate broker renders services in the course and scope of employment by, or in affiliation with, a credit service organization, the broker is no longer exempt from the requirement to register with the Consumer Affairs Division and post a bond.

In addition, A.B. 109 exempts used book stores from regulation under Chapter 647, "Dealers in Junk and Secondhand Materials," of *Nevada Revised Statutes*. Finally, the bill exempts from certain state regulatory requirements of secondhand dealers persons who engage in the business of buying and selling secondhand firearms at trade shows if those individuals are licensed pursuant to federal statutes that regulate manufacturers, importers, dealers, and collectors of firearms.

A.B. 152 (Chapter 454)

Assembly Bill 152 excludes from the definition of a postsecondary educational institution an institution or person offering introductory educational services or programs on the use of computer software to customers who have purchased that software from that institution or person.

Testimony indicated that firms and individuals offering these types of software training services do not fall under the requirements for licensure as a postsecondary educational institution listed in *Nevada Revised Statutes* 394.099. It was further noted that by narrowing the scope of the exemption, legitimate companies could offer their customers basic training courses, while continuing the authority of the Commission on Postsecondary Education to protect the public from unscrupulous operators.

A.B. 188 (Chapter 207)

Assembly Bill 188 revises the grounds upon which the Department of Motor Vehicles and Public Safety (DMV&PS) may deny, suspend, or revoke a person's license to engage in the activity of brokering motor vehicles. These grounds include a material misstatement in the application, evidence of unfitness of the applicant or licensee, failure or refusal by the licensee to pay or otherwise discharge a final judgment rendered against him, and failure of the licensee to maintain a fixed place of business in Nevada. Finally, this measure allows the Director of the DMV&PS to revoke a license if he determines that the applicant or licensee is not entitled to it.

This measure is effective on May 24, 1999.

A.B. 193 (Chapter 611)

Assembly Bill 193 revises provisions governing the use of a device for automatic dialing and announcing on a telephone. The bill revises existing law concerning automatic dialing systems by requiring a recorded or unrecorded natural voice to make an initial announcement about the call. The announcement must disclose the name, address, and telephone number of the business or organization, if any, being represented by the caller. The bill provides that a call may not be made during the period between 9 p.m. and 9 a.m., and prohibits a call-back or second call to the same telephone number if a person at the telephone number terminated the original call. Further, the bill delineates the penalties to which a person is subject if he is convicted of violating the provisions of this act.

Assembly Bill 193 exempts from the provisions of the bill certain entities, including schools, school districts, and nonprofit organizations for the purpose of contacting their members; political candidates and organizations; and certain entities involved in public safety. In addition, an exemption is provided in certain cases where a person has a preexisting business relationship with the person being called.

The bill expands the deceptive trade practice law, in counties with a population of 400,000 or more, to include the owner, manager, or an employee of an adult cabaret or erotic dance establishment who offers or pays remuneration of any kind to the owner, agent, or driver of a bus, limousine, or taxicab, containing 21 or fewer passengers for taking, attempting to take, or attempting to convince the passenger to go to a location other than the requested destination. A person violating this provision is subject to administrative fines for the first two violations. Third and subsequent violations are subject to an administrative fine not to exceed $10,000 and an automatic business license suspension of not more than six months. These fines and business license suspensions are in addition to any other penalties provided by a state, county, or city regulation or ordinance in effect on October 1, 1999.

A.B. 258 (Chapter 395)

Assembly Bill 258 revises provisions governing automotive repairs by garages and garagemen. The measure requires that a repair garage display a sign with specific information concerning the repair of motor vehicles. The sign also must include the Nevada Automotive Repair Customer Bill of Rights, which is set forth in the act.

The measure requires that a customer be provided a written estimate for repairs that cost more than $50, unless he signs a waiver of his right to receive the estimate. Further, the bill specifies that a charge may not be made exceeding the estimate by 20 percent or $100, whichever is less, without the customer's consent. An estimate of the cost to diagnose a malfunction must include specific costs for diagnosis, disassembly, and reassembly. A garageman is not required to reassemble a motor vehicle if reassembly would render the vehicle unsafe to operate.

The measure requires the owner of a repair garage to agree to binding arbitration or file a $5,000 bond with the Department of Motor Vehicles and Public Safety (DMV&PS) when applying

for a certificate of registration. In lieu of this bond, he may deposit with the department a like amount of money or government bonds, or a savings certificate for an account with an amount equal to the bond. Assembly Bill 258 authorizes the department to revoke or refuse to renew a certificate of registration if the garage owner agrees to binding arbitration but fails to submit to it. The measure further prohibits a garage owner from enforcing a lien on a motor vehicle for the cost of repairs if he fails to obtain or renew a certificate of registration, or if he does not maintain the required bond. The bill makes a violation of the provisions governing garages and garagemen a misdemeanor.

In addition, the certificate of registration issued by the department must include the name of the applicant, the name under which his business will be conducted, the address of the business, and the registration number of the garage.

Sections of the measure extending the expiration date of the Advisory Board on the Repair of Motor Vehicles and requiring the owner of a garage to file a statement agreeing to binding arbitration or filing a $5,000 bond is effective on May 29, 1999. The section of the measure that makes adjustments to the application to operate a garage that is filed with the DMV&PS is effective on July 1, 2001. All other sections of this bill are effective on October 1, 1999.

A.B. 271 (Chapter 396)

Assembly Bill 271 regulates motor vehicle consignment contracts by requiring that certain information be included in these contracts and that certain procedures be followed. Upon entering into a consignment contract or other form of an agreement to sell a vehicle owned by another person, a consignee shall open and maintain a separate trust account in a federally insured bank or savings and loan association. All money received from a prospective buyer toward the purchase or transfer of interest in a particular vehicle shall be deposited into this trust account, and may not be commingled with funds that are unrelated to the purchase of the consigned vehicle. In addition, money in this trust account shall not be used by the consignee for any purpose that is unrelated to the consignment contract.

The measure specifies that upon the sale or transfer of interest in the vehicle, the consignee shall satisfy all outstanding security interests in the vehicle and satisfy the financial obligations due to the consignor pursuant to the consignment contract. Once any money is exchanged or a transfer of interest in a vehicle has occurred, the consignee has three business days to notify the consignor of this fact.

Assembly Bill 271 prohibits the consignee from operating the vehicle without the written consent of the consignor. It also requires that a consignee maintain a written log for each vehicle upon which he has a consignment contract. Further, the measure establishes that a person who uses the proceeds of a consignment sale for his personal use is guilty of embezzlement and shall be ordered to pay restitution in addition to other penalties specified by Nevada law.

This bill only applies to consignees, who are defined as persons licensed by Nevada's Department of Motor Vehicles and Public Safety to sell or lease vehicles, or other persons who consider themselves to be in the business of selling, leasing, or consigning vehicles.

This bill is effective on May 29, 1999.

A.B. 283 (Chapter 397)

Assembly Bill 283 requires telephone solicitors and sellers and all persons associated with a seller to obtain a work card issued by the sheriff of the county in which the business is located. The bill exempts a person who is already licensed or registered pursuant to either Chapter 119A or Chazpter 645 of the *Nevada Revised Statutes*.

According to testimony, a salesman who is associated with a seller, but who is not an employee, currently is exempt from the registration requirement that applies to telephone solicitors and their employees. This bill makes a salesman who is not an employee of a seller, but who is associated with the seller, subject to the same requirements that apply to an employee.

A.B. 431 (Chapter 604)

Assembly Bill 431 revises provisions governing deceptive trade practices to include transactions involving leases as well as sales. Prohibited acts include knowingly making any false representation in a transaction; tendering a lease or terms of sale or lease that are less favorable than the terms advertised; violating a state or federal statute or regulation relating to the sale or lease of goods or services; and using coercion, duress, or intimidation in a transaction.

The bill also requires a person who has been issued a certificate of registration to operate a check cashing or deferred deposit service, to adhere to certain practices, including delivering a written agreement, approved by the Commissioner of Financial Institutions to a borrower with information specified in the bill. A registrant must post certain information at each location in which the registrant conducts business.

In addition, the measure establishes a process to address loan defaults involving deferred deposit transactions. If a check is not paid when presented because of insufficient funds, the registrant may collect a fee of not more than $25. Only two such fees may be charged regardless of the number of times the check is presented for payment. If a borrower defaults on a loan made in the form of a deferred deposit, the registrant may immediately pursue any available collection proceedings. The interest rate that can be charged in such cases is limited to the prime rate plus 10 percent.

Further, A.B. 431 prohibits a registrant from engaging in certain activities concerning the conduct of the business. These unlawful activities include the use of the criminal process, or of any civil process not available to creditors generally, to collect on a deferred deposit. In addition, a registrant may not make a loan that exceeds one third of the borrower's expected monthly net

income during the term of the transaction unless justified by particular circumstances. Further, a registrant may not charge to cash a check representing the proceeds of a deferred deposit nor make more than one loan to the same borrower at one time unless the borrower is seeking multiple loans in the form of deferred deposits that do not exceed one third of the borrower's expected monthly net income.

The bill also prohibits a registrant from making a loan in the form of a deferred deposit to repay, renew, refinance, or consolidate an outstanding deferred deposit loan to the same borrower beyond ten weeks after the expiration of the initial loan period or to accept any collateral for a deferred deposit loan. Moreover, the measure prohibits a registrant from including certain waivers, assignments, and confessions of judgment, or similar provisions in a written agreement.

The bill also revises provisions concerning vehicle dealers or rebuilders and prohibits "bait and switch" advertising. Further, the measure revises provisions governing hotels, inns, motels, and motor courts. The bill requires an owner as well as a keeper of such an establishment to maintain a printed statement of the charge or rate of charges by the day and make the statement available for viewing, upon request, at the registration desk or an equivalent location.

A.B. 535 (Chapter 266)

Assembly Bill 535 places the manufacture of explosives under the provisions of the statutes governing regulation of highly hazardous substances. The bill also specifies that the owner or operator of a regulated facility into which a highly hazardous substance or explosive is newly introduced must include this material in its hazard abatement plan and program.

A.B. 536 (Chapter 431)

Assembly Bill 536 prohibits an owner or operator of a facility regulated under the state's Chemical Accident Prevention Program from using a new process involving highly hazardous substances unless the appropriate permit is obtained from Nevada's Division of Environmental Protection. Likewise, the bill prohibits an owner or operator of a regulated facility from commencing with the construction of, substantially altering the construction of, or modifying any major process at a place of employment where explosives are manufactured unless the appropriate permit is obtained from the Division of Industrial Relations.

The measure further provides that failure to obtain either of these permits subjects the violator to a civil administrative penalty of $25,000.

The amendatory provisions of this measure do not apply to offenses that are committed before January 1, 2000.

This bill is effective on May 29, 1999, for the purpose of adopting regulations and performing other preparatory administrative tasks necessary to carry out the provisions of the bill. For all other purposes, the bill is effective on January 1, 2000.

A.B. 627 (Chapter 302)

Assembly Bill 627 addresses highway signs and motorist information and deals with two types of on-premise advertising. First, the measure allows billboards to be placed near a highway under limited circumstances. The business seeking to advertise must be located adjacent to an interstate highway, and it must dedicate at least one acre of land for the construction of a public highway over which the sign will be placed. The purpose of the sign must be to identify an establishment located on that property, and the sign must not create a traffic hazard. Second, the measure allows a sign for a business to be built within the "airspace" of a highway when that airspace has been leased by the business from Nevada's Department of Transportation (NDOT). This airspace can be either on a bridge structure over a highway or under a bridge that carries the highway above it. The advertising displayed in this airspace must be located so as not to create a distraction to travelers on the highway.

Assembly Bill 627 also authorizes NDOT, in a county with a population of 100,000 or more, to fix reasonable fees to offset administrative costs for providing public information concerning commercial attractions and services and to recoup the cost of authorizing trademarks and symbols that identify individual enterprises on the advertisements.

This measure is effective on May 25, 1999.

A.B. 667 (Chapter 259)

Assembly Bill 667 requires all manufacturers of tobacco products sold in Nevada to participate in the settlement that is made between them and this state. The measure states that cigarette smoking presents serious public health problems for residents of Nevada and serious financial problems for the state and taxpayers. Further, the bill describes the "Master Settlement Agreement" and sets forth the criteria by which manufacturers of tobacco products shall settle claims. In addition, the Department of Taxation is required to adopt regulations as are necessary to determine the amount of excise tax that is collected by the state on the cigarettes of each manufacturer of tobacco products for each year. Finally, the measure imposes penalties on manufacturers who fail to adhere to these provisions.

The measure is effective on May 24, 1999.

A.B. 673 (Chapter 612)

Assembly Bill 673 provides for the regulation of a service contract that covers the repair, replacement, or maintenance of certain goods purchased for an amount of $250 or more. The bill excludes from the definition of a service contract any contract issued, sold, or offered for sale by a vehicle dealer on a vehicle sold by the dealer, if the dealer is licensed pursuant to Section 482.325 of *Nevada Revised Statutes*, and the service contract obligates either the dealer or the manufacturer of the vehicle, or an affiliate of the dealer or manufacturer, to provide all services under the service contract.

The bill requires a person who issues a service contract to obtain a certificate of registration from the Commissioner of Insurance. The measure also establishes the requirements for the contents of such contracts, including requirements that such contracts be written in language that is understandable and printed in a typeface that is easy to read. The contracts also must include the amount of any deductible that the holder is required to pay, the name and address of the service contract provider, the purchase price of the service contract, and certain other information designed to help the consumer understand his rights and responsibilities under the contract.

In addition, the measure prohibits a person from requiring the purchase of a service contract as a condition for the approval of a loan or the purchase of goods. Finally, the bill places certain restrictions on the cancellation of service contracts that have been in effect for at least 70 days, and authorizes the commissioner to adopt regulations necessary to carry out the provisions of this act.

The measure is effective on June 9, 1999, for the purpose of adopting regulations and on January 1, 2000, for all other purposes.

A.B. 674 (Chapter 418)

Assembly Bill 674 creates a new title to *Nevada Revised Statutes* (NRS), designated as Title 59, and creates a new chapter within that title concerning use of digital signatures in commercial transactions. A digital signature is an electronic transformation of a message using an algorithm that provides a secure encryption of the original information.

The provisions of the new chapter apply to transactions for which digital signatures may be used, including transactions carried out by private businesses and by government entities. The bill also imposes certain restrictions on the use of digital signatures. Specifically, a digital signature may not be used with respect to a sworn statement; an acknowledgment; a record or other document that is required to be signed in the presence of a third party; or a record or other document that must be signed in writing.

The bill prohibits a person from conducting business as a certifying authority without first obtaining a license as a certification authority from the Secretary of State. In addition, A.B. 674 authorizes the Secretary of State to adopt regulations regarding the use and verification of digital signatures, licensure of a certification authority, confidentiality of information represented in a message that is transformed by a digital signature, and other aspects of the use or verification of digital signatures. The Secretary of State is authorized to impose a penalty of up to $10,000 for a willful violation of a provision of the new chapter or a regulation adopted pursuant thereto. The measure also repeals provisions in NRS Chapter 239, "Public Records," that refer to electronic symbols.

This bill is effective on May 29, 1999.

Corporations, Partnerships, and Other Business Associations

S.B. 19 (Chapter 10)

Senate Bill 19 clarifies the meaning of the term "street address" of a resident agent as it relates to the service of process in Nevada. The bill requires that the resident agent provide an actual physical location within this state at which he is available for service of process.

Witnesses stated that the clarification is necessary to address situations in which a resident agent obtains a mailbox at a company that offers such services. When service of process is attempted, the resident agent is not physically present in that location to receive the service of process, and current law does not specify whether delivery to the clerk at a mailbox store constitutes effective service of process.

S.B. 179 (Chapter 240)

Senate Bill 179 requires that skydiving businesses comply with minimum safety requirements established by the United States Parachute Association (USPA), including requirements for training student skydivers and regulations of the Federal Aviation Administration (FAA). The bill requires the Director of Nevada's Department of Transportation to review any changes in the requirements of the USPA and approve or disapprove them. Each skydiving business must maintain a safety handbook and make that book, or a copy of the regulations of the USPA and the FAA, available to its customers. The business must post, in a conspicuous place, a notice stating the requirements with which it must comply, a list of equipment the business must provide to skydivers, and a statement that a customer may report violations to the district attorney or the Attorney General. Operators of skydiving businesses are required to report accidents that result in serious injury or death to the USPA. An operator that willfully violates the requirements of this bill is guilty of a misdemeanor and must have his business license revoked for a period of five years.

S.B. 419 (Chapter 304)

Senate Bill 419 authorizes certain businesses to apply to the Commission on Economic Development for funding to pay for an approved program to train employees. The measure sets forth the criteria that must be adhered to in applying to the commission, and authorizes the commission to assist a business in the development of the application. The bill also provides for matching money from applicants and participation by the University and Community College System of Nevada.

In addition, the bill authorizes the Director of Nevada's Department of Business and Industry to provide up to $500,000 per year in financial assistance to the commission to develop and administer the approved program; however, the director is given the discretion to provide additional funding as he determines necessary. Further, the measure allows the department to

apply for or accept any gifts, grants, donations, or contributions from any source to carry out certain provisions of S.B. 419. Finally, the measure permits the director of the department to adopt regulations that are necessary to carry out the provisions of the bill.

S.B. 421 (Chapter 379)

Senate Bill 421 establishes requirements concerning smoking in the gaming areas of certain grocery stores. The bill provides that a grocery store may allow the smoking of tobacco in a public area of the store that is leased or operated by a person with a gaming license if the entire public area of the store is not more than 10,000 square feet. A grocery store with an entire public area greater than 10,000 square feet may allow smoking in a gaming area if it is segregated from the public areas of the store by two or more walls or partial walls, or any combination thereof, in a configuration that includes at least one corner and contains a method of ventilation that substantially removes smoke from the area. The measure clarifies that a "wall" or "partial wall" may include one or more slot machines or other gaming devices if they are configured together or in conjunction with other structures to create a barrier that is similar to a wall or partial wall.

Senate Bill 421 further provides that a grocery store may allow smoking in a gaming area without these restrictions if the store was constructed or received final approval for construction before October 1, 1999. On or after January 1, 2010, such a store may allow smoking in the gaming area only if the area contains a method of ventilation that substantially removes smoke from the area. If such a grocery store remodels at least 25 percent of the square footage of its entire public area at any time before January 1, 2010, the store may allow smoking in the gaming area only if the remodel includes a method of ventilation that substantially removes smoke from the area.

S.B. 462 (Chapter 131)

Senate Bill 462 changes, from March 1 to March 15, the date by which an insurer must furnish annual proof of entitlement to credit against the insurance premium tax for maintaining a home office or regional office in Nevada.

The measure is effective on May 14, 1999.

A.B. 104 (Chapter 27)

Assembly Bill 104 changes the basis upon which fees must be paid by certain developers who sell memberships in campgrounds. This bill changes the basis from the number of campsites to the number of campground memberships.

Testimony indicated, this bill conforms the membership campground fee structure in Chapter 119B of *Nevada Revised Statutes* (NRS) to the time share fee structure in Chapter 119A of NRS.

This measure is effective on March 30, 1999.

A.B. 135 (Chapter 108)

Assembly Bill 135 revises provisions relating to nurseries and nursery stock by modifying the definitions of "nursery" and "pest," exempting certain sales from state licensing requirements, and requiring an inspection certificate or phytosanitary certificate on all nursery stock shipped interstate or intrastate to a location in Nevada. The measure defines related terminology, such as "agent," "peddler," "dangerously injurious plant pest," "phytosanitary certificate," and "quarantine pest." Finally, the bill modifies provisions pertaining to the treatment of infested or infected nursery stock.

Economic Development

S.B. 259 (Chapter 580)

Senate Bill 259 revises the provisions governing the licensing of businesses that create or produce motion pictures. The bill provides that such businesses are not subject to the business tax if their operations in the state are concluded in less than 60 days. In addition, money appropriated to the Commission of Economic Development for awarding grants to develop certain programs involving occupational education does not revert to the State General Fund at the end of the fiscal year.

The bill also increases, from seven to nine, the number of members on the Commission on Tourism to include a member who is a resident of the state. The membership is also revised to include either the chief administrative officer of the county fair and recreation boards or, if there is no such board, the chairman of the board of county commissioners, from the three counties that have paid the greatest amount of transient lodging tax.

This measure has various effective dates.

S.B. 369 (Chapter 618)

Senate Bill 369 relates to revenue bonds for industrial development. The measure authorizes the Director of Nevada's Department of Business and Industry to finance the acquisition, refurbishing, replacement, and installation of equipment for a project. Bonds issued for this purpose may not exceed $2.5 million and must be sold only to qualified institutional buyers, unless they are rated in one of the top four rating categories by certain rating agencies.

The director or the governing body of a county or city must make information regarding projects financed by industrial revenue bonds available to the public upon request. Certain information such as financial records of the obligor, proprietary information, and information regarding the location of the project, may not be disclosed to the public without the approval of the obligor. In addition, the bill clarifies the term "corporation for public benefit."

The measure also changes the provisions regarding the kinds of projects that may be financed with industrial revenue bonds and provides that the borrower need not submit a five-year operating history if the bonds are sold only to institutional investors or receive a high rating.

Finally, the director is required to adopt regulations governing the issuance of revenue bonds for industrial development, and he is prohibited from providing any financing pursuant to this measure until the State Board of Finance has established guidelines required by the bill. Also, the bill amends existing law to provide for the refund of bonds that are issued pursuant to the County Economic Development Revenue Bond Law and the City Economic Development Revenue Bond Law.

The measure is effective on June 11, 1999.

S.B. 477 (Chapter 432)

Senate Bill 477 raises the tax on the rental of transient lodging within Washoe County to pay certain costs related to tourism promotion. The measure imposes a 3 percent room tax in the cities and unincorporated areas of Washoe County, except within a police protection district, where it imposes a 2 percent room tax. This tax is in addition to other room taxes and is collected in the same manner, paid to the Reno/Sparks Convention and Visitors Authority (RSCVA). The bill provides that "gross receipts from the rental of transient lodging" does not include the tax imposed or collected from paying guests as provided in this measure. The bill also provides that all decisions and deliberations concerning the expenditure and commitment of the proceeds of this tax must be made at a public meeting, whether or not the body discussing the issue is determined to be a "public body."

The bill specifies the uses of the proceeds of this tax, which include the expansion and remodeling of the Reno-Sparks Convention Center; the promotion of tourism as approved by the RSCVA; support for the National Bowling Stadium; and the operations and promotions of the Lake Tahoe Incline Village and Crystal Bay Visitors Bureau.

The bill further allows the City of Sparks to impose an additional 1 percent room tax on lodging within the city, to be used for tourism promotion in a manner determined by the Sparks Tourism and Marketing Committee.

Senate Bill 477 also creates two committees to carry out the provisions of this measure, the Sparks Tourism and Marketing Committee and the Truckee Meadows Tourism Facility and Revitalization Steering Committee, and specifies the membership and duties of both.

Finally, the measure provides that an officer or employee of a county fair and recreation board in a county with a population of more than 100,000 but less than 400,000 can be paid for the cost of travel, if the travel is required during the course of his duties. The payment is limited to the cost of travel on a regularly scheduled commercial air carrier in the class of service having the lowest cost, and shall not include travel for a relative or spouse.

The measure is effective on May 30, 1999, to prepare for the collection of the taxes imposed and authorized by this bill, and on June 1, 1999, for all other purposes. If a provision of the measure is declared invalid, the invalidity does not affect any remaining provisions of the bill that can otherwise be given effect.

S.B. 530 (Chapter 550)

Senate Bill 530 authorizes municipalities to create commercial improvement districts (CIDs) for commercial area revitalization projects. A commercial area revitalization project may only be implemented in the public portion of areas primarily zoned for business and commercial purposes and includes beautification and improvements as well as promotional activities.

The measure allows a CID to contract with a nonprofit organization to provide the improvements or activities, as specified in the project plan. In addition, the bill outlines the procedures for collecting and levying the associated assessments and specifies the process required of the governing board of the municipality or the petitioners to form a CID and for the modification of an approved plan, if necessary. Finally, the measure allows a residential property owner to opt out of a district, and it sets forth the procedures for dissolving a district.

S.C.R. 19 (File No. 144)

Senate Concurrent Resolution No. 19 directs the Legislative Commission to appoint a subcommittee to conduct an interim study of ways to encourage corporations and other business entities to organize and conduct business in this state. The resolution further requires the commission to appoint an advisory committee to assist with the study, which must include one representative each from the Office of the Secretary of State, the Commission on Economic Development, and the Business Law Section of the State Bar of Nevada.

The study must include consideration of whether any laws should be revised to facilitate business activities in this state. In addition, the study must review administrative fees charged to business entities and the need for expanded use of technology in the Office of the Secretary of State. The study also must include consideration of whether a court of limited jurisdiction should be established to resolve litigation and contractual disputes relating to business entities. Finally, S.C.R. 19 requires the Legislative Commission to submit a report containing the results of the study and any recommendations to the 2001 Legislature.

A.B. 528 (Chapter 340)

Assembly Bill 528 promotes economic diversification in those parts of Nevada that surround the Nevada Test Site. The bill authorizes Esmeralda, Lincoln, and Nye Counties, their cities and unincorporated towns, and the town of Indian Springs in Clark County, individually or jointly to form a regional development corporation together with the Nevada Test Site Development Corporation or another eligible nonprofit corporation. A community that desires to participate

must first enact an ordinance setting forth the organization, duration, financing, property, gains from operation, and termination of such a corporation.

Assembly Bill 528 specifies the contents of articles of incorporation, the composition of boards of directors, the membership, and the purposes for which a regional development corporation may be organized. The corporation must not be organized for the purpose of promoting the transportation, disposal, or storage of high-level radioactive waste.

An affected county, city, or town that forms a regional development corporation may furnish personnel, equipment, property, or facilities to it, and may pay for its formation and operation to the extent provided in the enabling ordinance. The measure also grants certain protections, against civil actions, to an officer, employee, director, or agent of a regional development corporation.

This measure is effective on May 28, 1999.

Financial Institutions and Procedures

S.B. 31 (Chapter 474)

Senate Bill 31 addresses state holidays and provides that Martin Luther King, Jr.'s birthday is on January 15, but is to be observed on the third Monday in January; George Washington's birthday is on February 22, but is to be observed on the third Monday in February; and Nevada Day is on October 31, but is to be observed on the last Friday in October. The measure also eliminates the authority of a school district to keep school open on Nevada Day.

Finally, S.B. 31 provides that if a bank elects not to close on a Saturday, Sunday, or legal holiday, which falls on the last day of the calendar year, that day shall be deemed a regular banking day for the purposes of transacting business.

This measure is effective on January 1, 2000, except for the provision regarding bank holidays, which is effective on October 1, 1999.

S.B. 39 (Chapter 354)

Senate Bill 39 revises various provisions governing credit unions and the deposit of money therein. The bill authorizes a credit union to act as fiscal agent for, and receive deposits from, the State of Nevada or an agency or political subdivision thereof including, without limitation, a county, city, or school district. The measure also permits a credit union to invest in the obligations of a county, city, or school district of this state, as well as negotiable obligations of federal or state banks.

In addition, S.B. 39 increases, from $10,000 to $30,000, the amount credit union directors or members of its committees may guarantee or endorse on loans to other members. Further, the

measure includes a credit union, whose deposits are insured by the National Credit Union Insurance Fund or an approved private insurer, in the definition of commercial bank and trust bank. Finally, the bill requires the Commissioner of Financial Institutions to adopt a regulation specifying the records a credit union must keep and the period of time the records must be retained.

S.B. 96 (Chapter 25)

Senate Bill 96 revises certain duties of a mortgagee when a debt secured by a mortgage has been satisfied. Under the bill, the mortgagee must cause a discharge of the mortgage to be recorded within 21 calendar days of receiving written notice that the debt secured by the mortgage has been satisfied. The bill provides that if the mortgagee fails to comply with this requirement, he is liable in a civil action for $500, any actual damages, and reasonable attorneys' fees and costs.

The measure also provides that, if a mortgagee fails to record a discharge of the mortgage within 75 calendar days, a title insurer may prepare and record a release of the mortgage. The bill sets forth the procedures for preparing the release and for providing notice of the title insurer's intention to record the release.

According to testimony, the mortgage discharge recording procedures set forth in S.B. 96 mirror the existing law regarding the recording of a discharge of a deed of trust when the underlying debt is satisfied.

S.B. 318 (Chapter 246)

Senate Bill 318 defines buyer, seller, and escrow for the purpose of taxes on transfers of real property. The bill provides that the buyer and the seller are jointly and severally liable for the payment of such taxes and certain related penalties. The bill also provides that the escrow holder is not liable for the payment of these taxes and penalties.

This measure is effective on May 24, 1999, for the purpose of adopting any necessary regulations by the Department of Taxation and on October 1, 1999, for all other purposes.

S.B. 465 (Chapter 160)

Senate Bill 465 makes various changes to provisions governing trust companies. The bill authorizes the Commissioner of Financial Institutions to collect a fee from state banks of $100 for each trust office. The measure also authorizes a bank, with the written consent of the commissioner, to maintain stand alone trust offices in this state or other states. In addition, an organization that does not maintain an office in Nevada is authorized to act as a fiduciary in this state if the organization associates as a cofiduciary with a bank authorized to conduct business in Nevada.

Senate Bill 465 defines the terms "trust company business" and "fiduciary." Further, the bill authorizes the commissioner to take possession of the assets of a trust company if the company is in an unsafe condition that may result in a danger to the public. The measure also authorizes a limited-liability company to be licensed as a trust company and exempts various financial institutions from regulation by the commissioner if the institutions are regulated by another jurisdiction. Further, S.B. 465 places certain restrictions on the use of the word "trust" in the name of businesses.

The bill establishes standards that officers and directors of a trust company must meet before the company can be licensed by the commissioner. Finally, the measure requires that managers of a limited-liability company must meet the same bonding requirements as officers and directors of corporate trust companies and may be removed from office by the commissioner in the same manner as such officers and directors.

The amendatory provisions of the bill do not apply to offenses committed before October 1, 1999.

S.B. 483 (Chapter 70)

Senate Bill 483 allows the use of affidavits from financial institutions at a preliminary examination or grand jury proceeding under certain circumstances. Under the bill, if a financial institution does not have a principal or branch office in Nevada or if the institution does not have such an office within 100 miles of the location for the preliminary examination or grand jury proceeding, an affidavit from a qualified individual may be used to establish certain elements of "bad check" cases. The elements that may be established include the fact that the account did not exist, was closed, or held insufficient funds.

This measure is effective on April 29, 1999.

A.B. 64 (Chapter 646)

Assembly Bill 64 revises provisions relating to certain loans secured by liens on real property. The bill creates a new chapter in *Nevada Revised Statutes* (NRS) to regulate companies that use their own money to make loans secured by liens on real property. The bill also amends Chapter 645B of NRS, "Mortgage Companies," by imposing more stringent regulatory controls and licensing requirements on mortgage brokers and mortgage agents who solicit funds from the general public.

The measure requires certain mortgage brokers to maintain a minimum net worth and it establishes a program under which the Commissioner of the Division of Financial Institutions can register, conduct background investigations, and supervise mortgage agents. The bill gives Nevada's Attorney General primary jurisdiction for enforcement of the state's mortgage company laws, and prohibits various acts by mortgage companies, mortgage brokers, and mortgage agents.

Assembly Bill 64 also places restrictions on the use of powers of attorney by mortgage brokers and limits the effective period for a power of attorney to no more than six months. It can only be extended by written authorization of the investor for one or more periods of not more than six months each. The bill additionally requires that certain disclosures be made to investors; written authorization be obtained before moving an investor's funds to a new fund; and advertisements must include information that money invested through a mortgage broker is not guaranteed to earn any interest or return and is not insured.

In addition, the bill requires certain construction controls, escrow agencies, and mortgage companies to maintain a surety bond or other suitable security. In addition, the bill creates a voluntary advisory council on mortgage investing and mortgage lending to consult with, advise, and make recommendations to the Commissioner of the Division of Financial Institutions.

Most of the bill is effective on June 11, 1999, including the sections regarding the adoption of any regulations necessary to carry out the provisions of the measure and requiring the deposit of money into an insured depository financial institution for the payment of taxes or insurance premiums on real property, and on October 1, 1999, for all other purposes.

A.B. 215 (Chapter 168)

Assembly Bill 215 requires the holder of an escrow to record, at the time an escrow for the sale of real property is established, the number and the date of expiration of the license or certificate of cooperation of the real estate broker, broker-salesman, or salesman who will be paid for the transaction.

A.B. 469 (Chapter 299)

Assembly Bill 469 changes the provisions relating to spendthrift trusts. The bill provides a statute of limitations for a creditor bringing an action concerning a transfer of property to a spendthrift trust. The statute of limitations for a person who is a creditor when the transfer is made is two years after the transfer or six months after discovering the transfer, whichever is later. If a person becomes a creditor after the transfer is made, the statute of limitations is two years.

The bill also allows a person to create a spendthrift trust for himself under certain requirements. These requirements are that the trust be irrevocable, that there is no requirement that any part of the income or principal of the trust be distributed to the person creating it, and that the trust was not intended to hinder, delay, or defraud known creditors.

Assembly Bill 469 also changes the provisions governing the construction, operation, and enforcement of spendthrift trusts. Further, the bill expands the provisions governing spendthrift trusts to include any such trust created in or outside this state that is administered in this state and has at least one trustee based in Nevada who has the power to maintain records and prepare income tax returns for the trust. Finally, the bill revises the provisions governing the period of

time for the continuation of a spendthrift trust to clarify that such a trust may not continue for a period longer than allowed by the Uniform Statutory Rule Against Perpetuities.

A spendthrift trust is a device to provide a stream of income for a person who is considered incapable of prudently managing his own financial affairs, while protecting the principal not only from the spendthrift's creditors, but from the spendthrift himself.

Professions (See also: Health Care)

S.B. 8 (Chapter 502)

Senate Bill 8 prohibits refunding an examination fee for a barber's license if the applicant fails to appear for the licensing test without good cause, and requires the applicant to reapply for the examination. The bill also requires a person holding a license under Chapter 643 of the *Nevada Revised Statutes* to produce photo identification when requested by an authorized representative of the State Barbers' Health and Sanitation Board. In addition, the measure increases, from $2,400 to $3,600 per year, the salary of the board's secretary-treasurer. Further, an applicant for an instructor's license who fails to pass the examination must complete further study, not to exceed 250 hours, before retaking the examination. The bill also prohibits placing a barber pole in a location that would mislead the public. Finally, S.B. 8 exempts inmates who cut hair in prisons, jails, and detention centers from the licensing requirements under Chapter 643.

This measure has various effective dates.

S.B. 13 (Chapter 272)

Senate Bill 13 establishes a program for training cosmetologists in rural counties through a program of apprenticeship, rather than attendance at a school of cosmetology. The bill provides that the State Board of Cosmetology may issue a certificate of registration as a cosmetologist's apprentice to a person who lives in a county with a population less than 35,000 and lives more than 60 miles from a licensed school of cosmetology. The apprentice must also train at a licensed cosmetology establishment in that county and the trainer must be a licensed cosmetologist who has practiced for at least three years. To take the examination for licensure as a cosmetologist, the apprentice must complete 3,600 hours of training.

Senate Bill 13 also authorizes the State Board of Cosmetology to issue citations to persons who are practicing cosmetology without a license. The board may impose an administrative fine of $500 for a first offense, $1,000 for a second offense, and $1,500 for a subsequent offense. These penalties may be imposed in addition to those authorized in current law. Finally, the bill requires a person to obtain a license from the board to operate a cosmetology establishment and, after receiving the license, to request activation of the license. The board must conduct an on-site inspection of the facility not later that 90 days after the license is activated.

Portions of S.B. 13 are effective on October 1, 1999, but the provisions regarding cosmetologist apprentices are effective on January 1, 2000.

S.B. 99 (Chapter 82)

Senate Bill 99 revises the educational requirements for obtaining an original real estate broker's or broker-salesman's license. The bill requires an applicant for a license to complete three semester units or an equivalent number of quarter units in broker management. The measure also abolishes the authority of the Real Estate Commission to waive educational requirements for applicants in rural counties.

Testimony indicated the real estate industry is becoming so specialized that brokers need training in office management. The three hours of training does not increase the total number of hours of college credits required of applicants; it merely requires that more of the 45 total semester units or equivalent quarter units must be in the field of real estate. Witnesses stated the rural exemption is no longer needed because distance learning is now available through the community colleges, correspondence schools, and the Internet. In addition, no requests for waivers have been received for many years.

This bill is effective on January 1, 2001.

S.B. 100 (Chapter 84)

Senate Bill 100 revises provisions governing veterinarians and veterinary technicians. The measure provides that applicants for licensure may be required to take examinations administered by a national testing service for veterinary medicine that has been approved by the Board of Veterinary Medical Examiners. The bill also clarifies grounds for disciplinary action.

Provisions of the bill regarding the examination requirements are effective on October 1, 2000. The remaining provisions are effective on October 1, 1999.

S.B. 103 (Chapter 478)

Senate Bill 103 revises certain laws relating to professional engineers and land surveyors. The bill substitutes the term "register" for "license" in certain provisions of Chapter 625 of *Nevada Revised Statutes*, "Professional Engineers and Surveyors." The bill also requires a person who provides direct supervision of an applicant to be a professional engineer who is licensed in the same discipline for which the applicant is seeking a license.

In addition, after July 1, 2010, the bill eliminates eligibility for licensure as a professional engineer if the applicant has not graduated from an approved four-year engineering curriculum. Further, the measure eliminates eligibility for licensure as a land surveyor if the applicant has not graduated from an approved four-year land surveying curriculum; however, this provision

becomes effective on July 1, 2010, only if by July 1, 2006, such a curriculum is established at a university of the University and Community College System of Nevada.

The bill requires an entity that performs engineering services in a certain discipline at a particular place of business in Nevada to employ at that location a full-time professional engineer licensed in that discipline.

Unless otherwise excepted, the bill makes it unlawful for a person who is not properly licensed to use the term "licensed engineer," "registered engineer," or "professional engineer." However, a corporation that is not licensed may use these terms if it files a written statement under penalty of perjury with the Board of Professional Engineers and Land Surveyors stating that it is not practicing or offering to practice engineering in Nevada and will not do so unless it is properly licensed. Finally, the measure prohibits use of the terms "engineer," "engineering," or "engineered" if the user is not properly licensed, unless there is a clear disclaimer that the individual is not qualified or licensed to practice professional engineering in Nevada.

Sections of the bill concerning the educational requirements for licensure of professional engineers and land surveyors are effective on July 1, 2010. Other sections of the bill are effective on June 8, 1999.

S.B. 241 (Chapter 197)

Senate Bill 241 prohibits a funeral director from managing a funeral establishment unless he has been approved by the State Board of Funeral Directors. The bill also requires a director to obtain board approval for each establishment he manages and states that he is responsible for the proper management of each establishment. Finally, S.B. 241 provides that credits earned at an embalming college or school of mortuary science do not count toward fulfillment of the educational requirements needed for licensure.

Provisions of the measure regarding the management of a funeral establishment are effective on July 1, 1999. The remaining provisions of this bill are effective on May 20, 1999.

S.B. 424 (Chapter 303)

Senate Bill 424 clarifies provisions governing the treatment of photographer's proofs for purposes of sales and use taxes. The measure specifically amends Chapters 372 and 374 of the *Nevada Revised Statutes* pertaining to the sales and use tax and the local school support tax by providing that proofs furnished to a customer are considered the rendition of a service rather than the sale of tangible personal property.

S.B. 439 (Chapter 380)

Senate Bill 439 makes various changes concerning accountants. The bill authorizes the State Board of Accountancy to adopt regulations allowing certified public accounting or public accounting to be practiced by limited-liability companies. The measure also establishes certain criteria for issuance of a certificate of certified public accountant and requires the board to conduct the examination for issuance of the certificate not less than once each year.

In addition, the bill establishes conditions for granting a certificate to a person who holds a certificate from another jurisdiction. Further, S.B. 439 removes the requirement that all shareholders of a corporation or limited-liability company engaged in public accounting must be certified public accountants. Instead, the bill requires a simple majority of the ownership in terms of financial interest to be certified public accountants.

Senate Bill 439 also authorizes the board to revoke or suspend a certificate if the holder makes a false or misleading statement in support of an application for a certificate, registration, or permit by another person. Also, the measure prohibits the Secretary of State from accepting any articles of incorporation, or any amendment thereto, of any corporation formed pursuant to Nevada statute or any foreign corporation, which provides that the name of the corporation may not contain the words "accountant," "accounting," "accountancy," "auditor," or "auditing," unless the board certifies that the corporation is properly registered according to Nevada law. The measure does, however, authorize the Secretary of State to accept such a filing if the corporation has filed a written statement under penalty of perjury with the board stating the company is not engaged in practicing or offering to practice accounting in this state.

Finally, the bill provides that noncertificate holders may prepare financial statements and issue reports if the documents contain a disclosure that the preparer is not licensed by the board and that the statements and reports do not purport to be prepared in compliance with the Statements on Standards for Accounting and Review Services.

This measure is effective on July 1, 1999, with the exception of provisions regarding the criteria for the issuance of a certificate of certified public account, which are effective on January 1, 2001.

S.B. 472 (Chapter 188)

Senate Bill 472 makes various changes to provisions regarding public administrators and public guardians. The bill increases, from $2,500 to $5,000, the gross value of a decedent's property that may be administered by a public administrator with an affidavit. The measure also authorizes the destruction of property of a ward or decedent without giving notice to the next of kin if it is determined that the property is contaminated, poses a threat to public health or safety, and is valued at less than $100. However, if the property is valued at $100 or more, such destruction must be approved by a health officer. Further, the measure requires the public administrator to investigate the financial status of a decedent for whom he has been requested to serve as administrator.

The bill also prohibits a public administrator from serving as a guardian of the person and estate of a ward if a public guardian has been appointed by a board of county commissioners, unless the board has designated the public administrator as ex officio public guardian. Further, the measure allows the appointment of a public guardian for persons under 60 years of age. Finally, the public administrator is authorized to obtain, upon written request, the names and addresses of public utility customers if the information is necessary to assist the public administrator in carrying out his duties.

This measure is effective on May 20, 1999.

A.B. 18 (Chapter 318)

Assembly Bill 18 revises the penalties for the unauthorized practice of law. Under the bill, a person who is not an active member of the State Bar of Nevada who practices law, and is not otherwise authorized to do so, is guilty of a misdemeanor for a first offense within the preceding seven years. A second offense is a gross misdemeanor, and a third or subsequent offense is a category E felony. In addition, the measure authorizes the State Bar of Nevada to bring a civil action to secure an injunction and any other appropriate relief against a person who violates the prohibition on the unauthorized practice of law.

A.B. 58 (Chapter 40)

Assembly Bill 58 authorizes a licensed real estate salesman to use the term real estate salesman, real estate saleswoman, or real estate salesperson when doing business. In addition, the bill authorizes a licensed real estate broker-salesman to use the term real estate broker-salesman, real estate broker-saleswoman, or real estate broker-salesperson. The bill also prohibits a real estate licensee from advertising solely under his own name. All advertising must be under the direct supervision of and in the name of the broker or brokerage with whom the licensee is associated.

A.B. 115 (Chapter 11)

Assembly Bill 115 extends, from one year to five years, the date of expiration of a permit to operate as a locksmith or safe mechanic.

According to testimony, permits issued by a county sheriff for other jobs, such as private security personnel and child care workers, expire five years after they are issued. This bill makes the work permit provisions for locksmiths and safe mechanics consistent with other jobs for which a county sheriff issues a work permit.

A.B. 503 (Chapter 409)

Assembly Bill 503 expands the personal information that the Director of Nevada's Department of Motor Vehicles and Public Safety may release to an agent of the Public Defender's office or to a licensed private investigator who is investigating an insurance claim. Further, this measure expressly provides that a licensed private investigator shall not obtain or seek access to information from the department for any purpose other than that which is directly related to his investigation of an insurance claim. If the Private Investigator's Licensing Board finds that a private investigator has used the information obtained from the department in violation of this law, the board shall, in addition to any other disciplinary action it deems appropriate, suspend the license of the private investigator.

A.B. 545 (Chapter 125)

Assembly Bill 545 increases the fees that may be charged by court reporters of the district courts. This measure increases existing fees charged per day or for hours of availability for reporting. In addition to increasing the fees court reporters are allowed to charge per page for transcription, the bill provides for different fees for expedited delivery of transcripts.

The bill also establishes fees that court reporters may charge for providing an instantaneous computerized translation of testimony into English and other fees for providing a diskette containing the testimony prepared from such translation. The revised fees proposed under this measure are approximately 8 percent higher than the fees established by the 1995 Legislature.

A.B. 610 (Chapter 495)

Assembly Bill 610 requires the State Fire Marshal, by regulation, to provide for the registration of qualified interior designers who provide interior materials and furnishings that are regulated by a building code. The bill provides that a person who holds a certificate of registration issued by the State Fire Marshal is exempt from the licencing requirements of Chapter 623, "Architecture, Interior Design and Residential Design," of *Nevada Revised Statutes* (NRS) to the extent provided by the certificate.

Further, A.B. 610 exempts from the provisions of Chapter 623 of NRS a person who prepares plans, drawings, or specifications for a building owned by that person or his employer when an architect, a registered interior designer, a residential designer, or a licensed professional engineer is also engaged by that person or his employer to work on the same building.

This measure is effective on June 8, 1999.

Small Business

A.B. 486 (Chapter 443)

Assembly Bill 486 requires state agencies to consider the effect of regulations on small businesses. A small business is defined as a business conducted for profit which employs fewer than 150 full- or part-time employees. The bill requires that before conducting a workshop for a proposed regulation, an agency must determine whether the regulation is likely to impose a direct and significant economic burden upon a small business, or directly restrict the formation, operation, or expansion of a small business. If the proposed regulation is likely to impose such burdens upon small businesses, the agency must work with the small businesses in an effort to reduce or mitigate the adverse effects of the proposed regulation. A small business that is aggrieved by a regulation may, within 90 days of its effective date, file a petition with the agency that adopted the regulation. The agency must determine if the petition has merit and may take appropriate action to amend the regulation.

In addition, the bill requires local governments to determine, using the procedures described before, the effect of proposed rules on businesses. The measure defines business as a trade or occupation conducted for profit and requires a local government to provide a procedure for businesses to object to an adopted rule. The procedure must be filed with the clerk of the local government and be made available upon request at no charge. The bill also provides a mechanism to temporarily adopt a rule, without adhering to the public participation provisions, if it is determined that public health and safety is immediately threatened. However, such a rule may remain in effect for not more than six months after adoption.

A local government is exempt from the provisions of the bill if the local government does not have the authority to consider less stringent alternatives, including a rule that the local government is required to adopt pursuant to a federal statute or regulation, a contract, or an agreement.

This measure is effective on January 1, 2000.

A.B. 489 (Chapter 179)

Assembly Bill 489 requires the Administrator of the Division of Industrial Relations to create within the division a section for enforcement and a section for safety and health consultation, education, information, and training. The bill requires the section for enforcement to develop a program, if authorized by the United States Secretary of Labor, to assist small employers in eliminating or reducing safety hazards, and allows the section to reduce penalties for employers who comply with the program. In addition, the bill requires the section for safety and health consultation, education, information, and training to establish a program and a toll-free telephone number designed to assist small employers in complying with the requirements of the Nevada Occupational Safety and Health Act.

This bill is effective on July 1, 1999.

CONSTITUTIONAL AMENDMENTS

S.J.R. 11 (File No. 86)

Senate Joint Resolution No. 11 proposes to amend the *Constitution of the State of Nevada* to authorize the Nevada Legislature to provide by law for an abatement of the tax upon, or a partial exemption of the assessed value of, a single-family residence occupied by the owner to avoid severe economic hardship to that person.

If approved in identical form by the 2001 Session of the Nevada Legislature, this proposal will be submitted to the voters for final approval or disapproval at the 2002 General Election.

S.J.R. 20 (File No. 87)

Senate Joint Resolution No. 20 proposes to amend the *Constitution of the State of Nevada* to provide requirements for the enactment of property and sales tax exemptions. These requirements state that the Legislature must, among other things, determine that the exemption will achieve a bona fide social or economic purpose; restrict the eligibility for the exemption solely to the intended beneficiaries of the exemption; and determine that the exemption will not have a material adverse effect on the finances of the state or any local government that would otherwise receive revenue from the tax.

The measure further requires the Legislature to review any such exemption at least once every six years to determine whether the purpose of the exemption is still valid and that the exemption is being used effectively.

If approved in identical form by the 2001 Session of the Nevada Legislature, this proposal will be submitted to the voters for final approval or disapproval at the 2002 General Election.

S.J.R. 12 - 69th Session (File No. 129)

Senate Joint Resolution No. 12 of the 69th Session proposes to amend the *Constitution of the State of Nevada* to allow the investment of state money to stimulate economic development. The measure describes the benefits of ensuring business expansion in the state and further describes the restrictions in Nevada's constitution for investing in certain economic growth programs. The resolution advocates changing the constitution by allowing for the specific enactment of legislation to invest in projects for economic diversification or development and specifies the methods that will be used to make decisions regarding projects for investment.

This proposal was approved in identical form by the 1997 and 1999 Legislatures and will be submitted to voters for final approval or disapproval at the 2000 General Election.

A.J.R. 4 (File No. 79)

Assembly Joint Resolution No. 4 proposes to amend the *Constitution of the State of Nevada* by repealing the constitutional rule against perpetuities. Currently, Section 4 of Article 15 provides that, "No perpetuities shall be allowed except for eleemosynary purposes."

Testimony indicated that only charitable (eleemosynary) activities are now exempt from the rule against perpetuities. Further, it was pointed out that under this antiquated rule, which had its origins in English common law, there are limits placed on the duration of trusts. Several states have repealed the rule against perpetuities to promote economic development and provide for more flexibility in estate planning.

If approved in identical form by the 2001 Session of the Nevada Legislature, this proposal will be submitted to the voters for final approval or disapproval at the 2002 General Election.

A.J.R. 13 (File No. 121)

Assembly Joint Resolution No. 13 proposes to amend the *Constitution of the State of Nevada* to revise the term of office of a Supreme Court justice or district court judge who is appointed to fill a vacancy. The measure requires that an appointed justice or judge serve at least 12 months before that office is subject to a general election. However, if fewer than 12 months remain in the unexpired term, the appointment covers just the remaining term. Finally, the measure provides that a subsequent election to fill a vacated office is for the remainder of the unexpired term.

The Constitution now requires the Governor to fill a vacancy in the Supreme Court or among the district judges from a list of three nominees submitted by the Commission on Judicial Selection. Further, the Constitution provides that the term of office of an appointed justice or judge expires on the first Monday in January following the next general election. Testimony indicated that this change would encourage more eligible persons to seek appointment to a court vacancy, instead of remaining in the private sector until the next election, and would give voters more time to evaluate the performance of an appointed justice or judge before voting for that office.

If approved in identical form by the 2001 Nevada Legislature, this proposal will be submitted to the voters for final approval or disapproval at the 2002 General Election.

A.J.R. 22 (File No. 127)

Assembly Joint Resolution No. 22 proposes to amend the *Constitution of the State of Nevada* to create an intermediate court of appeals between the district courts and Nevada's Supreme Court.

The resolution specifies that the court of appeals must consist of three or more judges, as provided by law. This measure provides for the election and staggered terms of office of the initial appellate court judges. After the initial terms, the judges would be elected at subsequent general elections to serve six-year terms of office. Further, the measure specifies the procedure for filling

vacancies on the appellate court, which may not be for a period longer than the remainder of the unexpired term. Finally, the resolution requires the Legislature to establish the jurisdiction of the court of appeals and provide for the review by the Supreme Court, where appropriate, of appeals decided by the appellate court.

If A.J.R. 22 is passed in identical form by the 2001 Session of the Nevada Legislature, it will be submitted to Nevada's voters for final approval or disapproval at the 2002 General Election.

A.J.R. 26 (File No. 122)

Assembly Joint Resolution No. 26 proposes to amend the *Constitution of the State of Nevada* by adding another exemption from the state borrowing cap of 2 percent of the state's total assessed valuation. This measure also exempts state contracts for public debt concerning the improvement, acquisition, and construction of facilities for public elementary and secondary schools.

This measure combines and clarifies the provisions of two resolutions considered earlier in the 1999 Session: A.J.R. 7 and S.J.R. 8. The proposed constitutional amendment was requested to allow school districts to access financing for school construction at the more favorable rate accorded to the state.

If this proposal is approved in identical form by the 2001 Session of the Nevada Legislature, it will be submitted to the voters for final approval or disapproval at the 2002 General Election.

A.J.R. 5 - 69th Session (File No. 142)

Assembly Joint Resolution No. 5 of the 69th Session proposes to amend the *Constitution of the State of Nevada* to provide for annual regular sessions of the Nevada Legislature. The measure replaces Nevada's biennial legislative sessions with annual sessions of no more than 120 calendar days in odd-numbered years, and no more than 45 calendar days in even-numbered years. Any legislative action taken after the end of the prescribed period is void. Further, the measure requires sessions in odd-numbered years to commence on the first Monday in February and sessions in even-numbered years to commence on the first Monday in March. In addition, the amendment requires the Governor to provide the Legislature with the proposed executive budget in odd-numbered years, and any proposed appropriations or budget revisions in even-numbered years, not later than 30 days before the session convenes.

The resolution also limits any special session of the Legislature to 20 calendar days and specifies that any legislative action taken after that time is void. Further, the measure permits the Legislature to petition the Governor to call a special session. Such a petition must set forth the topics for consideration in the special session and must be signed by at least two-thirds of the members elected to each house. Upon receipt of a qualified petition, the Governor must convene the special session within 45 calendar days. The Governor is authorized to add to the list of topics for consideration before issuing the proclamation to call the Legislature into special session. The measure also requires that an initiative petition that proposes a new statute or an amendment to an

existing statute be circulated not earlier than one year before the convening of the regular session to which it is submitted.

Finally, this resolution requires that members of the Legislature receive a compensation fixed by law for each calendar day of service during any regular or special session.

This measure was amended, during the 1999 Session, from its original form; therefore, if approved in identical form by the 2001 Session of the Nevada Legislature, this proposal will be submitted to the voters for final approval or disapproval at the 2002 General Election.

COURTS AND JUDICIAL PROCEDURES

S.B. 30 (Chapter 473)

Senate Bill 30 increases, from $3,500 to $5,000, the monetary limit for small claims adjudicated in justices' courts.

S.B. 148 (Chapter 288)

Senate Bill 148 revises the penalty for category E felonies to clarify that the court may impose a minimum term of imprisonment of not less than one year and a maximum term of not more than four years. In addition, the court may impose a jail term for a period of not more than one year as a condition of probation.

Senate Bill 148 also provides that, except in certain circumstances, a presentence investigation (PSI) and report are not required for individuals who are convicted of or who plead guilty to a category E felony. The PSI and report are required if the Division of Parole and Probation has not made a PSI and report on the defendant within the previous five years and either the court requests the report or the prosecuting attorney possesses evidence supporting a denial of probation for the category E felony. Under the measure, if the PSI is not prepared prior to sentencing, the division must make a general investigation and prepare an abbreviated report.

The provisions in Senate Bill 148 regarding the release of information contained in the PSI and report expire by limitation on June 30, 2001. These provisions, exclusive of those pertaining to the release of information regarding the abuse and neglect of children, are effective again on July 1, 2001. The remainder of the bill is effective on October 1, 1999.

S.B. 184 (Chapter 552)

Senate Bill 184 creates a pilot program for the release of inmates from Nevada's Department of Prisons for participation in drug court programs in the Second and Eighth Judicial Districts in Washoe and Clark Counties, respectively. Inmates released into the programs are supervised by the Division of Parole and Probation. Participation in the pilot program is limited to 150 inmates during the 1999-2001 biennium, and the program is scheduled to end on June 30, 2001.

Senate Bill 184 also appropriates $330,000 from the State General Fund to the Second Judicial District and $700,000 from the State General Fund to the Eighth Judicial District for the continued support of alcohol and drug abuse treatment programs.

The bill is effective on July 1, 1999; however, Sections 1 through 10, which address certain aspects of the pilot program, expire by limitation on June 30, 2001.

S.B. 326 (Chapter 79)

Senate Bill 326 requires that a writ of mandamus must include the words "First Amendment Petition" in its caption if the applicant is alleging an unconstitutional prior restraint of his rights under the First Amendment to the *Constitution of the United States* or similar provisions under the *Constitution of the State of Nevada*. The bill also requires the court to render a judgment on the application for a writ not later than 30 days after it is filed.

Senate Bill 326 was requested by the City of Las Vegas to address a recent decision by the U.S. Ninth Circuit Court of Appeals (*Baby Tam v. City of Las Vegas*). Under this decision, no municipality or county in Nevada has the constitutional authority to regulate zoning for first amendment businesses, such as adult bookstores, because Nevada's statutes do not provide for prompt judicial review when a first amendment business applies for a license and is denied.

This measure is effective on May 3, 1999.

S.B. 483 (Chapter 70)

Senate Bill 483 allows the use of affidavits from financial institutions at a preliminary examination or grand jury proceeding under certain circumstances. Under the bill, if a financial institution does not have a principal or branch office in Nevada or if the institution does not have such an office within 100 miles of the location for the preliminary examination or grand jury proceeding, an affidavit from a qualified individual may be used to establish certain elements of "bad check" cases. The elements that may be established include the fact that the account did not exist, was closed, or held insufficient funds.

This measure is effective on April 29, 1999.

A.B. 20 (Chapter 41)

Assembly Bill 20 clarifies that judges of municipal courts and justices of the peace may not seek reelection or be eligible to hold judicial office if they were ever removed or retired from any judicial office by the Commission on Judicial Discipline. In addition, the bill provides that persons may not serve as substitute municipal judges if they have ever been removed or retired by the commission from any judicial office.

This measure also clarifies that a person shall not be ineligible to be a candidate for any judicial office if a decision to remove or retire that person is pending before Nevada's Supreme Court or has been overturned by the Supreme Court.

A.B. 22 (Chapter 29)

Assembly Bill 22 revises the provisions concerning civil actions brought against the state of Nevada, a county, or a city by a person who is or was imprisoned in the state prison or a county jail. It requires a court to deduct money owed for restitution from a monetary judgment award to or settlement received by a prisoner. These provisions do not apply to a judgment or settlement in a case that involves the death of a person who was imprisoned.

The bill also requires a nonindigent prisoner who has filed a small claims action to pay the Department of Prisons in advance for the estimated costs of providing transportation for the prisoner to appear in court in such a case.

Under existing law, an inmate who receives a monetary judgment or settlement in a civil action does not have to use any portion of that money to pay his outstanding debts, including money owed for victim restitution. Assembly Bill 22 authorizes a court to require the payment of money owed by the inmate to his victims before he receives his portion of the judgment or settlement. The provisions of the bill should also discourage those inmates who now file frivolous small claims actions because they know the state will pay for their transportation between the prison and the court.

A.B. 25 (Chapter 5)

Assembly Bill 25 repeals the sunset provisions of the law governing screening panels for dental malpractice claims. This bill amends Chapter 621, *Statutes of Nevada 1995*, which expanded the provisions governing screening panels for medical malpractice to include causes of action for dental malpractice. The provisions of that law expire by limitation on July 1, 1999.

This measure is effective on March 16, 1999.

A.B. 82 (Chapter 321)

Assembly Bill 82 provides the method for setting compensation for conducting an examination and preparing a report by members of the sanity commission. The Administrator of the Division of Mental Health and Developmental Services, Department of Human Resources, shall fix a reasonable rate after consultation with the presiding judge of the district court from which the order to impanel the commission was issued. If the district has no presiding judge, the administrator shall consult with a judge designated by mutual consent of the district judges of that district.

Testimony indicated that the standard fee for such examinations is $260. Under the current statute, however, the judge impaneling the sanity commission sets the fee. The fees have ranged from $260 to $2,000. The fees come from the agency's budget, and the lack of consistency in the amount makes it difficult to remain within the budget.

This measure is effective on July 1, 1999.

A.B. 86 (Chapter 322)

Assembly Bill 86 requires that, in a county with a population of 400,000 or more, justices of the peace in a township with a population of 100,000 or more must be attorneys who are licensed and admitted to practice law in the courts of this state. The bill provides that in a county with a population of less than 400,000, justices of the peace in a township with a population of 250,000 or more must also be licensed attorneys. These provisions do not apply to any person who held the office of justice of the peace on June 30, 1999.

Representatives of these courts testified that the large volume of cases in their courts justify the need for justices of the peace with education and experience in law. Under existing law, only justices of the peace in townships with populations of 250,000 or more are required to be licensed attorneys admitted to practice in Nevada courts. This bill would expand the requirement to include the justices of the peace in Henderson and North Las Vegas townships.

This measure is effective on July 1, 1999.

A.B. 108 (Chapter 200)

Assembly Bill 108 clarifies that the Attorney General may bring a civil action for unfair trade practices on behalf of a person who is damaged, either directly or indirectly, as a result of a violation of the provisions of Nevada's Unfair Trade Practices Act (Chapter 598A of *Nevada Revised Statutes*). The bill also clarifies that a person who is damaged, either directly or indirectly, may also bring a civil action for unfair trade practices. Assembly Bill 108 increases, from 10 percent to 50 percent, the portion of money collected for violations of laws regarding unfair trade practices that must be credited to the Attorney General's special fund. In addition, the measure increases, from $30,000 to $200,000, the amount of money that may be retained in the special fund at the end of each fiscal year. Finally, any amount of money deposited in the State Treasury for credit to the special fund that would cause the balance of the fund to exceed $250,000 immediately reverts to the State General Fund.

A.B. 140 (Chapter 45)

Assembly Bill 140 clarifies the provisions governing testimony that may be considered in a proceeding for the involuntary court-ordered admission of a mentally ill person to a mental health facility. The measure authorizes the court to consider testimony about past actions of a mentally ill person if such testimony is probative of the question of whether the person is presently mentally ill and dangerous to himself or others.

A.B. 154 (Chapter 434)

Assembly Bill 154 makes various changes concerning family law. The bill requires that the chief judge in the family court assign cases involving the same family or child to the same department

or master. To facilitate the assignment, the bill requires the party to file an information form with an initial pleading in family court that specifies any other cases in which the party is or was involved. The form must include information regarding whether a child involved in the case was also involved in any other pending or previously decided cases.

Assembly Bill 154 also provides that the procedures governing situations in which a contempt is not committed in the immediate view of the court do not apply in any proceeding under the jurisdiction of the family court. These procedures require that another judge preside at the contempt trial. Finally, A.B. 154 allows parties in divorce actions to make offers of judgment concerning property rights. The offers of judgment do not apply to any offers concerning the custody of a child or the support of a child or a spouse.

Assembly Bill 154 was requested to implement the "one family-one court" model, under which a judge or master who is familiar with all issues involving a party before the family court renders decisions concerning a case.

This measure has various effective dates.

A.B. 229 (Chapter 123)

Assembly Bill 229 authorizes the court to order a child within the purview of Chapter 62, "Juvenile Courts," of *Nevada Revised Statutes* to complete a program of cognitive training and human development if the child meets certain criteria. The child must not have been previously found to be within the purview of Chapter 62 and the unlawful act that brings the child within the juvenile court system must not have involved force or violence against the victim.

In addition, the measure authorizes the court, to the extent practicable and in the following order of priority, to do any or all of the following: (1) order the child, or the parent or guardian, to pay, to the extent of their financial ability, costs associated with the program, including reasonable costs of insurance for personal liability and property damage while the child participates in the program; (2) order the child to work on public service projects for a period that reflects the cost of the child's participation in the program; and (3) order the county in which the petition alleging the child to be delinquent is filed to pay the cost of the program.

Assembly Bill 229 also specifies certain subjects that, in the court's discretion, a program of cognitive training and human development may contain. Further, the measure authorizes a director of juvenile services to apply for and accept grants or gifts to finance such programs and to contract with public or private entities that are qualified to participate in the programs. Finally, the bill provides that an agreement for informal supervision may require a child to participate in a program under the terms and conditions of the bill. The program outlined in the bill is modeled after an adult "life skills" program that has a 65 percent success rate. According to proponents, the adult program has been adapted to juvenile offenders in other jurisdictions, and this was the basis for A.B. 229.

A.B. 231 (Chapter 169)

Assembly Bill 231 requires that prior to issuing or modifying a child support order, a court must determine if any of the parties to the proceeding are receiving or have ever received public assistance. The bill provides that if the court determines the parties are receiving or have received such assistance, the court must not waive any unpaid and overdue child support payments until after the Welfare Division of the Department of Human Resources is notified and given an opportunity to be heard regarding the matter.

This measure also adds guardians and alleged parents to those persons to whom district attorneys must provide assistance in establishing parentage, establishing the obligation of child support, and enforcing the payment of child support. Further, the bill amends existing provisions governing paternity actions to clarify that the court must appoint the Welfare Division as guardian ad litem for a child when the interests of the child are not adequately represented by the appointment of the district attorney.

Testimony indicated that Assembly Bill 231 conforms Nevada law with federal child support provisions, particularly those provisions in the federal welfare reform act.

A.B. 269 (Chapter 610)

Assembly Bill 269 provides that salaries of Supreme Court justices are not to be reduced as a result of their participation in the employer-pay provisions of the Public Employees' Retirement System.

This measure is effective on June 9, 1999, and applies to contributions made on or after January 1, 1999.

A.B. 392 (Chapter 334)

Assembly Bill 392 authorizes the parties to civil actions in district court, where the amount at issue does not exceed $40,000, to use a settlement conference, short trial, and other alternative methods of resolving disputes if the Supreme Court adopts rules authorizing such methods. This bill also allows the Supreme Court to adopt those rules.

The measure further provides that if a binding disposition of the case does not result from an alternative method, the action must be submitted to nonbinding arbitration. The parties may agree to submit the action to another alternative method while the nonbinding arbitration is pending or after it has been completed. This bill also allows parties in civil actions brought in justice court to submit to an alternative method of resolving disputes.

In addition, A.B. 392 requires that an agreement to use alternative methods of resolving disputes must be entered into at the time of the dispute and not be a part of any previous agreement between

the parties. The agreement must be in writing and entered into knowingly and voluntarily by the parties. Finally, the bill defines short trial.

A.B. 400 (Chapter 467)

Assembly Bill 400 substantially revises portions of the *Nevada Revised Statutes* concerning wills, intestate succession, trusts, and estates of decedents. Part of the bill incorporates certain portions of the Uniform Probate Code. In addition, the measure makes the law more "user friendly" by rearranging certain sections.

The main elements of the bill include expediting the probate process; eliminating gender bias in the statutes; eliminating unnecessary technicalities that defeat the intentions of the person making a will; enabling courts to more expeditiously resolve problems occurring in estate and trust matters; and ensuring that persons interested in a probate, estate, or trust receive proper information about the proceedings.

A.B. 436 (Chapter 113)

Assembly Bill 436 expands the rights of grandparents regarding the visitation of a minor child. The measure states that grandparents whose child was not legally married to, but cohabited with the grandchild's other parent and is deceased or is separated from the other parent may be granted visitation under certain circumstances. This bill also allows a court to grant visitation to other persons with whom the child has resided and established a meaningful relationship, regardless of whether they are related to the child, if the court finds that the visits are in the best interests of the child.

The bill also expands the factors that a court must consider in determining whether to grant visitation to grandparents and other relatives of a minor child. These other factors include whether the person will serve as a role model to the child, whether the child was included in holidays and family gatherings with the other person, and whether the person has provided support, including but not limited to financial support, to the child.

A.B. 483 (Chapter 265)

Assembly Bill 483 authorizes a law enforcement officer, correctional officer, emergency medical attendant, fireman, or any other person who is employed by an agency of criminal justice, or the employer of any such person, to petition a court to require a person who may have exposed the employee to a contagious disease to be tested for the human immunodeficiency virus and the hepatitis B surface antigen. This measure also requires the person or employer who files such a petition to submit, to the designated health care officer or other designee, information concerning the possible exposure. The health care officer or other designee shall establish guidelines to determine substantial exposure.

Assembly Bill 483 further requires a court to promptly hear a petition and determine whether there is probable cause to believe there was a transfer of blood or bodily fluids. If the court determines that probable cause exists, two specimens of blood must be submitted and tested. Results of the test must be disclosed to the person who was tested, the person who was exposed, and the health care officer or other designee. If the person who was tested is incarcerated, the person in charge of that facility must also be notified. Finally, this measure requires the employer or the employer's insurer to pay for the cost of the test.

A.B. 517 (Chapter 339)

Assembly Bill 517 revises the provisions concerning the guardianship of adults. The bill requires the court to appoint legal counsel at any stage of a guardianship proceeding for an adult ward or proposed adult ward who is unable to retain representation and who requests the appointment of counsel. The attorney's fees must be paid from the ward's estate. Assembly Bill 517 also authorizes a guardian to retain assets for any anticipated expenses of the ward's funeral and related costs. Of the amount retained, $1,500 is exempt from all claims.

The measure clarifies that the definition of persons who are incompetent or of limited capacity is limited to adults. In proceedings concerning the appointment of a temporary guardian, A.B. 517 provides that notice to concerned individuals of a petition for guardianship may not be required if giving such notice is not feasible under the circumstances. If the court determines the notice is not required and a temporary guardian is subsequently appointed, notification to the concerned individuals must be provided by the petitioner not later than 48 hours after he discovers the existence, identity, and location of the persons entitled to notice.

Assembly Bill 517 also provides that a person is not qualified to serve as a guardian if he has been judicially determined by clear and convincing evidence to have committed abuse, neglect, or exploitation of a child, spouse, parent, or other adult. The bill deletes the requirement that a guardian sign an oath that all information contained in the court documents are true, based on his knowledge. The measure also prohibits a guardian from consenting to a ward's participation in any biomedical or behavioral experiment or treatment unless specifically authorized by the court.

Finally, A.B. 517 sets forth the contents of a petition for the termination or modification of a guardianship, and provides that a guardianship is terminated when the ward moves outside the state and jurisdiction is transferred to the appropriate court in the ward's new domicile.

A.B. 545 (Chapter 125)

Assembly Bill 545 increases the fees that may be charged by court reporters of the district courts. This measure increases existing fees charged per day or for hours of availability for reporting. In addition to increasing the fees court reporters are allowed to charge per page for transcription, the bill provides for different fees for expedited delivery of transcripts.

The bill also establishes fees that court reporters may charge for providing an instantaneous computerized translation of testimony into English and other fees for providing a diskette containing the testimony prepared from such translation. The revised fees proposed under this measure are approximately 8 percent higher than the fees established by the 1995 Legislature.

A.B. 698 (Chapter 644)

Assembly Bill 698 directs the Legislative Commission to appoint an interim committee to study the pension plan for Nevada's Supreme Court justices and district court judges. The study must review the actuarial soundness of the current method of funding the pension plan; the actuarial soundness of possible alternatives to the current method of funding the pension plan, including the method of funding the Public Employees' Retirement System (PERS); and the financial feasibility of adding justices of the peace or judges of the municipal courts to the current pension plan. The bill also authorizes PERS to provide up to $30,000 while advising and assisting the committee.

The measure requires the committee to consist of two members of the Assembly, one of whom must be appointed as the chairman of the committee; and two members of the Senate. Finally, the bill requires the committee to submit a report of its findings and any recommended legislation to the Legislative Commission.

This measure is effective on June 11, 1999.

A.C.R. 4 (File No. 52)

Assembly Concurrent Resolution No. 4 urges the family courts in Nevada to coordinate and integrate as fully as possible all case files that pertain to the same parties or children, but that are reviewed by multiple persons or agencies. The resolution also urges the family courts to ensure that the parties or children in such cases are directed to the appropriate agencies and services in a timely manner. In addition, this measure directs each of the chief judges of the Second and Eighth Judicial Districts (Washoe and Clark Counties) to submit, to the next regular session of the Nevada Legislature, a report that summarizes any actions taken in the judicial district to coordinate and integrate such case files and contains any suggestions for necessary legislation to assist the courts in achieving such results.

General Court Procedures

S.B. 19 (Chapter 10)

Senate Bill 19 clarifies the meaning of the term "street address" of a resident agent as it relates to the service of process in Nevada. The bill requires that the resident agent provide an actual physical location within this state at which he is available for service of process.

Witnesses stated that the clarification is necessary to address situations in which a resident agent obtains a mailbox at a company that offers such services. When service of process is attempted, the resident agent is not physically present in that location to receive the service of process, and current law does not specify whether delivery to the clerk at a mailbox store constitutes effective service of process.

S.B. 173 (Chapter 62)

Senate Bill 173 sets forth new procedures for providing the names of witnesses during discovery in misdemeanor cases. The bill provides that the defense and the prosecuting attorney must provide a list that identifies witnesses to the opposing party if the witnesses are not identified in other documents received by the party. The prosecuting attorney must provide either the witness's last known place of employment or the last known address. Senate Bill 173 also imposes a continuing duty on each party to file and serve upon the opposing party any changes in the last known address or place of employment of any witness the party intends to call at trial.

The other documents that identify witnesses in misdemeanor cases include indictments, confessions, statements by witnesses, police reports, and reports of tests or examinations.

The 1997 Legislature established a procedure for providing the names of witnesses during discovery in all criminal cases. The procedure for providing names of witnesses in gross misdemeanor and felony cases is not altered by S.B. 173.

This measure is effective on April 29, 1999.

S.B. 242 (Chapter 526)

Senate Bill 242 requires courts to place Social Security numbers in court records concerning a divorce decree or an order for child support and to maintain this information in a confidential manner. The court must also provide the Social Security number to the Welfare Division of the Department of Human Resources.

Senate Bill 242 was requested to protect individuals who are the subjects of divorce decrees or child support orders from identity theft. Current law requires the court to place the Social Security numbers in a court order, which is a public document. Under the measure, instead of including the numbers in the public documents, the court is required to maintain the Social Security numbers confidentially in its records.

Federal law requires the collection of Social Security numbers to facilitate the collection of child support (Personal Responsibility and Work Opportunity Reconciliation Act of 1996), and the state adopted the required provisions in 1997. Senate Bill 242 does not affect Nevada's compliance with federal law.

This measure is effective on June 8, 1999.

S.B. 273 (Chapter 389)

Senate Bill 273 authorizes the exoneration of a surety if the defendant fails to appear in court because the defendant has been deported. On the same grounds, the bill authorizes a court to set aside a forfeiture. Senate Bill 273 also allows a surety to use a written authorization for the arrest of the defendant attached to a copy of the undertaking for purposes of the arrest and clarifies that a bail agent who arrests a defendant in any jurisdiction is not acting on behalf of the state or any of its political subdivisions.

Senate Bill 273 also provides for the release from custody of a defendant who is on bail for a category A or B felony and is taken into custody and charged with another category A or B felony. Before such a defendant may be released from custody, the law enforcement agency that booked him for the subsequent offense must notify the bail agent that issued the surety bond.

The bill also requires the court to order the issuance of a warrant within 45 days for the arrest of a defendant if he fails to appear in court when lawfully required. The measure authorizes the court to extend the date of forfeiture of bail following a failure to appear for any reasonable period set by the court if the surety submits an application to the court. The application must either indicate that the surety is making a reasonable effort to bring the defendant before the court or set forth an acceptable reason for which the defendant is temporarily prevented from appearing before the court.

Finally, S.B. 273 increases the penalty for failing to appear in court, from a misdemeanor to a gross misdemeanor, if the underlying offense is one or more gross misdemeanors. The penalty is a category D felony if the person leaves the state to avoid prosecution and the underlying offense is either a misdemeanor or a gross misdemeanor.

S.B. 315 (Chapter 162)

Senate Bill 315 requires an arbitrator in nonbinding arbitration cases to make written findings regarding his determination of which party prevails in the case. The findings must include the amount awarded to the prevailing party.

If one of the parties to the arbitration requests a trial de novo before a jury, the measure requires that the arbitrator's written findings be admitted at trial for the jury's consideration. No other evidence concerning the arbitration, including any testimony or depositions of the arbitrator, may be admitted at trial. Finally, the bill sets forth the jury instructions the court must give concerning the use of the arbitrator's findings during the jury's deliberations.

S.B. 347 (Chapter 58)

Senate Bill 347 sets forth the factors that a court must consider in determining the suitability of a parent as a guardian for a minor. The factors include which parent has custody of the minor; the ability of a parent to provide for the minor's basic needs; any habitual alcohol or drug use

during the previous six months; and whether the parent has been convicted of a crime involving moral turpitude, domestic violence, or the exploitation of a child.

The bill also provides a list of factors the court must consider when determining whether to remove a guardian in the best interests of the child. These factors include the ability of the present guardian to provide for the basic needs of the child, the safety of the home, the length of time the minor has been with the present guardian, the emotional bond between the present guardian and the minor, the level of participation by the petitioner in the welfare of the minor, any parenting instruction or counseling programs completed by the petitioner, and the health of the present guardian.

Several district court judges testified in support of the measure and indicated that the factors set forth in S.B. 347 are consistent with case law in Nevada regarding the appointment of guardians.

S.B. 361 (Chapter 59)

Senate Bill 361 revises the procedures governing writs of habeas corpus. The measure requires the respondent to serve a return upon the petitioner within 45 days or a longer period filed by the court. The bill clarifies that the court must order the district attorney, instead of the Attorney General, to respond in cases in which the petitioner is challenging a conviction and sentence that results from a district attorney's prosecution. The Attorney General must respond in cases originally prosecuted by the Attorney General or in which the petitioner only challenges the computation of credits earned by the petitioner to reduce his sentence.

Further, S.B. 361 provides that credits earned to reduce a sentence may be forfeited by an offender who files a petition for a writ of habeas corpus that is determined by the court to be frivolous.

Testimony indicated that in *Dotson v. State*, 1998, Nevada's Supreme Court concluded that the original 1995 legislation authorizing forfeiture of credits for filing frivolous actions did not include habeas corpus cases within the meaning of civil cases; therefore, the Office of the Attorney General requested this and other technical changes included in the measure.

S.B. 412 (Chapter 157)

Senate Bill 412 provides for the protective custody of a child upon the death of a parent if that death is or may be the result of domestic violence on the part of the other parent. The measure provides that courts and agencies are authorized to regard a child as in need of protection when the child's parent has died in such a manner. The bill requires state or local protective service agencies to take such children into protective custody in these circumstances, and specifies that the family or juvenile court shall hold a protective custody hearing within 72 hours. Other agencies are required to immediately notify a child protective agency of such cases of parental

death and, based upon that report, a protective custody hearing must be scheduled. Finally, the measure requires that within ten days of the hearing, the child protective agency must file a petition for judicial determination of whether the child is in need of protection.

The measure is effective on July 1, 1999.

S.B. 492 (Chapter 258)

Senate Bill 492 revises the statutory law governing offers of judgment by incorporating language that mirrors Rule 68 of the *Nevada Rules of Civil Procedure*, which are adopted by the Nevada Supreme Court. Unlike Rule 68, however, S.B. 492 authorizes the court to award certain costs for expert witnesses when a party rejects an offer of judgment and fails to obtain a more favorable judgment.

This bill is effective on May 24, 1999.

A.B. 24 (Chapter 31)

Assembly Bill 24 authorizes courts to contract for the acceptance of credit cards and debit cards for the payment of money owed to the court for a fee, fine, administrative assessment, restitution, or any other charge. If the issuer of a credit card or debit card charges the court a fee for each use of such a card, the court may require the cardholder to pay a fee not exceeding the amount charged by the issuer.

A 1995 Legislative Auditor's report on the judiciary found that Nevada's courts have not collected a significant amount of the money from their imposed fees, fines, and administrative assessments. Testimony indicated that this legislation will assist the courts in improving their collection of such money.

This measure is effective on July 1, 1999.

A.B. 50 (Chapter 106)

Assembly Bill 50 revises the provisions relating to the authority and duties of chief judges in the judicial districts in Clark and Washoe Counties. The bill requires the chief judges to ensure the uniform and timely consideration and disposition of family court cases and requires them to establish procedures for addressing grievances relating to family court cases and proceedings. The measure also clarifies the definitions of "chief judge" and "family court" within the provisions governing these judicial districts.

This bill is effective on July 1, 1999.

A.B. 51 (Chapter 107)

Assembly Bill 51 requires the district courts, justices' courts, and municipal courts to submit, in the time and manner prescribed by Nevada's Supreme Court, a written report of certain statistical information regarding court cases and activities to the Administrative Office of the Courts. In addition, the measure requires, on or before January 1 of each year, the Court Administrator to submit to the Director of the Legislative Counsel Bureau a written report compiling the information submitted by the courts during the immediately preceding fiscal year.

This bill also defines "chief judge" and "family court" in the provisions relating to the judicial districts in Clark and Washoe Counties.

This measure is effective on July 1, 1999.

A.B. 120 (Chapter 22)

Assembly Bill 120 amends the general provisions governing procedures in criminal cases to allow for service of certain legal documents by means of a facsimile machine. The bill provides that, except when personal service is ordered by the court or required by specific statute, a person who is represented by an attorney may be lawfully served with any motion, notice, or other legal document by means of a facsimile machine if the document is transmitted to a machine that is operational in the office of the attorney representing that person. In addition, the measure requires a person who uses a facsimile machine for such service to attach or include a copy of the confirmation report or other evidence of the transmittal with the original document filed with the court.

Further, the bill contains provisions concerning the date and time of transmittal and delivery of such service by facsimile machine and clarifies that service by facsimile machine supplements and does not affect the validity of any other manner of service authorized by law.

Assembly Bill 120 was requested to bring uniformity in the method of serving such legal documents throughout the state and the courts.

A.B. 122 (Chapter 46)

Assembly Bill 122 requires a justice's court or a county to collect restitution ordered by the court. In addition, the bill requires all such restitution money to be paid to the person named in the order. If such a person cannot be located, the restitution money must be deposited in a fund for the compensation of victims created by the office of the district attorney in the county in which the court is located.

Testimony indicated that this legislation is needed to provide, by statute, for a definite source of money for local (county) funds that serve to compensate victims of crime who are not eligible for compensation from the state fund for the compensation of victims of crime. Under existing law,

restitution money collected for persons who cannot be located might have to be turned over to the state as unclaimed property instead of benefitting victims of crime.

The bill is effective on April 22, 1999.

A.B. 339 (Chapter 330)

Assembly Bill 339 authorizes the court to appoint a master to take testimony and recommend orders in an action to issue, dissolve, convert, modify, register, or enforce a temporary or extended order for protection against domestic violence. The bill requires the master, who must be an attorney licensed to practice law in this state, to take testimony and establish a record. Further, the master must make findings of fact, conclusions of law, and recommendations concerning such an order.

This measure also requires that a hearing on an application for an extended order for protection against domestic violence must be held within 45 days after the date the application for the extended order is filed. In addition, the bill authorizes a person to file an application for an extended order at the same time that an application for a temporary order is filed.

Testimony indicated that the high volume of cases involving domestic violence has required the courts to use court masters to hear such matters. However, the authority of these masters has been challenged because existing law does not expressly provide them with the authority to take testimony and make recommendations concerning orders for protection against domestic violence.

A.B. 624 (Chapter 183)

Assembly Bill 624 removes from state law a provision specifying that an oral application or written motion for attorney's fees does not affect a final judgment or the time for an appeal.

This bill is effective on May 20, 1999.

A.B. 650 (Chapter 271)

Assembly Bill 650 authorizes the Supreme Court to establish rules governing the electronic filing, storage, and reproduction of documents filed with justice courts. The measure also provides a procedure for holding a person liable for failing to appear in court if an electronic citation is issued to that person.

This bill further authorizes peace officers to issue electronic citations for misdemeanor violations and to file such citations electronically with a court or traffic violations bureau. If a citation is prepared electronically, the officer shall deliver the signed copy to the person and indicate on the electronic record whether the person charged gave his written promise to appear.

This measure also allows every county, city, or town law enforcement agency to provide appropriate forms for misdemeanor citations in book form or through an electronic device used to prepare citations. Finally, A.B. 650 allows citations that are prepared electronically to be filed electronically with a court having jurisdiction over the alleged offense if the court authorizes the filing; has the electronic ability to receive and store the citations; and has the ability to physically reproduce the citation.

This measure is effective on July 1, 1999.

A.C.R. 2 (File No. 19)

Assembly Concurrent Resolution No. 2 encourages the Administrative Office of the Courts to improve the use of technology in the judicial system and to develop consistent accounting procedures for the courts in this state. The resolution reflects the position of the current Supreme Court by creating a minimum standard of technology in every court and establishing consistent accounting procedures, which is expected to improve the rate of collecting money from fines and provide more accurate court statistics.

Governmental Immunity and Civil Liability

S.B. 418 (Chapter 156)

Senate Bill 418 imposes joint and several liability on persons who knowingly defraud a government agency. The measure specifies that treble damages and civil penalties may be awarded to the state, a political subdivision, and private plaintiffs, if a person is found liable for committing the fraudulent act or acts. The bill defines the term "knowingly" as it applies to certain fraudulent acts and grants the court authority to decrease the award for damages and waive civil penalties under certain circumstances.

Senate Bill 418 gives the Attorney General the discretion to investigate any alleged liability pursuant to this act. In addition, the measure allows a private plaintiff to file an action pursuant to this act and provides that the complaint must remain sealed until the Attorney General has decided whether to intervene in, move to dismiss, or settle the action. The measure also specifies the rights of a defendant to respond after a complaint is filed and unsealed, and it prohibits private action in certain situations.

If the Attorney General elects not to intervene, the bill allows a private plaintiff the same rights to conduct the case that the Attorney General would have had. In addition, S.B. 418 sets forth provisions for the Attorney General to intervene even after he has declined to do so. The court has the discretion to limit the discovery or participation of the private plaintiff if it would interfere with the action.

Further, the bill specifies the percentage of recovery, excluding expenses or attorney's fees, that must be paid to the State General Fund and the private plaintiff, depending on the circumstances. The apportionment of recoveries for the state or a political subdivision, and the circumstances under which the prevailing party may be awarded certain fees and costs also are set forth.

The measure specifies that an employer is prohibited from taking actions designed to inhibit an employee from disclosing information relating to an action. Sanctions are included against an employer if he violates these provisions. Finally, the measure limits the time in which an action may be commenced and specifies the standard of proof for an action.

A.B. 68 (Chapter 26)

Assembly Bill 68 extends civil and criminal immunity, under certain circumstances, to persons who investigate reports of child abuse or child neglect. The measure grants immunity to such persons in two other situations, when an investigator: (1) causes a medical test to be performed on a child, pursuant to existing state law; or (2) gives a record, or a copy of a record, of a medical test performed pursuant to existing state law to an agency that provides protective services to the child, a law enforcement agency that participated in the investigation of the report of abuse or neglect, or the office of the prosecuting attorney.

Further, the measure requires that copies of the following items be provided to the prosecuting attorney's office, if they are available: photographs that were taken as a result of the investigation; records of medical tests; and medical records that relate to the examination or treatment of a child pursuant to existing law. Finally, the bill sets forth the method by which records must be transmitted to these entities.

This measure is effective on March 29, 1999.

A.B. 409 (Chapter 194)

Assembly Bill 409 extends limited immunity from liability for the use of automated defibrillators to physicians, nurses, and other persons trained in the use of the devices who render emergency care gratuitously and in good faith. The bill further extends the limited immunity to emergency medical attendants, registered nurses, or licensed practical nurses who obey instruction by physicians and nurses in rendering emergency care. Persons who hold equivalent medical licenses issued by another state are also provided this limited immunity.

This measure further provides limited immunity from liability for the use of automated external defibrillators to persons and governmental entities that provide requisite training in accordance with standards of the American Heart Association or the American National Red Cross. Businesses and organizations that place an automated external defibrillator on their premises are not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, of the person rendering such care.

Finally, A.B. 409 provides that gratuitously means that the person receiving care or assistance is not required or expected to pay any compensation or other remuneration for receiving the care or assistance.

A.B. 531 (Chapter 180)

Assembly Bill 531 limits the liability of a person who is licensed by the Division of Child and Family Services of Nevada's Department of Human Resources to conduct a family foster home or a group foster home. The measure describes those situations for which immunity is granted and clarifies that a licensed person is not liable for the acts of a foster child unless the person took an affirmative action to contribute to the act of the child. In addition, the bill specifies when liability applies to a licensed person if a foster child is truant from school and states that a licensed person is not financially responsible for a foster child's attorney's fees.

A.C.R. 46 (File No. 140)

Assembly Concurrent Resolution No. 46 directs the Legislative Commission to appoint a subcommittee to conduct an interim study concerning the statutory limitation on damages that may be awarded to a person in a tort action against the State of Nevada or its political subdivisions. The subcommittee must also evaluate the effect of the statutory limitation on present or former officers or employees of the state or any political subdivision, or an immune contractor or state legislator arising out of an act or omission within the scope of his or her public duties or employment. The study must include, without limitation, an analysis of whether it is appropriate to change the current statutory limitation, and the cost of such a change.

The resolution further requires the commission to appoint an advisory committee to assist the subcommittee. Finally, A.C.R. 46 requires the Legislative Commission to submit a report of its findings and recommended legislation to the 2001 Legislature.

Structure of the Court System

S.B. 401 (Chapter 507)

Senate Bill 401 increases, from 8 to 11, the number of Family Court judges in Clark County. An appropriation of $199,500 from the State General Fund is authorized for the salaries of the three additional judges. The additional judges must be selected at the General Election on November 7, 2000, and they will take office on January 1, 2001.

The sections of this measure that authorize the additional judges and the payment of the salaries are effective on January 1, 2001. The remainder of the bill is effective on October 1, 1999.

S.C.R. 14 (File No. 98)

Senate Concurrent Resolution No. 14 urges the Eighth Judicial District Court to adopt rules or procedures that provide for the selection and assignment of a district family court judge to serve as the judge of the juvenile court for a period of three years.

A.B. 38 (Chapter 501)

Assembly Bill 38 authorizes a board of county commissioners to establish one or more locations within the county for a district court to hold court in addition to the county seat. In addition, the bill increases, from one to two, the number of district judges in the Fifth Judicial District, effective January 1, 2001. The measure also appropriates $62,651 from the State General Fund to the District Judges' Salary Account for a portion of the salary for the additional district judge. Any remaining balance of this appropriation not committed for expenditure by June 30, 2001, reverts to the State General Fund. Finally, this bill provides for the election and term of office of the additional judge.

This bill also includes provisions to implement, by statute, the provisions of Assembly Joint Resolution No. 17 of the 68th Session. This measure amended Section 7 of Article 6 of the *Constitution of the State of Nevada* when the voters approved Ballot Question No. 3 at the 1998 General Election. This constitutional amendment provides that "The terms of the district courts shall be held at the county seats of their respective counties unless the Legislature otherwise provides by law." Under this new provision, the Legislature may designate places in the county other than the county seat for holding terms of the district court.

The section of this measure that appropriates funds to the District Judges' Salary Account is effective on July 1, 2000, and all other provisions are effective on October 1, 1999.

A.J.R. 13 (File No. 121)

Assembly Joint Resolution No. 13 proposes to amend the *Constitution of the State of Nevada* to revise the term of office of a Supreme Court justice or district court judge who is appointed to fill a vacancy. The measure requires that an appointed justice or judge serve at least 12 months before that office is subject to a general election. However, if fewer than 12 months remain in the unexpired term, the appointment covers just the remaining term. Finally, the measure provides that a subsequent election to fill a vacated office is for the remainder of the unexpired term.

The constitution now requires the Governor to fill a vacancy in the Supreme Court or among the district judges from a list of three nominees submitted by the Commission on Judicial Selection. Further, the constitution provides that the term of office of an appointed justice or judge expires on the first Monday in January following the next general election. Testimony indicated that this change would encourage more eligible persons to seek appointment to a court vacancy, instead of remaining in the private sector until the next election, and would give voters more time to evaluate the performance of an appointed justice or judge before voting for that office.

If approved in identical form by the 2001 Nevada Legislature, this proposal will be submitted to the voters for final approval or disapproval at the 2002 General Election.

A.J.R. 22 (File No. 127)

Assembly Joint Resolution No. 22 proposes to amend the *Constitution of the State of Nevada* to create an intermediate court of appeals between the district courts and Nevada's Supreme Court.

The resolution specifies that the court of appeals must consist of three or more judges, as provided by law. This measure provides for the election and staggered terms of office of the initial appellate court judges. After the initial terms, the judges would be elected at subsequent general elections to serve six-year terms of office. Further, the measure specifies the procedure for filling vacancies on the appellate court, which may not be for a period longer than the remainder of the unexpired term. Finally, the resolution requires the Legislature to establish the jurisdiction of the court of appeals and provide for the review by the Supreme Court, where appropriate, of appeals decided by the appellate court.

If the measure is passed in identical form by the 2001 Session of the Nevada Legislature, it will be submitted to Nevada's voters for final approval or disapproval at the 2002 General Election.

CRIMINAL JUSTICE
(See also: Courts)

S.B. 146 (Chapter 57)

Senate Bill 146 provides an enhanced penalty for the assault or battery of a taxicab driver. Under the bill, assault of a taxicab driver who is performing his duty is a gross misdemeanor. If a deadly weapon is used, the offense is a category B felony. A battery on a taxicab driver who is performing his duty and who suffers substantial bodily harm is a category B felony if the person charged knew that the victim was a taxicab driver. If no substantial bodily harm occurs, the offense is a gross misdemeanor.

The individuals for whom enhanced penalties are currently provided include peace officers, firemen, correctional officers, judges, school employees, and transit operators.

S.B. 381 (Chapter 602)

Senate Bill 381 prohibits the use of unmanned electronic devices to observe or detect moving traffic violations. Specifically, this measure provides that a governmental entity or any of its agents may not use photographic, video, or digital equipment for gathering evidence to be used for the issuance of a traffic citation unless the equipment is held in the hand or installed permanently within a vehicle or facility of a law enforcement agency.

The bill is effective on July 1, 1999.

S.B. 484 (Chapter 133)

Senate Bill 484 ratifies the National Crime Prevention and Privacy Compact. This compact organizes an electronic information sharing system between the Federal Government and the states that adopt the compact to exchange criminal history records for noncriminal justice purposes authorized by federal laws, state laws, or executive orders. The noncriminal justice purposes include background checks for employment and governmental licensure.

Under the bill, to the extent authorized by the Privacy Act of 1974, the Federal Bureau of Investigation (FBI) must provide, upon request, criminal history records to state criminal history repositories for the noncriminal justice purposes. Any record obtained under the compact may only be used for official purposes for which the record was requested, and it directs each compact officer to establish procedures to protect the accuracy and privacy of the records.

The bill further requires that subject fingerprints or other approved forms of positive identification be submitted with all requests for criminal history record checks. In addition, any request for a criminal history record check using the national indices must be submitted through the state's criminal history repository. Finally, S.B. 484 provides for the establishment of a compact council, which has the authority to promulgate rules and procedures governing the use of the system for

noncriminal justice purposes. Nine of the 15 members of the council must be appointed from among the compact officers of the party states.

According to testimony, entering into the compact will save time and money for individuals required to conduct employment or licensure background checks. Currently, this procedure takes several months to receive information regarding federal convictions and convictions in other states from the FBI. Under the compact, the criminal history background information will be accessed electronically. Therefore, the repository anticipates the time for processing requests for background checks will decrease to approximately one to two weeks. In addition, witnesses stated that the fees for conducting the background checks may decrease.

The compact takes effect when it has been entered into by two or more states. Senate Bill 484 is effective on May 14, 1999.

A.B. 267 (Chapter 631)

Assembly Bill 267 requires a person who knows or has reasonable cause to believe that another person has committed a violent or sexual offense against a child who is 12 years of age or younger to report that offense to a law enforcement agency as soon as reasonably practicable, but not later than 24 hours after becoming aware of the offense. The measure specifies the contents that must be provided in a report.

A violation of this reporting requirement is a misdemeanor, but the person cannot be prosecuted unless a judgment of conviction has been entered against the person responsible for the crime reported. In addition, a person who makes a report required by this bill in good faith is immune from civil liability.

Certain persons are exempt from reporting an act under this bill. These exemptions include a person who is less than 16 years of age; is related to the victim or the person who committed the offense; suffers from a mental or physical impairment that makes it impracticable for the person to report the act; knows or has reason to believe that reporting the offense would place himself or any other person who is related to him by blood or marriage or who resides in the same household as him in imminent danger of suffering substantial bodily harm; or becomes aware of the offense through a privileged communication or proceeding that is protected by state law.

Assembly Bill 267 is also being referred to as the Sherice Iverson bill. In the Iverson case, David Cash, a witness to Sherice's rape and murder, could not be prosecuted for failing to report the crime. Testimony indicated that some other states already have statutes similar to those in A.B. 267.

This measure has various effective dates.

A.B. 336 (Chapter 124)

Assembly Bill 336 authorizes the court to require certain convicted drug offenders to pay restitution for the costs of young victims to participate in drug abuse treatment programs. The bill authorizes the payment of such restitution by a person convicted of distributing or selling a controlled substance, an imitation controlled substance, or delivering drug paraphernalia to a person under 18 years of age. This measure also provides that the court must notify the parent, guardian, or other person legally responsible for the minor that such restitution has been ordered to cover the cost of a treatment program.

A.B. 485 (Chapter 86)

Assembly Bill 485 requires bail agents and bail enforcement agents to notify the local law enforcement agency immediately after apprehending a defendant in this state. The bill requires that the notification must be in person or by telephone to the local law enforcement agency of the jurisdiction in which the defendant was apprehended and must include the identity of the defendant; the identity of the bail agent or bail enforcement agent; and where the defendant is being taken to surrender him into custody. The bill also requires bail agents and bail enforcement agents to notify local law enforcement before forcibly entering an inhabited dwelling in this state. In addition, the measure provides that a bail agent or bail enforcement agent who violates these provisions is guilty of a misdemeanor.

The bill is effective on May 5, 1999, and the amendatory provisions of this bill do not apply to offenses committed before that date.

A.B. 621 (Chapter 448)

Assembly Bill 621 changes various provisions concerning the Central Repository for Nevada Records of Criminal History. The bill expands the types of documents that are included in the definition of "record of criminal history" to include, among other things, the fingerprints of a person who is arrested and taken into custody and of a person who is placed on parole or probation and supervised by the Division of Parole and Probation. This measure requires each criminal justice agency to submit to the repository any records of criminal history that it creates or issues. Further, the bill requires submittals to the central repository by a court concerning each order it issues to seal the criminal records of a person and by the Department of Prisons concerning the name, fingerprints, length of imprisonment, date of admission, and notice of release of each inmate. In addition, any fingerprints of a juvenile adjudicated delinquent for an offense that would be a felony or a sexual offense if committed by an adult that are submitted to the criminal history repository must be accompanied by a description of the child and the unlawful act, if any, that the child committed.

The bill defines the term "personal identifying information" and requires the central repository to use, when practicable, a record of such information on a subject as the basis for any records concerning that person. The bill also clarifies what information the Central Repository may

request and receive from the Federal Bureau of Investigation concerning certain persons. Finally, the bill changes, from January 31 of each odd-numbered year to July 1 of each year, the date that the central repository must submit a report containing statistical data concerning domestic violence to the Legislature or Legislative Commission.

This bill is effective on May 31, 1999.

Correctional Procedures and Facilities

S.B. 57 (Chapter 275)

Senate Bill 57 expands eligibility for participation in the therapeutic communities in prison. The measure authorizes the Director of the Department of Prisons to determine which inmates should participate in the program, whether the inmate volunteers or not. The measure also deletes the requirement that an inmate be a first-time offender to participate. Finally, S.B. 57 revises the time in which the inmate is eligible to participate, to the year preceding the date on which he is reasonably expected to be released, as determined by the director.

S.C.R. 15 (File No. 65)

Senate Concurrent Resolution No. 15 urges state agencies active in conservation efforts in the Lake Tahoe Basin to use, to the greatest extent practical, inmate and volunteer labor. The resolution further urges Nevada's Division of Forestry to provide inmate crews that are dedicated exclusively to projects in the basin whenever practical.

A.B. 22 (Chapter 29)

Assembly Bill 22 revises the provisions concerning civil actions brought against the state of Nevada, a county, or a city by a person who is or was imprisoned in the state prison or a county jail. It requires a court to deduct money owed for restitution from a monetary judgment award to or settlement received by a prisoner. These provisions do not apply to a judgment or settlement in a case that involves the death of a person who was imprisoned.

The bill also requires a nonindigent prisoner who has filed a small claims action to pay the Department of Prisons in advance for the estimated costs of providing transportation for the prisoner to appear in court in such a case.

Under existing law, an inmate who receives a monetary judgment or settlement in a civil action does not have to use any portion of that money to pay his outstanding debts, including money owed for victim restitution. Assembly Bill 22 authorizes a court to require the payment of money owed by the inmate to his victims before he receives his portion of the judgment or settlement. The provisions of the bill should also discourage those inmates who now file frivolous small

claims actions because they know the state will pay for their transportation between the prison and the court.

A.B. 289 (Chapter 500)

Assembly Bill 289 provides that money received from the operation of any vending machines located in a facility or an institution of the Department of Prisons must be deposited in the offenders' store fund.

Testimony indicated that these funds would be utilized to purchase items benefitting inmates, such as recreational items and law library books, thus eliminating the need to pay for these items with general fund dollars.

This measure is effective on July 1, 1999.

A.B. 687 (Chapter 494)

Assembly Bill 687 allows the Director of the Department of Prisons to transfer money from the offenders' store fund to the appropriate account in the State General Fund to pay the costs of providing an offender with housing, transportation, meals, and medical or dental services. These costs may be paid for an offender who has been assigned to a center for the purposes of making restitution, but is subsequently returned to an institution for violating Department of Prisons regulations. Further, the bill allows the director to reimburse the offenders' store fund from the offender's individual account in the prisoners' property fund as money becomes available.

The bill is effective on June 8, 1999.

A.B. 690 (Chapter 520)

Assembly Bill 690 appropriates $2,160,399 from the State General Fund to the Department of Prisons for initial operating supplies and equipment to open Cold Creek State Prison. The measure specifies the amounts that must be allocated to, among other things, information services, medical equipment and supplies, training, furnishings, and vehicles.

Any remaining balance of this appropriation must not be committed for expenditure after June 30, 2001, and reverts to the State General Fund as soon as all payments of money committed have been made.

This measure is effective on July 1, 1999.

A.B. 696 (Chapter 641)

Assembly Bill 696 authorizes the Department of Prisons to enter into a lease of the Southern Nevada Correctional Center for the use as a juvenile or adult facility for keeping prisoners from the Federal Government, other states, or political subdivisions of this state. The measure specifies the information that must be provided by a prospective lessee, including his qualifications, evidence of past performance, and management personnel necessary to carry out the terms of the contract. The contract to lease the center must be made on the best terms available for this state and be prepared by Nevada's Attorney General. In addition, any contract executed by the director of the department is subject to the approval of the State Board of Examiners.

The bill also requires that a contract to lease the center must include certain provisions regarding the escape of prisoners, the level of security required, the procedures to be followed if a riot or emergency occurs at the facility, and certain indemnification requirements for claims brought by prisoners at the center. Finally, the bill specifies that the employees of the lessee may only use such lawful force and exercise such lawful power as granted by the contract while supervising, transporting, or pursuing prisoners.

This bill is effective on July 1, 1999.

A.C.R. 44 (File No. 46)

Assembly Concurrent Resolution No. 44 commends Sheriff Richard Kirkland and the employees of the Washoe County Consolidated Jail for the innovative management philosophy applied at that facility. The measure notes that Sheriff Kirkland's bold new philosophy was premised on the beliefs that inmates should: (1) be held accountable for their actions; (2) experience meaningful punishment; and (3) repay their debts to society. The resultant programs have increased the likelihood that the inmates will leave the jail better equipped to be productive members of society.

Crime and Punishment

S.B. 11 (Chapter 3)

Senate Bill 11 repeals the provision in the existing law pertaining to the prosecution of murder or manslaughter, which provides that the death of the victim must occur within one year and one day of the criminal act that ultimately causes the death of the victim.

Testimony indicated that the "year and a day" rule was created as part of English common law when doctors knew very little about medicine and when it was difficult to prove the cause of death after a long period of time. Although many American states adopted this rule, the modern trend is to abolish this provision because medical science is now capable of effectively identifying the cause of death and sustaining life for long periods of time.

The measure is effective on March 10, 1999, and the amendatory provisions do not apply to offenses committed before that date.

S.B. 18 (Chapter 4)

Senate Bill 18 prohibits the development, production, stockpiling, transfer, acquisition, retention, or possession of a biological agent, toxin, or delivery system for use as a weapon. A violation of this prohibition is a category A felony, which carries a penalty of life in prison or a definite term of 25 years in prison with the possibility of parole after 10 years. In addition, the bill provides that any person who knowingly makes any threat or conveys false information concerning the presence or use of a biological agent or toxin with the intention of injuring people, causing panic or civil unrest, extorting or profiting thereby, or interfering with the operations of or causing economic damage to any person or governmental entity is guilty of a category B felony. The penalty for such activity is a minium term of 1 year and a maximum term of 6 years in prison.

This measure is effective on March 11, 1999, and the amendatory provisions do not apply to offenses committed before that date.

S.B. 63 (Chapter 18)

Senate Bill 63 adds murder and attempted murder, if committed against a person who is 65 years of age or older, to the list of crimes for which an individual may receive an enhanced penalty. The enhanced penalty is a term equal to and in addition to the term of imprisonment prescribed by the statute for the underlying crime.

This measure is effective on March 24, 1999, and does not apply to offenses committed before that date.

S.B. 118 (Chapter 237)

Senate Bill 118 requires the use of a judgment of conviction as the warrant or authority for the execution of a sentence.

S.B. 148 (Chapter 288)

Senate Bill 148 revises the penalty for category E felonies to clarify that the court may impose a minimum term of imprisonment of not less than one year and a maximum term of not more than four years. In addition, the court may impose a jail term for a period of not more than one year as a condition of probation.

Senate Bill 148 also provides that, except in certain circumstances, a presentence investigation (PSI) and report are not required for individuals who are convicted of or who plead guilty to a

category E felony. The PSI and report are required if the Division of Parole and Probation has not made a PSI and report on the defendant within the previous five years and either the court requests the report or the prosecuting attorney possesses evidence supporting a denial of probation for the category E felony. Under the measure, if the PSI is not prepared prior to sentencing, the division must make a general investigation and prepare an abbreviated report.

The provisions in Senate Bill 148 regarding the release of information contained in the PSI and report expire by limitation on June 30, 2001. These provisions, exclusive of those pertaining to the release of information regarding the abuse and neglect of children, are effective again on July 1, 2001. The remainder of the bill is effective on October 1, 1999, and the amendatory provisions contained therein do not apply to offenses committed before that date.

S.B. 149 (Chapter 524)

Senate Bill 149 provides that a prisoner who knowingly stores, stockpiles, sells, buys, or propels human excrement or bodily fluid is guilty of a category B felony. The penalty for the felony is a minimum term of not less than two years and a maximum term of not more than ten years, and the sentence must be served consecutively to the sentences for which the person is imprisoned. In addition, the sentence is not subject to suspension or probation.

Senate Bill 149 provides that if the prisoner propelled the human excrement or bodily fluid knowing that it contained a communicable disease that causes or is reasonably likely to cause substantial bodily harm, the offense is a category A felony. An exception to these provisions is provided if the prisoner commits such an act but it is otherwise lawful and authorized by the person administering the facility. The exception under the bill also includes circumstances in which the prisoner does not have control over his excrement or bodily fluid due to a medical condition or which constitute voluntary sexual conduct with another person.

Senate Bill 149 requires the person responsible for administering the prison or jail to immediately and fully investigate any reported or suspected act that is prohibited under the bill. If there is probable cause to believe that an inmate propelled the human excrement or bodily fluid on another person, the prisoner involved must submit to the appropriate examinations or testing to determine whether he has any communicable disease. If possible, a sample of the substance thrown must be recovered and tested for communicable diseases. The results of any testing must be provided to the victim of the offense, and the governmental body responsible for operating the prison or jail must pay for the costs of the testing.

Senate Bill 149 requires that the results of the investigation be submitted to the district attorney or the attorney general for possible prosecution. Senate Bill 149 prohibits the prosecuting attorney from plea bargaining the case if the victim is an employee of the prison or jail unless the charge is not supported by probable cause or cannot be proved at the time of trial.

The measure was requested to address "gassing" by inmates in state and local correctional facilities. Testimony indicated that the number of gassing incidents are increasing in Nevada and nationally.

The bill is effective on June 8, 1999.

S.B. 175 (Chapter 94)

Senate Bill 175 increases the penalties for employers who fail to provide, secure, or maintain industrial insurance. For a first offense involving the death or substantial injury of an employee, the penalty is increased from a misdemeanor to a category C felony, which is punishable by a minimum of one year to a maximum of five years in the state prison and a fine of not less than $1,000 and not more than $50,000. A second offense within seven years of the first offense is also a category C felony.

S.B. 244 (Chapter 368)

Senate Bill 244 prohibits a dealer of cigarettes in Nevada from exporting cigarettes that are manufactured for export outside of the United States unless certain conditions are met. For instance, the package, carton, packet, or other container of cigarettes must meet the requirements of the Federal Cigarette Labeling and Advertising Act; be labeled "for export only," or with similar wording indicating that the manufacturer did not intend for the product to be sold in the United States; and must not have been exported from the United States after January 1, 2000. Further, a wholesale or retail dealer must not affix Nevada cigarette revenue stamps to these cigarettes; sell or distribute them in Nevada; or possess them with the intent to sell or distribute them in Nevada. A violator of this bill may be fined $5,000 for a first violation and $10,000 for each subsequent violation.

This measure is effective on January 1, 2000.

S.B. 349 (Chapter 307)

Senate Bill 349 provides that the Department of Motor Vehicles and Public Safety may impose an administrative fine of $1,000 or $10 per gallon, whichever is greater, on a person who sells or stores dyed (nontaxed) fuel, alters or attempts to alter the strength or composition of the dye, or uses a dyed fuel for a taxable purpose. The bill also requires that a user of special fuel, who has a special fuel license, must obtain and conspicuously display an identifying device on the exterior of his motor vehicle, as well as ensure that his special fuel license is located in his motor vehicle. Further, the bill provides that the department may stop and inspect a motor vehicle, which is using or transporting special fuel, to determine whether all fuel excise taxes are being properly reported

and paid. Finally, the bill states that anyone who refuses to stop and allow an authorized agent to inspect his motor vehicle is guilty of a misdemeanor.

This bill is effective on July 1, 1999.

S.B. 360 (Chapter 578)

Senate Bill 360 revises the penalties for petit larceny and a first offense of driving under the influence (DUI) of alcohol or a controlled substance. The bill deletes the mandatory community service, fines, and imprisonment terms for second and subsequent offenses of petit larceny within a three-year period. In addition, the prohibition on probation and the suspension of the sentence are also deleted.

Finally, the measure changes the mandatory hours of community service for a first offense of DUI from 96 hours to a period of between 48 hours and 96 hours.

S.B. 375 (Chapter 449)

Senate Bill 375 makes various changes to provisions governing trade secrets. The measure expands the definition of "trade secret" to include a product, system, process, design, prototype, procedure, code, or computer programming instruction. The bill prohibits stealing, misappropriating, taking, or concealing a trade secret, or obtaining a trade secret through fraud or deception, with intent to injure the owner, or with reason to believe the action will injure an owner. The bill also prohibits wrongfully copying, duplicating, drawing, photographing, altering, destroying, or conveying a trade secret. In addition, the measure prohibits receiving, buying, or possessing a trade secret with knowledge or reason to believe it was obtained in a manner prohibited in the act.

Further, the measure prohibits conspiring or attempting to violate the provisions of the act or soliciting another person to commit an offense described in the bill. Violation of the provisions of the measure is a category C felony punishable by imprisonment in state prison for a minimum of one year and a maximum of ten years, and may further be punished by a fine of not more than $10,000.

Senate Bill 375 authorizes a court to determine the need for any information before allowing discovery in a civil or criminal action and award an owner of a trade secret exemplary damages if the court determines that willful, wanton, or reckless disregard of the rights of the owner exists. Finally, the measure authorizes a court to allow the owner of a trade secret to obtain a signed agreement of confidentiality from any party who obtains knowledge of the secret, and order a person who obtains knowledge of the trade secret to return to the owner any writing that contains the secret.

S.B. 396 (Chapter 486)

Senate Bill 396 revises provisions relating to certain animals by defining specially trained animals, setting penalties for abuse of animals, and allowing access to places of public accommodation for specific animals. Under the bill, any person who willfully and maliciously kills an estray, a head of livestock, or a wild horse is guilty of a category C felony. A person who overdrives, overloads, tortures, cruelly beats, or unjustifiably injures, maims, mutilates, or kills an animal is guilty of a misdemeanor for the first offense or for a second offense committed within seven years. Jail time, a fine, and community service is mandated for each offense, with increased penalties for the second offense. A third or subsequent offense is a category C felony. The court must order any person convicted of this crime to pay restitution for all costs associated with the care and impoundment of a mistreated animal, and the court may order the person to surrender ownership of the animal. The measure provides an exception for accidental injury or death of an animal in the normal course of activities pertaining to a rodeo, livestock show, or ranch operation.

The bill defines a service animal as an animal that has been trained to provide a specialized service to a handicapped person. The measure establishes comparable penalties for willful and malicious crimes against service animals and dogs used in an exhibition, show, or contest in which the skill, breeding, and stamina of the animal are judged. Interference with a service animal or exhibition dog is a misdemeanor. Beating, harassing, or intimidating a service animal or exhibition dog is a gross misdemeanor. The killing of a service animal or exhibition dog is a category E felony.

Senate Bill 396 also sets forth penalties for willful and malicious actions against police animals. A person who interferes with a police animal is guilty of a misdemeanor. Abuse or injury to the police animal not resulting in death or total disability is a gross misdemeanor. If the animal is totally disabled or killed, the crime is a category C felony, and restitution may be required to replace the animal or pay for veterinary services. Finally, the measure prohibits a place of public accommodation from refusing admittance or service to a person because he is accompanied by a police dog, but does not relieve the person of liability for any damage caused by the dog. The person is subject to the same conditions and limitations that apply to any other person.

S.B. 442 (Chapter 381)

Senate Bill 442 amends the law that provides a fine of $25 for exceeding the speed limit by not more than 10 miles per hour during daylight hours on highways where the posted speed limit is 60 miles per hour or more. Currently, the law provides that this limited fine does not apply in counties with a population of 100,000 or more (Clark and Washoe Counties). Senate Bill 442 clarifies that the $25 fine applies in the rural areas of those counties.

This bill is effective on July 1, 1999.

S.B. 481 (Chapter 622)

Senate Bill 481 provides that it is unlawful for any person who has a detectable amount of a prohibited substance in his system to drive or be in actual physical control of a vehicle or watercraft. The bill includes a list of prohibited substances, which must be listed in Schedule I or Schedule II when used, but provides an exception if the person using the drug has a valid prescription for its use. The list of prohibited substances includes amphetamine, cocaine, cocaine metabolite, heroin, heroin metabolite, lysergic acid diethylamide (LSD), marijuana, marijuana metabolite, methamphetamine, and phencyclidine (PCP). The bill specifies the minimum amount of each of these prohibited substances that must be present in the blood or urine of a person considered to be in violation of this law.

The penalty for this crime is the same penalty currently imposed for driving a vehicle or watercraft under the influence of a controlled substance.

The remaining changes contained in the bill add this new crime to the existing statutes regarding driving a vehicle or watercraft under the influence of alcohol or a controlled substance.

This bill is effective on June 11, 1999.

S.B. 485 (Chapter 530)

Senate Bill 485 makes various changes regarding technological crimes. The bill creates the Advisory Board for the Nevada Task Force for Technological Crime. The bill requires the board to facilitate cooperation between federal, state, and local officers in detecting, investigating, and prosecuting technological crime; oversee task forces on technological crime; coordinate training and education regarding technological crime; and evaluate any necessary changes to the relevant laws. The board is required to appoint an executive director of technological crime within the Office of the Attorney General.

Senate Bill 485 also makes certain activities relating to computers unlawful. Under the bill, a person who willfully uses or attempts to use encryption to facilitate any criminal offense or hinder prosecution is guilty of a gross misdemeanor. It is a misdemeanor to willfully falsify any data contained in an electronic mail header, transmit electronic mail to a recipient without his knowledge or consent, or distribute or possess software that facilitates false electronic mail transmissions, under certain circumstances. Internet service providers must keep confidential all information concerning subscribers, except their electronic mail addresses, unless a subscriber permits the release of the information. Under the bill, the electronic mail address must also remain confidential if so requested by the subscriber. Notice of the confidentiality laws must be provided to all subscribers. A violation of these provisions is a misdemeanor.

In addition, S.B. 485 provides that a person who knowingly, willfully, and without authorization introduces a computer contaminant into a computer system, including a virus, worm, or Trojan horse, is guilty of a misdemeanor. The bill expands the crime of unlawful interference with a computer and provides affirmative defenses to the crime. The measure also prohibits

obtaining information services without paying the provider of the services. The unlawful activity includes making or offering kits for this purpose, and the crime is a category D felony. Further, the bill includes items involved in computer and information service crimes in the list of property subject to forfeiture.

The bill also criminalizes cramming and slamming activities. Under the bill, telecommunication service providers are prohibited from making false, misleading, or deceptive representations or from misrepresenting their identity. In addition, the providers must give customers a timely written notice containing a clear and detailed description of the services for which the customer is being billed and the amount charged for those services. The bill prohibits providers from charging for unauthorized services or from changing a customer's subscription to a local exchange carrier or interexchange carrier without the customer's authorization and confirmation for the change. A provider is also required to offer the customer the opportunity to freeze the interexchange carrier.

Finally, the measure prohibits inmates from having access to a telecommunications device, and provides that offenders may not engage in training or employment that involves telemarketing, telephone opinion polls, or the use of personal information concerning any person who is not incarcerated.

The bill is effective on June 8, 1999.

A.B. 18 (Chapter 318)

Assembly Bill 18 revises the penalties for the unauthorized practice of law. Under the bill, a person who is not an active member of the State Bar of Nevada who practices law, and is not otherwise authorized to do so, is guilty of a misdemeanor for a first offense within the preceding seven years. A second offense is a gross misdemeanor, and a third or subsequent offense is a category E felony. In addition, the measure authorizes the State Bar of Nevada to bring a civil action to secure an injunction and any other appropriate relief against a person who violates the prohibition on the unauthorized practice of law.

A.B. 23 (Chapter 23)

Assembly Bill 23 increases, from $200 to $400, the minimum fine for driving under the influence of alcohol or a controlled substance for the first offense within seven years. The minimum fine for a second offense within seven years is increased from $500 to $750.

A.B. 45 (Chapter 24)

Assembly Bill 45 imposes a community service requirement for a second or subsequent offense of unlawfully parking in space designated for handicapped. In addition to a fine, a second-time offender shall be required to perform not less than 8 hours, but not more than 50 hours, of

community service. Third-time or subsequent offenders shall pay a fine and be required to perform not less than 25 hours, but not more than 100 hours, of community service.

A.B. 53 (Chapter 319)

Assembly Bill 53 increases the penalties for unlawfully causing the death or substantial bodily injury of a person on the property of a public or private school when pupils or employees of the school are or may be present, at an activity sponsored by a public or private school, or on a school bus engaged in its official duties. If the person who commits the felony intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device, or course of action that would normally be hazardous to the lives of more than one person, the felony may be deemed a category A felony. The bill provides that a juvenile court does not have jurisdiction of a person who is charged with committing such a felony.

The measure provides that the person who commits this category A felony may be punished under three options, which include imprisonment in the state prison for life without the possibility of parole; life with the possibility of parole, with parole eligibility beginning when at least 20 years have been served; or a definite term of 50 years, with parole eligibility beginning when at least 20 years have been served. This measure prohibits a court from sentencing a person to both an additional term of imprisonment and for a category A felony as authorized by this bill, even if the person would satisfy the requirements for the court to impose the additional penalty.

Assembly Bill 53 also provides that murder committed on public or private school property, at a school-sponsored activity, or on a school bus is murder of the first degree if the person intended to create a great risk of death or substantial bodily harm to more than one person. The bill also provides that murder committed under such circumstances may be considered an aggravating factor in determining the sentence imposed upon a person found guilty of murder of the first degree.

Finally, the measure adds murder by child abuse to the list of crimes that constitute felony murder under the definition of first degree murder; and it removes child abuse from the list of willful, deliberate, and premeditated killings that constitute first degree murder.

A.B. 55 (Chapter 102)

Assembly Bill 55 makes it a gross misdemeanor to knowingly burn stolen metallic wire. In addition, the bill prohibits junk dealers from purchasing or receiving metallic wire that has been burned for purposes of removing insulation, unless they obtain written evidence identifying the person who delivered the wire and a statement signed by the person who delivered the metallic wire attesting that the wire was lawfully acquired and burned. Junk dealers must retain such written evidence for at least three years.

This bill addresses a growing problem in southern Nevada where metallic wire used in building materials and utility equipment is being stolen and sold after being burned to remove identifying

markings. Testimony also indicated that the burning of stolen metallic wire is polluting the environment and starting brush fires.

A.B. 71 (Chapter 320)

Assembly Bill 71 creates the crime of identity theft. Under the provisions of the bill, any person who knowingly obtains personal identifying information about another person and who uses that information to harm the other person, or for any other unlawful purpose, is guilty of a category B felony. A person found guilty of identity theft may also be ordered to pay restitution and attorneys' fees and costs associated with repairing the victim's credit history or satisfying a debt incurred by the offender. Assembly Bill 71 provides that conspiracy to commit identity theft is also a category B felony. In addition, obtaining and using another person's personal identifying information to avoid or delay being prosecuted for an unlawful act is a category E felony.

Assembly Bill 71 also provides that a person who sells personal identifying information to create a false identity, or who possesses such information to commit crimes involving forgery, counterfeiting, bad checks, computer crimes, or credit card fraud is guilty of a category C felony. Under the bill, the penalty for falsely representing or impersonating another person in certain civil proceedings is raised from a gross misdemeanor to a category C felony.

Finally, A.B. 71 provides certain protections for consumers. The bill authorizes a civil action to recover damages from identity theft and requires a creditor to mail an extension of credit to the same address used to solicit the extension unless a change of address is verified.

A.B. 83 (Chapter 21)

Assembly Bill 83 defines "debit card," and provides that certain crimes and civil actions concerning credit cards also apply to debit cards. Further, the measure requires a court to order a person who unlawfully uses a credit or debit card belonging to another person to pay restitution in addition to any other penalty. Finally, A.B. 83 provides that, in a criminal action for using a debit card to obtain anything of value with insufficient funds and with the intent to defraud, a person is presumed to know there are insufficient funds and to intend to defraud, unless the person pays the full amount plus handling charges within five days after payment is refused by the issuer of the debit card.

Law enforcement representatives testified that debit card crimes are on the increase, but existing statutes do not specifically address them.

A.B. 85 (Chapter 42)

Assembly Bill 85 provides that a merchant is presumed to have reason to believe merchandise has been wrongfully taken if he observes a person concealing merchandise while on the premises.

Further, the measure notes that a merchant can recover the merchandise by taking a person into custody and detaining him.

A.B. 109 (Chapter 493)

Assembly Bill 109 prohibits an informal merchant from selling or knowingly allowing the sale of certain new products. These products include any that the merchant knows or reasonably should have known are stolen; have been recalled by the manufacturer; have been adulterated, have not been maintained at the proper temperature; have an expiration date that has passed; have been discarded by the manufacturer or a retailer; are inferior products, if he does not clearly indicate such inferiority; or have any other defects that make the products ineffective for the use for which they are purchased, or that make the products below the quality expected by the consumer. The bill defines an "informal merchant" as a person who does not have an established retail store in the county and who transports an inventory of goods to an informal market (such as a flea market) for retail sale.

Upon request of a peace officer, an informal merchant must provide reliable evidence of the legal acquisition of a new product that the merchant is offering for sale. If it is determined that the product was stolen and the informal merchant fails to provide such evidence, an inference is created that the merchant knew or should have known that the product was stolen. A violation of this provision is a misdemeanor unless the sale of a product causes substantial bodily harm to another person, in which case a merchant is subject to punishment for a category C felony.

The measure also removes a provision that currently allows a credit service organization that is exempt from taxation under Section 501(c)(3) of the *Internal Revenue Code* to be exempt from registration and bonding requirements of the Deceptive Trade Practices Act. The bill provides that if a licensed real estate broker renders services in the course and scope of employment by, or in affiliation with, a credit service organization, the broker is no longer exempt from the requirement to register with the Consumer Affairs Division and post a bond.

In addition, A.B. 109 exempts used book stores from regulation under Chapter 647, "Dealers in Junk and Secondhand Materials," of *Nevada Revised Statutes*. Finally, the bill exempts from certain state regulatory requirements of secondhand dealers persons who engage in the business of buying and selling secondhand firearms at trade shows if those individuals are licensed pursuant to federal statutes that regulate manufacturers, importers, dealers, and collectors of firearms.

The amendatory provisions of this measure do not apply to offenses committed prior to October 1, 1999.

A.B. 159 (Chapter 323)

Assembly Bill 159 provides that a person who is a "culpable actor" in the felonious and intentional killing of a decedent may not inherit from the decedent or accrue other benefits based upon the death of the decedent. The measure defines a "culpable actor in the felonious and intentional

killing of a decedent" as a person who, among other things, causes or perpetrates the felonious and intentional killing of a decedent.

Assembly Bill 159 provides that if a court enters a judgement of conviction against a person stating that the person is found to have been a culpable actor, then the person is deemed to be a killer of the decedent. Such a person forfeits any appointment, power, right, property, interest, or benefit that would have devolved to the killer through the estate of the decedent or through any governing instrument, as defined by the bill. The provisions of a government instrument and an intestate estate of the decedent are treated as if the killer had died before the decedent.

The bill also provides that an interested person may bring a civil action alleging that a person was a culpable actor in the felonious and intentional killing of a decedent. If the court finds by a preponderance of the evidence that the person is a culpable actor, the person is deemed to be a killer of a decedent. Such an action must be commenced within five years after the interested person discovers or should have discovered the material facts that constitute the cause of action.

Existing Nevada law does not prohibit paying life insurance benefits to a beneficiary of a murder victim when that beneficiary is convicted of voluntary manslaughter or conspiracy to commit the murder of the deceased person. Testimony indicated that life insurance benefits have been paid to such persons in situations where their murder charges, under plea bargaining, have been reduced to voluntary manslaughter or conspiracy to commit murder. Assembly Bill 159 prohibits the payment of benefits in these cases.

This measure is effective on May 28, 1999.

A.B. 272 (Chapter 534)

Assembly Bill 272 revises the penalty for driving without the required liability insurance. This measure provides that any person who violates this law is guilty of a misdemeanor, and also is subject to existing fines. The fine of $600 to $1,000 must be reduced to $100 if the person obtains a motor vehicle liability policy by the time of sentencing. Current law gives the person 30 days after the fine is imposed to obtain the required insurance. Further, this measure provides that a court shall not find a person guilty or fine a person for operating, or permitting the operation of, a motor vehicle without having insurance, or for failing or refusing to surrender evidence of insurance to a peace officer, if he presents evidence to the court that the insurance was in effect at the time the demand for it was made. Finally, Assembly Bill 272 authorizes a court to impose a fine of up to $1,000 and then suspend its balance on the condition that the person presents proof to the court each month for a year that the required insurance is in effect.

A.B. 304 (Chapter 203)

Assembly Bill 304 creates a misdemeanor penalty for any person who knowingly files a false or fraudulent complaint against a peace officer for conduct in the course and scope of his employment. The measure further requires each agency employing a peace officer to establish

written procedures for investigating any complaint or allegation of misconduct filed against an officer. Finally, the bill requires copies of the written procedures to be made available to the public.

A.B. 363 (Chapter 333)

Assembly Bill 363 increases the penalty for a first offense of aggravated stalking committed by a person who stalks and threatens another person with the intent to cause him to be placed in reasonable fear of death or substantial bodily harm. In addition, the bill increases the penalty for the second and any subsequent offense of aggravated stalking in the other circumstances that are provided by law. The bill increases the minimum term of imprisonment for these crimes from 1 year to 2 years and the maximum term from 6 years to 15 years.

The bill also requires the Peace Officers' Standards and Training Committee to require, as a condition of certification, each peace officer to be trained to deal with the crimes of stalking and aggravated stalking, including elements of these crimes and the manner of taking reports and investigating allegations of such crimes.

This measure is effective on May 28, 1999.

A.B. 391 (Chapter 55)

Assembly Bill 391 removes from statute two tables that provide a schedule of credits against the sentences of certain prisoners. The bill removes the table that describes the method of reckoning good time credits for offenders sentenced to prison on or before June 30, 1969; and it removes the table that shows how good time credits accumulate for offenders sentenced after June 30, 1969, for crimes committed before July 1, 1985.

Testimony indicated that the existing statutory tables concerning good time credits are misleading for inmates and their families since the tables do not take into account the many different factors used by the department in calculating sentences.

The provisions of this bill do not affect any credits earned against the sentence of a person sentenced to prison for a crime committed before, on, or after October 1, 1999.

A.B. 454 (Chapter 517)

Assembly Bill 454 makes it unlawful, except as authorized under the Uniform Controlled Substances Act and related provisions, to manufacture or compound a controlled substance other than marijuana. In addition, the bill makes it unlawful to possess a majority of the ingredients required to manufacture or compound such a substance, unless the person is at a laboratory licensed to store such ingredients. This measure also makes it unlawful to offer or attempt to do any of these acts.

The bill provides that, unless a greater penalty is provided in the statutes concerning trafficking in controlled substances, a person who violates these provisions is guilty of a category B felony and must be punished by imprisonment in the State Prison for a minimum of 3 years and a maximum of 15 years, and may be fined up to $100,000. A court is prohibited from granting probation to a person convicted under these provisions.

This measure also authorizes a peace officer, at the time of seizing a substance believed to be a controlled substance, dangerous drug, or immediate precursor, to appropriately dispose of any material or substance he discovers and believes to be hazardous waste.

A.B. 456 (Chapter 122)

Assembly Bill 456 prohibits a court from awarding custody or visitation rights to a person who is convicted of first degree murder of the other parent of the child, except in certain circumstances. Custody and visitation rights may be awarded if the court determines that it is in the best interest of the child to do so or if the child is old enough to indicate his agreement to the custody or visitation. The bill also provides that, until the court makes a determination regarding custody and visitation, no person may bring the child into the presence of the convicted parent without the consent of the legal guardian or custodian of the child.

The measure also establishes a rebuttable presumption that custody of a child by a parent who has engaged in certain acts of domestic violence is not in the best interest of the child.

A.B. 457 (Chapter 336)

Assembly Bill 457 prohibits a person from committing certain acts that constitute aggressive driving. A driver commits an offense of aggressive driving if, during any single, continuous period of driving within the course of one mile, the driver commits a speeding violation and two or more other moving violations, and creates an immediate hazard to another vehicle or person. A driver may be prosecuted and convicted of an offense of aggressive driving regardless of whether he is prosecuted or convicted for committing any other moving violations. If a driver is found guilty of committing an act of aggressive driving, he is guilty of a misdemeanor. For the first offense committed within two years, the driver is required to attend, at his own expense, a traffic safety course (approved by Nevada's Department of Motor Vehicles and Public Safety) and also may have his driver's license suspended for up to 30 days. For a second or subsequent offense committed within a two-year period, the driver shall have his drivers's license revoked for one year.

This measure is effective on May 28, 1999.

A.B. 458 (Chapter 441)

Assembly Bill 458 authorizes law enforcement agencies to conduct certain inspections for the purpose of locating stolen vehicles. Specifically, the measure allows designated state and local law enforcement agents to inspect the vehicle identification number of a vehicle located in certain commercial establishments. Law enforcement agents may also inspect a parking facility or terminal with the permission of the owner. The bill requires that inspections be done during regular business hours.

Under this law, a person is guilty of a category B felony if he knowingly buys with the intent to resell, disposes of, sells, or transfers more than one motor vehicle or parts from more than one motor vehicle that have an identification number or mark that is defaced, destroyed, or altered to misrepresent the identity or to prevent the identification of the motor vehicle or parts of the motor vehicles. The punishment for this crime is imprisonment for a term of one to ten years, and a fine of up to $60,000. A person who violates this law by knowingly possessing with the intent to sell, transfer, import, or export more than one motor vehicle or parts from more than one vehicle that have an identification number or mark that is defaced, destroyed, or altered to prevent the identification of the vehicle or parts is guilty of a category D felony. The punishment for this crime is a prison term of one to four years, and a fine of up to $30,000.

The provisions of Assembly Bill 458 do not apply to licensed automobile wreckers or salvage pools that in the normal, legal course of business and in good faith, process motor vehicles, nor do the provisions of this measure apply to an owner of, or person authorized to possess, a motor vehicle or part of a motor vehicle.

Further, under this measure, a person is guilty of category D felony if he intentionally defaces, destroys, or alters the identification number or mark of a vehicle without authorization from the Department of Motor Vehicles and Public Safety. The punishment for this crime is imprisonment for a term of one to four years, and a fine of up to $25,000.

Finally, this bill prohibits a building owner or operator from knowingly allowing an illegally obtained motor vehicle, or part of a motor vehicle, to remain on the premises in order to deface, destroy, alter, or sell the vehicle. For this violation, the punishment is imprisonment for a term of one to four years, and a fine of up to $50,000.

A.B. 464 (Chapter 116)

Assembly Bill 464 imposes an additional penalty upon a person who engages in certain acts related to trafficking of controlled substance in a public park. The bill adds public parks to *Nevada Revised Statutes* 453.3345, which provides additional penalties for such actions near public gathering places such as schools, playgrounds, swimming pools, and recreational areas for minors.

A.B. 542 (Chapter 459)

Assembly Bill 542 requires a court to suspend the registration of each motor vehicle owned by a person who has been convicted of a second or subsequent violation of driving under the influence of an intoxicating liquor or controlled substance (DUI) for five days. The measure further requires that the person immediately return the certificate of registration and license plates to the Department of Motor Vehicles and Public Safety. To reinstate the registration, a person must pay the usual $33 registration fee.

This bill also requires a court to provide limited exceptions to suspending the registration of a motor vehicle to avoid undue hardships to a person other than the DUI offender. The court must grant an exception if it determines that a member of the offender's immediate family needs to use the motor vehicle to travel to and from work; to obtain medicine, food, or other health care necessities; or to transport himself or another family member to and from school. The court shall also consider the availability of alternative means of transportation.

This measure further provides that a DUI offender who drives his motor vehicle while the registration is suspended, is guilty of a misdemeanor and shall be imprisoned in the county jail for 60 days to 6 months, or sentenced to 60 days to 6 months of residential confinement and fined between $500 and $1,000. A term of imprisonment may be served intermittently at the discretion of the judge or justice of the peace.

Finally, A.B. 542 requires that an electronic device must be used to supervise a person convicted of a second violation of DUI within seven years if the offender is serving a term of residential confinement in lieu of punishment other than a minimum sentence.

Representatives of Nevada's Department of Transportation and the Attorney General's Office testified that this measure would bring Nevada into compliance with the Transportation Equity Act of the 21st Century.

This bill is effective on October 1, 2000.

A.B. 616 (Chapter 270)

Assembly Bill 616 increases the penalty for committing certain crimes involving counterfeit goods. The bill increases, from a misdemeanor to a category E felony, the penalty for either committing a second violation, committing a first violation involving at least 100 but less than 1,000 salable units, or committing a first violation involving goods with a retail value of at least $1,000 but less than $10,000. Further, committing a third or subsequent violation, committing a violation involving at least 1,000 salable units, or committing a violation involving goods with a retail value of at least $10,000, constitutes a category D felony. The measure also provides that it may be reasonably inferred that a person intends to sell counterfeit goods if he knowingly possesses at least 26 salable units of the counterfeit good.

A.B. 647 (Chapter 126)

Assembly Bill 647 requires a law enforcement agency to notify a person who is entitled to possession of property that has been stolen or embezzled when the property is in the custody of the agency. In addition, the bill authorizes a person who is entitled to possession of such property to claim the property. In this situation, the owner must be notified pursuant to state law.

The measure also specifies that if the stolen or embezzled property is a firearm, a law enforcement agency must only notify the owner of the property, and only the owner may file a claim for the property. Further, if the property was stolen from a pawnbroker, a law enforcement agency must notify the pawnbroker from whom the property was obtained in addition to the owner or other person who is entitled to possession.

Finally, A.B. 647 adds provisions allowing a peace officer to place a written hold on any property related or allegedly related to criminal activity that is received in pledge by a pawnbroker. A pawnbroker and an employee of a pawnbroker who take action required in this new law are immune from civil liability for such action.

This bill is effective on July 1, 1999.

Juvenile Crime and Delinquency

S.B. 77 (Chapter 15)

Senate Bill 77 authorizes juvenile courts and probation officers to allow certain juvenile offenders and children in need of supervision to participate in programs of restitution through work. To be eligible, the juvenile must be 14 years of age or older and have no history of violent offenses. In addition, the bill provides that the juvenile must have been ordered to provide restitution to the victim and must voluntarily agree to participate in the program.

Under the bill, if such a program is established by a director of juvenile services, it must include instruction in skills for employment and work ethics and must require the juvenile to seek employment and agree to a deduction from his wages to pay the restitution. Cooperative agreements with employers to make positions available may be formed, and a director of juvenile services may apply for gifts or grants to finance the program.

According to testimony, S.B. 77 is modeled after a successful juvenile restitution program in Brevard County, Florida. The project director of the Florida program reports an 82 percent success rate based on the restitution provided to victims and the juvenile's independence from the juvenile justice system for at least one year. Further, 25 percent of the juveniles involved in the program became employees of the companies where they worked to satisfy their restitution requirements.

S.B. 87 (Chapter 16)

Senate Bill 87 authorizes the juvenile court to require children who are within its jurisdiction for nonviolent offenses to participate in a program for the arts that is adequately supervised. The program may include activities such as drawing, painting, photography, music, dance, theatrical performance, or writing. The court may order the parent or guardian of the child or the county to pay for the costs associated with participating in the program. The court also may order the child to perform community service to cover the costs of participation in the program.

A.B. 14 (Chapter 453)

Assembly Bill 14 requires schools to notify parents before pupils are deemed habitual discipline problems. The bill requires that schools must notify parents when students are suspended for initiating a fight on school property, at school events, on school buses, or going to and from school. The measure also specifies the contents of such notice. Assembly Bill 14 defines the term "suspension," for the purposes of Chapter 392 of *Nevada Revised Statutes*, and requires that a determination that a student is a habitual disciplinary problem must be made by the principal. The bill sets forth the procedure through which at least one teacher of a pupil enrolled in elementary school, or at least two teachers of a pupil enrolled in junior high, middle, or high school, may request that a principal deem a pupil to be a habitual discipline problem. Should the principal decline to make that designation, the teachers may appeal the decision to the school board of trustees.

Assembly Bill 14 authorizes schools to develop plans of behavior, under certain circumstances, that are designed to prevent pupils from being deemed habitual discipline problems. The measure allows such a behavior plan to be developed when a student initiates his first fight or receives four suspensions on his record in one school year. The bill specifies the contents of the plan and provides for an appeals process for parents who disagree with the contents of a student's plan for behavior. In addition, if the student subsequently commits a second such act, he shall be deemed a habitual discipline problem and the school is required to provide a written notice to the parents or guardians, the contents of which are specified in the bill. Pupils may enter into one contract of behavior per school year. Schools must provide parents with at least seven days' notice before deeming a student a habitual disciplinary problem. Finally, parents or guardians must be provided written notice when a student is deemed a habitual disciplinary problem.

The measure is effective on July 1, 1999.

A.B. 165 (Chapter 110)

Assembly Bill 165 requires the court to order a child who is found to have committed an unlawful act that caused physical injury to another person, or the parent or guardian of the child, to provide restitution to the injured person for medical expenses, or to perform community service. In addition, the bill provides that photographs of children taken into custody may be inspected to conduct photographic lineups.

The measure was requested to expand and clarify existing provisions in the law relating to juveniles. Existing law requires juveniles, or their parents or guardians, to pay restitution for damaging or destroying property, but it does not require restitution for injuring a person. In addition, existing law authorizes law enforcement entities to use juvenile photographs in conducting criminal investigations, but it does not specify that such photographs can be used in photographic lineups to show witnesses in order for them to identify or exclude a suspect.

A.B. 221 (Chapter 111)

Assembly Bill 221 requires a peace officer or probation officer who has probable cause to believe that a child has committed an offense involving a firearm to take that child into custody. The bill requires the child to be detained for a certain period and authorizes a psychological evaluation. The bill further requires the juvenile court to order counseling or other psychological treatment for a child who commits an offense involving cruelty to an animal.

This measure provides that a child must not be released from custody before a detention hearing is held. At that hearing, a judge or master shall determine whether the child should be evaluated by a qualified professional. If ordered, the evaluation must take place within 14 days of the hearing. Until the evaluation is complete, the child must remain at a juvenile detention facility or be placed in a supervised program in his home that may include electronic surveillance.

A.B. 229 (Chapter 123)

Assembly Bill 229 authorizes the court to order a child within the purview of Chapter 62, "Juvenile Courts," of *Nevada Revised Statutes* to complete a program of cognitive training and human development if the child meets certain criteria. The child must not have been previously found to be within the purview of Chapter 62 and the unlawful act that brings the child within the juvenile court system must not have involved force or violence against the victim.

In addition, the measure authorizes the court, to the extent practicable and in the following order of priority, to do any or all of the following: (1) order the child, or the parent or guardian, to pay, to the extent of their financial ability, costs associated with the program, including reasonable costs of insurance for personal liability and property damage while the child participates in the program; (2) order the child to work on public service projects for a period that reflects the cost of the child's participation in the program; and (3) order the county in which the petition alleging the child to be delinquent is filed to pay the cost of the program.

Assembly Bill 229 also specifies certain subjects that, in the court's discretion, a program of cognitive training and human development may contain. Further, the measure authorizes a director of juvenile services to apply for and accept grants or gifts to finance such programs and to contract with public or private entities that are qualified to participate in the programs. Finally, the bill provides that an agreement for informal supervision may require a child to participate in a program under the terms and conditions of the bill. The program outlined in the bill is modeled after an adult "life skills" program that has a 65 percent success rate. According to proponents,

the adult program has been adapted to juvenile offenders in other jurisdictions, and this was the basis for A.B. 229.

A.B. 262 (Chapter 112)

Assembly Bill 262 changes the provisions for notifying the known parent, guardian, or custodian of a child who is taken into custody for violating any law or ordinance, or whose conduct indicates that he needs supervision. This bill requires any peace officer or probation officer who takes custody of the child to attempt to provide such notification without undue delay. Current law requires immediate notification. In addition, the bill requires the facility in which the child is detained to notify, without undue delay, the known parent, guardian, or custodian of the child if the arresting officer did not provide the notification. The bill also requires the facility to notify the child's probation officer without undue delay.

The measure was requested to change the existing law that requires law enforcement officers to notify immediately the parent, guardian, or custodian, if known, of a child taken into custody. Law enforcement representatives testified that this legislation is needed because patrol officers most often do not have immediate access to a secure telephone that would guarantee a private communication with a child's parent or guardian.

A.B. 314 (Chapter 216)

Assembly Bill 314 provides a mechanism to fund certain regional facilities for children. The bill defines "regional facility for children" to mean an institution that provides for the temporary care, custody, control, and treatment of a delinquent child who is detained under the jurisdiction of a juvenile court. The term includes, among other such facilities, the Western Nevada Regional Youth Facility in Lyon County.

This measure requires each county to pay an assessment for the operation of a regional facility for children that serves the county and does not receive support or money from the state other than referral fees. In addition, such a facility must be operated by a county with a population less than 400,000 to benefit other counties under an interlocal agreement, or it must be operated by an administrative entity established under an interlocal cooperation act by two or more counties, each with a population of less than 400,000. The bill provides two formulas for the calculation of the assessment by the administrator of a regional facility for children and authorizes the board of county commissioners of each county served by such a facility to pay the assessment by levying an ad valorem tax of not more than 5 cents on each $100 of assessed valuation upon all taxable property in the county. The bill allows each county to pay the assessment from revenue raised by such a tax, from any other available money, or a combination thereof. Assembly Bill 314 provides that any revenue raised by a county to pay this assessment is not subject to the statutory limitations on the revenue that local governments may receive from ad valorem taxes.

Assembly Bill 314 follows up the 1997 legislation (Section 4 of Assembly Bill 464 [Chapter 579, *Statutes of Nevada 1997*]) that appropriated $1,250,000 from the State General Fund to

Lyon County for the construction of a regional facility for children from Carson City and Churchill, Douglas, Lyon, and Storey Counties. This bill provides the means for paying for the operating costs of the facility, which is being constructed in Silver Springs, Nevada.

This measure is effective on May 24, 1999.

A.B. 473 (Chapter 442)

Assembly Bill 473 provides that a juvenile who is taken into custody for committing a battery that constitutes domestic violence must not be released for at least 12 hours. The bill further revises state law by requiring an officer to notify a parent, guardian, or custodian, and probation officer of a juvenile without undue delay when a juvenile is taken into custody. Presently, an officer must notify a parent, guardian, or custodian, and probation officer immediately.

This measure also requires that a valid order for protection against domestic violence issued by a court of another state, territory, or Indian tribe within the United States must be accorded full faith and credit by the courts of this state and enforced as if it were issued by a court in this state, regardless of whether the order has been registered in this state.

Finally, A.B. 473 provides that a person who commits a battery upon a person to whom he is related by marriage, or with whom he has had or is having a dating relationship, may not be admitted to bail sooner than 12 hours after his arrest. The measure also specifies the bail amounts that must be set for those persons.

A.B. 686 (Chapter 607)

Assembly Bill 686 creates an 11-member Commission on School Safety and Juvenile Violence. Five members are appointed by the Governor, three members by the Senate Majority Leader, and three members by the Speaker of the Assembly. The commission is composed of legislators, school principals, teachers, law enforcement officials, and parents. The bill provides compensation for legislative members and travel and per diem expenses for all members.

The measure requires the commission to hold at least three public meetings, one each in Clark County, Washoe County, and a rural county, to hear testimony regarding violence in public schools, acts of violence committed by juveniles, and methods to address such violence. In addition, the commission is charged with developing a statewide plan of emergency response to incidents of school violence. This plan must include specific items enumerated in the bill and be adopted by the commission not later than January 1, 2000. The chairman of the commission must provide a copy of the statewide plan to the State Department of Education for distribution to local school districts. The measure also requires each school board, on or before July 1, 2000, to develop and maintain a local plan of emergency response to incidents of school violence that is consistent with the statewide plan.

The measure also directs the commission to consider recommendations made by the Legislative Commission's interim study of juvenile justice in the State of Nevada created pursuant to Assembly Concurrent Resolution No. 57 of the 69th Session of the Nevada Legislature. The commission also is directed to make recommendations concerning programs designed to: reduce the incidence of violence in public schools; reduce the activities of gangs on school property and in local communities; restrict the accessibly of firearms to juveniles; and reduce the amount of violence committed by juveniles in communities. The commission must report its findings and recommendations to the 2001 Session of the Nevada Legislature. The bill allows the commission to request up to three legislative measures to carry out its recommendations.

Finally, Assembly Bill 686 appropriates $20,000 from the State General Fund to the legislative fund to pay the compensation, per diem, and travel expenses authorized in the bill.

The sections concerning appointment of members and the section authorizing the appropriation are effective on June 9, 1999. All other provisions are effective on July 1, 1999. The commission sunsets on June 30, 2001.

A.C.R. 13 (File No. 139)

Assembly Concurrent Resolution No. 13 directs the Legislative Commission to appoint an interim committee to continue the study of the system of juvenile justice in Nevada. The resolution notes that a continuation of the study regarding juvenile justice conducted during the 1997-1998 legislative interim is necessary to ensure a comprehensive analysis of critical issues that will result in improvements to Nevada's system of juvenile justice. The measure further authorizes the study committee to appoint and consult with an advisory committee regarding juvenile justice issues.

Among other topics, the study may review the placement of juveniles in correctional facilities, probation issues, the Standardized Juvenile Justice Data Collection System, and the treatment of substance abuse. In addition, the study may assess gang activity, school violence, truancy issues, and the need for mental health services for the juvenile justice population. Assembly Concurrent Resolution No. 13 requires the Legislative Commission to submit a report of the committee's findings and recommendations to the 2001 Legislature.

Parole and Probation

S.B. 115 (Chapter 47)

Senate Bill 115 authorizes a county or city to seek reimbursement for the costs of administering a program to which a prisoner has been assigned as an alternative to incarceration.

Reimbursement may only be sought after the prisoner has been convicted and after his financial status has been determined. The court may order the prisoner to perform community service to pay for this cost.

This bill is effective on April 22, 1999.

S.B. 395 (Chapter 308)

Senate Bill 395 requires that a representative sample of certain photographs of a victim or crime scene be included in the file of any prisoner being considered for parole if the prisoner was convicted of a crime involving force or violence that resulted in bodily harm to the victim. Before such photographs may be included in the file, they must have been admitted at the trial of the prisoner or have been made part of the presentence investigation report. The bill specifies that the term photograph includes any video, digital, or other photographic image.

The bill prohibits a prisoner from bringing action against the State of Nevada or its employees for failing to include photographs or including only certain photographs in his parole file.

A.B. 79 (Chapter 30)

Assembly Bill 79 requires the Division of Parole and Probation to issue an honorable or a dishonorable discharge to a parolee whose term of sentence has expired. To receive an honorable discharge, a parolee must have fulfilled the condition of his parole for the entire period or have demonstrated his fitness for honorable discharge, but has been unable to make restitution because of verified economic hardship. The division must issue a dishonorable discharge if the whereabouts of the parolee are unknown; the parolee has failed to make full restitution, without showing economic hardship; or the parolee has otherwise failed to qualify for an honorable discharge.

This bill provides that any amount of restitution that remains unpaid by a parolee after being discharged from parole constitutes a civil liability as of the date of discharge. The measure also requires that a parolee must receive an honorable discharge before his civil rights may be restored. Finally, the bill clarifies that the amendatory provisions must not be construed to prohibit a person who was discharged from parole before the effective date of the measure from having his civil rights restored.

Assembly Bill 79 was requested to make the statutory provisions regarding the discharge of parolees consistent with the existing law that provides for honorable or dishonorable discharge for probationers.

This measure is effective on April 1, 1999.

A.B. 80 (Chapter 9)

Assembly Bill 80 changes the provisions concerning Nevada parolees who are convicted of and incarcerated for a new crime in a jurisdiction outside this state. The bill provides that the time during which the parolees are incarcerated in the other jurisdiction is not time served on their terms of imprisonment in this state, except when the State Board of Parole Commissioners takes any of certain specified actions.

Assembly Bill 80 was requested by the State Board of Parole Commissioners to provide the board with the authority to take appropriate action regarding parole violators who commit crimes and are incarcerated outside the jurisdiction of Nevada. Although parolees are subject to the jurisdiction of the board from the time released on parole until the expiration of the sentence, the board's chairman testified that existing law does not provide authority to administer appropriate action when Nevada parolees are incarcerated outside Nevada, and this bill will give the board the authority to evaluate whether a parolee should be returned to Nevada or should remain in another jurisdiction.

This bill is effective on March 16, 1999.

A.B. 390 (Chapter 54)

Assembly Bill 390 requires the Department of Prisons to determine when a prisoner is eligible to be considered for parole. The bill also requires the department to notify the State Board of Parole Commissioners when a prisoner is eligible for parole and to provide the board with data that will assist in determining whether parole should be granted. Further, the bill removes a requirement that a prisoner must complete an application to be considered for parole. This bill conforms statutes with existing practice.

This measure is effective on April 27, 1999.

A.B. 406 (Chapter 335)

Assembly Bill 406 provides that, if a probationer has violated a condition of his suspended sentence, the court may modify the conditions of the suspended sentence or modify and extend the suspended sentence for a certain period of time. The court may also revoke the suspended sentence. Before taking any of these actions, the court must provide the probationer with notice of the proposed action and an opportunity to be heard. The provisions of A.B. 406 apply only in counties with departments of alternative sentencing.

Currently, only Carson City and Douglas County have departments of alternative sentencing. In 1995, the Nevada Legislature authorized counties to form these departments for the supervision of misdemeanants who have received suspended sentences, usually conditioned on the completion of community service, counseling, or restitution.

Sexual Offenses

S.B. 515 (Chapter 310)

Senate Bill 515 revises the registration and community notification requirements for sex offenders and offenders who commit certain crimes against a child. The bill expands the registration requirements to include nonresident students and workers in the state who are sex offenders or who have committed certain crimes against a child and provides definitions for "student" and "worker." The expanded registration requirements also include individuals from other jurisdictions who were required to register in the other jurisdiction because they were found guilty of, or adjudicated delinquent for, crimes against children. In addition, the definitions of sexual offense and sexually violent offense are expanded.

Senate Bill 515 also revises the registration procedures. Under the bill, all offenders who are required to register must report in person to the Division of Parole and Probation within 48 hours of registering with local law enforcement. Failure to do so is a category D felony. The measure eliminates the requirement that a record of registration be completed prior to sentencing in all cases in which the court may order probation. In addition, S.B. 515 eliminates the requirement for a psychosexual evaluation in cases in which a prison sentence is required. The bill also provides that a review of records relating to previous crimes, previous evaluations, and treatment as part of the psychosexual evaluation are optional.

Senate Bill 515 clarifies the provisions governing termination of an offender's duty to register. Under the bill, an offender may not terminate his duty to register if he is subject to community notification or lifetime supervision as a sex offender. The bill also provides that, in certain instances, the duty to register may not be terminated for offenders who have been declared to be sexually violent predators. Finally, S.B. 515 authorizes the use of a secure website or other electronic means of communication to provide the public with access to certain information regarding sex offenders contained in the statewide registry, under certain circumstances.

The provisions in S.B. 515 regarding the expansion of registration requirements to nonresident students and workers in the state, lifetime registration, and the definitions of sexual offense and sexually violent offense are required under the new federal guidelines for implementing the Jacob Wetterling Crimes Against Children and Sexually Violent Offenders Act. These guidelines were released in December 1998. Failure to comply with the provisions of the federal act and its amendments will result in a 10 percent reduction in the state's allocation under the Edward Byrne State and Local Law Enforcement Assistance program.

This measure is effective on May 25, 1999.

A.B. 239 (Chapter 440)

Assembly Bill 239 establishes a revolving account within the State General Fund to investigate the background of volunteers who work with children. The Director of the Department of Motor

Vehicles and Public Safety must administer the account. The money must only be used to pay the Central Repository for Nevada Records of Criminal History to process requests from nonprofit agencies for background checks on volunteers who work directly with children to determine if a volunteer has committed a sexual offense.

The bill authorizes the director to apply for and accept any gift, donation, bequest, grant, or other source of money for deposit in the account. In addition, any interest or income earned on money in the account must be credited to the account. Any money that remains in the account at the end of a fiscal year does not revert to the State General Fund but must be carried forward to the next fiscal year.

Assembly Bill 239 requires the director to adopt regulations addressing, among other matters, the procedure for applying for a grant from the account, the criteria to be used in awarding grants, and equitable procedures for distributing funds in the account. The measure authorizes a state or local government agency to establish forms and procedures whereby a person may donate money to the account while transacting business with an agency.

Finally, the bill provides that a decision by a nonprofit agency not to use the account must not be considered as evidence of negligence or causation in a civil action brought against the agency.

This bill is effective on May 31, 1999.

A.B. 282 (Chapter 325)

Assembly Bill 282 revises the definition of nudity in the provisions relating to the unlawful distribution, exhibition, and sale of obscene material to minors. The bill expands the definition to include the showing of the human breast with less than an opaque covering of any portion of the areola and nipple; the showing of the human male or female genitals or pubic area with less than an opaque covering of any part; or the depiction of the human male genitals in a discernibly turgid state, whether or not covered.

This bill is effective on May 28, 1999, and the amendatory provisions of this measure do not apply to offenses committed before that date.

Substance Abuse

S.B. 24 (Chapter 90)

Senate Bill 24 defines the practice of psychology to include diagnosis and treatment of alcoholism and substance abuse. The bill also requires an applicant for a license to pass the Examination for the Professional Practice of Psychology in the form administered by the Association of State and Provincial Psychology Boards, as approved by Nevada's Board of Psychological Examiners. Further, S.B. 24 authorizes the board to take disciplinary action against a licensee who has been

disciplined by another state or foreign country if the basis for that discipline is the same or substantially similar to grounds for imposing discipline in this state.

This bill is effective on May 5, 1999.

S.B. 161 (Chapter 305)

Senate Bill 161 provides for the regulation of a new classification of facility called a halfway house for alcohol and drug abusers, which provides housing and a living environment for individuals with alcohol and drug abuse problems. The measure requires that these facilities be certified by the Bureau of Alcohol and Drug Abuse and authorizes the bureau to inspect the premises, review the qualifications of personnel, and review and act on complaints. Further, the measure authorizes administrative fines for violations of certification. The bill also requires the bureau to adopt any needed regulations and provides it with the authority to bring certain legal actions against facilities operating without a certificate. The provisions of the bill do not apply to facilities for the treatment of abuse of alcohol or drugs that are already regulated under statute.

Further, the measure indicates that the bureau may charge fees that must not exceed the actual cost to the bureau of issuing the certificate to operate a halfway house.

The bill addresses concerns that certain facilities, commonly known as halfway houses, are not presently recognized or regulated under statute. Other facilities, currently defined in statute as facilities for the treatment of abuse of alcohol or drugs, are already regulated and are not affected by the bill.

The portions of the bill concerning the preparation of regulations are effective on May 25, 1999. All other provisions of the measure are effective on January 1, 2000.

S.B. 184 (Chapter 552)

Senate Bill 184 creates a pilot program for the release of inmates from Nevada's Department of Prisons for participation in drug court programs in the Second and Eighth Judicial Districts in Washoe and Clark Counties, respectively. Inmates released into the programs are supervised by the Division of Parole and Probation. Participation in the pilot program is limited to 150 inmates during the 1999-2001 biennium, and the program is scheduled to end on June 30, 2001.

Senate Bill 184 also appropriates $330,000 from the State General Fund to the Second Judicial District and $700,000 from the State General Fund to the Eighth Judicial District for the continued support of alcohol and drug abuse treatment programs.

The bill is effective on July 1, 1999; however, Sections 1 through 10, which address certain aspects of the pilot program, expire by limitation on June 30, 2001.

S.B. 210 (Chapter 574)

Senate Bill 210 declares the practice of counseling alcohol and drug abusers to be a "learned profession" and subject to regulation to protect the public interest. The bill creates a five-member Board of Examiners for Alcohol and Drug Abuse Counselors, appointed by the Governor. Three members must be licensed alcohol and drug abuse counselors, one must be certified as an alcohol and drug abuse counselor, and one must be a member of the general public. The measure defines "practice of counseling alcohol and drug abusers" to mean the application of counseling to reduce or eliminate the habitual use of alcohol or other drugs, other than maintenance doses of certain narcotic or habit-forming drugs.

The bill also authorizes the board to license or certify, investigate, and discipline alcohol and drug abuse counselors and interns, as well as to adopt regulations for continuing education requirements. The measure sets forth the requirements of an applicant for licensure as a counselor and provides certain exemptions for specified licensed professionals who practice in medically related fields.

The bill provides for the certification of alcohol and drug abuse counselors and counselor interns, specifies the requirements for such certification, and describes the activities that counselors and counselor interns may perform.

Senate Bill 210 authorizes the board to issue a certificate as an alcohol and drug abuse counselor intern to a person who has a high school diploma or general equivalency diploma; submits proof of enrollment in a program leading to an associate, bachelor's, master's, or doctoral degree in nursing, or a field of social science approved by the board; or has received such a degree. An intern may, under the supervision of a licensed counselor, engage in the practice of counseling alcohol and drug abusers and diagnose or classify a person as an alcoholic or abuser of drugs.

The board also may issue a license or a certificate without examination to a person licensed or certified in another jurisdiction if the requirements in that jurisdiction at the time the license or certificate was issued are deemed by the board to be substantially equivalent to the requirements in this state. The board also may issue a one-time provisional license or certificate, which is valid for no more than one year, to a person who has applied to take the examination but is otherwise eligible for that license or certificate.

Senate Bill 210 prohibits a person from engaging in the practice of counseling alcohol and drug abusers unless the person is licensed or certified as provided in the measure. Further, the bill provides that a person shall not use the title "alcohol and drug abuse counselor," "alcohol and drug abuse counselor intern," "drug abuse counselor," "substance abuse counselor," or any similar title, words, or other designation intended to imply that the person is licensed or certified unless the person is in fact licensed or certified by the board.

The measure clarifies that the Bureau of Alcohol and Drug Abuse will continue to certify detoxification technicians after July 1, 2001. Finally, the measure establishes a fee schedule for applications, renewals, and examinations.

This measure has various effective dates.

S.B. 346 (Chapter 309)

Senate Bill 346 revises the composition and duties of the Commission on Substance Abuse Education, Prevention, Enforcement, and Treatment. The measure increases, from 13 to 15, the total number of voting members and adjusts the representation on the commission of various state agencies, private business, and the general public. The measure also requires the Legislative Commission to appoint two nonvoting legislators to the body, one senator and one assemblyman, selected for their experience and knowledge with substance abuse issues.

The measure revises the authority of the commission to make grants, further authorizing these funds to be provided to organizations that review and evaluate problems concerning drug enforcement laws and the treatment of drug abuse. In addition, the bill repeals the commission's authority to recommend policies and priorities for the state's use of federal funds concerning substance abuse. Finally, the bill shifts, from September 1 to July 1, the date the commission's activity report must be submitted to the Governor.

The measure is effective on July 1, 1999.

A.B. 181 (Chapter 394)

Assembly Bill 181 transfers the Bureau of Alcohol and Drug Abuse (BADA) from the Department of Employment, Training and Rehabilitation to the Department of Human Resources (DHR). Further, the measure specifies that BADA must prepare requests for proposals (RFPs) for certain treatment facilities to provide services for adolescents who engage in substance abuse. In addition, the bill describes the process for the bureau to follow concerning the RFPs. Further, the bill requires that the bureau submit a biennial report and specifies the items that must be included in the report.

The Commission on Substance Abuse Education, Prevention, Enforcement and Treatment is required to review certain activities related to substance abuse and make recommendations for adolescents to receive services. Further, the commission is required to identify and report key indicators of the level of substance abuse by persons in Nevada and to compile a list of privately or publicly funded substance abuse programs in the state. The measure also requires the DHR to establish three pilot projects in family resource centers in the state, sets forth the criteria for the pilot projects, and specifies the responsibilities of the commission and the family resource centers in relation to these projects.

Finally, the bill requires BADA to make available, from its existing federal and state funding sources, the sum of $158,400 for the pilot projects.

The measure is effective on July 1, 1999.

A.J.R. 24 (File No. 148)

Assembly Joint Resolution No. 24 urges members of Congress to adopt federal legislation that requires a warning label on products that contain a steroid ingredient. The resolution states that multiple adverse medical outcomes may result from inappropriate use of over-the-counter and prescription drugs that contain steroids. Further, the resolution indicates that appropriate notice should be given to consumers concerning the percentage of steroid ingredient in products, possible adverse effects, recommended dosage for effective use, and the specified duration of time for which a drug may be used. Finally, the measure specifies that the Nevada Legislature supports the efforts of the Steroid Warning Network, which is a nonprofit organization devoted to providing information and emotional support for persons who suffer from steroid-related medical problems.

Victims of Crime

S.B. 449 (Chapter 161)

Senate Bill 449 requires the notification of victims of violent crimes concerning the status of certain concealed weapon permits. If a sheriff who is processing such a permit receives notification that the applicant has been charged with a violent crime, the sheriff must notify the victim of the crime whether the processing of the application has been suspended or resumed, or if the application has been denied. Notification is also required if a permit has been suspended, restored, or revoked. The sheriff must notify the victim within ten days after taking action on the application or the permit.

S.B. 480 (Chapter 69)

Senate Bill 480 exempts from jury service victims of domestic violence who have obtained a fictitious address from the Secretary of State. The measure is an extension of legislation enacted in 1997, which created a program to protect victims of domestic violence and to assist such victims in establishing and maintaining confidential residential addresses.

This bill is effective on April 29, 1999.

A.B. 122 (Chapter 46)

Assembly Bill 122 requires a justice's court or a county to collect restitution ordered by the court. In addition, the bill requires all such restitution money to be paid to the person named in the order. If such a person cannot be located, the restitution money must be deposited in a fund for the compensation of victims created by the office of the district attorney in the county in which the court is located.

Testimony indicated that this legislation is needed to provide, by statute, for a definite source of money for local (county) funds that serve to compensate victims of crime who are not eligible for compensation from the state fund for the compensation of victims of crime. Under existing law, restitution money collected for persons who cannot be located might have to be turned over to the state as unclaimed property instead of benefitting victims of crime.

The bill is effective on April 22, 1999.

A.B. 353 (Chapter 44)

Assembly Bill 353 removes the provision that prohibits or restricts awarding compensation to nonresidents who are victims of certain crimes.

Testimony indicated that the United States Department of Justice requires that nonresidents be treated the same as residents in order for a state to qualify for federal money relating to victims of crime. It was noted that the amount of money Nevada will receive from the Federal Government will far exceed the cost to compensate nonresident crime victims.

A.B. 649 (Chapter 56)

Assembly Bill 649 removes obsolete language from Chapter 200 of the *Nevada Revised Statutes* relating to protective services for older persons. The bill deletes references to the Welfare Division and retains language requiring all reports of elder abuse to be reported to the Aging Services Division of the Department of Human Resources.

This measure is effective on July 1, 1999.

EDUCATION

S.B. 21 (Chapter 352)

Senate Bill 21 makes various changes to the statewide proficiency examinations used in Nevada's public school accountability program. The measure clarifies exemptions under the accountability program for students who are not yet proficient in English, and requires the State Board of Education to prescribe a test to make this determination. In addition, if a pupil with a disability is unable to take such examinations under ordinary conditions or under conditions approved by the test publishers, the pupil may use modifications and accommodations approved by the State Board of Education. However, the results of such tests must not be included in accountability reports.

The measure also allows additional school district personnel to have access to statewide proficiency tests. School district superintendents, curriculum directors, and test directors are added to those authorized to review these examinations. The measure also includes specific references to test security breaches as grounds for revocation of professional licenses and for dismissal from employment.

The bill increases, from 10 to 15, the number of days that a school principal has to certify that parents have been notified about their child's test results. Finally, the measure corrects an error in law by specifying that the duty of certifying that test results have been transmitted to each school within the required time frame is the responsibility of the superintendent of each school district instead of the Superintendent of Public Instruction.

The bill is effective on July 1, 1999.

S.B. 80 (Chapter 523)

Senate Bill 80 amends the law regarding the 15 mile-per-hour speed limit in school zones and the 25 mile-per-hour speed limit in school crossing zones. The bill provides that the superintendent of each school district or his or her designee, in consultation with multiple parties (including Nevada's Department of Transportation, the governing body of the local government that designated the school zone or school crossing zone, the principal of the school, and the agency that enforces the speed limit), must work together to set the times during which the reduced speed limit is in effect.

Signs designating school zones and school crossing zones must state the times when the reduced speed limit is in effect or that the speed limit is in effect when children are present. Currently, the law limits the times during which the reduced speed limit is in effect to the period from one-half hour before school begins until one-half hour after school is dismissed.

The bill provides the signs now used to designate school zones and school crossing zones need not be changed until they are replaced in the course of normal maintenance.

S.B. 289 (Chapter 370)

Senate Bill 289 clarifies the statutory provision that prohibits sectarian or denominational activities in public schools. The bill clarifies that this revision does not prohibit public schools from complying with applicable federal laws, including the Federal Equal Access Act, which provides that religious activities by pupils are accorded the same access to public school facilities as nonreligious activities.

S.B. 555 (Chapter 559)

Senate Bill 555 appropriates $940,583,978 over the biennium, from the State General Fund to the state's Distributive School Account (DSA), to keep the statewide average basic support per pupil stable at the current rate of $3,804 for Fiscal Year (FY) 1998-1999, and increase the rate to $3,806 per pupil for FY 1999-2000, then to $3,804 per pupil for the following year. Combined with other authorized revenues, the total state responsibility for aid to elementary and secondary education will exceed $1.206 billion for the 1999-2001 biennium, a 13 percent increase over the past biennium. The number of special education units are increased, from the current level of 2,088, to 2,186 in the first year of the biennium and to 2,291 in the second year. The measure provides that a unit may consist of other licensed professionals, including school psychologists and physical therapists, but excludes teachers' aides. The unit cost is $28,813 and $29,319, respectively, for those fiscal years. Forty discretionary units are reserved for allocation by the State Board of Education to address school district shortfalls, and an additional five units are provided for gifted and talented pupils to participate in the "Star Gate" program. Additional funding of $26.6 million is appropriated for adult education programs.

The bill also appropriates $9 million per year to support remedial education programs; for professional development centers, to train teachers to teach to higher academic standards; and to contract with a nationally recognized testing firm to improve the state high school proficiency test. The measure also contains funding to continue the implementation of the statewide automated student records system (SMART); improvement of education technology for schools that did not achieve minimal levels of classroom technology; and expansion of the satellite downlink system as well as the state-funded School-to-Careers and the early childhood and family literacy programs.

The bill also converts school districts from the previous system in which the revenue from the tax on net proceeds of mines was spent the year it was collected, to a system in which the amount received during a fiscal year is spent the following year. During the FY 1999-2000 transition period, revenues will be deposited in a reserve fund; thereafter, expenditures would be made in succeeding years.

The measure also requires the State Department of Education to conduct annual audits of the pupil count for apportionment purposes and establishes procedures for reports to the Legislature concerning annual school district financial audits. Further, the measure requires the department to consult with the school district superintendent in preparing the biennial budget request and

specifies that certain training must be provided to school district financial officers. The bill also requires the superintendent to coordinate federal funds with state education reform efforts.

Senate Bill 555 also establishes a base level of $50,000 per district for special student counseling services. The measure also combines the class-size reduction program into the DSA, but provides that expenditures will be tracked in a separate category. Finally, a portion of the 1997 appropriation is restored for developing, writing, and printing the new statewide achievement tests for grades 3 and 5, based upon the newly adopted academic standards. The balance of the original appropriation, $70,000, is directed toward writing new test items for the high school proficiency examination.

The sections pertaining to funding district student counseling and testing services as well as the combining of the class-size reduction funds into the DSA are effective on June 9, 1999. The remaining portions of the measure are effective on July 1, 1999.

A.B. 3 (Chapter 385)

Assembly Bill 3 requires the State Department of Education, on or before October 1, 1999, to prescribe a form for use by school districts that contains the basic information needed in the uniform development, review, and revision of an individualized education program for a student with a disability in accordance with federal law. The bill requires that the department make such forms available, upon request, for use by school districts on a computer disk or in any other manner deemed reasonable by the department. Further, school districts are authorized to expand the forms to include additional information as needed.

Assembly Bill 3 also requires that each school district ensure that the form prescribed by the department is used to develop, review, and revise individualized education programs for students with disabilities. The board of trustees of each school district must ensure that this form is used for pupils who are initially evaluated for placement in a program of special education after November 1, 1999. For individualized education plans developed on or before November 1, 1999, the board of trustees must insure that any review or revision of that program after November 1, 1999, complies with the form prescribed by the State Department of Education.

The measure also requires the State Department of Education to provide information to a local school board upon request concerning the identification and evaluation of pupils with disabilities in accordance with standards prescribed by the State Board of Education.

This measure is effective on July 1, 1999.

A.B. 37 (Chapter 386)

Assembly Bill 37 requires Nevada's Superintendent of Public Instruction to provide information concerning newly enacted statutes and newly adopted regulations of the State Board of Education to local school boards. The bill also requires each school to maintain a copy of additions or amendments to statutes and regulations in the school library. The measure further requires the

Superintendent of Public Instruction to provide each local school board with a memorandum describing each newly enacted statute that affects the schools and students of this state. The bill also specifies the contents of such memorandum.

Within 60 days of receipt of the memorandum, the school district must determine which statutes directly impact students, parents, or school personnel, and would require an implementation plan. Upon such determination, the school district must provide a brief implementation plan and written notice of the information contained in the memorandum to parents and legal guardians of the pupils enrolled in the school district, and to all teachers, administrators, and other educational personnel. The bill allows districts to incorporate these notices into current mailings.

Assembly Bill 37 amends the *Nevada Revised Statutes* 386.360 to require each local school board to ensure that all teachers, administrators, and other educational personnel receive information concerning the statutes and regulations that directly affect their duties.

The information to be provided by the Superintendent of Public Instruction and the local school boards applies to all statutes and regulations that are effective on or after July 1, 1999.

Finally, the measure raises the cap on the monthly salary that may be received by members of school district boards of trustees in counties with more than 1,000 pupils, allowing compensation for up to six board meetings per month.

The measure is effective on August 1, 1999.

A.B. 53 (Chapter 319)

Assembly Bill 53 increases the penalties for unlawfully causing the death or substantial bodily injury of a person on the property of a public or private school when pupils or employees of the school are or may be present, at an activity sponsored by a public or private school, or on a school bus engaged in its official duties. If the person who commits the felony intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device, or course of action that would normally be hazardous to the lives of more than one person, the felony may be deemed a category A felony. The bill provides that a juvenile court does not have jurisdiction of a person who is charged with committing such a felony.

The measure provides that the person who commits this category A felony may be punished under three options, which include imprisonment in the state prison for life without the possibility of parole; life with the possibility of parole, with parole eligibility beginning when at least 20 years have been served; or a definite term of 50 years, with parole eligibility beginning when at least 20 years have been served. This measure prohibits a court from sentencing a person to both an additional term of imprisonment and for a category A felony as authorized by this bill, even if the person would satisfy the requirements for the court to impose the additional penalty.

Assembly Bill 53 also provides that murder committed on public or private school property, at a school-sponsored activity, or on a school bus is murder of the first degree if the person intended to create a great risk of death or substantial bodily harm to more than one person. The bill also

provides that murder committed under such circumstances may be considered an aggravating factor in determining the sentence imposed upon a person found guilty of murder of the first degree.

Finally, the measure adds murder by child abuse to the list of crimes that constitute felony murder under the definition of first degree murder; and it removes child abuse from the list of willful, deliberate, and premeditated killings that constitute first degree murder.

A.B. 144 (Chapter 49)

Assembly Bill 144 changes the requirements for patriotic exercises in public schools. The bill amends *Nevada Revised Statutes* 389.040 to require each public school in the state to set aside time at the beginning of each school day for pupils to pledge allegiance to the flag of the United States. Schools may also set aside appropriate time for other patriotic exercises.

This bill is effective on July 1, 1999.

A.B. 207 (Chapter 209)

Assembly Bill 207 adds a new type of educational organization to those that are exempt from sales and use taxes and certain analogous taxes. An organization is exempt from these taxes if it is an educational organization whose sole or primary purpose is to serve as a state or local apprenticeship committee to advance programs of apprenticeship or to sponsor programs of apprenticeship through federal law.

This measure is effective on July 1, 1999.

A.B. 211 (Chapter 210)

Assembly Bill 211 revises provisions governing the property tax exemption for apprenticeship programs. Property owned is exempt if it is held pursuant to a trust created by federal law or if it is owned by a state or local apprenticeship committee that is operated by a nonprofit organization and approved by the state apprenticeship council pursuant to Nevada law.

This measure is effective on July 1, 1999.

A.B. 219 (Chapter 324)

Assembly Bill 219 requires school districts each year to spend an amount of money, expressed as an amount per pupil, that is at least equal to the average of the total amount of money expended per year during the immediately preceding three years for textbooks; library books; supplies and materials relating to instruction; software for computers; equipment relating to instruction,

including telecommunications equipment; transportation related equipment; and maintenance and repair of equipment, vehicles, buildings, and facilities. The bill provides an exemption from this requirement for school districts that experience a decline in total enrollment or a decline in total revenue available from its general fund from the immediately preceding school year. In addition, each school district is required to adopt an amendment to its final budget after the count of pupils is completed pursuant to *Nevada Revised Statutes* 387.1233. Such amendment must reflect any adjustments necessary as a result of the completed count of pupils.

The measure is effective on July 1, 1999.

A.B. 241 (Chapter 292)

Assembly Bill 241 requires the Legislative Auditor to conduct an audit of the school districts in Nevada. The audit must include an assessment of a representative number of public schools in the state including at least one public school in each district. The bill specifies the items that must be assessed and requires the Legislative Auditor to submit a written report of the audit to the Audit Subcommittee of the Legislative Commission by February 5, 2001.

The measure is effective July 1, 1999.

A.B. 348 (Chapter 606)

Assembly Bill 348 makes several revisions to the charter school laws. The bill creates a three-member subcommittee of the State Board of Education to address charter schools. The subcommittee on charter schools serves as an appeals board for committees to form charter schools whose applications have been denied by local school boards. The measure also clarifies certain regulatory responsibilities. The State Department of Education is required to review the application for a charter school to determine if it is complete, while the local school district, with the department's assistance, reviews the application for compliance with applicable statutes. The department will also assist the local school district with conducting the extensive review and evaluation required for renewal of a charter. The bill provides for amendments to the charter with the agreement of the sponsor. The measure also provides that conditional charters may be granted if the applicant has not yet obtained a building, equipment, or personnel for the charter school and submits proof that acceptance of the application is necessary to obtain the building, equipment, or personnel. A conditional charter expires one year after its issuance and is nonrenewable. The holder of a conditional charter shall not operate a charter school and is not eligible to receive any public school money for the operation of a charter school. Before the conditional charter expires, the holder may submit a supplemental application and request that the school board grant a charter.

Assembly Bill 348 also specifies that the governing board of a charter school, which consists of at least three teachers, parents and representatives of nonprofit organizations and business, is a public body and is given necessary and reasonable powers to attain the ends for which the charter school is established. The measure also states there is no cause of action against the governing body or sponsor for billings presented six months after the obligation was incurred. If a charter

school files a voluntary petition of bankruptcy or is declared bankrupt, neither the state nor the sponsoring school district may be held liable for any claims resulting from the bankruptcy. If a charter school uses money received from this state to purchase real property, buildings, equipment or facilities, the governing body of the charter school is required to assign a security interest in the property to the State of Nevada. Insolvency or bankruptcy or threat to the health and safety of pupils are added as grounds for revocation of a charter. At least ninety days before the sponsor intends to revoke the charter, written notice of the deficiencies or reasons upon which the sponsor's action is based shall be provided in writing to the governing board of a charter school. The sponsor shall provide at least 30 days for the charter school to correct the deficiencies.

Assembly Bill 348 also allows a pupil enrolled in a private school, charter school, or home-schooling program to participate in a class that is not available to the pupil in his school program or participate in an extracurricular activity at a public school within the district if space is available and the pupil otherwise meets the qualifications. In the case of participation in sports, the charter school pupil is restricted to participating in the sports program of the school in the attendance zone in which the pupil resides or in which the charter school is located. Pupils attending public schools under these circumstances are counted for purposes of apportioning state financial aid, and the count of school pupils is expressed as a percentage of the total time services are provided during a school day. Charter schools may receive their quarterly apportionment from the Distributive School Account early in their first year of operation.

The measure decreases, from 75 percent to at least 70 percent, the required number of teachers in a charter school who must be licensed, except in a vocational high school where no less than 50 percent must be licensed. The remaining teachers must have a degree or license in their field and at least two years of experience. The core academic subjects that must be taught in all public schools are set forth in this bill, as well as courses for enrichment to be taught to the extent practicable. The required courses of study in a charter school are the same as is required for other public schools, thus allowing charter school pupils to transfer to public schools and have some certainty of a parallel curriculum to assure the student's graduation under the State Board of Education's requirements. The bill authorizes a charter school to request a waiver from the required 180 days of instruction if the charter school offers instruction for at least as many hours or minutes as the traditional 180-day school calendar. In addition, teachers may work a different number of hours or days than specified in the district's collective bargaining agreement, but they must be compensated for the extra time.

The limit on the number of charter schools will change in July of 2001. Twice as many charter schools will be allowed as under current statutes in Clark (from 6 to 12) and Washoe (from 2 to 4) counties. Each of the remaining counties would still be entitled to approve one charter school. Further, the limitation on the number of charter schools will "sunset" in July 2003. As provided in current law, there is no limit on the number of charter schools dedicated to serving at-risk pupils.

Finally, the bill appropriates $600,000 to the Andre Agassi Foundation for expansion of the Andre Agassi Boys and Girls Club Education Center in southern Nevada, contingent upon a finding by the Superintendent of Public Instruction and the Director of the Department of Administration that the Andre Agassi Foundation has received federal funding sufficient to assist

in the expansion project. There is also an appropriation of $57,845 in the first year of the biennium and $59,155 in the second year to the State Department of Education to support the travel and per diem costs of the subcommittee on charter schools, a half-time education consultant and a quarter-time secretary to carry out this program.

The appropriations are effective on June 9, 1999, and the expansion of the number of charter schools is effective on July 1, 2001; the cap itself will sunset on July 1, 2003. The remaining sections of the bill are effective on July 1, 1999.

A.B. 492 (Chapter 407)

Assembly Bill 492 makes various changes concerning drivers' training. The measure requires an applicant for a license to operate a driver training school to keep records pertaining to the school at the site of the facility. An applicant also must have at least 100 hours of experience as a licensed behind-the-wheel driver training instructor, if the school he is operating provides this kind of training. In addition, the bill allows a school to offer or allow training of a person whose age is less than 15 years under certain circumstances. Further, A.B. 492 imposes continuing education requirements upon certain driving instructors and increases the insurance limits that must be maintained by a person operating a driver training school.

A.B. 686 (Chapter 607)

Assembly Bill 686 creates an 11-member Commission on School Safety and Juvenile Violence. Five members are appointed by the Governor, three members by the Senate Majority Leader, and three members by the Speaker of the Assembly. The commission is composed of legislators, school principals, teachers, law enforcement officials, and parents. The bill provides compensation for legislative members and travel and per diem expenses for all members.

The measure requires the commission to hold at least three public meetings, one each in Clark County, Washoe County, and a rural county, to hear testimony regarding violence in public schools, acts of violence committed by juveniles, and methods to address such violence. In addition, the commission is charged with developing a statewide plan of emergency response to incidents of school violence. This plan must include specific items enumerated in the bill and be adopted by the commission not later than January 1, 2000. The chairman of the commission must provide a copy of the statewide plan to the State Department of Education for distribution to local school districts. The measure also requires each school board, on or before July 1, 2000, to develop and maintain a local plan of emergency response to incidents of school violence that is consistent with the statewide plan.

The measure also directs the commission to consider recommendations made by the Legislative Commission's interim study of juvenile justice in the State of Nevada created pursuant to Assembly Concurrent Resolution No. 57 of the 69th Session of the Nevada Legislature. The commission also is directed to make recommendations concerning programs designed to: reduce the incidence of violence in public schools; reduce the activities of gangs on school property and

in local communities; restrict the accessibly of firearms to juveniles; and reduce the amount of violence committed by juveniles in communities. The commission must report its findings and recommendations to the 2001 Session of the Nevada Legislature. The bill allows the commission to request up to three legislative measures to carry out its recommendations.

Finally, Assembly Bill 686 appropriates $20,000 from the State General Fund to the Legislative Fund to pay the compensation, per diem, and travel expenses authorized in the bill.

The sections concerning appointment of members and the section authorizing the appropriation are effective on June 9, 1999. All other provisions are effective on July 1, 1999. The commission sunsets on June 30, 2001.

A.C.R. 25 (File No. 113)

Assembly Concurrent Resolution No. 25 authorizes the Legislative Committee on Education, in consultation with school districts in the state, to review Title 34 of *Nevada Revised Statutes* to identify statutes that the committee determines should be recommended for repeal by the Legislature. The resolution explains that these recommendations are intended to give districts and schools more local control and flexibility in determining how to satisfy new academic content and performance standards. This resolution also urges the Legislative Committee on Education to evaluate the statewide automated system of information concerning pupils to determine how the system supports the program of accountability in schools. The measure further authorizes the committee to evaluate various methods to shift resources to disadvantaged schools. The committee must report any findings and recommendations to the 2001 Session of the Nevada Legislature.

Assessment and Curriculum

S.B. 49 (Chapter 290)

Senate Bill 49 amends the Nevada Education Reform Act of 1997 to add a reference to technology as part of the requirement that computer education standards be developed by the Council to Establish Academic Standards in Public Schools. The measure also amends the act to define social studies as the subjects of history, geography, economics, and government. Further, the bill delays the date the council must establish and deliver to the State Board of Education its standards in social studies, computer education, health/physical education, and the arts. The same delay, approximately four and one-half months, is provided for the council's recommendations regarding the examinations associated with these standards. The measure also postpones, by two months, the date the board must adopt these standards. Finally, the measure deletes the requirement that the Commission on Educational Technology examine the Iowa Communications Network, and it authorizes the commission to appoint a subcommittee concerning the establishment, coordination, and use of a telecommunications network in Nevada's public schools.

This measure is effective on May 25, 1999.

S.B. 104 (Chapter 583)

Senate Bill 104 delays the date by which the State Board of Education must adopt achievement tests linked to the content and performance standards required under Senate Bill 482 of the 1997 Session. The measure would delay the phase I achievement tests for English, mathematics, and science from the 1999-2000 school year to the 2000-2001 school year. The phase II achievement test required for social studies would be shifted from the 2000-2001 school year to the 2001-2002 school year. In addition, the bill provides that in the first year the examinations are administered for subjects under both phases; the results of the examinations shall be used only for the purpose of gathering information concerning the examinations.

Senate Bill 104 also requires that the high school proficiency examination required by *Nevada Revised Statutes* 389.015 measure student performance on the standards of content and performance adopted by the State Board of Education. The high school proficiency test incorporating these standards must be administered to eleventh grade students in the 2001-2002 school year, and students must pass this examination before the end of twelfth grade to receive a standard high school diploma in the 2002-2003 school year. Students graduating in the year 2001-2002 will be required to pass the preceding year's high school proficiency examination.

The bill is effective on June 9, 1999.

A.C.R. 72 (File No. 145)

Assembly Concurrent Resolution No. 72 urges the Council to Establish Academic Standards for Public Schools to incorporate certain documents concerning the principles of American government into the statewide content and performance standards being developed for social studies. These documents include the *Constitution of the United States*; the *Bill of Rights*; the *Constitution of the State of Nevada*; the *Declaration of Independence*; the *Federalist Papers*; the *Gettysburg Address*; the *Emancipation Proclamation*; and the *Farewell Address of President George Washington.* Further, the measure recommends that the council consider other documents that reflect the full history and diversity of citizenry of the United States, including the Seneca Falls Declaration; "Ain't I A Woman?" by Sojourner Truth; Susan B. Anthony's writings about women's rights; the Treaty of Guadalupe Hidalgo; the "I Have a Dream" speech by Martin Luther King, Jr.; the *Monroe Doctrine*; the discussions of President Theodore Roosevelt concerning antitrust law; and the writings and activities of Ralph J. Bunche with respect to the challenge of human relations.

Education Reform

S.B. 70 (Chapter 522)

Senate Bill 70 revises the statewide public school accountability program. The measure changes the term that designates schools as demonstrating "inadequate achievement" to schools "needing improvement." A new category of schools is created called "exemplary achievement" for schools that have at least half of their students scoring in the top quarter. The category "high achievement" is redefined as schools that have at least 40 percent of their students scoring at or above the 75th percentile. The bill also deletes teacher attendance as one criterion for classifying a school that needs improvement, but requires tracking and reporting the data by school. Further, the measure revises provisions concerning school-level accountability reports to require reporting of the percentage of classes in the core curriculum (English, mathematics, science, and social studies) that are taught by teachers who are teaching outside their field. The measure also requires that district- and school-level accountability reports include the number of students who are habitual discipline problems; the number of pupils, by grade, that are retained in the same grade; and the amount of money spent on remedial education. High schools and school districts must report the number and percentage of pupils who graduate with a standard diploma, an adjusted diploma, or a certificate of attendance

Under provisions of Senate Bill 70, schools will be required to explain differences in the number of pupils tested and the number enrolled, rather than pupils in attendance. In addition, schools that consistently have fewer than 90 percent of students eligible to take the achievement tests face additional reporting requirements and possible sanctions. Schools needing improvement are required to adopt approved remedial programs, and existing law is clarified to provide that any child who fails to demonstrate at least "adequate achievement" must receive remedial assistance. The bill also revises the composition of members of panels appointed to supervise schools on academic probation, and revises reporting frequency for such schools. The measure also revises the time lines for certain reports and accountability plans required for schools needing improvement to allow the schools additional time to adopt effective remedial programs. The bill requires the State Department of Education to adopt a list of approved modifications for disabled students taking the high school proficiency examination; and reporting requirements for this group of students also are established. School districts are required to utilize previous reports and data, noting actions taken and progress to date, when preparing new school improvement and districtwide improvement plans. Districts are further required to notify parents of students who fail the high school proficiency examination.

The provisions concerning the high school proficiency examinations are effective on June 8, 1999. The remaining portions of the bill are effective on July 1, 1999.

S.B. 445 (Chapter 599)

Senate Bill 445 prescribes the academic subjects for public schools and revises the courses of study to reflect the new academic standards created by the Council to Establish Academic Standards and

adopted by the State Board of Education. The measure sets forth that the standards for English, mathematics, science, and social studies are to be considered the core academic subjects to be taught in all schools. Further, the enrichment subjects for the arts, computer education, health, and physical education shall be taught to the extent practicable. The measure also deletes detailed descriptions of certain additional courses of study from statute, but requires the State Board of Education to adopt regulations concerning those subjects, and provides that they may also be contained within the core and enrichment standards. Schools must also adopt regulations.

The measure is effective on July 1, 1999.

S.B. 466 (Chapter 621)

Senate Bill 466 revises several provisions of the Nevada Education Reform Act of 1997. The measure requires that the course of study prescribed and enforced by the State Board of Education must comply with the content and performance standards established by the Council to Establish Academic Standards, and that textbooks approved by the State Board of Education must adequately support the academic standards. In addition, local school district boards of trustees are required to align curriculum with the standards. The bill further provides that the State Board of Education must consult with local school boards when reviewing teacher-training programs offered by institutions of higher education and may not approve such programs unless the programs offer training in the new standards.

The measure also makes a number of changes with regard to education governance. The bill provides that the Superintendent of Public Instruction, currently appointed by the board to a three-year term, may be removed by the board for cause. In addition, each biennium the Superintendent of Public Instruction will be required to prepare a biennial report on the condition of education in the state; this report shall be presented to the Legislature during each regular session. The Council to Establish Academic Standards is made permanent and charged with developing grade-by-grade standards for kindergarten through eighth grade in English and mathematics. The council's duties are expanded to include a periodic review and, if necessary, revision of the standards. The council is also directed to assign priorities to the standards and designate the degree of emphasis and importance that should be placed on certain standards over other standards. The measure provides that the terms of the current temporary council expire June 30, 1999; and, current members may be reappointed to the permanent council.

Senate Bill 466 also requires the State Board of Education, in consultation with the council, to prescribe the examinations required in selected grades to measure pupils' proficiency in the standards. The council is charged with reviewing pupils' performance on these criterion-referenced tests to evaluate areas of the standards that might need revision. The measure requires that exams will be given in grades 3 and 5 in English and math, commencing in the spring of 2001. The bill also extends, to January 15, 2000, the date by which the council must adopt the second phase of standards, which includes social studies, health/physical education, computer education, and the arts. The bill also spells out the schedule for phasing the new, higher academic standards into the high school proficiency exam. Pupils who enter ninth grade in the next school year (1999-2000) will be expected to pass a test aligned with the new standards in October of their

junior year (school year 2001-2002) and must pass the examination to receive a standard high school diploma in school year 2000-2003.

Senate Bill 466 also provides assistance to pupils who have not been able to pass the new, more challenging high school proficiency examination in math. If pupils enroll in intensive, remedial education or tutoring programs during the summer of 1999, they may retake the test in one or both of two special administrations of the exam in July and August of 1999. The bill also allows pupils who have met all requirements for a standard diploma except for passing the high school proficiency examination to participate in graduation ceremonies and to be awarded a certificate of attendance, to be replaced by a standard diploma once they pass the examination. The measure also establishes a temporary ten-member task force, which includes two legislators, to compare the contents of the various forms of the high school proficiency exam with the course of study adopted by the State Board of Education and the curriculum offered in the public schools of the state. The members of the task force must also review the method by which the results of the exam are reported to schools and parents to determine whether another method of reporting might be more helpful in identifying pupils' areas of deficiency so that remedial help might be focused on specific skills a pupil lacks. The task force must report its findings to the State Board of Education and the Legislative Committee on Education on or before December 1, 1999.

Finally, the bill appropriates $48,000 to pay State Department of Education expenses for two additional test administrations, the task force's travel and operating expenses, staff overtime, printing and postage, and the services of a contractor to advise the task force. An additional appropriation of $300,000 is included to provide matching funds for school districts for remedial programs designed to help pupils that have failed the high school proficiency exam in mathematics. The measure also contains a $300,000 appropriation to the Interim Finance Committee for the purchase of a financial analysis model program that is designed to track expenditures to individual schools. This system will provide financial information to school districts, the State Department of Education, the Budget Division, and the Legislature.

According to testimony, the bill provides for a comprehensive revision of state-level education governance structures to improve accountability and to align Nevada's academic standards with statewide requirements for courses of study, curriculum, testing, and funding. The measure is designed to complete the reform process by linking academic standards to teacher quality initiatives, and it provides for responsible, directed use of funding to improve academic achievement and provides funding for effective remediation of pupils.

This measure has various effective dates.

A.B. 700 (Chapter 543)

Assembly Bill 700 appropriates approximately $82.9 million and $86.9 million in Fiscal Years (FY) 1999-2000 and 2000-2001, respectively, for continued support of the class-size reduction program. The measure specifies that the funds will pay for the salaries and benefits for teachers hired to reduce pupil-teacher ratios, at least 1,786 in the first year of the biennium and 1,826 in the second year. The bill consolidates the class-size reduction program into the Distributive

School Account (DSA) but maintains a separate expenditure category to highlight the program. Funds will still be allocated based upon the number of teachers needed in each district to reach the ratios of 16 to 1 in first and second grades and 19 to 1 in third grade, as in the current year. To ensure that the school districts with the greatest need for class-size reduction teachers receive adequate funding, money will be distributed by the same method utilized in the past. The bill also renames the Trust Fund for Class-size Reduction to the Trust Fund for School Improvement, and further provides that any estate tax collected in excess of the amount budgeted in the DSA ($13,891,737 annually) will be available to be spent during the next legislative session on school improvement programs.

The measure expands the flexibility previously allowed for the use of the third-grade funding to the money budgeted for first and second grades for the purpose of carrying out alternative programs to reduce the ratio of pupils per teacher or to implement remedial programs that have been found to be effective in improving pupil achievement. The bill also authorizes a demonstration project for the Elko County School District to reduce pupil-teacher ratios to 22 to 1 in grades K through 5 in an effort to eliminate team teaching. The district is required to complete an evaluation and report back to the 2001 Legislature.

Assembly Bill 700 also includes a second supplemental appropriation for the program in the current biennium. Due to shortfalls in estate tax revenues, $856,633 is provided to the school districts for FY 1997-1998, and $4,226,953 is provided to supplement funds already appropriated for FY 1998-1999.

The appropriation to cover the shortfall is effective on June 9, 1999; the appropriation for FY 2000-2001 is effective on July 1, 2000; the remaining provisions of the bill are effective on July 1, 1999.

Pupils

S.B. 126 (Chapter 422)

Senate Bill 126 prohibits a school district or a charter school from placing a child in a program for pupils with disabilities solely because the child is a disciplinary problem in school.

The bill is effective on July 1, 1999.

S.B. 297 (Chapter 243)

Senate Bill 297 prohibits hazing at high schools, colleges, and universities in Nevada. The measure defines hazing as an activity in which a person intentionally or recklessly endangers the physical health of another person for the purpose of initiation into or affiliation with a student organization, academic association, or athletic team. The bill excludes activities that are sponsored or approved by the school from the definition of hazing.

The provisions of Senate Bill 297 do not apply to offenses committed before May 24, 1999, the effective date of this bill.

A.B. 2 (Chapter 39)

Assembly Bill 2 authorizes school district boards of trustees to purchase tickets at reduced rates for the transportation of middle school and high school pupils on public buses. The measure also amends *Nevada Revised Statutes* 706.351 to allow fully regulated common carriers to give reduced rates for transportation either directly to a student or to the board of trustees of a school district on behalf of students, including homeless students. This bill was requested to encourage school districts to seek alternative methods of transporting students to school and to school activities. Testimony indicated that the use of existing public transportation can reduce a district's pupil transportation costs as well as encourage students to attend school and school activities.

This bill is effective on July 1, 1999.

A.B. 14 (Chapter 453)

Assembly Bill 14 requires schools to notify parents before pupils are deemed habitual discipline problems. The bill requires that schools must notify parents when students are suspended for initiating a fight on school property, at school events, on school buses, or going to and from school. The measure also specifies the contents of such notice. Assembly Bill 14 defines the term "suspension," for the purposes of Chapter 392 of *Nevada Revised Statutes*, and requires that a determination that a student is a habitual disciplinary problem must be made by the principal. The bill sets forth the procedure through which at least one teacher of a pupil enrolled in elementary school, or at least two teachers of a pupil enrolled in junior high, middle, or high school, may request that a principal deem a pupil to be a habitual discipline problem. Should the principal decline to make that designation, the teachers may appeal the decision to the school board of trustees.

Assembly Bill 14 authorizes schools to develop plans of behavior, under certain circumstances, that are designed to prevent pupils from being deemed habitual discipline problems. The measure allows such a behavior plan to be developed when a student initiates his first fight or receives four suspensions on his record in one school year. The bill specifies the contents of the plan and provides for an appeals process for parents who disagree with the contents of a student's plan for behavior. In addition, if the student subsequently commits a second such act, he shall be deemed a habitual discipline problem and the school is required to provide a written notice to the parents or guardians, the contents of which are specified in the bill. Pupils may enter into one contract of behavior per school year. Schools must provide parents with at least seven days' notice before deeming a student a habitual disciplinary problem. Finally, parents or guardians must be provided written notice when a student is deemed a habitual disciplinary problem.

The measure is effective on July 1, 1999.

A.B. 15 (Chapter 624)

Assembly Bill 15 requires schools to take reasonable actions designed to encourage habitual truants to attend school. If such actions do not result in a sufficiently improved record of attendance by the pupil, and the pupil has three or more unapproved absences in one school year, the school must submit a written referral of the pupil to the board to review school attendance created in the county. Further, the bill provides that the current truancy statutes also apply to pupils who are age 17 and older who are enrolled in school. The bill also requires an affected pupil and his parents or legal guardians to attend a hearing held by the board. The hearing shall be closed to the public. Further, the measure provides that any review by these panels be conducted within the guidelines established by the federal Family Educational Rights and Privacy Act, and further requires that all deliberations about the student, family, and any services and recommendations made in the course of these deliberations be kept confidential. An appeals process is provided for parents who disagree with any written agreement established for the truant pupil.

Assembly Bill 15 clarifies the duties and authority of the board to review school attendance with respect to pupil and parental participation in programs designed to reduce truancy, the referral of pupils to law enforcement agencies due to habitual truancy, and the issuance of citations and subpoenas. The bill also requires that the school district board of trustees establish guidelines for the operation of any subcommittees that it forms. In addition, the measure specifies that any alternate named for the parent representative on a school district's advisory board to review school attendance must also be a parent. The measure also allows between 8 and 16 hours of community service to be substituted for the fine specified for first offenders. In addition, the bill changes the length of the driver's license suspension imposed for habitual truancy to at least 30 days but not more than 6 months for a first offense and to at least 60 days but not more than 1 year for a second or subsequent offense. Finally, this bill exempts children found to be in need of supervision because they are habitual truants if all acts of truancy were committed before July 1, 1999.

This bill is effective on July 1, 1999.

A.B. 280 (Chapter 597)

Assembly Bill 280 prohibits the use of an aversive intervention technique on a person with a disability who is a client of a state mental health facility or the Division of Child and Family Services (DCFS) of the Department of Human Resources, a pupil in a private or public school, or a patient in a medical or other related facility. The measure further specifies the conditions under which the use of physical restraint, mechanical restraint, or chemical restraint may be used on a person with a disability in these facilities. When any of these procedures are used, the measure sets forth the procedure for recording the incident.

Further, the bill requires that appropriate training be provided to staff members who are authorized to employ the referenced restraints and specifies that a corrective action plan must be implemented if a restraint technique is used in these facilities. The State Department of Education

is required to develop a model program of education for use by school districts to train staff members in providing appropriate services to a pupil who is disabled. In addition, in mental health facilities and facilities operated by the DCFS, the measure creates a specific right for the client, pupil, or patient to be free from abuse, neglect, and aversive intervention. Finally, the measure provides specific penalties for violations of this bill.

A.B. 521 (Chapter 591)

Assembly Bill 521 requires the principal of each public school to establish a progressive discipline plan and a plan to review disciplinary decisions. Teachers and parents must be involved in the development of such plans. These plans must be designed to address the disciplinary needs and concerns of the school.

The disciplinary plan established for each school must provide for the temporary removal of a pupil from a classroom if, in the judgement of a teacher, a pupil has engaged in behavior that seriously interferes with teaching and learning. If a student is removed from a classroom, the principal must provide an explanation of the reason for the removal, offer the student an opportunity to respond, and notify the pupil's parents or guardian of the removal within 24 hours. Pupils removed from the classroom under the plan's provisions must be assigned to a temporary alternative placement that separates the pupil from other students, and a student must continue studies under the supervision of appropriate personnel. Students in such placements are prohibited from participating in all extracurricular activities.

Within three days after a pupil has been removed from the classroom pursuant to the discipline plan, a conference must be held between the student and his parents, the principal, and the teacher who removed the pupil. During the conference, the teacher who removed the pupil must provide the pupil and his parents with an explanation of the reason for removing him from the classroom. The pupil and his parents must be afforded an opportunity to respond to the explanation and to indicate whether the removal was appropriate. After the conference, the principal shall recommend whether to return the pupil to the classroom or continue the temporary placement. If the principal recommends that the pupil be returned to the classroom from which he was removed and the teacher who removed the pupil does not agree with the recommendation, the principal shall continue the temporary placement and immediately convene a meeting of the school committee to review placement and disciplinary decisions for a final decision.

Assembly Bill 521 requires the principal of each public school in Nevada to establish a committee to review the temporary alternative placement of pupils. The committee must consist of the principal and two regular members who are teachers selected by a majority of teachers who are employed at the school. One additional teacher must be selected in the same manner to serve as an alternate member.

The measure also requires the Superintendent of Public Instruction to establish a pilot project for alternative programs of education for disruptive students in eight schools. The bill specifies the types of schools to be included in the project. Each participating school will establish an alterative education program for disruptive students that may be located on school grounds or at another

location. The measure specifies how the programs must operate and appropriates a total of $1 million to the State Department of Education for Fiscal Years 1999-2000 and 2000-2001 to establish the pilot project. Further, participating schools must report specific information about the project to the State Department of Education prior to October 1, 2000, which is required to evaluate the effectiveness of the pilot project and submit a report of its findings to the Legislative Committee on Education on or before November 1, 2000.

The appropriation is effective on June 9, 1999, and all other provisions are effective on July 1, 1999.

A.C.R. 16 (File No. 108)

Assembly Concurrent Resolution No. 16 urges the State Department of Education to establish an advisory group to review the requirements for a pupil with disabilities to graduate from high school with a standard diploma. The advisory group should consist of special education teachers, other teachers, administrators, parents of special education students, and staff from the State Department of Education and the Legislative Counsel Bureau. The resolution asks the advisory group to recommend any additional criteria that a student with a disability should meet to be eligible to graduate from high school with a standard diploma. The State Department of Education is also urged to consider which accommodations and modifications to the high school proficiency examination for disabled students should be deemed appropriate. Finally, the measure directs the State Department of Education to submit a copy of the advisory group's findings to the 71st Session of the Nevada Legislature.

A.C.R. 60 (File No. 125)

Assembly Concurrent Resolution No. 60 urges the State Board of Education, the boards of trustees of school districts, school administrators, and educational personnel to consider the unique needs of children who are deaf or hard of hearing. This resolution also urges the State Board of Education, the boards of trustees of school districts, and all personnel responsible for the development of individualized educational programs for children who are deaf or hard of hearing to ensure that parents are involved in determining an appropriate educational program, which takes into account the unique needs of such children, and that the child receives certain instructional services. The resolution further urges that these children and their parents are fully informed of the educational options provided by the school district so that an informed decision may be made about the child's education.

School Administration

A.B. 576 (Chapter 268)

Assembly Bill 576 removes the requirement that a superintendent of a school district be a licensed school administrator. Instead, the bill allows the local school board to determine the qualifications required for this position. If, however, the local school board employs a superintendent who is not licensed as a school administrator, the board must employ a person who is licensed as an administrator to oversee the academic programs of the public schools within the district.

The measure is effective on July 1, 1999.

School Construction

S.B. 236 (Chapter 511)

Senate Bill 236 appropriates $1 million to the Lincoln County School District to construct a new elementary school to replace the existing school that has been found unsafe, structurally unsound, and unsuitable for continued use as a school. The measure provides that the appropriation is contingent upon a determination by the State Board of Examiners that the following conditions have been met: the total ad valorem tax rate upon property within the Lincoln County School District is at the maximum rate allowable under law; the taxable value of property within Lincoln County is declining; and the repair or replacement of the building is necessary to alleviate a substantial risk to public safety. The school district is required to submit a final report of expenditures to the Department of Administration and the Legislative Counsel Bureau, on or before January 15, 2001. Any remaining balance of the appropriation must not be committed for expenditure after June 30, 2001, and reverts to the State General Fund after June 30, 2001.

The bill is effective on June 8, 1999.

S.B. 435 (Chapter 451)

Senate Bill 435 authorizes the board of trustees of a school district in a county with a population of 400,000 or more, by a vote of two-thirds, to expand the duties of the oversight panel for school facilities established pursuant to *Nevada Revised Statutes* 393.092.

If the duties of the panel are expanded, it must review district construction and renovation plans and make recommendations to the board of trustees for any necessary revision to the plans. Recommendations made by the panel to the board of trustees that are not adopted must be noted in the board's minutes, along with the reason for the action. Finally, the measure provides that the oversight panel prepare an annual report that includes a summary of the progress of the

construction and renovation of school facilities and the expenditure of money from the proceeds of bonds for construction and renovation.

According to testimony, the formation of an oversight panel to oversee school construction would provide some relief for the Clark County School District Board of Trustees from almost continuous review of construction and renovation plans needed to keep pace with population growth in the district. Formation of the panel is consistent with recommendations by the Southern Nevada Strategic Planning Authority. It would be advisory in nature, and final decisions would still be made by the school board.

The measure is effective on July 1, 1999.

A.B. 368 (Chapter 562)

Assembly Bill 368 amends statutes concerning local government audits to require that an annual audit of a school district that has more than 150,000 enrolled pupils include an audit of the public money expended to design, construct, or purchase new facilities; to enlarge, remodel, or renovate existing facilities; and to acquire sites for building schools or related facilities or real property for purposes related to schools.

The measure also requires a school district with more than 150,000 enrolled students to develop and adopt a policy concerning the renovation or reconstruction of older buildings for schools or related facilities. Such a policy must include guidelines for the board of trustees to use in determining whether older buildings should be renovated or reconstructed or whether new facilities should be built to replace those older buildings.

Finally, Assembly Bill 368 requires the Clark County School District to establish a pilot program to replace schools and it authorizes the use of up to $15 million in bond money for that purpose. The bill provides specific instructions on how the program must operate. The district must report on the progress of the pilot program before February 1, 2001, to the 71st Session of the Nevada Legislature.

The measure is effective on July 1, 1999.

A.B. 597 (Chapter 596)

Assembly Bill 597 creates the fund to assist school districts in financing capital improvements. The fund will be administered by the Director of the Department of Administration; however, the State Board of Examiners must approve all grants made from the fund. The bill allows school districts to apply for a grant of money from the fund. An application for such a grant must be accompanied by proof that specific emergency conditions exist within the school district. A school district's application for funding must be reviewed by the Department of Taxation, the board of county commissioners, and the State Public Works Board. The measure requires the director of the Department of Administration to make grants from this fund based on the need of

each district whose application is approved and authorizes the department to adopt regulations prescribing the annual deadline for submission of a grant application.

Assembly Bill 597 also allows school districts up to ten years to issue bonds for capital improvements after the date of approval by voters. In addition, the bill imposes an additional sales tax, subject to certain conditions, when the school district board of trustees has been given approval for a grant of money from the fund to assist school districts in financing capital improvements. The tax rate may not exceed one-eighth of one percent of the gross receipts of any retailer. Money raised by this tax may only be used for the cost of extraordinary maintenance, extraordinary repair, and extraordinary improvement of school facilities within the county.

Assembly Bill 597 changes the membership of the state planning commission for new construction, design, maintenance, and repair of school facilities. The commission will now consist of four members of the Legislature, the Superintendent of Public Instruction, one employee of a city, one employee of a county, one employee of a school district, the Director of the Department of Administration, and the Executive Director of the Department of Taxation. In addition, the measure requires the commission to develop a plan to help each school district adequately finance the cost of designing and constructing new school facilities and maintaining and repairing existing school facilities. Finally, the bill authorizes the issuance of $16 million in general obligation bonds of the State of Nevada. The proceeds must be deposited into the fund to assist school districts in financing capital improvements.

The bill is effective on July 1, 1999.

A.J.R. 26 (File No. 122)

Assembly Joint Resolution No. 26 proposes to amend the *Constitution of the State of Nevada* by adding another exemption from the state borrowing cap of 2 percent of the state's total assessed valuation. This measure also exempts state contracts for public debt concerning the improvement, acquisition, and construction of facilities for public elementary and secondary schools.

This measure combines and clarifies the provisions of two resolutions considered earlier in the 1999 Session: A.J.R. 7 and S.J.R. 8. The proposed constitutional amendment was requested to allow school districts to access financing for school construction at the more favorable rate accorded to the state.

If this proposal is approved in identical form by the 2001 Session of the Nevada Legislature, it will be submitted to the voters for final approval or disapproval at the 2002 General Election.

School Personnel

S.B. 9 (Chapter 421)

Senate Bill 9 requires teachers with at least five years' experience and satisfactory evaluations who teach in schools designated as demonstrating inadequate achievement to receive one-fifth of a year's credit toward retirement for every year of service. School district boards of trustees are required to purchase the retirement credit on behalf of such teachers, and no more than five years of service may be purchased in this manner.

The measure is effective on July 1, 1999, and its provisions apply to teachers hired for the school year beginning on or after that date.

S.B. 46 (Chapter 230)

Senate Bill 46 requires school districts to add 5 percent to the salary of a teacher who holds certification issued by the National Board for Professional Teaching Standards. A teacher may receive such a salary increase only if he or she is assigned by the district to provide classroom instruction during that school year. The measure further requires districts to retain the evidence of this certification in records for use in future school years. Finally, the bill amends current statutes to require local school boards to report to the Superintendent of Public Instruction and the Department of Taxation the number of teachers who received an increase in salary for holding the certification.

The bill is effective on July 1, 1999.

S.B. 47 (Chapter 488)

Senate Bill 47 appropriates $20,000 to the State Department of Education to reimburse up to $2,000 of the costs incurred by a teacher in obtaining certification by the National Board for Professional Teaching Standards. Teachers wishing to be reimbursed must file a statement of intent with their school district at least one year before certification. Upon completion of certification, the school district shall notify the State Department of Education to reimburse the teacher. The measure also provides that a teacher who receives reimbursement from the State Department of Education for costs incurred in acquiring national certification must teach in a public school in Nevada for at least two full school years after receiving such reimbursement. If the teacher moves out of the state or is no longer employed as a teacher in a public school before the end of two years, the teacher must repay the department. The bill allows the agency to establish, by regulation, a process to allow individuals who are unable to repay the department because of hardship to appeal to the State Board of Education for relief. Money repaid to the department may be used to reimburse other teachers for national certification costs.

The bill is effective on June 8, 1999.

S.B. 50 (Chapter 355)

Senate Bill 50 authorizes school districts to either prescribe by regulation or negotiate for payment of unused sick leave for teachers by purchasing up to one year of service credit for retirement. The measure allows school district boards of trustees to adopt such policies, either through regulation or through collective bargaining agreements. The bill specifies that the service credit purchased must be included within the five-year cap on purchased service that is currently in statute for other participants in the Public Employees' Retirement System.

This measure is effective on July 1, 1999.

S.B. 51 (Chapter 356)

Senate Bill 51 authorizes school districts to give teachers credit for previous teaching service earned in other states when determining salaries. Such credit may only apply to teachers from states with licensing standards approved by the Commission on Professional Standards in Education. The measure requires the commission to establish, by regulation, criteria to evaluate other states' licensing standards.

The bill is effective on July 1, 1999, and its provisions affect teachers hired after July 1, 2000.

S.C.R. 2 (File No. 105)

Senate Concurrent Resolution No. 2 urges the Commission on Professional Standards in Education to raise the passing score for the teacher competency tests administered for licensure in Nevada. The commission is advised to review all existing qualifying scores and consider the rigorous demands placed upon Nevada teachers by the adoption of the state's new academic standards for public schools.

A.B. 47 (Chapter 387)

Assembly Bill 47 requires the State Department of Education, in cooperation with the Board of Regents of the University and Community College System of Nevada, to adopt a plan for the establishment of a program for the recruitment and professional development of teachers. The plan must encourage individuals to teach in areas of the state where a teacher shortage exists, or to obtain an endorsement in a field of specialization where a teacher shortage exists. The bill specifies the manner in which the program should recruit participants. The measure also directs the department to work with school districts to designate areas of the state in which teacher shortages exist and identify fields of specialization where shortages of teachers exist. The bill authorizes the Board of Regents to apply for federal grants for the development of the program. In addition, Assembly Bill 47 requires the Board of Regents to submit the plan developed for the program to the 2001 Nevada Legislature.

This measure is effective on July 1, 1999.

A.B. 376 (Chapter 625)

Assembly Bill 376 allows the board of trustees of a school district in a county with a metropolitan police department created pursuant to Chapter 280 of *Nevada Revised Statutes* (NRS) to contract with that police department for the provision and supervision of school police services. The bill also allows a metropolitan police department to enter into a contract to provide such services in the public schools within the school district and on property owned by the school district. The measure requires the department to create a separate unit designated as the school police unit for this purpose and allows it to establish qualifications and training requirements different from those generally applicable to officers of the department for officers assigned to the police unit. Assembly Bill 376 further requires that the school police unit must be considered a separate bargaining unit for negotiations that arise under the provisions of Chapter 288 of NRS. In addition, if a contract is entered into between a school district and the metropolitan police department, the contract must make a provision for the transfer of each school police officer employed by the board of trustees to the metropolitan police department. The measure also specifically authorizes other school districts to contract with the county sheriff for school police services.

Assembly Bill 376 further requires that if a school district employs persons to serve as school police officers, it must employ a law enforcement officer to serve as the chief of school police. The chief must be supervised by the district superintendent and he must supervise each person employed as a school police officer.

This measure is effective on July 1, 1999.

University, Community College, and Postsecondary Education

S.B. 181 (Chapter 364)

Senate Bill 181 authorizes the Board of Dental Examiners to issue a limited license to practice dentistry or dental hygiene to a person who has entered into a contract with the University and Community College System of Nevada (UCCSN) to provide services full-time as a dental intern, dental resident, or instructor of dentistry or dental hygiene, and who meets certain other requirements. The limited license expires after one year and may be renewed.

The bill also eliminates a requirement that a person seeking a restricted license to provide publicly funded dental services exclusively to persons of low income under a contract with certain facilities have at least five years of clinical experience obtained after receiving a degree. In addition, the bill increases, from one year to three years, the time allowed for a person who receives a restricted license to pass the board's examination. Further, S.B. 181 establishes certain fees and authorizes increases in other existing fees.

Testimony indicated that from time to time the UCCSN recruits national experts to supervise dental activities, such as the residency program. These experts are licensed in other jurisdictions and sometimes will not accept such positions in Nevada if they are required to go through the full licensing process again. The provisions of S.B. 181 address this problem. Finally, the board's fee schedule has not been revised since 1987 and needs to be updated to reflect current administration costs.

S.B. 292 (Chapter 426)

Senate Bill 292 authorizes an increase in reimbursement for certain educational expenses of active members of the Nevada National Guard who attend the University and Community College System of Nevada as full-time or part-time students. The measure increases the reimbursement from 50 percent to 100 percent of the consolidated fee and the credit-hour cost each semester. The bill further provides that the member must be in good standing at the beginning of and throughout the entire semester for which the benefits are received.

This measure is effective on May 29, 1999.

S.B. 297 (Chapter 243)

Senate Bill 297 prohibits hazing at high schools, colleges, and universities in Nevada. The measure defines hazing as an activity in which a person intentionally or recklessly endangers the physical health of another person for the purpose of initiation into or affiliation with a student organization, academic association, or athletic team. The bill excludes activities that are sponsored or approved by the school from the definition of hazing.

The provisions of Senate Bill 297 do not apply to offenses committed before May 24, 1999, the effective date of this bill.

S.B. 303 (Chapter 244)

Senate Bill 303 appropriates $303,600 from the State General Fund to the National College of Juvenile and Family Law to assist in securing public and private grants and other funding during the 1999-2001 biennium. The bill also directs the State Controller to transfer the sum of $2.5 million from the fund for the National College of Juvenile and Family Law to the State General Fund. The measure allows the State Board of Examiners, on or after July 1, 2001, to recommend to the Interim Finance Committee that the money transferred to the State General Fund be repaid to the fund for the National College of Juvenile and Family Law if sufficient money exists from the appropriate revenue sources to effect the repayment. Upon approval by the Interim Finance Committee, the money may be transferred.

The bill is effective on May 24, 1999.

S.B. 304 (Chapter 245)

Senate Bill 304 appropriates $600,000 from the State General Fund to the National Judicial College to assist in securing public and private grants and other funding during the 1999-2001 biennium. The bill also directs the State Controller to transfer the sum of $5 million from the fund for the National Judicial College to the State General Fund. The measure allows the State Board of Examiners, on or after July1, 2001, to recommend to the Interim Finance Committee that the money transferred to the State General Fund be repaid to the fund for the National Judicial College if sufficient money exists from appropriate revenue sources to effect the repayment. Upon approval by the Interim Finance Committee, the money may be transferred.

The bill is effective on May 24, 1999.

S.B. 371 (Chapter 249)

Senate Bill 371 authorizes the Board of Regents of the University and Community College System of Nevada to issue revenue bonds not to exceed $8.6 million for a building project at the Desert Research Institute (DRI) in Las Vegas. The bill allows pledged revenue, which includes grants from the Federal Government and net revenues from the operation of any facilities at DRI, to repay the bonds. Definitions, as they relate to the project, are provided in the measure.

Further, the bill authorizes the Board of Regents to request that the State Public Works Board delegate certain authorities with respect to the construction of the project. This delegation, however, is discretionary for both the Board of Regents and the State Public Works Board.

Testimony indicated that DRI has a unique partnership opportunity to construct a joint use facility in cooperation with the federal Department of Energy. The purpose of this facility is to house, and make available to the public, artifacts and documents pertaining to the Atomic Age and the Nevada Test Site. Although the Legislature must approve the sale of the revenue bonds, proponents of the measure emphasized that such bonds will not count against the state's bonding capacity.

The measure is effective on May 24, 1999.

S.B. 443 (Chapter 505)

Senate Bill 443 creates the Committee to Study the Funding of Higher Education. The committee consists of 12 voting members and 4 nonvoting members. The voting members are appointed as follows: three members of the Senate, by the Majority Leader of the Senate; three members of the Assembly, by the Speaker of the Assembly; three members of the Board of Regents, by the Chairman; and three members, by the Governor. In addition, the Governor appoints one person employed by the Budget Division of the Department of Administration and three persons employed by the University and Community College System of Nevada as nonvoting members.

The committee is charged with comparing the existing method of funding higher education in Nevada with the methods used in other states and determining if other methods would be appropriate in Nevada. The bill authorizes the committee to employ educational and financial consultants as necessary to complete the study. The committee must submit a report of its findings and recommendations for legislation to the Legislative Commission. Finally, Senate Bill 443 appropriates $150,000 from the State General Fund to the Legislative Commission to conduct this study.

The measure is effective on July 1, 1999, and expires by limitation on January 1, 2001.

S.B. 496 (Chapter 536)

Senate Bill 496 creates the Millennium Scholarship Trust Fund administered by the State Treasurer. The bill authorizes 40 percent of the money received by the state from settlements with tobacco firms and from judgements in a civil action against tobacco companies to be deposited into the fund.

Students must meet the following requirements to receive a scholarship: (1) have been a resident of Nevada for at least two years; (2) have graduated from a public or private high school in the state after May 1, 2000; (3) have maintained at least a 3.0 grade point average in the high school core curriculum; and (4) be enrolled in at least 12 semester credit hours in a university or at least six semester credit hours in a community college. In addition, the Board of Regents must establish eligibility requirements for students who did not graduate from a high school in Nevada but have been state residents for at least two years. The bill further specifies the criteria students must meet to continue a scholarship and the purposes for which scholarship funds may be used. Finally, the measure provides $40 per credit hour for community college students and $80 per credit hour for university students, or the amount needed to pay the cost of attending school not paid from other sources, whichever is less. Students receiving Millennium Scholarships may not receive more than $10,000.

S.C.R. 3 (File No. 106)

Senate Concurrent Resolution No. 3 encourages the Board of Regents of the University and Community College System of Nevada (UCCSN) to share more detailed information with school districts about the academic performance of the districts' high school graduates within the college and university system. To facilitate this exchange, the UCCSN is urged to establish a process to request the necessary consent forms for release of student information. The State Department of Education is directed to provide assistance through its automated student records system, or through other data sources as needed, to assist in this effort. Further, the measure encourages Nevada's school districts to provide constructive feedback to the colleges of education in this state concerning the strengths and weaknesses of teachers trained in those institutions and employed by the districts.

As part of the resolution, the State Department of Education will study this matter, in cooperation with the UCCSN, and report its findings to the 2001 Legislature.

A.B. 47 (Chapter 387)

Assembly Bill 47 requires the State Department of Education, in cooperation with the Board of Regents of the University and Community College System of Nevada, to adopt a plan for the establishment of a program for the recruitment and professional development of teachers. The plan must encourage individuals to teach in areas of the state where a teacher shortage exists, or to obtain an endorsement in a field of specialization where a teacher shortage exists. The bill specifies the manner in which the program should recruit participants. The measure also directs the department to work with school districts to designate areas of the state in which teacher shortages exist and identify fields of specialization where shortages of teachers exist. The bill authorizes the Board of Regents to apply for federal grants for the development of the program. In addition, Assembly Bill 47 requires the Board of Regents to submit the plan developed for the program to the 2001 Nevada Legislature.

This measure is effective on July 1, 1999.

A.B. 74 (Chapter 261)

Assembly Bill 74 provides that a retired person who is a member of the Public Employees' Retirement System and who accepts employment as a member of the professional teaching staff of the College of Education of the University of Nevada, Reno, or the University of Nevada, Las Vegas, may continue to receive his retirement benefits for the duration of that employment, with no limit on his earnings.

The bill also requires the Public Employees' Retirement Board to conduct a study of the effect on the retirement system of reemployment of retired public employees by employers that participate in the system. Status reports concerning the study must be presented at each meeting of the Interim Retirement Committee of the Legislature and the final report must be submitted to the 2001 Nevada Legislature.

This measure is effective on July 1, 1999, and expires by limitation on July 1, 2001.

A.B. 129 (Chapter 141)

Assembly Bill 129 revises limitations on investment of state money and money in the trust fund for prepaid tuition. The bill requires that corporate bonds in which the fund is invested must be rated at least "A" rather than "BBB," and allows up to 50 percent, rather than 5 percent, of the fund's fixed income investments to be invested in these bonds. In addition, the bill adds to the approved list, obligations of the Government National Mortgage Association, collateralized mortgage obligations, asset-backed securities rated "AAA," and securities issued by instrumentalities of the United States. Further, the bill authorizes the investment of prepaid tuition property in common trust funds and mutual funds.

Assembly Bill 129 also adds obligations of the Government National Mortgage Association and asset-backed securities rated "AAA" or the equivalent to the list of securities in which the state may

invest its money. The bill amends the list to increase, from three to five years, the maximum term to maturity of A-rated corporate securities in which the state may invest. In addition, the bill authorizes the State Treasurer to employ investment and financial advisers in connection with the state's investments.

This measure is effective on May 18, 1999.

A.B. 152 (Chapter 454)

Assembly Bill 152 excludes from the definition of a postsecondary educational institution an institution or person offering introductory educational services or programs on the use of computer software to customers who have purchased that software from that institution or person.

Testimony indicated that firms and individuals offering these types of software training services do not fall under the requirements for licensure as a postsecondary educational institution listed in *Nevada Revised Statutes* 394.099. It was further noted that by narrowing the scope of the exemption, legitimate companies could offer their customers basic training courses, while continuing the authority of the Commission on Postsecondary Education to protect the public from unscrupulous operators.

A.B. 204 (Chapter 316)

Assembly Bill 204 revises certain provisions relating to nursing. It clarifies that, while the State Board of Nursing approves professional nursing schools, schools are accredited by a nationally recognized accrediting association or agency. Also, while the board must survey all approved nursing schools in Nevada, A.B. 204 provides that, in lieu of conducting its own survey, the board may accept a survey in and recommendations made by an accrediting association if the association has been approved by the board. The measure further clarifies that the board's duties and regulations apply to holders of certificates to practice as nursing assistants as well as to nursing licensees. The bill allows volunteer work to be counted toward renewal of an individual's license or certificate by eliminating the requirement that nursing assistants, practical nurses, and professional nurses must be compensated for the duties performed.

In addition, the measure exempts each member, employee, or agent of the board from civil action for any act performed in good faith and within the duties assigned to the board. It requires the board to keep records of all disciplinary actions and to publish a list of applicants who were denied a license or certificate or against whom disciplinary action was taken within the preceding year. The bill requires that an administrative complaint be filed against the licensee or certificate holder before suspension or revocation by the board.

Finally, Assembly Bill 204 revises certain fees and charges and eliminates statutory references to the former Advisory Council on Continuing Education.

A.B. 220 (Chapter 513)

Assembly Bill 220 creates an advisory committee to assess the need and prepare a plan for a four-year college in Henderson, Nevada. The committee is composed of five members, one each appointed by the Governor, Majority Leader of the Senate, Speaker of the Assembly, and two by the Board of Regents. Each member is appointed for a term that begins on August 1, 1999, and expires on July 1, 2001. The committee must meet at least once every six months. The bill also appropriates $500,000 from the State General Fund to the advisory committee for completion of a needs assessment and implementation plan for a four-year state college in Henderson, Nevada. The committee must submit a report of its findings and recommendations relating to the assessment and plan to the 2001 Session of the Nevada Legislature and to the Director of the Department of Administration prior to September 1, 2000.

The measure is effective on June 8, 1999.

A.B. 324 (Chapter 496)

Assembly Bill 324 revises provisions governing certain agricultural extension programs of the University and Community College System of Nevada (UCCSN). The measure expands these programs to include educational, outreach, research, and service programs pertaining to agriculture, community development, health and nutrition, horticulture, natural resources, and personal and family development in rural and urban communities.

Assembly Bill 324 further provides for an appropriation of $75,000 to the UCCSN for the abatement of tall white top, which is a noxious and invasive weed. Any balance of this appropriation remaining after June 30, 2001, must be returned to the State General Fund.

The measure is effective on June 8, 1999.

A.B. 527 (Chapter 519)

Assembly Bill 527 authorizes the financing of campus facilities that are required in master plans at the University of Nevada, Las Vegas, and the University of Nevada, Reno. The financing shall be provided by revenue bonds.

Further, the measure increases the amount of the revenue bonds at these schools and authorizes $35 million in such bonds to be used for the construction, other acquisition, and improvement of a dental school and other structures and clinics associated with the dental school. Finally, the measure does not obligate the use of money from the State General Fund other than any portion of the clinical fees that is derived from money appropriated for Nevada Medicaid or the Children's Health Insurance Program.

A.B. 587 (Chapter 145)

Assembly Bill 587 amends Chapter 353, "State Financial Administration," of *Nevada Revised Statutes* by adding new provisions regarding the Western Interstate Commission for Higher Education's (WICHE) fund for student loans. The bill provides that if the three commissioners from the State of Nevada jointly determine that current claims against the WICHE fund exceed the amount of money available to pay the claims because of a delay in the receipt of revenue due the fund, the commissioners may request from the Director of the Department of Administration a temporary advance from the State General Fund to the WICHE fund for the payment of authorized expenses. If the director approves the request, he shall notify the State Controller and the Fiscal Analysis Division of the Legislative Counsel Bureau of that approval. The State Controller must draw his warrant upon receipt of the approval by the director.

In addition, S.B. 587 limits the amount of an advance from the State General Fund to 50 percent of the revenue expected to be received by the WICHE fund for student loans in the current fiscal year from any source other than legislative appropriation. Any money that is temporarily advanced from the State General Fund pursuant to this measure must be repaid by August 31 following the end of the fiscal year in which the temporary advance is made.

A.C.R. 37 (File No. 101)

Assembly Concurrent Resolution No. 37 urges the University and Community College System of Nevada to increase efforts to develop course offerings, academic programs, and student activities at its institutions that better reflect the cultural diversity of the student body and local communities.

ELECTIONS

S.B. 166 (Chapter 85)

Senate Bill 166 changes, from July 1 to January 1, the starting date for terms of office for members of district boards of agriculture in districts with a population of less than 100,000, and clarifies the dates on which the terms of office will expire.

S.B. 274 (Chapter 187)

Senate Bill 274 amends a provision of the *Las Vegas City Charter* regarding the number of city council wards. Currently, the charter does not specify the number of wards. The bill amends the charter to create six wards, if that change is approved by the voters.

The measure provides that the city council must put the question, at the first general municipal election after the effective date of this act, to the registered voters of the city regarding whether the number of wards should be increased to six. If the voters approve the increase, the city must be divided into six wards of nearly equal population on or before January 1, 2000.

The bill explains that an increase in the number of wards may be initiated by the city council or by the submission of a petition signed by at least 15 percent of the voters who voted in the last general election. Thereafter, the number of wards may be increased either by the city council or by approval of a ballot question. In either case, the question must be placed on the ballot and approved by the voters.

Finally, Senate Bill 274 also makes a minor change in the city charter regarding filing fees, and deletes a provision regarding a city election for which only one candidate is nominated.

This bill is effective on May 20, 1999.

S.B. 314 (Chapter 284)

Senate Bill 314 revises certain provisions governing municipal judges. The bill eliminates the one-year term limitation and authorizes cities to establish the terms of office of the judges by ordinance or under the city charter. In addition, S.B. 314 clarifies that the judges may be appointed in cities that are incorporated by general law. A candidate or appointee who has ever been removed or retired from any judicial office by the Commission on Judicial Discipline is not eligible. This provision does not apply to judges whose removal or retirement is pending appeal before the Supreme Court or has been overturned by the Supreme Court.

Senate Bill 314 addresses an internal statutory conflict between the statutes governing the election and appointment of municipal judges. Chapter 266 of the *Nevada Revised Statutes* (NRS), which governs cities that are incorporated by general law, authorizes these cities to either appoint or elect their judges; however, NRS 5.020 requires the election of municipal judges.

Senate Bill 314 addresses this conflict but does not affect the way any of the cities in Nevada currently appoint or elect judges.

Only six cities in Nevada are incorporated by general law: Ely, Fallon, Lovelock, Mesquite, West Wendover, and Winnemucca.

S.B. 501 (Chapter 252)

Senate Bill 501 requires the Committee on Local Government Finance to annually provide forms to specified local governmental officials for ballot questions regarding the approval of general obligation bonds and increases in property tax. The forms must describe the process of submitting such a ballot question to the voters and provide examples of previous questions. Further, the bill requires that the forms be available to the public and be provided to local governments by April 1, 2000.

The measure also requires that ballot questions regarding general obligation bonds include the principal amount of and purpose for the issuance of the general obligations, estimates of the duration of the property tax levied for the payment of the general obligations, and the average annual increase in the amount of property taxes an owner of a new home with a fair market value of $100,000 will pay for debt service. Moreover, ballot questions proposing to levy a tax ad valorem must contain the proposed rate per $100 assessed valuation. A ballot question is also required to contain the duration of and purpose for the property tax increase, including the estimated annual increase based on a new home with a fair market value of $100,000.

The bill also clarifies that special elections may be held on the date of a primary state, municipal, or general city election. In addition, the measure also allows school districts to hold special elections, in accordance with the other specified elections, if the board of trustees determines that an emergency exists.

This measure has various effective dates.

A.B. 38 (Chapter 501)

Assembly Bill 38 authorizes a board of county commissioners to establish one or more locations within the county for a district court to hold court in addition to the county seat. In addition, the bill increases, from one to two, the number of district judges in the Fifth Judicial District, effective January 1, 2001. The measure also appropriates $62,651 from the State General Fund to the District Judges' Salary Account for a portion of the salary for the additional district judge. Any remaining balance of this appropriation not committed for expenditure by June 30, 2001, reverts to the State General Fund. Finally, this bill provides for the election and term of office of the additional judge.

This bill, as amended, also includes provisions to implement, by statute, the provisions of Assembly Joint Resolution No. 17 of the 68th Session. This measure amended Section 7

of Article 6 of the *Constitution of the State of Nevada* when the voters approved Ballot Question No. 3 at the 1998 General Election. This constitutional amendment provides that "The terms of the district courts shall be held at the county seats of their respective counties unless the Legislature otherwise provides by law." Under this new provision, the Legislature may designate places in the county other than the county seat for holding terms of the district court.

The section of this measure that appropriates funds to the District Judges' Salary Account is effective on July 1, 2000, and all other provisions are effective on October 1, 1999.

A.B. 39 (Chapter 436)

Assembly Bill 39 provides that a landlord of a mobile home park may not prohibit a tenant from exhibiting a political sign within the boundary of the tenant's lot as long as the sign is not larger than 24 inches by 36 inches. This restriction is applicable only until seven days after the general or special election for the office or ballot question to which the sign relates. The bill also allows tenants of mobile homes owned by Nevada's Department of Transportation (NDOT) to display political signs on their lots.

Testimony indicated that NDOT has acquired two mobile home parks as part of a highway relocation project. Tenants will continue to live in the parks until actual construction on the relocation project begins; however, existing statutes prohibit the display of political signs on NDOT property. The measure creates an exception to the prohibition so that tenants will not be deprived of their right to political free speech while they remain tenants of NDOT.

A.B. 130 (Chapter 497)

Assembly Bill 130 makes various changes concerning the reporting of campaign contributions and the issuance of opinions by the Commission on Ethics. The measure requires the Secretary of State to design forms for the reporting of campaign contributions and expenditures that provide for the listing of each contribution and expenditure as it is received or incurred. The bill further requires that each report of campaign expenses consist of a list of expenses incurred or expenditures made during a reporting period. The list must include the category, amount, and the approximate date on which the expense was incurred or the expenditure was made.

In addition, the measure addresses the issuance of opinions by the Commission on Ethics concerning false statements in an election campaign by requiring the commission to make specific findings of fact before rendering a final opinion that a person has violated the law and penalties are imposed. These findings must determine whether the person caused to be published a false statement of fact concerning a candidate and whether the person acted with actual malice and the intent to impede the success of a candidate's campaign when causing the false statement to be published. Finally, the commission must also determine whether the false statement did, in fact, impede the success of the candidate's campaign.

This measure is effective on July 1, 1999.

A.B. 200 (Chapter 455)

Assembly Bill 200 provides for the appointment of committees to prepare arguments for and against county and municipal ballot questions. Such committees must be formed in counties and cities with a population of 50,000 or more, and may be formed in smaller jurisdictions. For each ballot question, the bill requires the board of county commissioners or the city council to appoint a committee of six persons, three of whom support the initiative, referendum, or other ballot proposal, and three who oppose it. The committee may seek public comments on the question before preparing arguments for and against approval, and rebuttals thereto, which will be placed on the sample ballot.

The bill also requires the county or city clerk of an affected jurisdiction to provide by rule or regulation the maximum permissible length of an argument or rebuttal and the date by which the committee must submit this language. Each county and city clerk is required to reject each statement in the argument or rebuttal that he believes is libelous or factually inaccurate. Not later than five days after such a rejection, the committee may appeal that rejection to the district attorney or city attorney and not later than three business days after the appeal is made, the district attorney or city attorney must issue his decision accepting or rejecting the statement. Such a decision is the final decision for the purposes of judicial review. Finally, the bill specifies that the county or city clerk is authorized to revise the language submitted by a committee so that it is clear, concise, and suitable for incorporation in the sample ballot but shall not alter the meaning or effect without the consent of the committee.

A.B. 309 (Chapter 327)

Assembly Bill 309 makes changes to the *Reno City Charter*. It requires that the city's five wards must be nearly equal in population (as opposed to registered voters), and that these boundaries be changed whenever the last preceding decennial census shows that the population in any ward exceeds the population in another ward by more than 5 percent. The boundaries of wards may also be changed to include territory that has been annexed, or whenever the population in any ward exceeds the population in another ward by 5 percent by any measure that the city council finds reliable.

Assembly Bill 309 also removes the requirement that the mayor, the councilmen, the city attorney, and the municipal judges must reside, for at least six months preceding their election, in the wards they represent or, where applicable, the city at large. The bill provides that an incumbent mayor or city councilman who is re-elected may receive a pay increase.

The bill also changes, from 30 to 45 days after its publication, the period in which the city council must adopt or reject a city ordinance, except in case of an emergency. It also specifies that an offense that is a misdemeanor under state law is a misdemeanor against the city if it is committed within the city. Finally, the measure repeals obsolete language in the charter regarding special meetings and evidence of traffic violations.

This bill is effective on May 28, 1999.

A.B. 425 (Chapter 175)

Assembly Bill 425 reduces, from seven to five, the number of members of the governing board of the Moapa Valley Water District. When a vacancy occurs on the board, this measure provides that the person appointed to fill the vacancy serves until the first Monday in January following the next general district election. If that election predates the expiration of the term of the member whose absence required the appointment, the balance of that term must be filled at that general election.

This measure also provides that the present members of the district's governing board may serve the remainder of their respective terms. The seats of two of the members whose terms expire on the first Monday in January 2001, must not be filled at the general district election in 2000. The governing board must determine which two seats will not be filled.

This bill also makes a change to the boundaries of the district and is effective on July 1, 1999.

A.B. 444 (Chapter 100)

Assembly Bill 444 clarifies provisions regarding city elections in Chapter 293C of the *Nevada Revised Statutes* (NRS) and makes technical changes to enhance the effectiveness of the chapter. The bill removes provisions regarding city elections in Chapter 293 of the NRS and inserts those provisions into Chapter 293C, which addresses city election matters.

The measure permits the governing body of a city to set candidate filing fees either by ordinance or resolution and directs the city clerk to publish a notice of the city primary and general elections in a newspaper of general circulation. In addition, A.B. 444 prohibits electioneering within 100 feet of the entrance to the city clerk's office during absent ballot voting by personal appearance. The measure gives direction to the city clerks in the formation of ballot boards and permits the appointment of a student trainee as a ballot board member. Finally, the measure provides definitions of "second class" and "third class" cities and clarifies that early voting in city elections is optional.

During the 1997 Legislative Session, a separate NRS chapter was created to specifically address city election matters. Assembly Bill 444 was requested by the Secretary of State to enhance the effectiveness of this new chapter, make technical corrections to Nevada's city election laws, and reduce duplication of city election provisions.

This measure is effective on May 11, 1999.

A.B. 590 (Chapter 344)

Assembly Bill 590 revises the provisions of the *North Las Vegas City Charter* regarding the election of city councilmen. The bill provides that the City of North Las Vegas must be divided into four wards, which must be as nearly equal in population as practicable. The boundaries of

these wards must be established by ordinance and adjusted whenever the population in any ward exceeds the population of any other ward by more than 5 percent, as determined by the last preceding national census.

The boundaries of the wards may not be changed within 30 days of the last day for filing for municipal elections, except to accommodate annexations. Each councilman must be a qualified elector who has resided in the ward that he represents for at least 30 days immediately preceding the last day for filing for office. All councilmen and the mayor continue to be elected by the registered voters of the city at large and serve terms of four years.

Finally, the bill provides that the city council must establish the boundaries of the wards on or before January 1, 2000, and that the provisions of the measure apply initially to candidates in the municipal election to be held in 2001.

A.B. 614 (Chapter 460)

Assembly Bill 614 makes various changes to Nevada's election laws. The measure creates new provisions permitting registered voters who are disabled, elderly, or unable to go to a polling place to obtain an absent ballot and designate a person to assist the voter in marking and signing the ballot. The measure also clarifies that a written request for an absent ballot may be made by a person who is confined in a hospital, nursing home, or dwelling on election day and states that the request may designate a person to assist the voter in completing his or her ballot and returning the ballot to the county clerk's office. Assembly Bill 614 also directs the county clerk to make reasonable accommodations at the polling place for a voter with a physical disability who wishes to vote in person.

Further, the bill stipulates that a person who conducts a mailing of absent ballot request forms to more than 500 registered voters during the six months prior to an election must first notify the county clerk of the mailing. Moreover, the bill requires that requests for absentee ballots must, in 14-point type or font, identify the person who is mailing the form; include a notice stating, "This is a request for an absent ballot"; and state that the form will be submitted to the county clerk. The measure clarifies throughout Title 24 of the *Nevada Revised Statutes* that all petitions relating to recall elections and vacancies occurring in nonpartisan nominations are subject to the same signature verification and content requirements as other petitions. In addition, the bill changes the period for filling a vacancy occurring in a nonpartisan nomination and moves the related nominating petition deadline to the fourth Tuesday in August.

Assembly Bill 614 clarifies that the residency requirement for all candidates must include actual, as opposed to constructive, residency in the state, district, county, or city to which the office pertains. The measure addresses the use of more advanced ballot boxes by removing statutory references made to "locks" on the boxes and inserting language pertaining to "numbered seals" for the purpose of securing and transporting ballots. Finally, the bill changes the time frame during which a written challenge against a registered voter may be filed and clarifies when a hand count must take place after a recount is demanded in a county using a mechanical voting system.

A.B. 615 (Chapter 637)

Assembly Bill 615 makes various changes to provisions relating to elections. The measure clarifies that a person may sign any petition governed by Title 24 of the *Nevada Revised Statutes* (NRS) on or after the date he or she is deemed registered to vote. The bill makes numerous technical corrections to provisions relating to petitions and adjusts the filing dates of petitions for major and minor political party ballot access and independent candidates to coincide with the time frames established for signature verification. The measure clarifies that major and minor party candidacies are for partisan office and stipulates that the September 1 deadline to change party affiliation and still run for office the next year applies only to partisan races. In response to new candidate filing deadlines created during the 1997 Legislative Session, the bill changes the date on which the Secretary of State must forward a certified list of candidates to the county clerks. The measure also excludes Saturdays, Sundays, and holidays from the time period during which a candidate for statewide, district, county, or city office may withdraw his or her candidacy.

To accommodate changes in the district court's family seats, the measure eliminates the sequential listing of those seats on the ballot and requires a separate designation on the ballot for each department of the court. The bill stipulates that election returns for early voting must be reported separately from the regular votes of the precinct and clarifies that a "contribution," as distinguished from "money," may not be solicited by a person in the name of a political party. Assembly Bill 615 also makes numerous technical clarifications to the testing requirements for mechanical voting systems. The bill further states that a candidate's Disposition of Unspent Contributions form must be filed with the appropriate filing officer at the specified time covering the period from the past report through December 31 of the preceding year and declares that the certified mail filing of the form is acceptable. In addition, the bill requires that a report of campaign contributions and expenditures be filed by a recall election candidate even if a district court determines that the petition for recall is legally insufficient. The measure clarifies that the "off election year" report of contributions in excess of $10,000 must also include expenditures, provides that the report is to be filed with the appropriate filing officer on or before January 15 following the reporting period, and requires that the county clerk copy and forward the reports of legislative and most judicial candidates to the Secretary of State.

Assembly Bill 615 also codifies the procedure for challenging the legal sufficiency of a statewide initiative and referendum petition and provides that signature verification for such petitions is conducted in the same manner as for other petitions. The bill clarifies numerous requirements for recall petitions, including statutes providing for the removal of names from recall petitions. Finally, A.B. 615 moves the date of the primary city election for cities of the first and second class from May to April. To accommodate this change to the primary city election date, the measure makes numerous technical adjustments to NRS Chapter 293C, "City Elections" and amends the city charters of Boulder City, Henderson, Las Vegas, North Las Vegas, and Sparks.

Campaign Practices

A.B. 611 (Chapter 193)

Assembly Bill 611 provides that only public or judicial officers who are entitled to receive compensation must file the Statement of Financial Disclosure produced by Nevada's Commission on Ethics. The measure also permits a public officer who holds more than one public office to file a single statement to fulfill the filing requirement for all offices held. Finally, A.B. 611 requires the public officer to include on the Statement of Financial Disclosure each source of income for members of his or her household, who are 18 years of age or older, and allows the commission to waive or reduce the civil penalty for a late filing.

Election Procedures

A.B. 169 (Chapter 202)

Assembly Bill 169 makes changes to the application to register to vote in Nevada by creating a line on the application form for the county clerk to enter a numeric code to identify the voter for internal purposes. The measure provides that this code may be derived from identification cards issued by the State of Nevada or the Federal Government that contain a unique number and a photograph or physical description of the voter. If a voter does not possess an identification card or does not wish to provide the number on the card, the bill requires the county clerk to assign a unique identification number of the voter. Finally, the Secretary of State is required to adopt regulations to carry out the provisions of this bill.

Testimony indicated that some Nevadans have expressed concern with having to provide the number on their Social Security card, Nevada driver's license, or Nevada identification card to the county clerk in order to register to vote. Instead, the measure gives the voter the option of being assigned a unique identification number by the county clerk.

A.B. 520 (Chapter 338)

Assembly Bill 520 makes various changes to provisions governing elections. The measure moves the candidate filing period for minor political party candidates to the period between the first Monday in May and the third Monday in May to coincide with the filing period for major party candidates. The bill also creates an additional process by which minor party candidates may appear on the general election ballot. In addition to the three existing methods of ballot access by minor political parties, the measure permits a minor political party candidate to appear on the general election ballot if the party files with the Secretary of State, among other items, petitions on behalf of each candidate to be nominated for office.

Further, A.B. 520 requires that when an abstract of votes is prepared, it must not include inactive voters when determining the total voter turnout. The bill also establishes a procedure by which a person may withdraw a written challenge of a registered voter and changes the time frame during which a written challenge may be filed. Finally, the bill requires that the county clerk notify legislators, county commissioners, and city council or town board members prior to precinct consolidation or the creation of ballot mailing precincts.

EMINENT DOMAIN

A.B. 287 (Chapter 632)

Assembly Bill 287 establishes a preference in the processing of actions related to eminent domain. All proceedings relating to eminent domain take precedence over all other causes and actions not involving the public interest, and the courts must hear and determine such cases quickly. The measure also changes the procedure for determining the value of property and the amount of interest imposed in condemnation proceedings relating to eminent domain.

The bill revises the date of valuation used to assess the amount of compensation and damages awarded in an action relating to eminent domain. The bill provides that the date of valuation is the date of the actual commencement of the trial if the action is not tried within two years after the date of the first service of summons and the court makes a written finding that the delay is caused primarily by the plaintiff or is caused by congestion or a backlog in the court's calendar. This measure further provides that if a new trial is ordered by a court, the date of valuation used in the new trial must be the date of valuation used in the original trial.

Assembly Bill 287 also provides that the amount of interest a plaintiff must pay on the final judgment in such actions be paid at a rate equal to the prime rate in effect at the largest bank in Nevada immediately preceding the date of judgment, plus 2 percent. The interest rate is to be adjusted each January 1 and July 1 until the judgment is satisfied. Existing law provides for the payment of such interest at a rate equal to the rate of interest fixed for one-year United States Treasury bills on the date of the commencement of the action.

A.B. 306 (Chapter 643)

Assembly Bill 306 authorizes, in counties with population of 100,000 or more (Clark and Washoe Counties), a redevelopment agency to exercise the power of eminent domain only if the property sought is necessary to carry out the redevelopment plan; the agency has adopted a resolution of necessity as required in this measure; and the agency has made every reasonable effort to negotiate the purchase of the property. The resolution of necessity is final and not subject to judicial review unless credible evidence suggests it was procured by bribery or fraud.

For redevelopment plans adopted before July 1, 1987, this measure extends the time by which the plans must be terminated to the end of the fiscal year in which the last maturing securities are fully paid, or not later than 45 years from the date of the original plan, whichever is later. The measure also authorizes a redevelopment agency to create a residential plan for each neighborhood within the redevelopment area, appoint an advisory council for redevelopment, delegate the preparation of a residential plan to the council, and budget money from any source for carrying out an approved residential plan. The bill provides that a redevelopment agency may obligate lessees or purchasers of property acquired in a redevelopment project to comply with necessary conditions to carry out, without limitation, the provisions of an employment plan or a contract approved for a redevelopment project.

The measure further increases, from 15 percent to 18 percent, the amount of tax increment revenue a redevelopment agency of a city with a population of 200,000 or more must set aside to improve low-income housing. The obligation of the additional 3 percent of this revenue is subordinate to any existing obligations of the agency incurred before October 1, 1999.

Finally, Assembly Bill 306 provides that a person acting on behalf of, under contract with, or in cooperation with a governmental body undertaking a project that will result in the displacement of persons or businesses, shall adopt policies to provide relocation assistance and make relocation payments to each person, whether an owner or a tenant, who is displaced. Further, it provides that the governmental body, or a person acting on its behalf, is not prohibited from paying relocation benefits to a month-to-month renter or lessee of real property.

This measure has various effective dates.

EMPLOYERS AND EMPLOYEES

S.B. 16 (Chapter 551)

Senate Bill 16 prohibits discrimination in employment based on genetic testing. The measure provides that it is an unlawful employment practice for an employer, labor union, or employment agency to ask or encourage a prospective employee or member to submit to a genetic test. In addition, the bill prohibits certain actions by an employer or labor union against an employee or labor union member based on genetic information.

S.B. 44 (Chapter 149)

Senate Bill 44 authorizes certain associations of self-insured private employers to adopt internal policies setting the tangible net worth and manual premium requirements for each proposed new member. The bill also authorizes certain associations of self-insured private employers to adopt internal policies that specify the type of documentation a proposed new member must submit to the association to demonstrate solvency. The measure provides that certain information concerning each new member of a self-insured group must be provided to the Commissioner of Insurance.

Section 2 of the bill, which concerns rates approved by the commissioner, is effective on July 1, 1999. The remainder of the bill is effective on May 18, 1999.

S.B. 54 (Chapter 127)

Senate Bill 54 requires the Administrator of the Division of Industrial Relations to provide, upon request, the names, addresses, and other employer information that is maintained by the division to the Department of Taxation for the purpose of verifying business tax returns.

This bill is effective on July 1, 1999.

S.B. 64 (Chapter 129)

Senate Bill 64 requires the attorney or representative of an employee or the representative of an injured employee's dependents to notify the insurer in writing before a proceeding or action in tort is initiated. In the case of an uninsured employer's claim or a subsequent injury claim, the Administrator of the Division of Industrial Relations must be notified.

Testimony indicated that attorneys normally handle such lawsuits for injured workers. Sometimes, the attorneys do not notify the workers' compensation insurance carriers of the legal action and the insurer is hampered in recovering its subrogation claim as provided for in statute.

S.B. 175 (Chapter 94)

Senate Bill 175 increases the penalties for employers who fail to provide, secure, or maintain industrial insurance. For a first offense involving the death or substantial injury of an employee, the penalty is increased from a misdemeanor to a category C felony, which is punishable by a minimum of one year to a maximum of five years in the state prison and a fine of not less than $1,000 and not more than $50,000. A second offense within seven years of the first offense is also a category C felony.

S.B. 332 (Chapter 153)

Senate Bill 332 provides that benefits for unemployment must not be charged against the record of an employer if the employer provides satisfactory evidence to the Administrator of the Employment Security Division that the employee claiming benefits left his employment voluntarily without good cause or was discharged for misconduct connected with his employment.

S.B. 419 (Chapter 304)

Senate Bill 419 authorizes certain businesses to apply to the Commission on Economic Development for funding to pay for an approved program to train employees. The measure sets forth the criteria that must be adhered to in applying to the commission, and authorizes the commission to assist a business in the development of the application. The bill also provides for matching money from applicants and participation by the University and Community College System of Nevada.

In addition, the bill authorizes the Director of Nevada's Department of Business and Industry to provide up to $500,000 per year in financial assistance to the commission to develop and administer the approved program; however, the director is given the discretion to provide additional funding as he determines necessary. Further, the measure allows the department to apply for or accept any gifts, grants, donations, or contributions from any source to carry out certain provisions of S.B. 419. Finally, the measure permits the director of the department to adopt regulations that are necessary to carry out the provisions of the bill.

S.B. 464 (Chapter 382)

Senate Bill 464 revises provisions available to the Employment Security Division for the treatment of delinquency payments of an employer's unemployment compensation assessments. The bill provides for a handling charge of not more than $25 for dishonored checks; increases, from 0.5 percent to 1 percent, the monthly interest rate charged on past due unemployment taxes; and strengthens the garnishment procedures to offset the delinquent assessments owed to the state.

The provisions regarding handling charges and interest are effective on July 1, 2000. The remaining provisions are effective on May 29, 1999.

S.B. 484 (Chapter 133)

Senate Bill 484 ratifies the National Crime Prevention and Privacy Compact. This compact organizes an electronic information sharing system between the Federal Government and the states that adopt the compact to exchange criminal history records for noncriminal justice purposes authorized by federal laws, state laws, or executive orders. The noncriminal justice purposes include background checks for employment and governmental licensure.

Under the bill, to the extent authorized by the Privacy Act of 1974, the Federal Bureau of Investigation (FBI) must provide, upon request, criminal history records to state criminal history repositories for the noncriminal justice purposes. Any record obtained under the compact may only be used for official purposes for which the record was requested, and it directs each compact officer to establish procedures to protect the accuracy and privacy of the records.

The bill further requires that subject fingerprints or other approved forms of positive identification be submitted with all requests for criminal history record checks. In addition, any request for a criminal history record check using the national indices must be submitted through the state's criminal history repository. Finally, S.B. 484 provides for the establishment of a compact council, which has the authority to promulgate rules and procedures governing the use of the system for noncriminal justice purposes. Nine of the 15 members of the council must be appointed from among the compact officers of the party states.

According to testimony, entering into the compact will save time and money for individuals required to conduct employment or licensure background checks. Currently, this procedure takes several months to receive information regarding federal convictions and convictions in other states from the FBI. Under the compact, the criminal history background information will be accessed electronically. Therefore, the repository anticipates the time for processing requests for background checks will decrease to approximately one to two weeks. In addition, witnesses stated that the fees for conducting the background checks may decrease.

The compact takes effect when it has been entered into by two or more states. Senate Bill 484 is effective on May 14, 1999.

A.B. 110 (Chapter 263)

Assembly Bill 110 provides that the wages paid to employees whose duties are related to the manufacture of certain explosives must be based solely on the number of hours worked. The bill also provides penalties for any person who fails to pay such employees based on the number of hours worked. For a first violation, the fine is not less than $10,000 nor more than $20,000. For any subsequent violation, the fine is not less than $20,000 nor more than $50,000. Workers in the mining industry are excluded from the provisions of the bill.

This bill is effective on May 24, 1999.

A.B. 112 (Chapter 391)

Assembly Bill 112 requires the Division of Industrial Relations (DIR) of Nevada's Department of Business and Industry to adopt regulations that establish certain standards and procedures, including safety plans, safety zones, and annual training programs, for facilities where explosives are manufactured.

The bill provides that employees engaged in activities directly or indirectly related to the manufacture of explosives must be trained and tested annually by a trainer, production manager, supervisor, or other person certified by DIR to provide such training. In addition, the bill provides that a trainer, production manager, supervisor, or other person applying for the certification required by DIR must submit a statement with his application indicating whether he is subject to a court order for child support.

Assembly Bill 112 prohibits an employee from engaging in any employment activities related to the manufacture of explosives until he has completed the applicable training and testing program required by DIR. In addition, the bill provides that an employer that fails to provide the annual training and testing required by DIR is subject to certain administrative fines. Further, the bill requires DIR to disclose confidential information to law enforcement agencies under certain circumstances. The bill authorizes the legal counsel of DIR to prosecute certain criminal violations of law related to labor and industrial relations. Finally, certain provisions of the bill do not apply to the mining industry.

Provisions of the measure regarding the disclosure of certain confidential information to law enforcement, the prosecution of certain criminal violations, and the adoption of regulations by DIR and are effective on May 29, 1999. For all other purposes, the bill is effective on February 1, 2000.

A.B. 297 (Chapter 399)

Assembly Bill 297 requires employers to provide, upon the request of a law enforcement agency, information about a current or former employee who is an applicant for a position as a peace officer. The request must be in writing and must be accompanied by a notarized release signed by the applicant. A law enforcement agency may also request available information on employment dates, compensation, performance, attendance, disciplinary action, eligibility for rehiring, and termination.

Employers must not provide such information if the disclosure is prohibited by federal or state law. The law enforcement agency may use the information only to determine the suitability of the applicant for employment as a peace officer and must maintain its confidentiality. With certain exceptions, the employer is immune from civil liability for the disclosure of this information and its consequences.

This measure is effective on May 29, 1999.

A.B. 311 (Chapter 410)

Assembly Bill 311 revises provisions governing apprenticeships and the employment practices of certain employers to prohibit discrimination based upon sexual orientation.

According to testimony, the provisions of A.B. 311 do not apply to employers with fewer than 15 employees or to certain other employers that are currently exempt from the equal employment opportunities provisions of Nevada law, such as agencies of the Federal Government, Indian tribes, and entities exempt from taxation pursuant to Section 501(c)(3) of the *Internal Revenue Code.*

A.B. 489 (Chapter 179)

Assembly Bill 489 requires the Administrator of the Division of Industrial Relations to create within the division a section for enforcement and a section for safety and health consultation, education, information, and training. The bill requires the section for enforcement to develop a program, if authorized by the United States Secretary of Labor, to assist small employers in eliminating or reducing safety hazards, and allows the section to reduce penalties for employers who comply with the program. In addition, the bill requires the section for safety and health consultation, education, information, and training to establish a program and a toll-free telephone number designed to assist small employers in complying with the requirements of the Nevada Occupational Safety and Health Act.

This bill is effective on July 1, 1999.

A.B. 573 (Chapter 412)

Assembly Bill 573 revises provisions concerning criminal background checks for persons who are employed by or who contract with certain dependent care facilities. Included within the provisions of the measure are nursing homes, intermediate care facilities, skilled nursing facilities, and residential facilities for groups. The measure specifies that a person who is considered an independent contractor is required to have a background check performed as a condition of working in a facility and stipulates that employees of these facilities have a background check performed every five years.

The bill allows an administrator or operator of one of these facilities, under certain circumstances, to waive a background check requirement if an employee or independent contractor has had a background check in the preceding six months. Finally, the measure adds convictions concerning elder abuse to the list of convictions that may prohibit a person from working in these dependent care facilities, and makes provision for persons to declare whether they have been convicted of the newly added category of crimes.

The bill is effective on July 1, 1999.

A.B. 593 (Chapter 181)

Assembly Bill 593 allows a person employed as a gaming employee for an operator of a slot machine route to work in more than one jurisdiction without having to obtain more than one work permit. The bill requires such an employee to hold a valid work permit issued by the county or city in which his work is primarily performed, or to hold a valid work permit issued by the State Gaming Control Board if a work permit is not required by either the county or city where the work is primarily performed. The bill also requires the employee to notify the licensing authority of each county and city in which he works, except the jurisdiction that issued the work permit, that he has obtained a valid work permit pursuant to these provisions.

This bill is effective on July 1, 1999.

A.B. 644 (Chapter 185)

Assembly Bill 644 changes the method by which the Child Support Enforcement Program mails notices to employers of persons allegedly liable for child support. The bill provides that the initial notices to withhold income and to enroll a child in a health insurance program be sent by first class mail instead of certified mail. The measure further provides that all payments pursuant to an order be made to the Welfare Division or its designated representative for appropriate disbursement. Finally, the bill repeals a provision that requires a recipient of a child support payment to provide certain notice of receipt.

This bill is effective on July 1, 1999.

ETHICS

S.B. 478 (Chapter 535)

Senate Bill 478 makes various changes concerning ethics in government and the operations of Nevada's Commission on Ethics. The measure requires the commission to appoint, within the limits of legislative appropriation, an executive director and counsel for the commission. The bill sets forth the required experience of the executive director and commission counsel, lists the duties of the executive director, and provides that the executive director and commission counsel must not be actively involved with a political party or campaign, or influence legislative action, except in pursuit of the business of the commission.

Senate Bill 478 also increases, from six to eight members, the size of the commission and directs the Legislative Commission and Governor to each appoint four members. The bill states that not more than four members of the commission may be affiliated with the same political party and not more than four members may be residents of the same county. The bill further authorizes the executive director to investigate the facts and circumstances relating to a request for an opinion and determine whether there is just and sufficient cause for the commission to render an opinion. The chairman of the commission shall appoint one or more panels of two commission members to review this determination by the executive director and ascertain whether the request for an opinion by the commission is appropriate. Time lines for making such determinations are also provided in the bill. The measure stipulates that the chairman and vice chairman must not serve together on these two-member panels and that panel members may not have the same political party affiliation. In addition, S.B. 478 requires the Commission on Ethics to adopt regulations to clarify the procedures for filing and withdrawing an opinion request with the commission.

The bill sets forth the subpoena power of the commission and requires the publication of a manual for use by public officers and employees containing opinion abstracts, hypothetical opinions, and a summary of the ethics in government statutes. In addition, the measure requires every public officer to attest that he or she has received, read, and understands, the statutory ethical standards.

The bill further clarifies that the laws concerning ethics in government are not intended to require a member of the Legislature, as a citizen legislator, to abstain on issues that might affect his interests, provided those interests are properly disclosed. The measure specifies that only sufficient information need be disclosed in matters where a conflict of interest exists and explains that the public disclosure requirements do not prohibit a public officer from requesting or introducing a legislative measure or taking action concerning such a request. In addition, the measure defines "commitment in a private capacity to the interests of others" in an effort to better clarify whether a vote constitutes a conflict of interest.

The measure provides that proceedings of the commission are confidential until the commission decides there is sufficient cause to render an opinion; however, a person who requests an opinion or gives testimony before the commission may reveal the substance of the request or testimony to a third party.

The bill further establishes a civil penalty of $10,000 for a second offense and $25,000 for a third offense for any violation of Chapter 281 of the *Nevada Revised Statutes* and stipulates that the commission may file a proceeding in court for the removal from office of certain public officers who violate these provisions. Further, the measure states that a public officer is guilty of a gross misdemeanor if he or she, as a public official, accepts an honorarium, and is guilty of a category E felony if he or she receives compensation to influence official actions, or uses money or a person for private benefit or personal gain.

Senate Bill 478 permits the commission to hear testimony via telephone or video conference and allows it to waive, for good cause shown, the civil penalty for a late filing of the Statement of Financial Disclosure. The bill also places time lines on filing complaints relating to false statements made during, or acts to impede the success of, a campaign. Further, S.B. 478 permits the Secretary of State, for good cause shown, to waive the civil penalty for the late filing of a contributions and expenses report.

A.B. 130 (Chapter 497)

Assembly Bill 130 makes various changes concerning the reporting of campaign contributions and the issuance of opinions by the Commission on Ethics. The measure requires the Secretary of State to design forms for the reporting of campaign contributions and expenditures that provide for the listing of each contribution and expenditure as it is received or incurred. The bill further requires that each report of campaign expenses consist of a list of expenses incurred or expenditures made during a reporting period. The list must include the category, amount, and the approximate date on which the expense was incurred or the expenditure was made.

In addition, the measure addresses the issuance of opinions by the Commission on Ethics concerning false statements in an election campaign by requiring the commission to make specific findings of fact before rendering a final opinion that a person has violated the law and penalties are imposed. These findings must determine whether the person caused to be published a false statement of fact concerning a candidate and whether the person acted with actual malice and the intent to impede the success of a candidate's campaign when causing the false statement to be published. Finally, the commission must also determine whether the false statement did, in fact, impede the success of the candidate's campaign.

This measure is effective on July 1, 1999.

A.B. 260 (Chapter 173)

Assembly Bill 260 excludes a county health officer appointed by the board of county commissioners from the definition of "public officer" for the purposes of the Nevada Ethics in Government Law.

This measure is effective on May 20, 1999.

A.B. 611 (Chapter 193)

Assembly Bill 611 provides that only public or judicial officers who are entitled to receive compensation must file the Statement of Financial Disclosure produced by Nevada's Commission on Ethics. The measure also permits a public officer who holds more than one public office to file a single statement to fulfill the filing requirement for all offices held. Finally, A.B. 611 requires the public officer to include on the Statement of Financial Disclosure each source of income for members of his or her household, who are 18 years of age or older, and allows the commission to waive or reduce the civil penalty for a late filing.

A.B. 612 (Chapter 182)

Assembly Bill 612 changes, from the 30th day to the final day of the next regular session of the Nevada Legislature, the date by which the Legislative Commission may suspend the filing of a regulation to which the commission has objected and a state agency has refused to revise. The measure also declares that a regulation of Nevada's Commission on Ethics (R044-98), to which the Legislative Commission objected to on April 17, 1998, will not become effective.

This measure is effective on May 20, 1999.

FAMILY TOPICS

S.B. 197 (Chapter 241)

Senate Bill 197 creates an advisory subcommittee on fetal alcohol syndrome within Nevada's Advisory Board on Maternal and Child Health, which is within the Health Division. Members of the 12-member appointed subcommittee must represent certain agencies, organizations, and institutions of higher education that are responsible for the care and delivery of services to persons affected by fetal alcohol syndrome, including persons who are afflicted with mental retardation. Except for travel and per diem, members serve their two-year terms without compensation, and may be reappointed. The measure sets forth the powers and duties of the advisory subcommittee and provides confidentiality protections for any referral of a pregnant woman for prevention or treatment services under the measure.

The bill also requires the Health Division to develop and carry out programs relating to the prevention and treatment of fetal alcohol syndrome, including programs for public awareness, the training of school personnel, and the use of a toll-free telephone information and referral service. The division may accept any gifts, grants, or donations related to these activities, and administer a special account established for this purpose. The division is also required to collect certain statistical information about children who are adopted, those who are placed in foster homes, or children placed in protective services. Finally, the division is charged with developing a system to monitor fetal alcohol syndrome in Nevada.

The bill is effective on October 1, 1999; however, portions of the measure are effective on May 24, 1999, for the purpose of developing regulations.

S.B. 242 (Chapter 526)

Senate Bill 242 requires courts to place Social Security numbers in court records concerning a divorce decree or an order for child support and to maintain this information in a confidential manner. The court must also provide the Social Security number to the Welfare Division of the Department of Human Resources.

Senate Bill 242 was requested to protect individuals who are the subjects of divorce decrees or child support orders from identity theft. Current law requires the court to place the Social Security numbers in a court order, which is a public document. Under the measure, instead of including the numbers in the public documents, the court is required to maintain the Social Security numbers confidentially in its records.

Federal law requires the collection of Social Security numbers to facilitate the collection of child support (Personal Responsibility and Work Opportunity Reconciliation Act of 1996), and the state adopted the required provisions in 1997. Senate Bill 242 does not affect Nevada's compliance with federal law.

This measure is effective on June 8, 1999.

S.B. 352 (Chapter 74)

Senate Bill 352 prohibits a stay of proceedings for divorce, separation, annulment, dissolution, habeas corpus, adoption, or custody for the enforcement of child support. Additional orders are authorized for such enforcement. Further, the measure provides an exemption for the Division of Wildlife within the state welfare statutes from requirements that a statement about court-ordered child support be completed and signed by persons obtaining recreational licenses and permits.

The exemption for the Wildlife Division from obtaining signed child support statements already exists within wildlife statutes and was inadvertently omitted from the welfare portion of the *Nevada Revised Statutes* (NRS). The provisions concerning the stay of proceedings were requested by the Welfare Division and the county district attorneys' offices to restore language previously contained in Chapter 130 of NRS, which was inadvertently deleted when the interstate model child support act was incorporated into law as part of the welfare reform package in 1997.

This measure is effective on July 1, 1999; however, the provision exempting the Division of Wildlife from requirements relating to court-ordered child support expires by limitation when specified federal requirements are met.

S.B. 412 (Chapter 157)

Senate Bill 412 provides for the protective custody of a child upon the death of a parent if that death is or may be the result of domestic violence on the part of the other parent. The measure provides that courts and agencies are authorized to regard a child as in need of protection when the child's parent has died in such a manner. The bill requires state or local protective service agencies to take such children into protective custody in these circumstances, and specifies that the family or juvenile court shall hold a protective custody hearing within 72 hours. Other agencies are required to immediately notify a child protective agency of such cases of parental death and, based upon that report, a protective custody hearing must be scheduled. Finally, the measure requires that within ten days of the hearing, the child protective agency must file a petition for judicial determination of whether the child is in need of protection.

The measure is effective July 1, 1999.

S.B. 553 (Chapter 557)

Senate Bill 553 provides that an investigation of possible child abuse or neglect is not warranted if the child protective agency determines that an incident was the result of the reasonable exercise of parental discipline involving corporal punishment. Such punishment could include spanking or paddling, but could not be so excessive as to constitute abuse or neglect. The measure also provides that if investigation is not warranted under the provisions of the act, the child protective agency shall take no further action and shall expunge the record concerning references to the incident.

Testimony indicated the measure was requested to clarify parental authority with regard to parental discipline of children.

Sections 1 and 3, regarding the findings of and reporting by a child protective agency, are effective on June 9, 1999, and expire by limitation on June 30, 2001. The remaining sections are parallel sections that take effect on June 30, 2001.

S.C.R. 11 (File No. 107)

Senate Concurrent Resolution No. 11 expresses the Legislature's support for community-based efforts for suicide prevention and treatment, as well as support programs for families and others who have lost someone to suicide. The resolution also encourages the development and promotion of related mental health services to assist persons at risk of suicide.

A.B. 154 (Chapter 434)

Assembly Bill 154 makes various changes concerning family law. The bill requires that the chief judge in the family court assign cases involving the same family or child to the same department or master. To facilitate the assignment, the bill requires the party to file an information form with an initial pleading in family court that specifies any other cases in which the party is or was involved. The form must include information regarding whether a child involved in the case was also involved in any other pending or previously decided cases.

Assembly Bill 154 also provides that the procedures governing situations in which a contempt is not committed in the immediate view of the court do not apply in any proceeding under the jurisdiction of the family court. These procedures require that another judge preside at the contempt trial. Finally, A.B. 154 allows parties in divorce actions to make offers of judgment concerning property rights. The offers of judgment do not apply to any offers concerning the custody of a child or the support of a child or a spouse.

Assembly Bill 154 was requested to implement the "one family-one court" model, under which a judge or master who is familiar with all issues involving a party before the family court renders decisions concerning a case.

A.B. 167 (Chapter 50)

Assembly Bill 167 revises the definition of "residential facility for groups" to provide that it does not include an establishment that furnishes food, shelter, assistance, and limited supervision to four or more females during pregnancy or after delivery. Further, the measure clarifies that any facility funded by a division or program of the Department of Human Resources is exempt from the definition of residential facility for groups.

Witnesses stated that it is not necessary to regulate these facilities because pregnancy is not, in and of itself, a condition that creates dependence. The purpose of regulations governing residential facilities for groups is to protect persons who might not be able to adequately care for themselves.

A.B. 456 (Chapter 122)

Assembly Bill 456 prohibits a court from awarding custody or visitation rights to a person who is convicted of first degree murder of the other parent of the child, except in certain circumstances. Custody and visitation rights may be awarded if the court determines that it is in the best interest of the child to do so or if the child is old enough to indicate his agreement to the custody or visitation. The bill also provides that, until the court makes a determination regarding custody and visitation, no person may bring the child into the presence of the convicted parent without the consent of the legal guardian or custodian of the child.

The measure also establishes a rebuttable presumption that custody of a child by a parent who has engaged in certain acts of domestic violence is not in the best interest of the child.

A.B. 517 (Chapter 339)

Assembly Bill 517 revises the provisions concerning the guardianship of adults. The bill requires the court to appoint legal counsel at any stage of a guardianship proceeding for an adult ward or proposed adult ward who is unable to retain representation and who requests the appointment of counsel. The attorney's fees must be paid from the ward's estate. Assembly Bill 517 also authorizes a guardian to retain assets for any anticipated expenses of the ward's funeral and related costs. Of the amount retained, $1,500 is exempt from all claims.

The measure clarifies that the definition of persons who are incompetent or of limited capacity is limited to adults. In proceedings concerning the appointment of a temporary guardian, A.B. 517 provides that notice to concerned individuals of a petition for guardianship may not be required if giving such notice is not feasible under the circumstances. If the court determines the notice is not required and a temporary guardian is subsequently appointed, notification to the concerned individuals must be provided by the petitioner not later than 48 hours after he discovers the existence, identity, and location of the persons entitled to notice.

Assembly Bill 517 also provides that a person is not qualified to serve as a guardian if he has been judicially determined by clear and convincing evidence to have committed abuse, neglect, or exploitation of a child, spouse, parent, or other adult. The bill deletes the requirement that a guardian sign an oath that all information contained in the court documents are true, based on his knowledge. The measure also prohibits a guardian from consenting to a ward's participation in any biomedical or behavioral experiment or treatment unless specifically authorized by the court.

Finally, A.B. 517 sets forth the contents of a petition for the termination or modification of a guardianship, and provides that a guardianship is terminated when the ward moves outside the state and jurisdiction is transferred to the appropriate court in the ward's new domicile.

A.B. 531 (Chapter 180)

Assembly Bill 531 limits the liability of a person who is licensed by the Division of Child and Family Services of Nevada's Department of Human Resources to conduct a family foster home or a group foster home. The measure describes those situations for which immunity is granted and clarifies that a licensed person is not liable for the acts of a foster child unless the person took an affirmative action to contribute to the act of the child. In addition, the bill specifies when liability applies to a licensed person if a foster child is truant from school and states that a licensed person is not financially responsible for a foster child's attorney's fees.

A.C.R. 4 (File No. 52)

Assembly Concurrent Resolution No. 4 urges the family courts in Nevada to coordinate and integrate as fully as possible all case files that pertain to the same parties or children, but that are reviewed by multiple persons or agencies. The resolution also urges the family courts to ensure that the parties or children in such cases are directed to the appropriate agencies and services in a timely manner. In addition, this measure directs each of the chief judges of the Second and Eighth Judicial Districts (Washoe and Clark Counties) to submit, to the next regular session of the Nevada Legislature, a report that summarizes any actions taken in the judicial district to coordinate and integrate such case files and contains any suggestions for necessary legislation to assist the courts in achieving such results.

Adoption

S.B. 232 (Chapter 60)

Senate Bill 232 requires the Division of Child and Family Services (DCFS) to disclose information regarding any behavioral, emotional, or psychological problems of a child to the prospective adoptive parents. The measure also requires child-placing agencies to give preference to the placement of a child with his siblings in situations involving adoption, termination of parental rights, and children in need of protective services. Further, S.B. 232 authorizes the DCFS to charge fees for private adoption services that are similar to the fees charged in the local area by private adoption agencies.

According to testimony, private adoption agencies charge approximately $7,500 for services. The DCFS is currently limited by statute to a fee that does not exceed $2,500. The purpose of the increased fee is to encourage people to use private adoption agencies for private adoptions and to allow the state to use its resources for the children in its care who are eligible for adoption, many

of whom have special needs. Testimony also indicated that the disclosure requirement under S.B. 232 is necessary to provide early intervention and treatment to children with behavioral, emotional, or psychological problems. Existing law requires only the disclosure of the medical and sociological history of the child.

Child Custody

S.B. 347 (Chapter 58)

Senate Bill 347 sets forth the factors that a court must consider in determining the suitability of a parent as a guardian for a minor. The factors include which parent has custody of the minor; the ability of a parent to provide for the minor's basic needs; any habitual alcohol or drug use during the previous six months; and whether the parent has been convicted of a crime involving moral turpitude, domestic violence, or the exploitation of a child.

The bill also provides a list of factors the court must consider when determining whether to remove a guardian in the best interests of the child. These factors include the ability of the present guardian to provide for the basic needs of the child, the safety of the home, the length of time the minor has been with the present guardian, the emotional bond between the present guardian and the minor, the level of participation by the petitioner in the welfare of the minor, any parenting instruction or counseling programs completed by the petitioner, and the health of the present guardian.

Several district court judges testified in support of the measure and indicated that the factors set forth in S.B. 347 are consistent with case law in Nevada regarding the appointment of guardians.

A.B. 158 (Chapter 435)

Assembly Bill 158 makes changes to the statutes concerning procedures for the protection and placement of children. The bill requires that persons who apply to receive the placement of a child be notified regarding the status of their application as soon as practicable. The measure further requires the district court in each judicial district in a county with a population of less than 100,000 to create a local advisory board to expedite and limit the periods for certain procedures involved in the proceedings for the placement of children. This bill further requires the Division of Child and Family Services (DCFS) to provide administrative support and information to the local advisory boards. Members of the boards serve without compensation and are not reimbursed for their travel and per diem expenses.

To qualify as a guardian ad litem in a county with a population of less than 100,000, the measure requires completion of an initial 12 hours of specialized training, and an additional 6 hours of training annually thereafter. In counties with a population greater than 100,000, a person must be qualified, pursuant to standards of the National Court Appointed Special Advocate Association, to be appointed as a guardian ad litem.

Assembly Bill 158 also requires the DCFS to establish a volunteer panel to evaluate the extent to which agencies providing protective services are effectively discharging their responsibilities. These agencies shall make reasonable efforts to preserve and reunify the family of a child or eliminate the need for his removal from his home. In determining reasonable efforts, the health and safety of the child must be the paramount concern.

Current state law stipulates that if a child has lived outside of his home for 18 of any 24 months, it is in the child's best interest to terminate parental rights. In compliance with recently enacted federal legislation, A.B. 158 changes this time frame to 14 of any 20 months. The bill requires that child placement agencies give preference to placing a child for adoption or free care together with his siblings. It also requires the court to give strong consideration to the emotional bonds between a child and a foster parent when considering a petition for adoption from a foster parent.

Assembly Bill 158 repeals certain sections of Senate Bill 232 of the 1999 Legislative Session to resolve a conflict between these two measures. Finally, A.B. 158 was amended to conform Nevada law with the federal Adoption and Safe Families Act of 1997 and the Child Abuse Prevention and Treatment Act of 1996.

Most sections of this bill are effective on July 1, 1999. Section 13, which creates the rural advisory board in the DCFS, is effective when the division is notified that three or more local advisory boards have been created. Section 20, which allows the dissemination of certain information to local advisory boards and the rural advisory board, expires by limitation on June 30, 2001. Section 21, which is essentially the same as Section 20, except it allows a court to order disclosure of the identity of a person who makes a report or initiates an investigation of child abuse or neglect if the court has reason to believe the person knowingly made a false report, is effective on July 1, 2001.

A.B. 436 (Chapter 113)

Assembly Bill 436 expands the rights of grandparents regarding the visitation of a minor child. The measure states that grandparents whose child was not legally married to, but cohabited with the grandchild's other parent and is deceased or is separated from the other parent may be granted visitation under certain circumstances. This bill also allows a court to grant visitation to other persons with whom the child has resided and established a meaningful relationship, regardless of whether they are related to the child, if the court finds that the visits are in the best interests of the child.

The bill also expands the factors that a court must consider in determining whether to grant visitation to grandparents and other relatives of a minor child. These other factors include whether the person will serve as a role model to the child, whether the child was included in holidays and family gatherings with the other person, and whether the person has provided support, including but not limited to financial support, to the child.

A.B. 544 (Chapter 118)

Assembly Bill 544 requires the court to consider the best interest of the child in making a custody determination when it appears that a minor child of any party in a divorce has been, or is likely to be taken out of or concealed in the state. Assembly Bill 544 also deletes the reference to parents with joint custody under the statutory provisions that require the written consent of the other parent before moving outside the state with the child.

According to testimony, a parent with joint custody has difficulty obtaining permission from the other parent to move outside the state. In many situations, such a move is sought by the parent because of opportunities that will enable the parent to better care for the child. Under A.B. 544, in joint custody situations, more discretion is given to the judge to consider the merits of the move for the child because both parties will have to return to court and renegotiate the custody.

A.B. 688 (Chapter 569)

Assembly Bill 688 amends Assembly Bill 456, which was approved earlier in the 1999 Legislative Session, to revise the requirements for determining child custody and visitation rights of a parent who is convicted of first degree murder of the other parent of the child. The bill creates a rebuttable presumption that child custody and visitation rights for the convicted parent are not in the best interest of the child in such cases, and it establishes certain requirements for overcoming the rebuttable presumption.

The bill is effective on June 9, 1999.

Child Support

S.B. 398 (Chapter 155)

Senate Bill 398 creates the State Child Support Disbursement Fund as an agency fund administered by the Welfare Division of the Department of Human Resources. The fund is required pursuant to federal law concerning child support collections. Money collected by the division to carry out the federal act must be deposited in the fund.

This bill is effective on July 1, 1999.

A.B. 231 (Chapter 169)

Assembly Bill 231 requires that prior to issuing or modifying a child support order, a court must determine if any of the parties to the proceeding are receiving or have ever received public assistance. The bill provides that if the court determines the parties are receiving or have received such assistance, the court must not waive any unpaid and overdue child support payments until

after the Welfare Division of the Department of Human Resources is notified and given an opportunity to be heard regarding the matter.

This measure also adds guardians and alleged parents to those persons to whom district attorneys must provide assistance in establishing parentage, establishing the obligation of child support, and enforcing the payment of child support. Further, the bill amends existing provisions governing paternity actions to clarify that the court must appoint the Welfare Division as guardian ad litem for a child when the interests of the child are not adequately represented by the appointment of the district attorney.

Testimony indicated that Assembly Bill 231 conforms Nevada law with federal child support provisions, particularly those provisions in the federal welfare reform act.

A.B. 410 (Chapter 217)

Assembly Bill 410 repeals the provision that requires an applicant for the issuance or renewal of a driver's license to complete and sign a statement indicating whether the applicant is subject to a court order for child support and whether he is in compliance with the payment of money as ordered by the court.

Testimony indicated that the statement required under the existing law is no longer needed because the Welfare Division and the Department of Motor Vehicles and Public Safety now exchange all necessary information by computer.

This bill is effective on July 1, 1999.

A.B. 617 (Chapter 638)

Assembly Bill 617 provides an affirmative defense for a defendant who is charged with the crime of knowingly failing to provide child or spousal support if he was unable to provide such support. The bill also specifies that a defendant is not considered unable to provide such support in certain circumstances, including if the defendant was voluntarily unemployed or if the defendant is unable to pay because of excessive spending.

The measure also specifies that voluntary unemployment or underemployment without good cause or to avoid payment of child or spousal support is not an affirmative defense. Further, excessive spending, indebtedness or other legal obligations, unless not within the control of the defendant, are not affirmative defenses. A person who violates these provisions is guilty of a category C felony if it is a second or subsequent offense and if arrearages for nonpayment of child or spousal support total $5,000 or more since the date the court first ordered the defendant to provide such support.

In addition to this new language, the measure repeals certain sections of the *Nevada Revised Statutes* concerning nonpayment of support.

A.B. 644 (Chapter 185)

Assembly Bill 644 changes the method by which the Child Support Enforcement Program mails notices to employers of persons allegedly liable for child support. The bill provides that the initial notices to withhold income and to enroll a child in a health insurance program be sent by first class mail instead of certified mail. The measure further provides that all payments pursuant to an order be made to the Welfare Division or its designated representative for appropriate disbursement. Finally, the bill repeals a provision that requires a recipient of a child support payment to provide certain notice of receipt.

This bill is effective on July 1, 1999.

Divorce

A.B. 544 (Chapter 118)

Assembly Bill 544 requires the court to consider the best interest of the child in making a custody determination when it appears that a minor child of any party in a divorce has been, or is likely to be taken out of or concealed in the state. Assembly Bill 544 also deletes the reference to parents with joint custody under the statutory provisions that require the written consent of the other parent before moving outside the state with the child.

According to testimony, a parent with joint custody has difficulty obtaining permission from the other parent to move outside the state. In many situations, such a move is sought by the parent because of opportunities that will enable the parent to better care for the child. Under A.B. 544, in joint custody situations, more discretion is given to the judge to consider the merits of the move for the child because both parties will have to return to court and renegotiate the custody.

Domestic Violence and Child Abuse

S.B. 480 (Chapter 69)

Senate Bill 480 exempts from jury service victims of domestic violence who have obtained a fictitious address from the Secretary of State. The measure is an extension of legislation enacted in 1997, which created a program to protect victims of domestic violence and to assist such victims in establishing and maintaining confidential residential addresses.

This bill is effective on April 29, 1999.

A.B. 339 (Chapter 330)

Assembly Bill 339 authorizes the court to appoint a master to take testimony and recommend orders in an action to issue, dissolve, convert, modify, register, or enforce a temporary or extended order for protection against domestic violence. The bill requires the master, who must be an attorney licensed to practice law in this state, to take testimony and establish a record. Further, the master must make findings of fact, conclusions of law, and recommendations concerning such an order.

This measure also requires that a hearing on an application for an extended order for protection against domestic violence must be held within 45 days after the date the application for the extended order is filed. In addition, the bill authorizes a person to file an application for an extended order at the same time that an application for a temporary order is filed.

Testimony indicated that the high volume of cases involving domestic violence has required the courts to use court masters to hear such matters. However, the authority of these masters has been challenged because existing law does not expressly provide them with the authority to take testimony and make recommendations concerning orders for protection against domestic violence.

A.B. 473 (Chapter 442)

Assembly Bill 473 provides that a juvenile who is taken into custody for committing a battery that constitutes domestic violence must not be released for at least 12 hours. The bill further revises state law by requiring an officer to notify a parent, guardian, or custodian, and probation officer of a juvenile without undue delay when a juvenile is taken into custody. Presently, an officer must notify a parent, guardian, or custodian, and probation officer immediately.

This measure also requires that a valid order for protection against domestic violence issued by a court of another state, territory, or Indian tribe within the United States must be accorded full faith and credit by the courts of this state and enforced as if it were issued by a court in this state, regardless of whether the order has been registered in this state.

Finally, A.B. 473 provides that a person who commits a battery upon a person to whom he is related by marriage, or with whom he has had or is having a dating relationship, may not be admitted to bail sooner than 12 hours after his arrest. The measure also specifies the bail amounts that must be set for those persons.

Senior Issues

S.B. 36 (Chapter 61)

Senate Bill 36 revises the dates for filing and processing claims for refunds under the Senior Citizens' Property Tax Assistance Act. Under this measure, a claim must be filed with the

appropriate county assessor between February 1 and April 15, inclusive, rather than the previous dates of January 15 and April 30. The period of time in which the county assessor must process the application and make a determination is shortened from 45 to 30 days. Finally, the bill changes, from September 30 to August 15, the date by which an approved refund must be issued.

This measure is effective on January 1, 2000.

S.B. 63 (Chapter 18)

Senate Bill 63 adds murder and attempted murder, if committed against a person who is 65 years of age or older, to the list of crimes for which an individual may receive an enhanced penalty. The enhanced penalty is a term equal to and in addition to the term of imprisonment prescribed by the statute for the underlying crime.

This measure is effective on March 24, 1999, and does not apply to offenses committed before that date.

S.B. 117 (Chapter 359)

Senate Bill 117 authorizes the Chairman of the Nevada Commission on Aging to appoint former members of the commission, along with other experts on aging issues, to serve on advisory committees. In addition, the measure specifies that such advisory committees and subcommittees be composed of no more than five members each, that members be representative of the various ethnic groups and geographic areas of the state, and that these members are entitled to receive reimbursement for travel and per diem expenses.

Under current law, when commissioners complete their appointed terms, their service to the commission ends. This measure provides a mechanism for these individuals to continue to participate and remain involved in the commission's activities as members of an advisory committee or subcommittee.

S.B. 370 (Chapter 537)

Senate Bill 370 specifies that the State Plan for Medicaid must include a requirement that any senior citizen who has a household income under $200,000, and who purchases and receives benefits for at least three years from an eligible long-term care insurance policy, is eligible for Medicaid for long-term care.

The measure is effective on July 1, 1999.

S.C.R. 4 (File No. 143)

Senate Concurrent Resolution No. 4 directs the Legislative Commission to appoint a subcommittee to conduct an interim study of long-term care in Nevada. The resolution notes that the state has experienced unprecedented growth in population and that a large percentage of this growth is attributable to elderly persons who have retired in this state. Likewise, elderly persons with disabilities generally have the highest incidence of chronic illness and the greatest need for long-term care services.

This study must include the identification, review, and evaluation of alternatives to institutionalization for providing long-term care. The study must also include an evaluation of the possibility of obtaining waivers from the Federal Government to integrate and coordinate acute care services, provided through Medicare and long-term services provided through Medicaid; and eliminate the requirement that elderly persons in this state impoverish themselves as a condition of receiving assistance for long-term care. Finally, S.C.R. 4 requires the Legislative Commission to submit a report of the subcommittee's findings and recommended legislation to the 2001 Legislature.

A.B. 74 (Chapter 261)

Assembly Bill 74 provides that a retired person who is a member of the Public Employees' Retirement System and who accepts employment as a member of the professional teaching staff of the College of Education of the University of Nevada, Reno, or the University of Nevada, Las Vegas, may continue to receive his retirement benefits for the duration of that employment, with no limit on his earnings.

The bill also requires the Public Employees' Retirement Board to conduct a study of the effect on the retirement system of reemployment of retired public employees by employers that participate in the system. Status reports concerning the study must be presented at each meeting of the Interim Retirement Committee of the Legislature and the final report must be submitted to the 2001 Nevada Legislature.

This measure is effective July 1, 1999, and expires by limitation on July 1, 2001.

A.B. 250 (Chapter 51)

Assembly Bill 250 clarifies the duties of the specialist for the rights of elderly persons within the Aging Services Division of the Department of Human Resources. Further, the measure defines the term elderly person as a person who is 60 years of age or older. Finally, the bill grants authority to the specialist to investigate incidents of isolation of an elderly person.

The measure is effective on April 27, 1999.

A.B. 439 (Chapter 218)

Assembly Bill 439 revises provisions governing the use of state parks and recreational areas. The measure requires the Administrator of Nevada's Division of State Parks to set and collect reasonable fees for entering, camping, and boating in the state park system. The bill also revises the age and residency requirements to receive a free annual permit for the use of state parks. Specifically, the bill increases the age threshold, from 60 to 65, to receive such a permit and requires five years of residency in this state, rather than being a bona fide resident as outlined in current law. Because the measure increases the age threshold to receive the free permit, the bill provides "grandfather" provisions for current permit holders between the ages of 60 and 65.

Finally, A.B. 439 provides that the division may charge and collect an administrative fee in an amount sufficient to cover the costs of issuing the permit. The administrative fee collected must be deposited in the State General Fund.

This measure is effective on January 1, 2000.

A.B. 474 (Chapter 538)

Assembly Bill 474 sets forth the state's priorities for expending the proceeds from settlement agreements with manufacturers of tobacco products. The measure declares that these priorities are to increase the number of Nevada students who attend and graduate from Nevada institutions of higher education and assist Nevada residents in obtaining and maintaining good health. Further, the measure dedicates a total of 60 percent of the money to two separate trust funds.

The bill creates the Fund for a Healthy Nevada from 50 percent of the proceeds, identifies five goals for the state to meet with the use of the money, and establishes a task force to allocate the money in the fund. The task force is responsible for conducting public hearings and for establishing a process to evaluate the health and health needs of Nevadans. Further, the task force must reserve not more than 30 percent of the funds for prescription drugs and pharmaceutical services for senior citizens and not more than 30 percent for grants for programs that assist senior citizens with independent living. Not more than 20 percent of the funds must be reserved for programs that prevent, reduce, or treat the use of tobacco and the consequences of tobacco use and not more than 20 percent may be used for health services for children and for persons with disabilities.

Among its other responsibilities, the task force must develop policies and procedures for the administration and distribution of grants and other expenditures to nonprofit organizations, universities, and community colleges.

In addition, the measure sets forth the responsibilities of the Department of Human Resources (DHR) concerning the various programs that are established and requires the department to enter into contracts with private insurers who transact health insurance in this state. The contracts must arrange for the availability, at a reasonable cost, of policies of health insurance that provide coverage to senior citizens for prescription drugs and pharmaceutical services.

Further, the measure establishes a method to provide subsidies to senior citizens for these health insurance policies, and among the various provisions of the bill, the DHR is required to cooperate with the Department of Taxation concerning property tax relief for senior citizens.

The bill creates the Trust Fund for Public Health from the remaining 10 percent of the proceeds. However, only the interest and income earned on the money in this trust fund may be expended. The measure creates a board of trustees and specifies that the trust fund money be used for grants for promoting public health programs, expenses related to the operation of the board of trustees, and actual costs incurred by the Health Division, DHR, for providing administrative assistance to the board.

Finally, the measure makes miscellaneous appropriations from the proceeds, and the bill specifies the conditions under which these appropriations are to be made. The appropriations include:

- $2 million to public broadcasting stations KNPB and KLVX to carry out the conversion to digital television;

- $5 million to the University of Nevada School of Medicine for capital improvements required to establish a program in Las Vegas that is designed to provide health care services to persons for whom health care is not readily accessible;

- $5 million to the Rehabilitation Division of the Department of Employment, Training and Rehabilitation for disbursement to Accessible Space, Inc., to construct an accessible housing and supportive services complex in Clark County for disabled persons; and

- $1 million to the Office of Rural Health, University of Nevada School of Medicine for emergency medical services provided in rural counties, the improvement of billing technology used by rural hospitals, and the development of systems to provide health care services, by the use of telemedicine and other electronic means, in counties with a population of less than 100,000.

A.B. 573 (Chapter 412)

Assembly Bill 573 revises provisions concerning criminal background checks for persons who are employed by or who contract with certain dependent care facilities. Included within the provisions of the measure are nursing homes, intermediate care facilities, skilled nursing facilities, and residential facilities for groups. The measure specifies that a person who is considered an independent contractor is required to have a background check performed as a condition of working in a facility and stipulates that employees of these facilities have a background check performed every five years.

The bill allows an administrator or operator of one of these facilities, under certain circumstances, to waive a background check requirement if an employee or independent contractor has had a background check in the preceding six months. Finally, the measure adds convictions concerning elder abuse to the list of convictions that may prohibit a person from working in these dependent

care facilities, and makes provision for persons to declare whether they have been convicted of the newly added category of crimes.

The bill is effective on July 1, 1999.

A.B. 614 (Chapter 460)

Assembly Bill 614, in addition to making various changes to Nevada's election laws, creates new provisions permitting registered voters who are disabled, elderly, or unable to go to a polling place to obtain an absent ballot and designate a person to assist the voter in marking and signing the ballot. The measure clarifies that a written request for an absent ballot may be made by a person who is confined in a hospital, nursing home, or dwelling on election day and states that the request may designate a person to assist the voter in completing his or her ballot and returning the ballot to the county clerk's office. Assembly Bill 614 also directs the county clerk to make reasonable accommodations at the polling place for a voter with a physical disability who wishes to vote in person.

A.B. 649 (Chapter 56)

Assembly Bill 649 removes obsolete language from Chapter 200 of the *Nevada Revised Statutes* relating to protective services for older persons. The bill deletes references to the Welfare Division and retains language requiring all reports of elder abuse to be reported to the Aging Services Division of the Department of Human Resources.

This measure is effective on July 1, 1999.

GAMING

S.B. 421 (Chapter 379)

Senate Bill 421 establishes requirements concerning smoking in the gaming areas of certain grocery stores. The bill provides that a grocery store may allow the smoking of tobacco in a public area of the store that is leased or operated by a person with a gaming license if the entire public area of the store is not more than 10,000 square feet. A grocery store with an entire public area greater than 10,000 square feet may allow smoking in a gaming area if it is segregated from the public areas of the store by two or more walls or partial walls, or any combination thereof, in a configuration that includes at least one corner and contains a method of ventilation that substantially removes smoke from the area. The measure clarifies that a "wall" or "partial wall" may include one or more slot machines or other gaming devices if they are configured together or in conjunction with other structures to create a barrier that is similar to a wall or partial wall.

Senate Bill 421 further provides that a grocery store may allow smoking in a gaming area without these restrictions if the store was constructed or received final approval for construction before October 1, 1999. On or after January 1, 2010, such a store may allow smoking in the gaming area only if the area contains a method of ventilation that substantially removes smoke from the area. If such a grocery store remodels at least 25 percent of the square footage of its entire public area at any time before January 1, 2010, the store may allow smoking in the gaming area only if the remodel includes a method of ventilation that substantially removes smoke from the area.

A.B. 583 (Chapter 343)

Assembly Bill 583 revises the provision that declares the public policy of the state concerning gaming. This measure clarifies that gaming establishments that hold restricted licenses and those establishments that hold nonrestricted licenses should not unduly impact the quality of life enjoyed by residents of the surrounding neighborhoods.

This bill is effective on May 28, 1999.

A.B. 593 (Chapter 181)

Assembly Bill 593 allows a person employed as a gaming employee for an operator of a slot machine route to work in more than one jurisdiction without having to obtain more than one work permit. The bill requires such an employee to hold a valid work permit issued by the county or city in which his work is primarily performed, or to hold a valid work permit issued by the State Gaming Control Board if a work permit is not required by either the county or city where the work is primarily performed. The bill also requires the employee to notify the licensing authority of each county and city in which he works, except the jurisdiction that issued the work permit, that he has obtained a valid work permit pursuant to these provisions.

This bill is effective on July 1, 1999.

A.B. 646 (Chapter 350)

Assembly Bill 646 changes, from June 20 to June 30, the deadline for collecting the annual excise tax imposed on slot machines. The bill also clarifies the deadline for collecting the annual license fees for the issuance or renewal of the licenses for manufacturers, sellers, and distributors of gaming devices. The bill provides that all such licenses must be issued for the calendar year beginning on January 1 and expiring on December 31, and it requires that these fees must be collected on or before December 31 for the ensuing calendar year if the operation is continuing.

This measure is effective on May 28, 1999.

A.B. 651 (Chapter 204)

Assembly Bill 651 changes various provisions relating to the manufacture, sale, and distribution of gaming devices and associated equipment, and the operation of inter-casino linked systems.

The bill adds the manufacture, sale, and distribution of gaming devices and associated equipment; the operation of inter-casino linked systems; and the operators of such systems to the provision that declares the public policy concerning gaming in this state. The bill also adds inter-casino linked systems to various provisions that apply to gaming devices and associated equipment.

This measure requires the Nevada Gaming Commission to adopt regulations governing the operation of inter-casino linked systems, and the bill requires an operator of an inter-casino linked system to make such a system available to any eligible nonrestricted gaming licensee under certain circumstances. The bill also contains provisions for determining which nonrestricted gaming licensees are eligible to have such a system made available to them. The bill allows an operator of an inter-casino linked system to impose different terms and conditions on different licenses, including different prices, based on credit considerations and the quantity of gaming devices connected to such a system that are sold or leased to a licensee or affiliated licensees.

In addition, the bill changes the provisions concerning the monthly fee for the state gaming license that is based upon the gross revenue of the licensee, the provisions concerning the quarterly fee paid for nonrestricted operation of slot machines, and the provisions concerning the annual excise tax imposed upon slot machines. The measure provides that an operator of an inter-casino linked system operated on the premises of a licensee is liable to the licensee for the operator's proportionate share of the license fees and must remit or credit the full share to the licensee on or before the 24th calendar day each month. Further, the bill sets forth the proportionate share of the operator's license fees and provides that a licensee is not liable for these fees. In addition, the bill prohibits such an operator from entering into any agreement or arrangement with a licensee that provides for the operator to be liable for less than the full proportionate share of the license fees, whether through a rebate, refund, charge-back, or other means.

An inter-casino linked system that is being operated on May 20, 1999, may continue to be operated in accordance with the provisions of this bill until the earlier of July 1, 2000, or the date on which the system is separately approved by the commission, whichever occurs first. The bill

prohibits such a system from being operated or exposed for play after July 1, 2000, unless all licenses and approvals have been obtained in accordance with the provisions of this bill and related regulations adopted by the commission.

This measure is effective on May 20, 1999.

A.B. 669 (Chapter 589)

Assembly Bill 669 revises the provisions relating to the regulation of gaming. The measure prohibits a person who has been denied a gaming license or has otherwise been found unsuitable by the Nevada Gaming Commission from entering into contracts or other agreements with gaming licensees. In addition, every contract or agreement for employment with a gaming licensee or an affiliate shall be deemed to include a termination provision upon a finding by the commission that the person is unsuitable to be associated with a gaming enterprise. The measure also requires the Gaming Control Board to maintain a list of all such persons, including the names of any businesses they control, and to make the list available to gaming licensees.

Assembly Bill 669 authorizes a rehearing, at the discretion of the commission, of a claim for a refund of gaming taxes or fees by a licensee. Finally, the bill provides that service charges imposed and collected by someone other than the licensee in connection with the use of credit or debit cards by patrons are not subject to the casino entertainment tax.

The amendatory provisions relating to the casino entertainment tax do not apply to any amounts paid before June 9, 1999, the effective date of the bill.

HEALTH CARE
(See also: Insurance)

S.B. 24 (Chapter 90)

Senate Bill 24 defines the practice of psychology to include diagnosis and treatment of alcoholism and substance abuse. The bill also requires an applicant for a license to pass the Examination for the Professional Practice of Psychology in the form administered by the Association of State and Provincial Psychology Boards, as approved by Nevada's Board of Psychological Examiners. Further, S.B. 24 authorizes the board to take disciplinary action against a licensee who has been disciplined by another state or foreign country if the basis for that discipline is the same or substantially similar to grounds for imposing discipline in this state.

This bill is effective on May 5, 1999.

S.B. 197 (Chapter 241)

Senate Bill 197 creates an advisory subcommittee on fetal alcohol syndrome within Nevada's Advisory Board on Maternal and Child Health, which is within the Health Division. Members of the 12-member appointed subcommittee must represent certain agencies, organizations, and institutions of higher education that are responsible for the care and delivery of services to persons affected by fetal alcohol syndrome, including persons who are afflicted with mental retardation. Except for travel and per diem, members serve their two-year terms without compensation, and may be reappointed. The measure sets forth the powers and duties of the advisory subcommittee and provides confidentiality protections for any referral of a pregnant woman for prevention or treatment services under the measure.

The bill also requires the Health Division to develop and carry out programs relating to the prevention and treatment of fetal alcohol syndrome, including programs for public awareness, the training of school personnel, and the use of a toll-free telephone information and referral service. The division may accept any gifts, grants, or donations related to these activities, and administer a special account established for this purpose. The division is also required to collect certain statistical information about children who are adopted, those who are placed in foster homes, or children placed in protective services. Finally, the division is charged with developing a system to monitor fetal alcohol syndrome in Nevada.

The bill is effective on October 1, 1999; however, portions of the measure are effective on May 24, 1999, for the purpose of developing regulations.

S.B. 479 (Chapter 132)

Senate Bill 479 revises procedures governing medical and dental malpractice screening panels. The measure provides that any finding by a screening panel that it is unable to reach a decision on the issue of malpractice is not admissible in court. The bill also requires the Insurance Division

to give preference in scheduling cases before the screening panel to individuals whose age or medical condition raises a substantial medical doubt that the claimant will survive until a determination is made by the panel.

S.B. 556 (Chapter 598)

Senate Bill 556 creates a task force concerning access to public health services. The measure sets forth the membership of the task force, identifies the responsibilities of the task force, and appropriates $50,000 to the Department of Human Resources to carry out the provisions of the bill.

The task force must, among other things, establish the basic coverage that must be included in each health insurance policy; identify, review, and prioritize the basic health care services available; and identify and analyze current public and private resources within this state that provide health care services and coverage to persons without health insurance.

This measure is effective on July 1, 1999.

S.C.R. 4 (File No. 143)

Senate Concurrent Resolution No. 4 directs the Legislative Commission to appoint a subcommittee to conduct an interim study of long-term care in Nevada. The resolution notes that the state has experienced unprecedented growth in population and that a large percentage of this growth is attributable to elderly persons who have retired in this state. Likewise, elderly persons with disabilities generally have the highest incidence of chronic illness and the greatest need for long-term care services.

This study must include the identification, review, and evaluation of alternatives to institutionalization for providing long-term care. The study must also include an evaluation of the possibility of obtaining waivers from the Federal Government to integrate and coordinate acute care services, provided through Medicare and long-term services provided through Medicaid; and eliminate the requirement that elderly persons in this state impoverish themselves as a condition of receiving assistance for long-term care. Finally, S.C.R. 4 requires the Legislative Commission to submit a report of the subcommittee's findings and recommended legislation to the 2001 Legislature.

A.B. 25 (Chapter 5)

Assembly Bill 25 repeals the sunset provisions of the law governing screening panels for dental malpractice claims. This bill amends Chapter 621, *Statutes of Nevada 1995*, which expanded the

provisions governing screening panels for medical malpractice to include causes of action for dental malpractice. The provisions of that law expire by limitation on July 1, 1999.

This measure is effective on March 16, 1999.

A.B. 73 (Chapter 20)

Assembly Bill 73 revises the provisions governing the withholding of life-resuscitating treatment. This measure amends existing law by requiring that, rather than a "health authority," the State Board of Health or a county or district board of health adopt regulations concerning the withholding of life-resuscitating treatment. The measure also allows a health authority to collect the fee associated with engraving a do-not-resuscitate identification.

This measure is effective on March 29, 1999.

A.B. 113 (Chapter 35)

Assembly Bill 113 requires that a provider of health care make health care records available for inspection by an investigator for the Office of the Attorney General or a grand jury in a case of suspected patient neglect or elder abuse.

Testimony indicated that, under current law, health care providers must make available health care records of a patient to investigators for the Office of the Attorney General who are investigating provider fraud. The law does not, however, currently require such disclosure of patient records for investigations of patient neglect or elder abuse.

This measure is effective on April 7, 1999.

A.B. 238 (Chapter 630)

Assembly Bill 238 requires the Health Division of Nevada's Department of Human Resources to establish and maintain a statewide system for the collection and analysis of information concerning birth defects and other adverse birth outcomes. The measure specifies that the data collection system shall be established and maintained in cooperation with the University of Nevada School of Medicine. The bill further provides that information collected and stored in the database shall be used only for the purposes specified. In addition, the measure requires the State Board of Health to adopt regulations to inform a patient of the use of his name for research purposes and to allow a person to request, in writing, that his name not be used. Should consent not be obtained, the data may still be collected in the aggregate, but the name of the person may not be recorded or in any way associated with the information.

The measure identifies the responsibilities that must be met by the chief administrative officer of each hospital and obstetric center in the state in regard to the data collection system and specifies

the uses of information obtained from the system. Further, the measure requires the State Board of Health to adopt regulations governing access to information in the system and specifies that information obtained by the system is confidential. The measure also sets forth the conditions that must be followed by persons who are given access to information in the data collection system.

Assembly Bill 238 also establishes provisions governing directed organ donations by Nevada residents. The measure provides that once an individual declares his or her intent to make an anatomical gift, it may not be ignored by his family. In addition, a document of anatomical gift is assumed to be valid, absent evidence to the contrary. Finally, unless the anatomical gift has been directed to a designated recipient, a gift made by a Nevada resident must first be directed to other Nevadans requiring transplants who are listed on a transplant list that is generally recognized in the medical field.

A.B. 474 (Chapter 538)

Assembly Bill 474 sets forth the state's priorities for expending the proceeds from settlement agreements with manufacturers of tobacco products. The measure declares that these priorities are to increase the number of Nevada students who attend and graduate from Nevada institutions of higher education and assist Nevada residents in obtaining and maintaining good health. Further, the measure dedicates a total of 60 percent of the money to two separate trust funds.

The bill creates the Fund for a Healthy Nevada from 50 percent of the proceeds, identifies five goals for the state to meet with the use of the money, and establishes a task force to allocate the money in the fund. The task force is responsible for conducting public hearings and for establishing a process to evaluate the health and health needs of Nevadans. Further, the task force must reserve not more than 30 percent of the funds for prescription drugs and pharmaceutical services for senior citizens and not more than 30 percent for grants for programs that assist senior citizens with independent living. Not more than 20 percent of the funds must be reserved for programs that prevent, reduce, or treat the use of tobacco and the consequences of tobacco use and not more than 20 percent may be used for health services for children and for persons with disabilities.

Among its other responsibilities, the task force must develop policies and procedures for the administration and distribution of grants and other expenditures to nonprofit organizations, universities, and community colleges.

In addition, the measure sets forth the responsibilities of the Department of Human Resources (DHR) concerning the various programs that are established and requires the department to enter into contracts with private insurers who transact health insurance in this state. The contracts must arrange for the availability, at a reasonable cost, of policies of health insurance that provide coverage to senior citizens for prescription drugs and pharmaceutical services. Further, the measure establishes a method to provide subsidies to senior citizens for these health insurance policies, and among the various provisions of the bill, the DHR is required to cooperate with the Department of Taxation concerning property tax relief for senior citizens.

The bill creates the Trust Fund for Public Health from the remaining 10 percent of the proceeds. However, only the interest and income earned on the money in this trust fund may be expended. The measure creates a board of trustees and specifies that the trust fund money be used for grants for promoting public health programs, expenses related to the operation of the board of trustees, and actual costs incurred by the Health Division, DHR, for providing administrative assistance to the board.

Finally, the measure makes miscellaneous appropriations from the proceeds, and the bill specifies the conditions under which these appropriations are to be made. The appropriations include:

- $2 million to public broadcasting stations KNPB and KLVX to carry out the conversion to digital television;

- $5 million to the University of Nevada School of Medicine for capital improvements required to establish a program in Las Vegas that is designed to provide health care services to persons for whom health care is not readily accessible;

- $5 million to the Rehabilitation Division of the Department of Employment, Training and Rehabilitation for disbursement to Accessible Space, Inc., to construct an accessible housing and supportive services complex in Clark County for disabled persons; and

- $1 million to the Office of Rural Health, University of Nevada School of Medicine for emergency medical services provided in rural counties, the improvement of billing technology used by rural hospitals, and the development of systems to provide health care services, by the use of telemedicine and other electronic means, in counties with a population of less than 100,000.

Health Care Professions

S.B. 7 (Chapter 76)

Senate Bill 7 revises provisions governing the requirements for certification as an assistant in a medical laboratory. To qualify for certification, a person must be a high school graduate or have a general equivalency diploma. In addition, the person must complete at least six months of approved training and demonstrate the ability to perform laboratory procedures, or complete a course of instruction that qualifies him to take and pass an examination administered by certain specified entities.

The bill also authorizes licensed or certified medical laboratory personnel to perform certain laboratory tests that are classified as waived under federal regulations. Further, a test must be administered at an outpatient center or the patient's residence. Finally, the laboratory director must ensure that the laboratory employee is competent to perform the test, that the test is performed according to the manufacturer's instructions, and that appropriate controls and safety requirements have been met.

S.B. 101 (Chapter 92)

Senate Bill 101 makes various changes to provisions governing pharmacy. The bill clarifies the requirements for practical experience that an intern pharmacist must complete and requires the State Board of Pharmacy to issue a certificate of registration as a pharmacist to each person who qualifies to practice pharmacy in this state. In addition, S.B. 101 requires that the computerized program to track prescriptions for controlled substances be designed to provide statistical data relating to the use of such controlled substances. The program must not provide information regarding statistical data that is specific to a particular patient. The measure also allows a pharmacist to have his registration number, assigned by the federal Drug Enforcement Administration, preprinted on the prescription form, or he may hand write the number on the prescription form.

S.B. 181 (Chapter 364)

Senate Bill 181 authorizes the Board of Dental Examiners to issue a limited license to practice dentistry or dental hygiene to a person who has entered into a contract with the University and Community College System of Nevada (UCCSN) to provide services full-time as a dental intern, dental resident, or instructor of dentistry or dental hygiene, and who meets certain other requirements. The limited license expires after one year and may be renewed.

The bill also eliminates a requirement that a person seeking a restricted license to provide publicly funded dental services exclusively to persons of low income under a contract with certain facilities have at least five years of clinical experience obtained after receiving a degree. In addition, the bill increases, from one year to three years, the time allowed for a person who receives a restricted license to pass the board's examination.

Further, S.B. 181 establishes certain fees and authorizes increases in other existing fees.

Testimony indicated that from time to time the UCCSN recruits national experts to supervise dental activities, such as the residency program. These experts are licensed in other jurisdictions and sometimes will not accept such positions in Nevada if they are required to go through the full licensing process again. The provisions of S.B. 181 address this problem. Finally, the board's fee schedule has not been revised since 1987 and needs to be updated to reflect current administration costs.

S.B. 210 (Chapter 574)

Senate Bill 210 declares the practice of counseling alcohol and drug abusers to be a "learned profession" and subject to regulation to protect the public interest. The bill creates a five-member Board of Examiners for Alcohol and Drug Abuse Counselors, appointed by the Governor. Three members must be licensed alcohol and drug abuse counselors, one must be certified as an alcohol and drug abuse counselor, and one must be a member of the general public. The measure defines "practice of counseling alcohol and drug abusers" to mean the application of

counseling to reduce or eliminate the habitual use of alcohol or other drugs, other than maintenance doses of certain narcotic or habit-forming drugs.

The bill also authorizes the board to license or certify, investigate, and discipline alcohol and drug abuse counselors and interns, as well as to adopt regulations for continuing education requirements. The measure sets forth the requirements of an applicant for licensure as a counselor and provides certain exemptions for specified licensed professionals who practice in medically related fields.

The bill provides for the certification of alcohol and drug abuse counselors and counselor interns, specifies the requirements for such certification, and describes the activities that counselors and counselor interns may perform.

Senate Bill 210 authorizes the board to issue a certificate as an alcohol and drug abuse counselor intern to a person who has a high school diploma or general equivalency diploma; submits proof of enrollment in a program leading to an associate, bachelor's, master's, or doctoral degree in nursing, or a field of social science approved by the board; or has received such a degree. An intern may, under the supervision of a licensed counselor, engage in the practice of counseling alcohol and drug abusers and diagnose or classify a person as an alcoholic or abuser of drugs.

The board also may issue a license or a certificate without examination to a person licensed or certified in another jurisdiction if the requirements in that jurisdiction at the time the license or certificate was issued are deemed by the board to be substantially equivalent to the requirements in this state. The board also may issue a one-time provisional license or certificate, which is valid for no more than one year, to a person who has applied to take the examination but is otherwise eligible for that license or certificate.

Senate Bill 210 prohibits a person from engaging in the practice of counseling alcohol and drug abusers unless the person is licensed or certified as provided in the measure. Further, the bill provides that a person shall not use the title "alcohol and drug abuse counselor," "alcohol and drug abuse counselor intern," "drug abuse counselor," "substance abuse counselor," or any similar title, words, or other designation intended to imply that the person is licensed or certified unless the person is in fact licensed or certified by the board.

The measure clarifies that the Bureau of Alcohol and Drug Abuse, Department of Human Resources, will continue to certify detoxification technicians after July 1, 2001. Finally, the measure establishes a fee schedule for applications, renewals, and examinations.

This measure has various effective dates.

S.B. 357 (Chapter 278)

Senate Bill 357 requires the State Board of Physical Therapy Examiners to appoint a five-member advisory board to recommend to the Nevada Legislature any legislation that it deems necessary concerning regulation of athletic trainers.

One member of the advisory board must be a licensed physical therapist and a current member of the State Board of Physical Therapy Examiners. This member also must be certified as an athletic trainer by the National Athletic Trainers Association Board of Certification. Two members must represent the Nevada Athletic Trainers Association and have at least a master's degree in a discipline related to athletic training. Two members must represent the Nevada Athletic Trainers Association and have a bachelor's degree in a discipline related to athletic training.

Legislation recommended by the advisory board may include educational qualifications and experience requirements for licensure, the membership of the board that will license athletic trainers, fees for issuance and renewal of licenses, and requirements for disciplinary action. Any recommended legislation must be submitted to the Nevada Legislature no later than January 15, 2003.

S.B. 519 (Chapter 531)

Senate Bill 519 authorizes certain animal control officers, wildlife biologists, and designated employees of related governmental wildlife or animal control agencies to possess and administer controlled substances. These persons must possess and administer the substances in accordance with State Board of Pharmacy regulations. Further, the bill specifies that home health agency nurses may administer dangerous drugs in response to the immediate needs of the patient; however, such nurses must be under the direction of a home health agency medical director who is a physician licensed to practice in Nevada.

In addition, the bill provides that pharmacists who are trained and certified may administer immunizations for adults. The protocols developed for the administration of these immunizations must be developed by a physician who is licensed to practice in Nevada. Finally, the State Board of Pharmacy is required to prepare an annual report concerning these immunizations, and the measure specifies the criteria that must be included in the report.

A.B. 204 (Chapter 316)

Assembly Bill 204 revises certain provisions relating to nursing. It clarifies that, while the State Board of Nursing approves professional nursing schools, schools are accredited by a nationally recognized accrediting association or agency. Also, while the board must survey all approved nursing schools in Nevada, A.B. 204 provides that, in lieu of conducting its own survey, the board may accept a survey in and recommendations made by an accrediting association if the association has been approved by the board. The measure further clarifies that the board's duties and regulations apply to holders of certificates to practice as nursing assistants as well as to nursing licensees. The bill allows volunteer work to be counted toward renewal of an individual's license or certificate by eliminating the requirement that nursing assistants, practical nurses, and professional nurses must be compensated for the duties performed.

In addition, the measure exempts each member, employee, or agent of the board from civil action for any act performed in good faith and within the duties assigned to the board. It requires the

board to keep records of all disciplinary actions and to publish a list of applicants who were denied a license or certificate or against whom disciplinary action was taken within the preceding year. The bill requires that an administrative complaint be filed against the licensee or certificate holder before suspension or revocation by the board.

Finally, Assembly Bill 204 revises certain fees and charges and eliminates statutory references to the former Advisory Council on Continuing Education.

A.B. 409 (Chapter 194)

Assembly Bill 409 extends limited immunity from liability for the use of automated defibrillators to physicians, nurses, and other persons trained in the use of the devices who render emergency care gratuitously and in good faith. The bill further extends the limited immunity to emergency medical attendants, registered nurses, or licensed practical nurses who obey instruction by physicians and nurses in rendering emergency care. Persons who hold equivalent medical licenses issued by another state are also provided this limited immunity.

This measure further provides limited immunity from liability for the use of automated external defibrillators to persons and governmental entities that provide requisite training in accordance with standards of the American Heart Association or the American National Red Cross. Businesses and organizations that place an automated external defibrillator on their premises are not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, of the person rendering such care.

Finally, A.B. 409 provides that gratuitously means that the person receiving care or assistance is not required or expected to pay any compensation or other remuneration for receiving the care or assistance.

A.B. 432 (Chapter 404)

Assembly Bill 432 revises the authority of an optometrist who is certified to prescribe certain therapeutic pharmaceutical agents by allowing the optometrist to prescribe, for the treatment of allergies, oral medications that do not contain steroids. The optometrist also may prescribe analgesics of hydrocodone with compounds, codeine with compounds, or propoxyphene with compounds.

The bill authorizes an optometrist to treat persons diagnosed with glaucoma under certain circumstances if he holds a certificate issued by the Nevada State Board of Optometry. However, an optometrist must refer a patient diagnosed with glaucoma to an ophthalmologist for treatment if the patient is under 16 years of age, the patient has been diagnosed with malignant glaucoma or neovascular glaucoma, the patient has been diagnosed with acute closed angle glaucoma, or the patient's glaucoma is caused by diabetes.

The measure also requires the board to adopt regulations concerning the issuance of such a certificate and specifies certain requirements that must be adopted by regulation. In addition, A.B. 432 authorizes an optometrist to practice under an assumed or fictitious name if the name has been registered with the board.

Health Care Services and Facilities

S.B. 73 (Chapter 232)

Senate Bill 73 concerns the second evaluation requested by a client who has been admitted involuntarily to a mental health facility. The measure clarifies that the second evaluation shall be conducted by a psychiatrist or psychologist who does not have a contractual relationship or financial interest in the facility.

S.B. 161 (Chapter 305)

Senate Bill 161 provides for the regulation of a new classification of facility called a halfway house for alcohol and drug abusers, which provides housing and a living environment for individuals with alcohol and drug abuse problems. The measure requires that these facilities be certified by the Bureau of Alcohol and Drug Abuse and authorizes the bureau to inspect the premises, review the qualifications of personnel, and review and act on complaints. Further, the measure authorizes administrative fines for violations of certification. The bill also requires the bureau to adopt any needed regulations and provides it with the authority to bring certain legal actions against facilities operating without a certificate. The provisions of the bill do not apply to facilities for the treatment of abuse of alcohol or drugs that are already regulated under statute.

Further, the measure indicates that the bureau may charge fees that must not exceed the actual cost to the bureau of issuing the certificate to operate a halfway house.

The bill addresses concerns that certain facilities, commonly known as halfway houses, are not presently recognized or regulated under statute. Other facilities, currently defined in statute as facilities for the treatment of abuse of alcohol or drugs, are already regulated and are not affected by the bill.

The portions of the bill concerning the preparation of regulations are effective on May 25, 1999. All other provisions of the measure are effective January 1, 2000.

S.B. 163 (Chapter 239)

Senate Bill 163 provides that homes for individual residential care must be licensed by Nevada's Health Division under separate requirements. The State Board of Health is required to adopt minimal licensing standards pertaining to care and sanitation issues to prevent the abuse, neglect,

or exploitation of residents of such homes. Penalties are provided for persons operating such facilities without a license, and provisions are made for relocating residents in the event of closure. The measure also clarifies that residents of such homes have the same patient rights that currently exist for patients in other medical facilities and in facilities for the dependent.

The bill is effective July 1, 1999. Individual residential care homes must be licensed under the provisions of the measure on or before January 1, 2000, but may continue operating under current law until that date.

S.B. 365 (Chapter 279)

Senate Bill 365 establishes a nine-member advisory committee on emergency medical services. The members are appointed by the Governor from organizations and agencies providing emergency medical services for government and industry in rural and urban settings, using both paid employees and volunteers. Four ex officio members include representatives of the Health Division, the Clark and Washoe County health offices, and a physician representing a trauma committee in the state. The Governor may not appoint more than one member from the same company or service organization. Members serve two-year terms without compensation, except for travel and per diem expenses. The chairman of the committee is selected by the members and serves a one-year term in that capacity. The committee is authorized to review and advise the Health Division concerning Nevada's emergency medical services, including emergency care policies, emergency protocols, provider qualifications, emergency care regulations, training and education matters, and related budget issues.

Provisions authorizing the appointment of the committee members are effective on May 25, 1999. All other sections are effective October 1, 1999.

S.B. 382 (Chapter 93)

Senate Bill 382 provides for the reimbursement of licensed hospice care facilities for room and board services provided to Medicaid recipients. The measure also allows physicians to authorize registered nurses employed by a licensed hospice to make a pronouncement of death. Further, the measure deletes the restriction that hospices be physically separated from other medical facilities.

The bill is effective July 1, 1999.

S.B. 391 (Chapter 619)

Senate Bill 391, in addition to requiring a governing board of a county with a population of 400,000 or more to preserve the character of rural neighborhoods, sets forth various provisions regarding certain residential care facilities. The measure provides that in any county or city ordinance, the definition of "single-family residence" must include residential facilities for groups in which persons with disabilities reside with their caregivers, and homes for individual residential

care. The bill also requires the Health Division of the Department of Human Resources to compile and maintain a registry of information on residential facilities for groups and to make the information available on the Internet or its successor. A county or city entity that becomes aware of a facility that is not in the registry must transmit such information within 30 days, as necessary, to the division for inclusion in the registry.

This bill further requires a county with a population of 100,000 or more and any city in such a county to approve the first application submitted after October 1, 1999, to operate a residential group facility within a particular neighborhood in its jurisdiction. After July 1, 2000, an application to operate such a facility within 660 feet of an existing facility must be reviewed based upon applicable zoning ordinances. The bill neither requires the relocation or displacement of a residential group facility that existed before July 1, 2000, nor does it create or impose a presumption that the location of more than one residential group facility within 660 feet of any other is inappropriate in all circumstances, with respect to enforcement of zoning regulations. Further, the bill must not be applied in a manner that would result in a loss of money from federal housing programs.

Senate Bill 391 also prohibits a county or city from refusing to issue a special use permit to a residential group facility that meets local public health and safety standards.

This bill is effective on October 1, 1999, except for the provisions relating to residential facilities, which are effective on July 1, 2000.

S.C.R. 9 (File No. 88)

Senate Concurrent Resolution No. 9 urges the Health Division's Bureau of Licensure and Certification to make its published surveys of nursing homes easier for consumers to understand. Further, the measure encourages the bureau to make these surveys more accessible and available to consumers of long-term care services.

A.B. 141 (Chapter 166)

Assembly Bill 141 clarifies provisions governing the rights of a client who is conditionally released from a public or private mental health facility. The measure permits a medical director or his designee to prescribe the period of conditional release and specifies the conditions under which a person may be ordered to be returned to a facility when his conditional release is no longer appropriate. Finally, the measure clarifies the terms on which an individual is unconditionally released from a period of involuntary commitment.

The measure is effective on May 20, 1999.

A.B. 167 (Chapter 50)

Assembly Bill 167 revises the definition of "residential facility for groups" to provide that it does not include an establishment that furnishes food, shelter, assistance, and limited supervision to four or more females during pregnancy or after delivery. Further, the measure clarifies that any facility funded by a division or program of the Department of Human Resources is exempt from the definition of residential facility for groups.

Witnesses stated that it is not necessary to regulate these facilities because pregnancy is not, in and of itself, a condition that creates dependence. The purpose of regulations governing residential facilities for groups is to protect persons who might not be able to adequately care for themselves.

A.B. 251 (Chapter 88)

Assembly Bill 251 authorizes a county hospital, with the approval of the governing body of the hospital, to join a purchasing group and to purchase supplies, materials, and equipment without complying with the Local Government Purchasing Act. Further, the measure specifies the criteria that must be met before the hospital may purchase the supplies, materials, and equipment through a purchasing group.

The bill is effective on May 5, 1999.

A.B. 265 (Chapter 213)

Assembly Bill 265 adds a definition to the *Nevada Revised Statutes* governing a "facility for modified medical detoxification." Such a facility is defined as one that provides 24-hour medical monitoring of treatment and detoxification in a manner that does not require the service to be provided in a licensed hospital. Further, the bill adds this facility to the broader definition of medical facility in state law.

This bill is effective on January 1, 2000.

A.B. 280 (Chapter 597)

Assembly Bill 280 prohibits the use of an aversive intervention technique on a person with a disability who is a client of a state mental health facility or the Division of Child and Family Services (DCFS) of the Department of Human Resources, a pupil in a private or public school, or a patient in a medical or other related facility. The measure further specifies the conditions under which the use of physical restraint, mechanical restraint, or chemical restraint may be used on a person with a disability in these facilities. When any of these procedures is used, the measure sets forth the procedure for recording the incident.

Further, the bill requires that appropriate training be provided to staff members who are authorized to employ the referenced restraints and specifies that a corrective action plan must be implemented if a restraint technique is used in these facilities. The State Department of Education is required to develop a model program of education for use by school districts to train staff members in providing appropriate services to a pupil who is disabled. In addition, in mental health facilities and facilities operated by the DCFS, the measure creates a specific right for the client, pupil, or patient to be free from abuse, neglect, and aversive intervention. Finally, the measure provides specific penalties for violations of this bill.

A.B. 373 (Chapter 642)

Assembly Bill 373 makes changes concerning residential facilities for groups, requires licensure of certain referral agencies, and revises provisions concerning homes for individual residential care.

The measure requires an operator of a residential facility for groups to post his license and rates for his services in a conspicuous place in the facility. Further, the measure requires the State Board of Health to adopt regulations and requirements concerning the ability to respond to emergencies in facilities; specifies civil penalties for individuals who operate facilities that are not licensed; and authorizes the State Fire Marshal, the State Health Officer, or either of their designees, to inspect these facilities upon receipt of a written complaint.

The measure also requires the State Board of Health to adopt regulations governing the licensure of referral agencies. In addition, the bill clarifies those entities that are exempt from the licensing requirements and sets forth civil penalties for persons who violate the provisions of this measure.

This measure has various effective dates.

A.B. 386 (Chapter 516)

Assembly Bill 386 requires the Department of Human Resources (DHR) to conduct a study of the methodology used in determining the amount of payments made to certain hospitals that treat Medicaid, indigent, or other low-income patients. The study will include an analysis of the disproportionate share (DSH) and intergovernmental transfer programs, including whether payments are equitable, whether it is feasible to increase payments to rural hospitals, and whether it is feasible to expand participation in this program to hospitals that do not currently qualify for the program. Further, the study will include an analysis of alternative sources of revenue that may be used to offset the cost of care provided to Medicaid, indigent, and other low-income patients.

The measure also restores, to $300,000, the base amount in the fund for the institutional care of the medically indigent. Money in this fund may be used to provide assistance to a county for a payment required by an interlocal agreement between the DHR and a county to pay the expenses for the institutional care of the medically indigent pursuant to the state plan for Medicaid.

Finally, the bill reestablishes for the upcoming biennium the DSH payments for counties that do not have a public hospital but which have a private hospital that serves the largest share of Medicaid, indigent, and low-income patients.

The measure is effective on July 1, 1999.

A.B. 515 (Chapter 411)

Assembly Bill 515 provides that a woman who is insured under a policy of health insurance, a policy of group health insurance, a plan provided by a corporation for medical service, or a plan offered by a health maintenance organization, may access certain obstetrical and gynecological services without receiving prior authorization or a referral from her primary care physician. These services include perinatal care, preventive gynecological care, and reproductive health care.

In addition, A.B. 515 prohibits a managed care organization (MCO) from committing certain acts that limit the accessibility of its insureds to health care services provided at a hospital or other licensed health care facility with which the MCO has contracted in a city with a population of less than 45,000, or in a county of less than 100,000 population. The bill provides, however, that nothing in this act prohibits an MCO from informing an insured patient that enhanced services are available at another hospital or health care facility.

A.B. 533 (Chapter 445)

Assembly Bill 533 authorizes a board of county commissioners to create a hospital district in an area where no hospital district currently exists for the purpose of contracting with a public agency or a privately owned hospital to provide the services to residents of the district. The measure also allows the board of trustees of an existing hospital district to contract with another hospital to provide services if the board determines that there is a need for services not currently offered to residents of the district, or when it is less costly to provide hospital services through such an arrangement.

The measure delineates the considerations that must be made by the board before it creates this district and specifies the items that must be included in a contract that is executed by the board to provide these services. The bill also permits the board of county commissioners to be designated by ordinance as, the ex officio board of trustees of the hospital district, notwithstanding certain provisions of existing law.

Finally, the measure authorizes a hospital that is part of a hospital district, with the approval of the governing body of the hospital district, to join a purchasing group and to purchase supplies, materials, and equipment without complying with the Local Government Purchasing Act. The bill specifies the criteria that must be met before the district hospital may purchase the supplies, materials, and equipment through a purchasing group.

A.B. 573 (Chapter 412)

Assembly Bill 573 revises provisions concerning criminal background checks for persons who are employed by or who contract with certain dependent care facilities. Included within the provisions of the measure are nursing homes, intermediate care facilities, skilled nursing facilities, and residential facilities for groups. The measure specifies that a person who is considered an independent contractor is required to have a background check performed as a condition of working in a facility and stipulates that employees of these facilities have a background check performed every five years.

The bill allows an administrator or operator of one of these facilities, under certain circumstances, to waive a background check requirement if an employee or independent contractor has had a background check in the preceding six months. Finally, the measure adds convictions concerning elder abuse to the list of convictions that may prohibit a person from working in these dependent care facilities, and makes provision for persons to declare whether they have been convicted of the newly added category of crimes.

The bill is effective on July 1, 1999.

Managed Care

A.B. 227 (Chapter 87)

Assembly Bill 227 authorizes counties, cities, school districts, and other public agencies to participate in nonprofit associations or corporations to secure group health or life insurance for their officers, employees, and dependents. The measure also authorizes these entities to participate in nonprofit associations or corporations established to facilitate contracts for the provision of medical services and to procure and disseminate health-related information.

Testimony indicated that the techniques authorized by this measure allow public entities to work together to negotiate favorable insurance rates and health services for employees and their dependents.

This bill is effective on May 5, 1999.

Mental Health

S.B. 73 (Chapter 232)

Senate Bill 73 concerns the second evaluation requested by a client who has been admitted involuntarily to a mental health facility. The measure clarifies that the second evaluation shall be

conducted by a psychiatrist or psychologist who does not have a contractual relationship or financial interest in the facility.

S.B. 97 (Chapter 358)

Senate Bill 97 increases, from seven to eight, the number of members on the Commission on Mental Health and Developmental Services by adding a marriage and family therapist. The additional commissioner is appointed by the Governor.

S.B. 218 (Chapter 140)

Senate Bill 218 authorizes the Board of Examiners for Marriage and Family Therapists to issue subpoenas for the attendance of witnesses and the production of books, records, and papers. The bill also requires a license holder to pay the costs incurred by the board to conduct a disciplinary hearing. Further, the measure refines the definition of the practice of marriage and family therapy to include the use of the principle of diagnosis when treating persons or groups that have marriage, family, or personal relationship adjustment disorders.

Testimony indicated that some health insurance companies are reluctant to pay medical insurance claims submitted by the therapists because the current law does not specifically state that diagnosis is a principle of the practice of marriage and family therapy.

S.B. 469 (Chapter 504)

Senate Bill 469 extends services for the mentally retarded to persons with related conditions, as defined in federal law. These persons include those with severe chronic disabilities attributable to cerebral palsy or epilepsy or other conditions related to mental retardation that result in impairment of general intellectual functioning or adaptive behavior similar to that of a person who is mentally retarded and require treatment or services similar to those required by a mentally retarded person. These conditions must manifest themselves before a person is the age of 22, be likely to continue indefinitely, and result in substantial functional limitations in three or more major life activities. The activities may include self care, language usage, learning, mobility, self-direction, and independent living.

This measure is effective on June 8, 1999.

S.C.R. 11 (File No. 107)

Senate Concurrent Resolution No. 11 expresses the Legislature's support for community-based efforts for suicide prevention and treatment, as well as support programs for families and others who have lost someone to suicide. The resolution also encourages the development and promotion of related mental health services to assist persons at risk of suicide.

A.B. 82 (Chapter 321)

Assembly Bill 82 provides the method for setting compensation for conducting an examination and preparing a report by members of the sanity commission. The Administrator of the Division of Mental Health and Developmental Services, Department of Human Resources, shall fix a reasonable rate after consultation with the presiding judge of the district court from which the order to impanel the commission was issued. If the district has no presiding judge, the administrator shall consult with a judge designated by mutual consent of the district judges of that district.

Testimony indicated that the standard fee for such examinations is $260. Under the current statute, however, the judge impaneling the sanity commission sets the fee. The fees have ranged from $260 to $2,000. The fees come from the agency's budget, and the lack of consistency in the amount makes it difficult to remain within the budget.

This measure is effective on July 1, 1999.

A.B. 140 (Chapter 45)

Assembly Bill 140 clarifies the provisions governing testimony that may be considered in a proceeding for the involuntary court-ordered admission of a mentally ill person to a mental health facility. The measure authorizes the court to consider testimony about past actions of a mentally ill person if such testimony is probative of the question of whether the person is presently mentally ill and dangerous to himself or others.

A.B. 141 (Chapter 166)

Assembly Bill 141 clarifies provisions governing the rights of a client who is conditionally released from a public or private mental health facility. The measure permits a medical director or his designee to prescribe the period of conditional release and specifies the conditions under which a person may be ordered to be returned to a facility when his conditional release is no longer appropriate. Finally, the measure clarifies the terms on which an individual is unconditionally released from a period of involuntary commitment.

The measure is effective on May 20, 1999.

S.B. 32 (Chapter 353)

Senate Bill 32 makes various changes to provisions governing recovery of losses resulting from certain constructional defects to residential real property. The bill provides that in complex cases, a claimant may commence an action in district court. At the same time and in the same manner that service of the summons and complaint is made, a claimant must serve the contractor with a written notice specifying in reasonable detail for each residence or appurtenance, or unit in a multiunit residence, the defects and damage that form the basis of the lawsuit. The bill also requires the notice to be accompanied by the written opinion of an expert documenting the existence and extent of each defect, if such an opinion has been rendered. The opinion may be based upon valid and reliable representative sampling of residences and appurtenances, or a multiunit complex, as applicable.

The measure also requires the contractor to file an answer to the complaint, and within 30 days of serving the answer, the contractor, the claimant, or their representative must meet and confer to establish a schedule for exchanging pertinent information; independently inspecting the subject property; determining the nature, cause, and extent of any defects; and adding additional parties to the complaint. At the meeting, the contractor must determine whether to schedule mediation and whether or not to seek the appointment of a special master. In addition, S.B. 32 requires a second conference within 60 days after the deadline for filing all third-party civil actions. The second conference is to allow all parties to meet and confer on the topics discussed in the first conference. Further, the bill requires a claimant to diligently pursue a claim under a homeowner's warranty if one covers the affected residence or appurtenance.

The bill also requires the parties to exchange responses concerning a claim within specified time frames and places certain limits on discovery in a civil action until mediation is either completed or waived by the parties. Moreover, any applicable statute of limitations in a case that is not complex is tolled until 30 days after mediation is completed or waived.

The measure also provides that a contractor who receives notice of a defect on an individual residence in a matter that does not involve a housing complex within one year of close of escrow shall make repairs within 45 days if reasonably possible. The parties may agree to extend the time, however. Failure to comply in a timely manner is grounds for discipline by the State Contractors' Board.

Moreover, the bill prohibits filing a civil action against a developer of a planned community for defects in any appurtenance to the extent the construction was performed by a licensed general contractor, unless the claimant has not made full recovery against the contractor or the developer fails to provide the claimant with the name, address, and telephone number of each contractor hired to construct the appurtenance within 30 days of receiving a request for the information. All applicable statutes of limitations or repose are tolled against the developer until one year after a court determines that full recovery cannot be made against the contractor or the claimant receives notice that the contractor is bankrupt or dissolved, whichever comes first. These provisions, however, do not apply in the case of a constructional defect in a residence if the developer was

responsible for the construction of the residence. Further, this bill provides that a person other than the claimant is not prohibited from filing a civil action against a developer to enforce his rights.

Senate Bill 32 requires a claimant to make certain written disclosures to a prospective purchaser if the property has been the subject of a claim governed by *Nevada Revised Statutes* (NRS) 40.600 to 40.695. Not less than 30 days before close of escrow, the seller must provide all expert opinions the seller obtained regarding constructional defects, the terms of any settlement offer or judgment, and a detailed report of all repairs made as a result of constructional defects.

The bill expands the definition of appurtenance to encompass an improvement that benefits one or more residences, including common elements of common interest communities. The measure also provides that in cases that do not involve a housing complex, a claimant must give at least 60 days' notice to the contractor before commencing an action for a constructional defect. In addition, the claimant must describe the location of such defects within each residence, to the extent known.

The bill specifies how to determine when substantial completion of an improvement to real property occurs. The measure also provides that certain statutes of limitation, which commence with substantial completion of an improvement, do not apply to claims for indemnity or contribution.

Moreover, the first seller of a residence built by a licensed contractor, but not lived in by the contractor for more than 120 days, shall make certain disclosures to a purchaser, including reports regarding soil conditions.

Finally, S.B. 32 authorizes an insurer who issues policies for home protection, other than casualty insurance, to invest as much as 35 percent of its assets in tangible personal property for use in fulfilling its obligations under such policies. Such a policy must specify the insured's copayment and provide that the insurer will commence an investigation of a claim based upon a telephone request from the insured without requiring that a claims form be filed. In addition, the home protection policy must specify that work must begin not later than 24 hours after the report of an emergency, including, without limitation, the loss of heating, cooling, plumbing, or electrical service.

The bill is effective on July 1, 1999, and only applies to claims initiated pursuant to NRS 40.600 to 40.695 on or after that date.

S.B. 192 (Chapter 617)

Senate Bill 192 makes various changes to laws affecting common-interest communities. The measure prohibits a unit owners' association in a planned community from restricting, prohibiting, or otherwise impeding the lawful residential use of property that is within or encompassed by the boundaries of the planned community and that is not designated as part of the planned community. However, nothing in this provision, or any other provision of this bill, abrogates any existing easements, restrictive covenants, court decisions, party agreements or contracts, governing

documents or declarations of covenants, conditions and restrictions (CC&Rs), or any other decisions, rules, or regulations that a local governing body is authorized to make concerning land use or planning. The bill also expands the definition of "residential use" to include piers.

In addition, S.B. 192 prohibits an association from restricting the access of a person to his property unless the right to restrict such access was included in the declaration or in a separate recorded instrument at the time that the owner acquired title to the unit. An association may, however, charge the owner of the property a reasonable and nondiscriminatory fee to operate or maintain a gate or similar device designed to control access to the planned community.

An association may not expand, construct, or situate a building or structure that is not part of any plat or plan of the planned community if it was not previously disclosed to the units' owners, unless the association obtains the written consent of a majority of the units' owners and residents who reside within 500 feet of the proposed location of the building or structure.

Further, S.B. 192 provides that unless the terms of an easement in favor of an association prohibit a residential use of a servient estate, if the owner of the servient estate has obtained all necessary approvals required by law or by any CC&Rs, the owner may use such property in any manner authorized by law without obtaining any additional approvals from the association.

A.B. 477 (Chapter 592)

Assembly Bill 477 makes various changes concerning the responsibilities of landlords and tenants of mobile home parks. Specifically, the measure requires that a landlord remove snow from sidewalks and streets within a mobile home park and from sidewalks adjacent to the streets. The bill also requires that the landlord trim the trees located within a park and dispose of the trimmings of those trees unless a tenant volunteers to assume that duty for trees on the tenant's lot. In addition, the measure increases the fee that a landlord may charge for late payment of rent. A landlord may not charge any fee, surcharge, or rent increase in excess of the amount necessary to recover the cost of a governmentally mandated service or tax that was paid by the landlord.

Further, A.B. 477 revises provisions governing discounted rents by allowing a landlord to give a discount to a tenant who pays his rent in a timely manner or who pays his rent by check, money order, or electronic means. The bill also provides that if a landlord requires approval of a prospective buyer and tenant, one of the factors he must consider is the tenant's record concerning payment of rent.

Finally, the bill requires a landlord to give a tenant 10 days' written notice before bringing an action for an unlawful detainer under certain circumstances. The measure also prohibits a tenant from willfully harassing a landlord, a manager, or an assistant manager of a mobile home park, or an employee or agent of the landlord.

Affordable Housing and Housing Authorities

A.B. 318 (Chapter 633)

Assembly Bill 318 requires the governing body of a county or city that conveys property to a nonprofit organization for the development of affordable housing to require that organization or its assignee to use the property for affordable housing for at least 50 years. If the organization does not use the property to provide affordable housing, this measure authorizes the governing body to take action to convert the property to that use. The governing body's agreement with the nonprofit organization must be recorded in the office of the county recorder.

Assembly Bill 318 also authorizes the governing body of a county or city to subordinate its interest in property conveyed for the development of affordable housing to the first or subsequent holder of a mortgage on that property, to the extent the governing body finds it necessary to promote investment in affordable housing. This measure also eliminates the requirement for the planning commission of a county or city to consider and make recommendations on applications for conveyance of property for the development of affordable housing.

In addition, the bill allows a county or city to donate commodities, supplies, materials, and equipment that are no longer needed by the governing body to another governmental entity. The property must be used for a purpose that will provide a substantial benefit to the inhabitants of the county or city. Further, such a donation must be made by resolution specifying the purpose and any conditions or limitations upon its use.

This measure is effective on June 11, 1999.

Landlord and Tenant Law

A.B. 397 (Chapter 296)

Assembly Bill 397 clarifies that an agreement that a tenant is to perform specified repairs, maintenance tasks, or minor remodeling is not entered into in good faith if the landlord has a duty to perform those tasks and the tenant enters into the agreement because the landlord has refused to perform them. In addition, the bill provides that if a landlord fails to provide certain essential services, a tenant may withhold rent until the landlord has either restored the essential services or attempted in good faith to restore the essential services. In such cases, the landlord may not impose late fees, charges for notice, or any other fee until he has either restored the essential services or attempted in good faith to restore the essential services. The bill also adds a provision that states if a tenant is not current on his rent, then certain remedies are not available to him.

The measure prohibits a landlord from terminating a tenancy in retaliation if a tenant has complained in good faith to a law enforcement agency, a government agency, an attorney, a fair housing agency, or another appropriate entity of a violation of Chapter 118A of *Nevada Revised Statutes* (NRS), "Landlord and Tenant: Dwellings." The bill also provides that the requirement to provide essential services applies to a person who owns and personally manages four or fewer dwelling units.

Finally, A.B. 397 adds a new provision to Chapter 118 of NRS, "Discrimination in Housing: Landlord and Tenants," which states that a tenant has a defense in a summary proceeding or any other action for possession of a dwelling if the landlord's attempt to terminate the tenancy or regain possession of the dwelling unit violates certain provisions of NRS Chapter 118 or the Fair Housing Act of 1968, as amended.

A.B. 462 (Chapter 220)

Assembly Bill 462 prohibits a landlord from refusing to accept rent from a tenant when payment is submitted after the landlord has served notice that rent was late. This prohibition only applies if the landlord refuses to accept the payment because the tenant has not paid collection fees, attorney's fees, or costs other than rent.

This measure also amends the definition of rent set forth in the Residential Landlord and Tenant Act to include all reasonable and actual late fees set forth in the rental agreement.

Manufactured Homes and Mobile Home Parks

S.B. 177 (Chapter 191)

Senate Bill 177 makes several changes concerning manufactured buildings. The bill provides that the edition of the various uniform codes most recently published before January 1, 1999, shall be used as quality standards for manufactured buildings. The measure also requires use of the American National Standards Institute (ANSI) Standard No. A117.1, which is the standard of construction that is compatible with the federal Americans with Disabilities Act. In addition, S.B. 177 authorizes a local enforcement agency to impose more stringent requirements than those contained in the applicable codes and standards if written approval is obtained from the Division of Manufactured Housing. Further, a local government authority must give the division written notice of any modification of a plan previously approved by the division. Moreover, the bill repeals the existing provision that all units bearing the insignia of approval issued by the division are deemed to be in compliance with all local ordinances and regulations. Finally, the bill increases, from a maximum of not more than $500 to not more than $2,500, the fine for a

violation of Chapter 461, "Manufactured Buildings," of *Nevada Revised Statutes*, or the regulations adopted thereunder.

This measure is effective on July 1, 1999.

S.B. 323 (Chapter 626)

Senate Bill 323 requires that a definition of single-family residence in a county or city zoning ordinance include a manufactured home. The bill also specifies that a local governing body must adopt standards for the placement of manufactured homes that are not affixed to a lot in a mobile home park. The standards set forth in the measure address: square footage; foundation; exterior siding and roofing; and the age of the unit. Governing bodies in a county with a population of less than 25,000 may adopt standards that are less restrictive. All standards adopted must not abrogate a recorded restrictive covenant prohibiting manufactured homes. Further, the bill does not apply within the boundaries of a county or city historic district or the Comstock Historic District.

Finally, the measure provides that a manufactured home constitutes real property if it is permanently affixed to land owned by the owner of the manufactured home.

This measure is effective on January 1, 2000.

S.B. 408 (Chapter 378)

Senate Bill 408 revises the residential construction tax that may be imposed on mobile homes. More specifically, the bill provides that for each developed mobile home lot authorized by permit, the tax must not exceed 80 percent of the average residential construction tax for a residential dwelling unit in the jurisdiction during the preceding year.

Testimony indicated that the purpose of this bill is to provide a consistent method for imposing the residential construction tax on certain manufactured mobile homes, regardless of whether the homes are located in a mobile home park or on individually owned lots. Counties were reported to be interpreting this tax structure differently, which, in turn, may generate a disproportionate amount of revenue for communities with a large number of mobile homes.

This bill is effective on July 1, 1999.

A.B. 39 (Chapter 436)

Assembly Bill 39 provides that a landlord of a mobile home park may not prohibit a tenant from exhibiting a political sign within the boundary of the tenant's lot as long as the sign is not larger than 24 inches by 36 inches. This restriction is applicable only until seven days after the general or special election for the office or ballot question to which the sign relates. The bill also allows

tenants of mobile homes owned by Nevada's Department of Transportation (NDOT) to display political signs on their lots.

Testimony indicated that NDOT has acquired two mobile home parks as part of a highway relocation project. Tenants will continue to live in the parks until actual construction on the relocation project begins; however, existing statutes prohibit the display of political signs on NDOT property. The measure creates an exception to the prohibition so that tenants will not be deprived of their right to political free speech while they remain tenants of NDOT.

A.B. 107 (Chapter 164)

Assembly Bill 107 clarifies requirements for transactions for the sale or exchange of manufactured homes by requiring that a dealer prepare an itemized statement concerning the expenditure or deduction of money made by the dealer. The dealer must provide a copy of the statement to the buyer and retain a copy at his place of business. The bill also places certain restrictions on the disbursement of money held by the dealer concerning a sale or exchange of a manufactured home, mobile home, or commercial coach.

In addition, A.B. 107 establishes requirements relating to the enforceability of certain brokerage agreements and requires dealers who enter into brokerage agreements to perform certain acts relating to their clients. The bill provides that, unless specifically waived in writing by the buyer, each sale of a manufactured home, mobile home, or commercial coach includes an implied warranty that all the essential systems, such as heating, air conditioning, electrical, plumbing, and drainage, are in working order. The measure further requires the Administrator of the Manufactured Housing Division to prescribe, by regulation, the form of the contract that must be used for the sale of a manufactured home, mobile home, or commercial coach and provides that the dealer may not obtain or attempt to obtain a signature of a buyer on a contract if any of the essential provisions of the contract are not set forth therein.

Also, the bill adds to the definition of a dealer any person who leases or rents an interest in a manufactured home, mobile home, or commercial coach. Finally, A.B. 107 allows a person who is licensed as a limited serviceman to install and repair the air conditioning systems of manufactured homes, mobile homes, and commercial coaches.

A.B. 195 (Chapter 438)

Assembly Bill 195 revises the eligibility requirements for receiving assistance from the fund for low-income owners of mobile homes. The bill requires that the Administrator of the Manufactured Housing Division exclude from the calculation of monthly income the value of food stamps the applicant has received or, if the person is receiving Medicare Part B coverage, the value of the cost of the coverage, whichever is greater. The bill also allows the administrator to waive the requirements for eligibility for receiving assistance from the fund if the circumstances of the applicant have changed as a result of illness, disability, or extreme financial hardship based upon a significant reduction of income. To be eligible to receive this waiver, the applicant must

provide to the administrator all medical and financial documents that support his request. The measure also authorizes law enforcement agencies to patrol the common areas of a mobile home park to which the public has access and, with the permission of the park manager, other areas within a park.

Real Estate and Development

S.B. 99 (Chapter 82)

Senate Bill 99 revises the educational requirements for obtaining an original real estate broker's or broker-salesman's license. The bill requires an applicant for a license to complete three semester units or an equivalent number of quarter units in broker management. The measure also abolishes the authority of the Real Estate Commission to waive educational requirements for applicants in rural counties.

Testimony indicated the real estate industry is becoming so specialized that brokers need training in office management. The three hours of training does not increase the total number of hours of college credits required of applicants; it merely requires that more of the 45 total semester units or equivalent quarter units must be in the field of real estate. Witnesses stated the rural exemption is no longer needed because distance learning is now available through the community colleges, correspondence schools, and the Internet. In addition, no requests for waivers have been received for many years.

This bill is effective on January 1, 2001.

S.B. 121 (Chapter 186)

Senate Bill 121 revises the notice requirements for future land uses surrounding residential developments that the seller must provide to the initial purchaser of a residence. Under the bill, the disclosure document given to the purchaser that contains the zoning and master plan designations regarding land use must also include the general land uses described in the document. In addition, the bill requires that the disclosure document advise the initial purchaser that the land use designations contained in the master plan provide the most probable indication of future development for the surrounding properties.

Senate Bill 121 also revises the notice requirements for public hearings regarding zoning changes. A notice must indicate the existing zoning designation and the proposed zoning designation of the property in question. In addition, the notice must contain a brief summary of the intent of the proposed change.

This measure is effective on December 1, 1999.

S.B. 318 (Chapter 246)

Senate Bill 318 defines buyer, seller, and escrow for the purpose of taxes on transfers of real property. The bill provides that the buyer and the seller are jointly and severally liable for the payment of such taxes and certain related penalties. The bill also provides that the escrow holder is not liable for the payment of these taxes and penalties.

This measure is effective on May 24, 1999, for the purpose of adopting any necessary regulations by the Department of Taxation and on October 1, 1999, for all other purposes.

S.B. 322 (Chapter 527)

Senate Bill 322 revises various provisions governing the resale of time shares. The bill requires time share resale brokers to be licensed as real estate brokers and to register with the Real Estate Division. Brokers who acquire less than 12 time shares for resale are not required to register with the division. The bill also requires that the agreements for time share resales must be in writing and contain certain disclosures regarding the use and rental of the time share prior to resale. The required disclosures must be made before the broker accepts anything of value from the owner of the time share.

Senate Bill 322 also requires that the broker make certain disclosures to the purchaser of the time share offered for resale regarding its use, the purchaser's interest in the time share, any annual assessments, and any other information required pursuant to the regulations adopted by the Real Estate Division. Finally, the measure requires the broker who charges or collects an advance fee to place 80 percent of that fee into his trust account and sets forth the circumstances under which the broker either earns or is required to return the money.

This bill is effective on July 1, 1999.

S.B. 451 (Chapter 572)

Senate Bill 451 makes various changes to the provisions governing common-interest communities. The bill requires an association of a common-interest community to prepare and distribute operating and reserve budgets to its unit owners and requires the executive board of an association to conduct a study of the reserves at least once every five years, using a person qualified under standards established by the Real Estate Division.

The bill revises notice requirements for executive board meetings of the association and provides that the term of office for executive board members shall not exceed two years. In addition, the bill requires that the election of any member of the executive board be held by secret written ballot and the votes be counted in public. The bill further provides that only the secret written ballots may be counted to determine whether a quorum is present for the election of any board member. The bill also establishes additional requirements for proxy voting, and it prohibits voting by proxy for the election of any board member.

Senate Bill 451 provides authority to the Real Estate Commission to subpoena records, books, and other information of an association. The bill also requires that the executive board of an association, upon request by a unit's owner, make available books, records, and other papers of the association. A unit owner, however, is not allowed access to personnel files or records relating to another unit's owner. Unit owners continue to have access to their own files and records. The bill establishes additional conditions for the commencement of a civil action to protect the health, safety, and welfare of the members of the association. Before commencing or seeking to ratify the commencement of a civil action, the association is required to provide all the unit owners with an estimate of the legal costs and the possible benefits and consequences that may result from a lawsuit.

In addition, the bill revises the manner in which fines may be imposed for a violation of the governing documents by authorizing that additional fines may be assessed for a continuing violation. The maximum fine for a single violation is increased, from $50 to $100, with the aggregate total for a continuing violation not to exceed $500.

This bill exempts limited-purpose associations, which are created only to maintain common area landscaping, flood control facilities, or a rural agricultural residential community that meet the criteria established by the Real Estate Division. Certain planned communities in which all units are restricted exclusively to nonresidential use and certain common-interest communities or units located outside this state are also excluded from these provisions. In addition, associations created before January 1, 1992, are provided certain exemptions, which will not invalidate the original governing documents, separate voting classes, or a representative form of government. Certain time shares or time share projects are exempt from various provisions of the bill, including the provisions that require a study of the reserves of an association.

Senate Bill 451 also sets forth additional duties and responsibilities for the ombudsman for owners in common-interest communities, including compiling and maintaining a registration of each association organized within the state. Moreover, the bill changes the provisions concerning the fee an association is required to pay for credit to the account for the ombudsman and allows the Real Estate Division to pay arbitrators or mediators from this account. Beginning on July 1, 2000, the collection of the fee to support the ombudsman's office will be assumed by the Real Estate Division. The fees are currently being collected by the Secretary of State.

Finally, the bill requires the Real Estate Commission to establish standards of practice and disciplinary procedures for persons engaged in property management for a common-interest community.

This measure has various effective dates.

S.B. 452 (Chapter 281)

Senate Bill 452 provides for the claim of a real estate broker against certain proceeds received from the disposition of commercial real estate. The bill defines numerous terms as they relate to the bill, including brokerage agreement, commercial real estate, and owner's net proceeds.

In addition, the bill grants a real estate broker a claim upon an owner's net proceeds from the disposition of commercial real estate for any commission earned by the broker pursuant to a brokerage agreement. If a broker wishes to enforce such a claim, the broker must provide a written notice of the claim to the owner and the escrow agent within seven days after the commission is earned. The notice must contain certain specified information regarding the transaction and the parties. If the owner does not acknowledge receipt of the claim or denies the claim, the broker may file the claim with the county recorder where the property is located. The claim has priority over every other encumbrance, claim, or lien recorded after the claim.

If an escrow agent receives the notice of claim or has actual notice of it, or if the claim is recorded, the escrow agent must reserve the amount of the claim from the owner's proceeds. Such a reservation does not relieve the owner of the obligation to close escrow on the property. The escrow agent must not release the reserve unless the owner agrees in writing to the release or a court, after a hearing, orders the release of the reserve to the prevailing party. An escrow agent is not liable in any civil action for complying with the measure. If the court determines that the brokers' claim was frivolous, the court may award the owner compensatory damages. In addition, the Real Estate Commission is authorized to take disciplinary action against any person who records or causes to be recorded a claim that is determined by a district court to be frivolous and made without reasonable cause.

Testimony indicated that in some commercial real estate transactions, the seller refuses to pay the broker for services rendered in connection with the sale of the property. Sometimes the cost of filing a legal action to recover the commission is prohibitive; therefore, the broker receives no compensation for services performed. Proponents of the bill explained that the measure only applies to commercial real estate transactions and does not result in a lien against the real property.

A.B. 58 (Chapter 40)

Assembly Bill 58 authorizes a licensed real estate salesman to use the term real estate salesman, real estate saleswoman, or real estate salesperson when doing business. In addition, the bill authorizes a licensed real estate broker-salesman to use the term real estate broker-salesman, real estate broker-saleswoman, or real estate broker-salesperson. The bill also prohibits a real estate licensee from advertising solely under his own name. All advertising must be under the direct supervision of and in the name of the broker or brokerage with whom the licensee is associated.

A.B. 215 (Chapter 168)

Assembly Bill 215 requires the holder of an escrow to record, at the time an escrow for the sale of real property is established, the number and the date of expiration of the license or certificate of cooperation of the real estate broker, broker-salesman, or salesman who will be paid for the transaction.

A.B. 447 (Chapter 195)

Assembly Bill 447 exempts from state real estate licensing and permit requirements property managers of residential housing that is subsidized either directly or indirectly by this state, an agency or political subdivision of this state, or the Federal Government or an agency of the Federal Government.

A.B. 601 (Chapter 226)

Assembly Bill 601 revises provisions governing the appraisal of real property to include grouping of parcels if the parcels should be valued as a collective unit. The bill also clarifies that an assessor may use an analysis of discounted cash flow to determine the taxable value of property.

A.B. 636 (Chapter 423)

Assembly Bill 636 establishes an account, also known as the recovery fund, from which an owner of a single-family residence, who is damaged by the failure of a residential contractor to perform qualified services adequately, may recover up to $30,000 in actual damages suffered. Claims against a single contractor must not exceed $200,000.

In addition to the annual fee for a license, the bill requires a residential contractor to pay an annual assessment to the State Contractors' Board, based on the monetary limit on his license, to fund the account. The board shall suspend the collection of assessments when the balance in the account reaches 150 percent of the largest account balance of the previous fiscal year.

This measure further establishes procedures for a homeowner to file a complaint with the State Contractors' Board, and for the board to hold a hearing concerning such a complaint. An injured person is eligible for recovery from the account if the board or its designee finds that the injured person suffered actual damages as a result of an act or omission of a residential contractor. A decision by the board or its designee is final and not subject to judicial review. The bill also provides that a complaint may be filed with the board for satisfaction from the account with a judgment from a court of competent jurisdiction.

Each year, the board shall transmit to the Legislature, or the Interim Finance Committee if the Legislature is not in session, a statement on the financial condition of the account. Further, once the initial balance in the account reaches $200,000, the board shall maintain a minimum balance of that amount.

Finally, A.B. 636 provides that a residential contractor shall notify an owner with whom he contracts of these rights. The board may impose fines upon a residential contractor for failing to provide this information. Any such fines must be deposited in the recovery fund.

The sections of this bill that pertain to the collection of funds are effective on October 1, 1999, and the sections that concern complaints and monetary recovery are effective on July 1, 2001.

HUMAN SERVICES

S.B. 10 (Chapter 351)

Senate Bill 10 requires the Department of Human Resources to work cooperatively with Nevada's Indian tribes and tribal organizations to expedite eligibility determinations and enrollment of Indian children in the Children's Health Insurance Program (CHIP). The measure also creates a five-member advisory committee to the Nevada Indian Commission. The measure specifies that the members of the advisory committee serve two-year terms and represent certain tribally related health interests. The bill charges the advisory committee with advising the commission concerning CHIP, including enrollment issues and outreach efforts. Finally, the measure makes the commission responsible for forwarding recommendations to the Director of the Department of Human Resources and for providing staff support to the advisory committee.

The substantive provisions of this measure are effective May 28, 1999, and the remaining provisions are effective on July 1, 1999.

S.B. 35 (Chapter 273)

Senate Bill 35 provides for the issuance of expedited service permits to persons with permanent disabilities that impair their ability to walk. The permits, which include the person's name and photograph, are issued by the Department of Motor Vehicles and Public Safety and authorize the recipients to receive service from state agencies before others who are waiting. The bill prohibits the use of a permit by anyone except the person to whom it was issued and encourages local governments to also offer expedited service to these persons. Further, the measure specifies that a permit is valid for two years after the date it is issued.

The bill is effective on July 1, 1999, for the purpose of adopting regulations, and on July 1, 2000, for all other purposes.

S.B. 288 (Chapter 508)

Senate Bill 288 authorizes a county that is required to provide protective services to children to enter into an agreement with the Division of Child and Family Services (DCFS) of the Department of Human Resources. The agreement establishes a pilot program to provide continuity of care for children who receive protective services. Further, the measure specifies the provisions that may be included in the pilot program, including a provision that allows the division to deviate from the rate of payment for foster care that has been approved by the Legislature.

Finally, the bill requires the DCFS to submit to the Legislature a report that describes the activities and certain outcomes of the pilot project. The report is due on or before November 30, 2000.

The measure is effective on July 1, 1999, and expires by limitation on June 30, 2001.

S.B. 469 (Chapter 504)

Senate Bill 469 extends services for the mentally retarded to persons with related conditions, as defined in federal law. These persons include those with severe chronic disabilities attributable to cerebral palsy or epilepsy or other conditions related to mental retardation that result in impairment of general intellectual functioning or adaptive behavior similar to that of a person who is mentally retarded and require treatment or services similar to those required by a mentally retarded person. These conditions must manifest themselves before a person is the age of 22, be likely to continue indefinitely, and result in substantial functional limitations in three or more major life activities. The activities may include self care, language usage, learning, mobility, self-direction, and independent living.

This measure is effective on June 8, 1999.

A.B. 195 (Chapter 438)

Assembly Bill 195 revises the eligibility requirements for receiving assistance from the fund for low-income owners of mobile homes. The bill requires that the Administrator of the Manufactured Housing Division exclude from the calculation of monthly income the value of food stamps the applicant has received or, if the person is receiving Medicare Part B coverage, the value of the cost of the coverage, whichever is greater. The bill also allows the administrator to waive the requirements for eligibility for receiving assistance from the fund if the circumstances of the applicant have changed as a result of illness, disability, or extreme financial hardship based upon a significant reduction of income. To be eligible to receive this waiver, the applicant must provide to the administrator all medical and financial documents that support his request. The measure also authorizes law enforcement agencies to patrol the common areas of a mobile home park to which the public has access and, with the permission of the park manager, other areas within a park.

A.B. 249 (Chapter 170)

Assembly Bill 249 amends provisions governing asset recovery as it pertains to certain programs administered by the Welfare Division of Nevada's Department of Human Resources. The bill authorizes the division to recover amounts that were incorrectly paid to a recipient, clarifies the parties that may be held responsible for the repayment of incorrectly paid benefits, and clarifies the circumstances under which the division may pursue an action to recover these benefits. In addition, the measure grants the division the authority to waive certain collections if the collection will impose a hardship upon the person from whom benefits are to be recovered.

The measure specifies that incorrect payments may be collected from the recipient of public assistance, the estate of the recipient, the undivided estate of the recipient of Medicaid, or a person who signed the application for assistance on behalf of the recipient. Further, the measure revises provisions related to the length of time in which the division may pursue an action to recover money owed and requires that recoveries by the division be paid in cash.

Further, the bill requires the court to allow the division to amend its claim for the payment of benefits before the filing of the final account. Finally, the measure stipulates that the division must provide written notice of any rejected claim and specifies the time frame for providing this notice.

A.B. 429 (Chapter 466)

Assembly Bill 429 clarifies the duties of the Division of Health Care Financing and Policy of Nevada's Department of Human Resources concerning public assistance programs administered by the division, including the Children's Health Insurance Program. The measure specifies the provisions that must be followed before the division adopts, amends, or repeals any regulation governing programs for which the division is responsible. Further, the bill specifies the procedures that must be adhered to when an application for assistance from the Children's Health Insurance Program is denied.

In addition, the measure authorizes the Traumatic Brain Injury Committee to make use of funds for travel and per diem purposes, if such funds are obtained from sources other than state funds, such as federal grants and private or nonprofit entities, and if such use is permitted by the funding source. The bill also extends, to October 1, 2001, the date through which the Department of Human Resources is authorized to contract for pharmaceutical services for its Medicaid managed care program. Finally, the measure repeals the prospective expiration date of the division, but the bill does not repeal the provisions relevant to the charge master program, which will expire by limitation on June 30, 1999.

The measure is effective on June 8, 1999.

A.J.R. 5 (File No. 22)

Assembly Joint Resolution No. 5 urges Congress to enact legislation that provides for the payment of lump sums to persons who became eligible for Social Security benefits, after 1981 and before 1992, and who have been paid reduced benefits as a result of previous federal law.

This measure is effective on March 16, 1999.

Medicaid

S.B. 284 (Chapter 286)

Senate Bill 284 changes the reversion date of money previously appropriated for the Medicaid Managed Care Program. The reversion date is changed from June 30, 1999, to June 30, 2001.

This measure is effective on May 25, 1999.

S.B. 370 (Chapter 537)

Senate Bill 370 specifies that the State Plan for Medicaid must include a requirement that any senior citizen who has a household income under $200,000, and who purchases and receives benefits for at least three years from an eligible long-term care insurance policy, is eligible for Medicaid for long-term care.

The measure is effective on July 1, 1999.

S.B. 382 (Chapter 93)

Senate Bill 382 provides for the reimbursement of licensed hospice care facilities for room and board services provided to Medicaid recipients. The measure also allows physicians to authorize registered nurses employed by a licensed hospice to make a pronouncement of death. Further, the measure deletes the restriction that hospices be physically separated from other medical facilities.

The bill is effective July 1, 1999.

A.B. 386 (Chapter 516)

Assembly Bill 386 requires the Department of Human Resources (DHR) to conduct a study of the methodology used in determining the amount of payments made to certain hospitals that treat Medicaid, indigent, or other low-income patients. The study will include an analysis of the disproportionate share (DSH) and intergovernmental transfer programs, including whether payments are equitable, whether it is feasible to increase payments to rural hospitals, and whether it is feasible to expand participation in this program to hospitals that do not currently qualify for the program. Further, the study will include an analysis of alternative sources of revenue that may be used to offset the cost of care provided to Medicaid, indigent, and other low-income patients.

The measure also restores, to $300,000, the base amount in the fund for the institutional care of the medically indigent. Money in this fund may be used to provide assistance to a county for a payment required by an interlocal agreement between the DHR and a county to pay the expenses for the institutional care of the medically indigent pursuant to the state plan for Medicaid.

Finally, the bill reestablishes for the upcoming biennium the DSH payments for counties that do not have a public hospital but which have a private hospital that serves the largest share of Medicaid, indigent, and low-income patients.

The measure is effective on July 1, 1999.

Unemployment

S.B. 332 (Chapter 153)

Senate Bill 332 provides that benefits for unemployment must not be charged against the record of an employer if the employer provides satisfactory evidence to the Administrator of the Employment Security Division that the employee claiming benefits left his employment voluntarily without good cause or was discharged for misconduct connected with his employment.

S.B. 464 (Chapter 382)

Senate Bill 464 revises provisions available to the Employment Security Division for the treatment of delinquency payments of an employer's unemployment compensation assessments. The bill provides for a handling charge of not more than $25 for dishonored checks; increases, from 0.5 percent to 1 percent, the monthly interest rate charged on past due unemployment taxes; and strengthens the garnishment procedures to offset the delinquent assessments owed to the state.

The provisions regarding handling charges and interest are effective on July 1, 2000. The remaining provisions are effective on May 29, 1999.

Welfare

S.B. 352 (Chapter 74)

Senate Bill 352 prohibits a stay of proceedings for divorce, separation, annulment, dissolution, habeas corpus, adoption, or custody for the enforcement of child support. Additional orders are authorized for such enforcement. Further, the measure provides an exemption for the Division of Wildlife within the state welfare statutes from requirements that a statement about court-ordered child support be completed and signed by persons obtaining recreational licenses and permits.

The exemption for the Wildlife Division from obtaining signed child support statements already exists within wildlife statutes and was inadvertently omitted from the welfare portion of the *Nevada Revised Statutes* (NRS). The provisions concerning the stay of proceedings were requested by the Welfare Division and the county district attorneys' offices to restore language previously contained in Chapter 130 of NRS, which was inadvertently deleted when the interstate model child support act was incorporated into law as part of the welfare reform package in 1997.

This measure is effective on July 1, 1999; however, the provision exempting the Division of Wildlife from requirements relating to court-ordered child support expires by limitation when specified federal requirements are met.

A.B. 231 (Chapter 169)

Assembly Bill 231 requires that prior to issuing or modifying a child support order, a court must determine if any of the parties to the proceeding are receiving or have ever received public assistance. The bill provides that if the court determines the parties are receiving or have received such assistance, the court must not waive any unpaid and overdue child support payments until after the Welfare Division of the Department of Human Resources is notified and given an opportunity to be heard regarding the matter.

This measure also adds guardians and alleged parents to those persons to whom district attorneys must provide assistance in establishing parentage, establishing the obligation of child support, and enforcing the payment of child support. Further, the bill amends existing provisions governing paternity actions to clarify that the court must appoint the Welfare Division as guardian ad litem for a child when the interests of the child are not adequately represented by the appointment of the district attorney.

Testimony indicated that Assembly Bill 231 conforms Nevada law with federal child support provisions, particularly those provisions in the federal welfare reform act.

A.C.R. 53 (File No. 141)

Assembly Concurrent Resolution No. 53 directs the Legislative Commission to appoint a subcommittee to conduct an interim study of the integration of state and local child welfare systems in Nevada.

The study must include, without limitation, an evaluation of the appropriate manner in which to integrate the current state and local child welfare systems, a review of child welfare systems in other states, and an assessment of the impacts of creating an integrated service agency. During the course of the study, the committee must consult with various state and local agency representatives as well private citizens involved in child welfare programs. Finally, A.C.R. 53 requires the Legislative Commission to submit a report of the committee's findings and recommended legislation to the 2001 Legislature.

INSURANCE

S.B. 32 (Chapter 353)

Senate Bill 32, in addition to making various changes to provisions governing recovery of losses resulting from certain constructional defects to residential real property, authorizes an insurer who issues policies for home protection, other than casualty insurance, to invest as much as 35 percent of its assets in tangible personal property for use in fulfilling its obligations under such policies. Such a policy must specify the insured's copayment and provide that the insurer will commence an investigation of a claim based upon a telephone request from the insured without requiring that a claims form be filed. In addition, the home protection policy must specify that work must begin not later than 24 hours after the report of an emergency, including, without limitation, the loss of heating, cooling, plumbing, or electrical service.

The bill is effective on July 1, 1999, and only applies for the purposes of those insurance provisions.

S.B. 44 (Chapter 149)

Senate Bill 44 authorizes certain associations of self-insured private employers to adopt internal policies setting the tangible net worth and manual premium requirements for each proposed new member. The bill also authorizes certain associations of self-insured private employers to adopt internal policies that specify the type of documentation a proposed new member must submit to the association to demonstrate solvency. The measure provides that certain information concerning each new member of a self-insured group must be provided to the Commissioner of Insurance.

Section 2 of the bill, which concerns rates approved by the commissioner, is effective on July 1, 1999. The remainder of the bill is effective on May 18, 1999.

S.B. 74 (Chapter 487)

Senate Bill 74 revises various provisions concerning insurance guaranty associations. The bill limits the time for filing a claim against the Nevada Insurance Guaranty Association (NIGA) to 18 months after the date of the order of liquidation, or the final date set by the court for filing claims against the insolvent insurer, whichever occurs first. This time limit does not apply to a claim for workers' compensation that is reopened. The bill also excludes recovery from NIGA for losses that are incurred but not reported, and for first- and third-party claims if the aggregate net worth of the insured and any affiliates is more than $25 million on December 31 of the year immediately preceding the date the insurer becomes insolvent. In addition, the bill removes the $300,000 payment limitation for workers' compensation claims and provides clarifying language concerning workers' compensation claims. Finally, the measure revises the order of distribution of certain claims from the estate of an insurer on the liquidation of the insurer.

According to testimony, NIGA was created to pay claims arising under policies issued by insolvent insurance companies. The cost of operating NIGA and paying these claims is covered by assessments against casualty and property insurers doing business in Nevada. Ultimately, however, the cost of these claims is borne by Nevada taxpayers because the insurers are entitled to take a credit against their premium taxes for the amount of the NIGA assessments.

The cutoff date for filing claims is necessary because the court does not set a final date for filing claims in some states where liquidation proceedings against an insolvent insurer are being conducted. The result is that there is no way to bring finality to the claims filing process and thereby determine the total amount of liability for NIGA. Provisions in the bill regarding incurred but unreported claims also are designed to bring finality to claims filed against NIGA.

Finally, the measure places the claims of the state and local governments one priority lower than the claims of the Federal Government. This provision is designed to prevent a possible conflict with the federal "super-priority" statute found in 31 *United States Code* § 3713, which gives the Federal Government priority over all claims.

S.B. 140 (Chapter 150)

Senate Bill 140 requires an insurer to provide a statement with each policy renewal notice to the effect that a portion of the premium is attributable to the general premium tax, if the insurer includes the general premium tax in the amount billed to its insureds. In addition, if the insurer includes any annual fees or assessments, the insurer may provide a statement that a portion of the premium is attributable to such fees and assessments.

The measure is effective on July 1, 2000.

S.B. 462 (Chapter 131)

Senate Bill 462 changes, from March 1 to March 15, the date by which an insurer must furnish annual proof of entitlement to credit against the insurance premium tax for maintaining a home office or regional office in Nevada.

The measure is effective on May 14, 1999.

S.J.R. 22 (File No. 146)

Senate Joint Resolution No. 22 urges Congress to ensure that proposed federal legislation affecting financial services and insurance does not preempt the authority of Nevada to regulate providers

of insurance. The resolution further explains that existing state law is adequate to monitor and ensure the financial stability of providers of insurance and to protect the residents of this state from unfair trade practices.

This measure is effective on June 8, 1999.

A.B. 159 (Chapter 323)

Assembly Bill 159 provides that a person who is a "culpable actor" in the felonious and intentional killing of a decedent may not inherit from the decedent or accrue other benefits based upon the death of the decedent. The measure defines a "culpable actor in the felonious and intentional killing of a decedent" as a person who, among other things, causes or perpetrates the felonious and intentional killing of a decedent.

Assembly Bill 159 provides that if a court enters a judgement of conviction against a person stating that the person is found to have been a culpable actor, then the person is deemed to be a killer of the decedent. Such a person forfeits any appointment, power, right, property, interest, or benefit that would have devolved to the killer through the estate of the decedent or through any governing instrument, as defined by the bill. The provisions of a government instrument and an intestate estate of the decedent are treated as if the killer had died before the decedent.

The bill also provides that an interested person may bring a civil action alleging that a person was a culpable actor in the felonious and intentional killing of a decedent. If the court finds by a preponderance of the evidence that the person is a culpable actor, the person is deemed to be a killer of a decedent. Such an action must be commenced within five years after the interested person discovers or should have discovered the material facts that constitute the cause of action.

Existing Nevada law does not prohibit paying life insurance benefits to a beneficiary of a murder victim when that beneficiary is convicted of voluntary manslaughter or conspiracy to commit the murder of the deceased person. Testimony indicated that life insurance benefits have been paid to such persons in situations where their murder charges, under plea bargaining, have been reduced to voluntary manslaughter or conspiracy to commit murder. Assembly Bill 159 prohibits the payment of benefits in these cases.

This measure is effective on May 28, 1999.

A.B. 555 (Chapter 413)

Assembly Bill 555 provides that issuance of a qualified charitable-gift annuity does not constitute an insurance transaction. In addition, the bill requires that a charitable organization that issues a charitable-gift annuity disclose to a donor that the annuity is not insurance under the laws of this state, is not regulated by the Commissioner of Insurance, and is not protected by an insurance guaranty association. The measure also requires that a charitable organization that issues a charitable-gift annuity must notify the commissioner that it has issued a qualified charitable-gift

annuity and certify to the commissioner that the organization is a charitable organization and that the annuity qualifies as charitable-gift annuity pursuant to Section 501 of the *Internal Revenue Code*.

A charitable-gift annuity allows a donor to make a contribution to charity, receive a federal income tax deduction for the charitable contribution, and receive an annuity from the charity. The annuity that the donor receives has a market value that is less than the value of the donor's gift to the charity. According to testimony, A.B. 555 removes a barrier to using charitable-gift annuities in this state. Under current Nevada law, a charitable-gift annuity is included in the definition of insurance and a nonprofit organization cannot obtain a certificate of authority from the Commissioner of Insurance, which is required to transact insurance.

A.B. 635 (Chapter 595)

Assembly Bill 635 provides for the licensing and regulation of captive insurers by the Commissioner of Insurance. The bill specifies the minimum required amounts of capital and surplus that must be maintained by a captive insurer. The measure also imposes upon captive insurers a premium tax on net direct premiums and on revenue from assumed reinsurance premiums. In addition, the bill creates within the State General Fund, an account for the regulation and supervision of captive insurers. Ten percent of the revenues collected from the premium tax must be deposited to this account. The remaining 90 percent of the premium tax revenues collected from captive insurers must be deposited into the State General Fund. At the end of each fiscal year, any funds in the account exceeding $100,000 must be transferred to the State General Fund. The bill also makes the provisions of Chapter 689A of *Nevada Revised Statutes*, "Trade Practices; Financing of Premiums," applicable to captive insurers. Finally, A.B. 635 provides that the commissioner may establish regulations to carry out the provisions of this bill.

The measure is effective on June 9, 1999, for the purpose of adopting regulations, and on October 1, 1999, for all other purposes.

A.B. 680 (Chapter 541)

Assembly Bill 680 makes various changes to Nevada's insurance laws. The bill clarifies the authority of the Commissioner of Insurance to impose a fine or penalty or initiate or continue a disciplinary proceeding against a person who has voluntarily surrendered his license or certificate of registration. The bill also provides that examinations of insurers are no longer confidential. The measure gives the commissioner authority to require workers' compensation insurers to report certain statistical data and revises fees for the issuance and renewal of a license for a surplus lines broker.

In addition, the bill allows the commissioner to exempt from certain risk-based capital requirements a domestic insurer that does not transact property or casualty business in another state or that meets other technical requirements. Assembly Bill 680 revises requirements for the

issuance of a certificate of registration as a third-party administrator, prohibits a title insurer from paying a rebate as an inducement or compensation for placing an order for a title insurance policy, and requires that title agents maintain copies of documents that set forth conditions for the sale of property.

The bill clarifies the types of insurance policies for which no guaranty fund coverage is provided, revises provisions governing the disclosure statement required for certain umbrella policies, and amends the trust fund and surplus requirements of insurance exchanges. The bill also makes various technical changes to Nevada's insurance laws so that they conform to federal standards related to the federal Health Insurance Portability and Accountability Act of 1996.

The measure amends disclosure provisions regarding claims for personal injury under motor vehicle insurance policies and requires that the commissioner adopt regulations for the licensing of provider-sponsored organizations. In addition, the bill revises the priority for distribution of claims against insolvent insurers and requires an applicant for a license as a general agent in the bail bond business to file a $50,000 bond. Finally, A.B. 680 revises the authority of the commissioner to approve certain contracts relating to the Nevada's group insurance plan. A contract of a state or local government entity concerning group insurance benefits for its employees and dependents must be submitted to the commissioner for approval at least 30 days before the effective date of the contract.

Automobile Insurance

S.B. 351 (Chapter 154)

Senate Bill 351 authorizes the Commissioner of Insurance to issue a limited agent's license to a short-term lessor of passenger vehicles to engage in the solicitation and sale of insurance requested by a lessee. The bill also provides that an employee of the short-term lessor of passenger vehicles is not required to have a limited agent's license if the solicitation and sale of such insurance is done on behalf of and under the supervision of the short-term lessor.

A.B. 272 (Chapter 534)

Assembly Bill 272 revises the penalty for driving without the required liability insurance. This measure provides that any person who violates this law is guilty of a misdemeanor, and also is subject to existing fines. The fine of $600 to $1,000 must be reduced to $100 if the person obtains a motor vehicle liability policy by the time of sentencing. Current law gives the person 30 days after the fine is imposed to obtain the required insurance. Further, this measure provides that a court shall not find a person guilty or fine a person for operating, or permitting the operation of, a motor vehicle without having insurance, or for failing or refusing to surrender evidence of insurance to a peace officer, if he presents evidence to the court that the insurance was in effect at the time the demand for it was made. Finally, Assembly Bill 272 authorizes a court to impose

a fine of up to $1,000 and then suspend its balance on the condition that the person presents proof to the court each month for a year that the required insurance is in effect.

Health Insurance

S.B. 10 (Chapter 351)

Senate Bill 10 requires the Department of Human Resources to work cooperatively with Nevada's Indian tribes and tribal organizations to expedite eligibility determinations and enrollment of Indian children in the Children's Health Insurance Program (CHIP). The measure also creates a five-member advisory committee to the Nevada Indian Commission. The measure specifies that the members of the advisory committee serve two-year terms and represent certain tribally related health interests. The bill charges the advisory committee with advising the commission concerning CHIP, including enrollment issues and outreach efforts. Finally, the measure makes the commission responsible for forwarding recommendations to the Director of the Department of Human Resources and for providing staff support to the advisory committee.

The substantive provisions of this measure are effective on May 28, 1999, and the remaining provisions are effective on July 1, 1999.

S.B. 56 (Chapter 128)

Senate Bill 56 requires certain policies of health insurance that provide coverage for drugs approved by the federal Food and Drug Administration (FDA) for use in medical treatment to include coverage of such drugs for the treatment of cancer. Such coverage must be provided by the health insurance policy if a drug's use for cancer treatment is specified in the United States Pharmacopoeia Drug Information, the American Hospital Formulary Service Drug Information, or is supported by at least two studies reported in medical or scientific journals as defined in federal regulations. The bill does not require coverage for experimental drugs used in cancer treatment or if the use of a drug is contraindicated by the FDA.

Further, S.B. 56 requires health insurance policies to pay for FDA-approved drugs that have medically recognized efficacy in the treatment of cancer, even if a drug was originally developed for purposes other than cancer treatment. This is known as "off-label" use. Testimony indicated that the anti-cancer properties of drugs are often discovered after the FDA approval process has been completed. Because of the high cost of obtaining FDA approval, drug manufacturers often do not seek FDA approval for the newly discovered use.

S.B. 145 (Chapter 362)

Senate Bill 145 requires the fee a health insurer may charge health care providers to be included on a list of health care providers given to insureds. The fee must be reasonable and must not

exceed an amount directly related to the administrative cost to the insurer of including the provider on the list. The bill also provides that the insurer shall pay interest at the statutory rate if an approved claim is not paid within 30 days of approval, unless there is a written contract between the parties specifying a different rate. Interest must be calculated from 30 days after the date the claim is approved.

In addition, S.B. 145 prohibits an insurer from requesting a provider to resubmit information already supplied, unless there is a legitimate reason for the request and the request is not made to delay payment, harass the provider, or discourage the filing of claims. Further, the measure prohibits an insurer from making a partial payment on a fully payable claim. The bill also authorizes a court to award costs and reasonable attorney's fees to the prevailing party in certain actions. Moreover, the bill applies to a third-party administrator if the administrator enters into a contract, agreement, or other arrangement with an insurer to administer claims relating to a health plan or a policy of health insurance.

Finally, S.B. 145 makes a carrier serving small employers and a carrier that offers a contract to a voluntary purchasing group subject to the same requirements as other health insurers in regard to timely approval and payment of claims.

S.B. 404 (Chapter 506)

Senate Bill 404 provides group insurance or other medical or hospital service coverage, without charge, for the surviving spouse and any surviving child of certain police officers and firemen killed in the line of duty. The bill requires the spouse, child, or legal guardian of the child to notify in writing the public agency that employed the police officer or fireman within 60 days after the date of the employee's death. In addition, the bill requires the public agency that employed the police officer or fireman to pay the entire cost of the coverage for the surviving spouse or child.

This bill is effective on June 8, 1999.

S.B. 544 (Chapter 573)

Senate Bill 544 revises the provisions governing the state's program of group insurance. The Committee on Benefits is replaced by the Board of the Public Employees' Benefits Program. The measure specifies the composition of the board and requires the board to meet at least quarterly. In addition, the measure requires the board to employ an executive officer and authorizes him to employ staff who are in the unclassified service of the state. Further, the bill sets forth the requirements for continuing education for each board member and the executive officer.

The measure requires the board to establish and carry out the employee benefits program for state employees, ensure that the program is funded on an actuarially sound basis, and ensure that the program is operated in accordance with sound insurance and business practices. The board is

allowed to make recommendations to the Legislature. The state and any other public employers that participate in the program are relieved of liability for the obligations of the program other than indemnification of the board and its employees relating to the administration of the program. Further, the bill extends the ability of session hires of the Legislative Counsel Bureau to purchase their health insurance during the interims.

In addition, the measure allows a group of not less than 300 officers, employees, or retired employees to apply to the board to leave the program. The measure also removes the advisory authority of the state risk manager over the group health insurance plan. Finally, the bill requires the Commissioner of Insurance to adopt regulations requiring the use of uniform claim forms and billing codes and the ability to make compatible electronic data transfers for all insurers and administrators who are authorized to conduct business in the state.

The bill creates an Interim Retirement and Benefits Committee of the Legislature to review the operation of the programs and to make recommendations to the board. The measure also sets forth the membership and responsibilities of this committee and specifies that the committee may only meet when the Legislature is not in regular or special session.

This measure has various effective dates.

S.B. 557 (Chapter 576)

Senate Bill 557 provides that a policy of health insurance, a policy of group health insurance, a contract for hospital or medical services, or a health maintenance organization that is issued or renewed on or after January 1, 2000, must include specified coverage for severe mental illness. The coverage must provide benefits for at least 40 days of hospitalization as an inpatient and 40 visits for outpatient treatment per policy year, excluding visits for management of medications. Two visits for partial or respite care, or a combination thereof, may be substituted for each day of hospitalization not used by the insured; however, the coverage is not required to provide benefits for psycho-social rehabilitation or care received as a custodial inpatient.

In addition to defining "severe mental illness," the bill prohibits any deductibles or copayments from exceeding 150 percent of the out-of-pocket expenses required to be paid for medical and surgical benefits provided pursuant to the policy. Further, an insurer may obtain an exemption from the bill's requirements under certain conditions.

Finally, the measure exempts health insurance plans adopted by state and local public entities.

Certain portions of the bill are effective on June 9, 1999. Other portions are effective on January 1, 2000. The measure expires by limitation on May 1, 2004, if, on January 1, 2003, the

Commissioner of Insurance issues a determination that the cumulative average increase in premiums directly attributable to coverage for severe mental illness provided by the measure is greater than 6 percent.

(This measure repeals certain portions of Assembly Bill 293 regarding mental health parity. See A.B. 293, Chapter 575, in this section.)

A.B. 60 (Chapter 430)

Assembly Bill 60 requires that a health insurance policy that covers prescription drugs or devices must also cover drugs and devices for contraception and hormone replacement therapy. A policy for outpatient care must also include this coverage.

The bill also provides that an insurer cannot require an insured to pay a higher deductible, refuse coverage, or cancel a policy solely because a person may use these services. In addition, an insurer cannot offer or pay any type of material inducement or financial incentive to an insured to discourage use of these services. An insurer also cannot penalize a provider of health care who provides such services, or offer or pay any type of material inducement or financial incentive to such a provider to deny, reduce, withhold, or limit these services.

This coverage does not include fertility drugs, and these provisions do not apply to an insurer affiliated with a religious organization.

A.B. 227 (Chapter 87)

Assembly Bill 227 authorizes counties, cities, school districts, and other public agencies to participate in nonprofit associations or corporations to secure group health or life insurance for their officers, employees, and dependents. The measure also authorizes these entities to participate in nonprofit associations or corporations established to facilitate contracts for the provision of medical services and to procure and disseminate health-related information.

Testimony indicated that the techniques authorized by this measure allow public entities to work together to negotiate favorable insurance rates and health services for employees and their dependents.

This bill is effective on May 5, 1999.

A.B. 293 (Chapter 575)

Assembly Bill 293 requires that, within ten working days of denying a claim for health care services, certain health insurers must notify an insured person of such a denial. The notice must include the reason for denying the claim, the criteria used to deny the claim, the right of the insured to file a written complaint, and the procedures for filing such a complaint. In addition,

the bill clarifies that a managed care organization must provide coverage for medically necessary emergency services provided to an insured at any hospital.

The measure also requires that certain policies of health insurance must provide coverage for treatment of conditions relating to mental health. Further, such a policy must not establish any rate, term, or condition that places a greater financial burden on the insured person for access to treatment for mental health conditions than for access to treatment for conditions relating to physical health.

The provisions of this bill that relate to mental health parity in health insurance policies are effective on July 1, 1999. Other provisions of the bill are effective on October 1, 1999.

(The mental health parity provisions of this measure were repealed by the passage of Senate Bill 557. See S.B. 557, Chapter 576, in this section.)

A.B. 370 (Chapter 403)

Assembly Bill 370 establishes the amount to be paid by the state for group insurance for state employees. The state will pay $327.20 per month for Fiscal Year (FY) 1999-2000 and $368.75 per month for FY 2000-2001. For retired state employees, the state will pay $183.59 per month for FY 1999-2000 and $208.92 per month for FY 2000-2001.

This measure is effective on July 1, 1999.

A.B. 515 (Chapter 411)

Assembly Bill 515 provides that a woman who is insured under a policy of health insurance, a policy of group health insurance, a plan provided by a corporation for medical service, or a plan offered by a health maintenance organization, may access certain obstetrical and gynecological services without receiving prior authorization or a referral from her primary care physician. These services include perinatal care, preventive gynecological care, and reproductive health care.

In addition, A.B. 515 prohibits a managed care organization (MCO) from committing certain acts that limit the accessibility of its insureds to health care services provided at a hospital or other licensed health care facility with which the MCO has contracted in a city with a population of less than 45,000, or in a county of less than 100,000 population. The bill provides, however, that nothing in this act prohibits an MCO from informing an insured patient that enhanced services are available at another hospital or health care facility.

A.J.R. 15 (File No. 112)

Assembly Joint Resolution No. 15 urges Congress to take steps to ensure persons covered by health insurance plans governed by the Employee Retirement Income Security Act of

1974 (ERISA) have adequate procedural protections and rights or appeal. The resolution takes note of laws that have been enacted by other states to protect health insurance consumers and observes that states have limited authority to regulate health insurance coverage offered by self-insured employers.

This measure is effective on May 20, 1999.

A.C.R. 6 (File No. 60)

Assembly Concurrent Resolution No. 6 encourages the Department of Human Resources to enter into agreements with community-based organizations and essential community providers to enroll children in the Children's Health Insurance Program in Nevada, which is known as Nevada Check-Up. The agreements should provide for such organizations to reach out to families who may be eligible for the program. Further, the agreements will include specific outreach programs targeted at local communities and will provide monetary incentives to organizations that are successful in enrolling children.

Workers' Compensation

S.B. 37 (Chapter 388)

Privatization of the State Industrial Insurance System

Senate Bill 37 authorizes the manager of the State Industrial Insurance System (SIIS) to take the steps necessary to establish a domestic mutual insurance company to transact industrial insurance and other lines of property and casualty insurance in the State of Nevada.

The bill provides that the Governor must proclaim the following events have occurred before the manager of SIIS can transfer the assets of the system to the successor organization:

- A sufficient amount of reinsurance has been purchased by SIIS to operate in a financially responsible manner;
- The manager has taken the steps necessary to establish a domestic mutual insurance company;
- A favorable ruling has been received by SIIS from the Internal Revenue Service that establishing the domestic mutual insurance company is not considered a taxable event; and
- The Commissioner of Insurance has determined the domestic mutual insurance company qualifies to transact industrial insurance in Nevada.

If the Governor issues such a proclamation, the manager may transfer to the chief executive officer of the established domestic mutual insurance company the premiums and other money paid to SIIS, including all records, real property, and securities acquired with money in the State Insurance Fund.

The measure requires the Governor to appoint an advisory committee to adopt the initial bylaws of the established domestic mutual insurance company. The advisory committee must be composed of members representing small, medium, and large employers insured by SIIS, whose places of employment are located in various regions of the state.

The bill requires that the chief executive officer of any successor organization to SIIS must continue to hold in trust any money paid to SIIS for the purpose of providing compensation for industrial accidents, occupational diseases, and related administrative expenses. If the successor organization stops providing industrial insurance in the State of Nevada, all money held in trust for the purpose of providing compensation for industrial injuries must be delivered to the Commissioner of Insurance and deposited in the State Insurance Fund. Further, the bill prohibits any successor organization of SIIS from using the money held in trust for the purpose of providing compensation for industrial accidents from being used to transact other property or casualty insurance.

The bill exempts all officers and employees of SIIS from the provisions of Chapter 284 of *Nevada Revised Statutes*, "State Personnel System," effective on the date the Governor's proclamation is issued. In addition, the bill provides that a classified employee who is employed by SIIS on July 1, 1999, retains his rights to reemployment with another agency of the State of Nevada, including the right to be placed on an appropriate reemployment list maintained by the Department of Personnel for at least 24 months.

If the manager of SIIS lays off an employee, the manager must give the employee 60 days' written notice, and provide the Department of Personnel with the information necessary to ensure the employee receives his rights to reemployment. Further, the bill provides that the established domestic mutual insurance company must buy out the pensions of certain employees nearing retirement.

The bill provides that the chief executive officer of the established domestic mutual insurance company must enter into an agreement with the Department of Employment, Training and Rehabilitation to provide services and training to certain employees who are laid off before January 1, 2002. The established domestic mutual insurance company must pay the fees required for such training, up to $2 million. Further, the bill provides that the Commissioner of Insurance must approve any retrospective rating agreement or contract of SIIS existing on June 30, 1999, until December 31, 2000, or until the agreement or contract expires, is renewed, reissued, or amended, whichever occurs first.

Industrial Insurance Benefits

Senate Bill 37 requires an injured employee to sign all medical releases necessary for the insurer to obtain information and records about a preexisting medical condition that is reasonably related

to the industrial injury of the employee. In addition, the measure provides that an injured employee may request a hearing officer or appeals officer to order the insurer to reimburse him for the cost associated with a second impairment rating that results in a higher percentage of disability than the first rating, if the hearing officer or appeals officer decides that the second determination of a higher percentage of disability is appropriate.

The bill provides that an employee, whose preexisting nonindustrial condition is aggravated due to a subsequent industrial accident or occupational disease, is entitled to workers' compensation benefits, unless the insurer can prove by a preponderance of the evidence that the subsequent injury or occupational disease is not a substantial contributing cause of the resulting condition. The bill also provides that an employee whose industrial injury or occupational disease is subsequently aggravated outside of the workplace is entitled to workers' compensation benefits, unless the insurer can prove by a preponderance of the evidence that the injury or occupational disease is not a substantial contributing cause of the resulting condition.

The bill allows an insurer to close certain claims if the medical benefits for the claims are less than $300 and the injured employee does not receive treatment for the injury for a 12-month period. The bill requires the insurer to provide written notice to the claimant of the closure of such a claim. Further, the bill provides that under certain circumstances, workers' compensation payments for a permanent total disability must be reduced by an amount equal to the amount of the permanent partial disability lump sum previously paid to the injured employee.

The bill clarifies that a position offered by an employer to an injured employee with a temporary total disability must provide a gross wage that is equal to or substantially similar to the gross wage the employee was earning at the time of his injury in order for the employer to be exempt from certain provisions governing vocational rehabilitation. Further, the bill provides that an insurer and an injured employee may jointly select the physician or chiropractor used to determine the percent of the injured employee's disability; otherwise, the insurer must select the rating physician or chiropractor from the rotating list of such practitioners maintained by the Administrator of the Division of Industrial Relations. The bill also changes the factor for compensation of a permanent partial disability from 0.54 percent to 0.6 percent for each 1 percent of impairment of the whole man for injuries sustained on or after January 1, 2000.

The bill changes, from 90 days to 6 months, the length of time an injured employee with existing marketable skills may receive job placement assistance. The bill also extends, by three months, the time period that an injured employee who does not have existing marketable skills is eligible to receive vocational rehabilitation, depending on the injured employee's percent of impairment.

Further, the bill provides that under certain circumstances an injured employee may receive vocational rehabilitation services at a location outside of the State of Nevada, but the location may not be more than 50 miles from Nevada's border. The bill also provides that under certain circumstances, the insurer, organization for managed care, health care provider, third-party administrator, or employer must pay a benefit penalty to the injured worker that is not less than $5,000, but not greater than $25,000.

Office for Consumer Health Assistance

Senate Bill 37 creates the Office for Consumer Health Assistance (OCHA) in the Office of the Governor. The bill provides that the Governor must appoint a Director of the office who is a physician, registered nurse, advanced practitioner of nursing, or a physician's assistant. The measure specifies the duties of the director and permits the director to adopt regulations necessary to carry out the provisions of the bill related to the office. The bill also transfers the three ombudsmen positions of SIIS, and two positions to assist those ombudsmen, including the equipment and supplies associated with their positions, to OCHA. In addition, the bill transfers one position from the Health Division, Department of Human Resources, and one position from the Division of Health Care Financing and Policy, Department of Human Resources, to the OCHA.

The bill appropriates from the State General Fund $212,404 for Fiscal Year (FY) 1999-2000, and $251,001 for FY 2000-2001, to pay for a portion of the cost of the OCHA. In addition, the bill appropriates from the Fund for Workers' Compensation and Safety $262,085 for FY 1999-2000, and $325,848 for FY 2000-2001, to pay for the cost associated with the positions transferred to OCHA from SIIS. Further, the bill appropriates from the State General Fund $36,248 for FY 1999-2000, and $50,314 for FY 2000-2001, to pay for the cost associated with the position transferred from the Health Division to OCHA.

Finally, the bill requires the director to submit a written report to the Governor, on or before February 1 of each year, that includes the number and geographic origin of the inquiries received by OCHA, the type of assistance provided to each health care consumer and injured employee who sought assistance, and the disposition of each inquiry and complaint received by the Director.

Effective Dates

Many sections of the bill are effective on July 1, 1999, including sections relating to the creation of the Office for Consumer Health Assistance. Sections of the bill that exempt SIIS employees from the State Personnel System are effective on the date the Governor issues a proclamation that certain events have occurred. Sections of the bill that authorize a hearing and appeals officer to order an insurer to reimburse an injured employee for the expense of a second impairment rating; revise the provisions governing the effect on the availability of compensation of a preexisting condition and of an aggravation of an industrial injury or disease that is not related to employment; revise provisions governing compensation for permanent total disability; and expand the length of certain programs of vocational rehabilitation, are effective on January 1, 2000.

S.B. 38 (Chapter 475)

Senate Bill 38 transfers the responsibility for issuing a certificate of registration for certain employee leasing companies from the State Industrial Insurance System to the Division of Industrial Relations (DIR), Department of Business and Industry. In addition, the bill requires the DIR to regulate employee leasing companies.

The bill also provides that the books, records, and payrolls of an employer insured by a private carrier must be open to inspection by the private carrier providing workers' compensation insurance to that employer. In addition, the bill directs that an employer who refuses to open his books, records, and payroll to inspection by a private carrier is subject to a $1,000 fine.

The measure also allows private carriers and the State Industrial Insurance System to offer fully insured workers' compensation coverage to heterogeneous groups of employers. In addition, the bill changes, from the current 24 hours to 15 days, the requirement for an insurer to notify the DIR of changes in the insurance status of employers.

Further, the bill requires insurers to notify claimants in writing of the circumstances under which certain claims may be closed.

This bill is effective on July 1, 1999.

S.B. 53 (Chapter 231)

Senate Bill 53 provides that every workers' compensation insurer must provide certain information, for the purpose of claims indexing, to the Administrator of the Division of Industrial Relations, Department of Business and Industry. The bill also provides that insurers who intentionally fail to provide such information shall be fined $1,000 by the administrator for an initial violation, and $2,000 for each subsequent violation.

This bill is effective on July 1, 1999.

S.B. 64 (Chapter 129)

Senate Bill 64 requires the attorney or representative of an employee or the representative of an injured employee's dependents, to notify the insurer in writing before a proceeding or action in tort is initiated. In the case of an uninsured employer's claim or a subsequent injury claim, the Administrator of the Division of Industrial Relations must be notified.

Testimony indicated that attorneys normally handle such lawsuits for injured workers. Sometimes, the attorneys do not notify the workers' compensation insurance carriers of the legal action and the insurer is hampered in recovering its subrogation claim as provided for in statute.

S.B. 92 (Chapter 91)

Senate Bill 92 clarifies the applicability of provisions governing occupational diseases by adding references to Chapter 617 of *Nevada Revised Statutes*, which governs industrial insurance.

S.B. 132 (Chapter 479)

Senate Bill 132 expands accident benefits under industrial insurance to include preventive treatment administered as a precaution to a police officer, salaried firefighter, or volunteer firefighter exposed to contagious disease while performing the duties of a police officer or firefighter, or upon battery by an offender. The bill requires that any incidents of exposure to contagious disease must be documented by the employer.

In addition, the bill provides that the employer of a police officer, salaried firefighter, or volunteer firefighter must test each such employee for Hepatitis A, Hepatitis B, Hepatitis C, tuberculosis, and human immunodeficiency virus at the time he is voluntarily or involuntarily terminated, and at 6 and 12 months after the date of termination. The bill provides that a police officer, salaried firefighter, or volunteer firefighter who tests positive for such a disease is eligible, during his lifetime, to receive workers' compensation for the disease or any additional conditions resulting from the contagious disease.

The provisions of the bill do not apply to an employee who, before July 1, 1999, is receiving compensation pursuant to the Nevada Industrial Insurance Act or the Nevada Occupational Disease Act.

This bill is effective on July 1, 1999.

S.B. 133 (Chapter 582)

Senate Bill 133 authorizes certain providers of industrial insurance to provide workers' compensation coverage for consolidated insurance programs (CIP). The bill requires a CIP to provide industrial insurance coverage, and a comprehensive safety program for the employees of a contractor or subcontractor engaged in a construction project. The bill also requires a CIP to provide for the administration of industrial insurance claims for employees of a contractor or subcontractor engaged in a construction project.

Further, the bill provides that a CIP may be established and administered by the principal contractor of the construction project, which is termed a contractor-controlled insurance program; or the owner of the construction project, which is termed an owner-controlled insurance program. The bill provides that a private company, public entity, or utility may establish and administer a CIP if the estimated total cost of the construction project is equal to or greater than the threshold amount established by the Commissioner of Insurance. The base amount of the threshold must be $150 million, and must be adjusted annually by the commissioner based on the Construction Price Index. In addition, Senate Bill 133 requires that the owner or principal contractor state in the notice for bids for construction of the project that the employees of the contractors or subcontractors of the project will be covered under a CIP.

The measure also provides that the exclusive remedy provisions of Nevada's workers' compensation law apply to an owner of a construction project who provides industrial insurance coverage to employees of his contractors and subcontractors through a CIP. In addition, the

measure allows a CIP to cover more than one construction project beginning October 1, 2001. Finally, the measure authorizes the Commissioner of Insurance to adopt the necessary regulations to carry out the provisions of the bill.

The provision in the bill stipulating that a CIP must not cover more than one construction project expires by limitation on September 30, 2001. This provision is permissive on October 1, 2001. The remainder of the bill is effective on October 1, 1999.

S.B. 175 (Chapter 94)

Senate Bill 175 increases the penalties for employers who fail to provide, secure, or maintain industrial insurance. For a first offense involving the death or substantial injury of an employee, the penalty is increased from a misdemeanor to a category C felony, which is punishable by a minimum of one year to a maximum of five years in the state prison and a fine of not less than $1,000 and not more than $50,000. A second offense within seven years of the first offense is also a category C felony.

S.B. 417 (Chapter 620)

Senate Bill 417 creates a seven-member appeals panel for industrial insurance. The bill requires that the Governor, in consultation with the Commissioner of Insurance, appoint the members of the panel. Certain members must be selected from a list of nominees provided to the Governor by the advisory organization for industrial insurance. The appeals panel is directed to hear grievances from certain employers regarding the employer's experience modification factor, risk classification, and application of supplementary rate information to the employer. In addition, the bill provides that if any party to the hearing before the appeals panel is dissatisfied with the outcome of the hearing, the party may appeal to the Commissioner of Insurance.

Most of the bill is effective on June 11, 1999, and expires by limitation on July 1, 2001.

S.B. 495 (Chapter 383)

Senate Bill 495 makes various changes to provisions governing industrial insurance. The bill transfers the responsibility for issuing a certificate of registration for employee leasing companies from the State Industrial Insurance System to the Division of Industrial Relations (DIR), Department of Business and Industry. In addition, the bill requires DIR to regulate employee leasing companies.

The measure prohibits an insurer from issuing an industrial insurance policy that does not cover certain employees. In addition, the bill transfers responsibility for adopting regulations concerning the modified programs of industrial insurance for the Department of Prisons, jails, and other detention facilities from the State Industrial Insurance System to DIR. The bill also provides that

a rate service organization used by an association of public or private employers to calculate each member's annual assessment must be licensed.

The bill clarifies that a private carrier, authorized by the Commissioner of Insurance to provide industrial insurance, is an authorized insurer. The bill also clarifies the commissioner's authority to suspend the authorization of a private carrier to provide industrial insurance. In addition, the bill requires the administrator of DIR to establish a competitive bidding process for the purpose of selecting a third-party administrator or an insurer to administer claims against the Uninsured Employers' Claim Fund. Further, the bill provides that certain administrative fines must be paid into the fund.

The measure provides that the fees and mileage associated with delivering certain subpoenas, are not required to be tendered at the same time the subpoena is delivered. Finally, the bill increases the deemed wage for a real estate licensee from $900 to $1,500 per month.

This bill is effective on July 1, 1999.

A.B. 253 (Chapter 294)

Assembly Bill 253 removes the limitation on payment by a workers' compensation insurer for transporting the body of a deceased employee beyond the continental limits of the United States.

This bill is effective on July 1, 1999.

A.B. 334 (Chapter 329)

Assembly Bill 334 allows the State Industrial Insurance System, its successor, or a private insurance carrier to provide industrial insurance coverage, as part of a homeowner's insurance policy, for individuals who are engaged exclusively in household or domestic services.

A.B. 470 (Chapter 465)

Assembly Bill 470 makes various changes concerning benefit provisions and filing of rates for industrial insurance. The bill prohibits an organization for managed care from restricting or interfering with any communication between a provider of health care and an injured employee regarding information the health care provider determines is relevant to the health care of the injured employee. The bill also prohibits an organization for managed care from terminating a contract, demoting, refusing to contract with, or refusing to compensate a health care provider solely because the provider, in good faith, advocates on behalf of an injured employee or assists an injured employee in seeking reconsideration of a decision by the organization for managed care to deny coverage for a health care service.

The measure prohibits an organization for managed care from offering or paying any type of material inducement or financial incentive to a health care provider to withhold or limit medically necessary health care services to an injured employee. In addition, the bill clarifies that financial incentives are permissible if the arrangement is designed to provide an incentive to the health care provider to use health care services effectively and consistently in the best interest of the injured employee.

Further, the bill provides that an insurer, organization for managed care, or third-party administrator must respond to a request for prior authorization for treatment, diagnostic testing, or consultation within five working days of receiving the request. The bill also provides that if an injured employee whose insurer has contracted with an organization for managed care is not satisfied with the first physician or chiropractor he selected for treatment, an alternative physician or chiropractor may be selected within 90 days of the date of injury.

The measure allows a hearing officer or an appeals officer to refer an injured employee to a physician or chiropractor, who has demonstrated special competence to treat the particular medical condition of the employee, to determine the necessity of certain medical treatment. In addition, the bill requires that laboratories testing injured employees for the use of alcohol or a controlled substance must be licensed by the Health Division of Nevada's Department of Human Resources.

The bill further provides that for the period beginning on July 1, 1999, and ending on June 30, 2000, an insurer's rate for industrial insurance may not vary from the rate filed by the advisory organization for industrial insurance and approved by the Commissioner of Insurance. During the following year, July 1, 2000, through June 30, 2001, an insurer's rate for industrial insurance may not vary more than 15 percent from the rate filed by the advisory organization. Beginning July 1, 2001, each insurer must either file its final premium rates for industrial insurance with the commissioner or choose a multiplier that, when applied to the prospective loss costs filed by the advisory organization, will result in its final rates. Finally, the bill provides that the commissioner may, at any time, disapprove a premium rate for industrial insurance filed by an insurer.

Many sections of the bill, including the provisions for organizations for managed care, are effective on October 1, 1999. The portion of the bill relating to the filing of industrial insurance rates is effective on July 1, 2001.

S.B. 7 (Chapter 76)

Senate Bill 7 revises provisions governing the requirements for certification as an assistant in a medical laboratory. To qualify for certification, a person must be a high school graduate or have a general equivalency diploma. In addition, the person must complete at least six months of approved training and demonstrate the ability to perform laboratory procedures, or complete a course of instruction that qualifies him to take and pass an examination administered by certain specified entities.

The bill also authorizes licensed or certified medical laboratory personnel to perform certain laboratory tests that are classified as waived under federal regulations. Further, a test must be administered at an outpatient center or the patient's residence. Finally, the laboratory director must ensure that the laboratory employee is competent to perform the test, that the test is performed according to the manufacturer's instructions, and that appropriate controls and safety requirements have been met.

A.B. 110 (Chapter 263)

Assembly Bill 110 provides that the wages paid to employees whose duties are related to the manufacture of certain explosives must be based solely on the number of hours worked. The bill also provides penalties for any person who fails to pay such employees based on the number of hours worked. For a first violation, the fine is not less than $10,000 nor more than $20,000. For any subsequent violation, the fine is not less than $20,000 nor more than $50,000. Workers in the mining industry are excluded from the provisions of the bill.

This bill is effective on May 24, 1999.

A.B. 111 (Chapter 165)

Assembly Bill 111 requires the establishment of a written safety program for certain workplaces where explosives are manufactured. In addition, the bill requires the safety program to be in a language and format that is understandable to each employee. The bill exempts employers in the mining industry.

This bill is effective on May 20, 1999.

A.C.R. 54 (File No. 68)

Assembly Concurrent Resolution No. 54 designates April 28, 1999, the anniversary of the enactment of the Occupational Safety and Health Act of 1970, as Workers' Memorial Day in Nevada. The measure honors workers who have succumbed to an occupational disease or who

have been injured or killed as a result of work-related accidents and urges Nevadans to observe the day by recognizing the need to strengthen safety and health protections in the workplace. The American Federation of Labor and Congress of Industrial Organizations has observed April 28 as Workers Memorial Day since 1989.

LEGISLATURE

S.B. 471 (Chapter 282)

Senate Bill 471 requires the face of legislative measures to state whether an unfunded mandate of $5,000 or more to local governments is contained in the provisions. In addition, the bill must state whether the unfunded mandate was requested on behalf of a local government.

This measure is effective on May 25, 1999.

A.B. 255 (Chapter 172)

Assembly Bill 255 requires the Director of the Department of Administration to submit to the Legislature, the Governor, and the Legislative Auditor a report on the status of internal accounting and administrative controls in state agencies. The report is due on or before the first Monday in February of each odd-numbered year, and must identify agencies that have not reviewed, do not have effective methods for reviewing, or have weaknesses in their internal controls.

A.B. 525 (Chapter 464)

Assembly Bill 525 creates the Office of Financial Analysis and Planning within the Fiscal Analysis Division of the Legislative Counsel Bureau to assist the Legislature in long-term financial analysis and planning, including long-term economic planning and forecasting of future state revenues.

The bill also creates a Task Force for Financial Analysis and Planning, which consists of eight representatives of various state and local agencies and five members appointed by the Speaker of the Assembly, the Majority Leader of the Senate, and the Governor. The Office of Financial Analysis and Planning is designated to provide administrative support and technical expertise to the Task Force. Assembly Bill 525 requires the task force to develop a process for the preparation and periodic update of long-term forecasts of and recommendations concerning future state revenues. The process developed will be used in planning and budgeting state programs and must provide for the compilation and periodic update of reports that include the economic information specified in the bill.

The measure is effective on July 1, 1999. The provisions regarding the task force expire by limitation on June 30, 2001.

A.B. 631 (Chapter 463)

Assembly Bill 631 makes various changes regarding the administration of the Nevada Legislature and Legislative Counsel Bureau (LCB). The measure specifies in statute all limits on interim bill draft requests (BDRs) and codifies the dates by which interim BDRs must be submitted. The bill also provides that the authority of legislators and the Governor to request bill drafts during session

is subject to limitations prescribed by the Legislature and the Joint Rules of the Senate and Assembly.

The measure clarifies statutes concerning legislators' salary and per diem, permits the LCB to pay all of its bills out of its own checking account, and specifies that session employees of the Senate and Assembly are paid at an hourly rate before and after session. To allow certain standing committees to meet before the session if necessary, the measure permits the Legislative Commission to appoint special committees consisting of members of the standing committees for the ensuing session. The bill also permits the commission to appoint a special committee, chaired by the Speaker of the Assembly, to receive the Governor's State of the State address.

Further, Assembly Bill 631 requires the delivery of adopted joint resolutions directly to the Secretary of State and removes from statute references made to specific committees to accommodate various committee name changes. Because the state budget is now required to be submitted before the start of the legislative session, the measure eliminates the requirement that the Fiscal Analysis Division of the LCB, prepare a synopsis of the budget for use by the budget subcommittee before session. Finally, the measure requires that a bill or resolution not be acted upon by a Senate or Assembly committee until the fiscal note is prepared. Current law prohibits hearing a bill before the fiscal note is prepared.

This bill is effective on July 1, 1999.

A.B. 645 (Chapter 291)

Assembly Bill 645 makes various technical changes to the *Nevada Revised Statutes* by correcting inappropriate or inaccurate provisions and clarifying ambiguous provisions.

Nevada Revised Statutes 220.080 directs the Legislative Counsel to make recommendations to the Legislature for the clarification, elimination, and resolution of certain statutes. The traditional manner for presenting such changes is through this reviser's bill.

This measure is effective on May 25, 1999.

A.B. 702 (Chapter 585)

Assembly Bill 702 increases the daily rate of compensation for certain legislative employees. The bill also creates new titles and revises existing titles of certain legislative employees.

A.C.R. 61 (File No. 70)

Assembly Concurrent Resolution No. 61 requests the return of Assembly Bill 350 of the 70th Session of the Legislature from the Governor to the Assembly. The resolution passed both

houses of the Legislature, was enrolled, and delivered to the Governor; however, it requires further legislative attention.

Legislative Counsel Bureau and Legislative Building

S.B. 531 (Chapter 283)

Senate Bill 531amends the definition of the term population as it is used in the *Nevada Revised Statutes* (NRS). The bill clarifies that the use of population references in the NRS will apply to tabulations of population from July 1 of the year following the decennial census until June 30 of the year following the next census. Further, the bill defines decennial census date as the first day of April 1980 and every ten years thereafter on which the decennial census is taken pursuant to federal law.

This measure addresses population thresholds as used in the statutes. Population thresholds are currently based on population estimates in the second to last year of a decade. This bill changes the estimation method and, instead, bases population specifically on the decennial census. Further, the measure allows the Legal Division of the Legislative Counsel Bureau to review, after the 2000 census, the several hundred statutes that make reference to population so that appropriate adjustments to those references can be made during the 2001 Session of the Nevada Legislature.

A.B. 12 (Chapter 472)

Assembly Bill 12 expands the definition of the term "regulation" as it is used in Nevada's Administrative Procedure Act. The bill also outlines what the term does not include.

The measure provides that an emergency action taken by a state agency to protect public health and safety is not a regulation, but requires an agency taking such an action to file a statement with the Legislative Counsel within five working days for inclusion in the register of administrative regulations.

Assembly Bill 12 exempts from the Administrative Procedure Act enforcement actions of the Division of Environmental Protection related to workplace safety but requires the Division of Industrial Relations to submit to the Advisory Council of the division a quarterly report listing each citation issued for a workplace safety violation. Within five working days of that submission, the Division of Industrial Relations must submit a copy of the report to the Legislative Counsel for inclusion in the register of administrative regulations.

This measure also exempts from the Administrative Procedure Act resolutions adopted by the Board to Review Claims to carry out its duties for the cleanup of discharged petroleum. However, the board must submit a copy of any such resolution to the Legislative Counsel within five working days for inclusion in the register of administrative regulations.

This bill is effective on July 1, 1999, for the purpose of adopting regulations to comply with the new definition of the term "regulation" and on January 1, 2000, for all other purposes.

A.C.R. 23 (File No. 124)

Assembly Concurrent Resolution No. 23 grants five days of administrative leave to employees of the Legislature and Legislative Counsel Bureau in recognition of their enthusiastic and dedicated service during the 1999 Session of the Nevada Legislature.

A.C.R. 40 (File No. 36)

Assembly Concurrent Resolution No. 40 memorializes Mrs. Linda B. Alden, former Chief Clerk of the Nevada Assembly. The measure notes Mrs. Alden's professional demeanor and outstanding work ethic throughout her career with the Nevada Legislature. In addition, the resolution recognizes the natural wit and true spirit with which Mrs. Alden led her life.

A.C.R. 42 (File No. 40)

Assembly Concurrent Resolution No. 42 memorializes former Chief of the Legislative Police Jerry A. Kenney. In addition to his successful career in law enforcement, the measure notes Mr. Kenney's service as regional chairman and vice chairman of the National Legislative Services and Security Association.

Legislative Members and Process

S.B. 1 (Chapter 1)

Senate Bill 1 appropriates $10 million from the State General Fund to the Legislative Fund.

This bill is effective on February 2, 1999.

S.C.R. 18 (File No. 18)

Senate Concurrent Resolution No. 18 memorializes former Senator Jack Regan. The measure recognizes his contributions during five legislative sessions. From 1989 to 1993, Mr. Regan served as an assemblyman and, from 1995 to 1997, he was the Senate Minority Whip.

S.C.R. 28 (File No. 47)

Senate Concurrent Resolution No. 28 revises certain sections of Rule No. 14 of the Joint Standing Rules of the Senate and Assembly for the 70th Session of the Nevada Legislature. The measure exempts joint, concurrent, and simple resolutions from limitations to the number that may be requested and deadlines by which a resolution must be requested, introduced, or enacted.

S.C.R. 29 (File No. 49)

Senate Concurrent Resolution No. 29 memorializes former Nevada Legislator Jean Ford, who served in the Nevada Assembly in 1972 and 1974 and in the Nevada Senate in 1978 and 1980. The resolution highlights Ms. Ford's civic contributions, praises her support for visionary legislation, and recognizes her role in the development of the Nevada Women's Archives and the Nevada Women's History Project.

S.C.R. 34 (File No. 66)

Senate Concurrent Resolution No. 34 memorializes former Assemblyman Marvin Bender Humphrey and his wife, Lucie King Humphrey, for their dedication and civic commitment to the State of Nevada. During his membership in the Nevada Assembly from 1947 to 1952 and again from 1957 to 1960, Mr. Humphrey helped to enact the Nevada Free Port Law, allowing Nevada to store goods in transit without taxation and resulting in economic benefit to the state. Mrs. Humphrey is recognized for her many years of community service and political involvement.

S.C.R. 46 (File No. 104)

Senate Concurrent Resolution No. 46 requests the return of Senate Bill 8 from the Governor's office to the Senate for further legislative attention.

A.B. 170 (Chapter 628)

Assembly Bill 170 authorizes the supplemental allowance provided to legislators during a legislative session also to be used for the costs of additional housing. The measure stipulates that any legislator whose home is more than 50 miles from Carson City and who maintains temporary quarters in or near Carson City during the legislative session, may be reimbursed for the costs of such housing at the end of each month. The amount paid to the legislator for housing must be an amount equal to the fair market rent for a one bedroom unit in Carson City, as published by the federal Department of Housing and Urban Development, and shall be prorated for the number of days the legislator actually maintains his or her residence. No claims shall be paid, however, for any charges that exceed the total supplemental allowance of $6,800 per member per session.

In addition to a daily salary for 60 days, a per diem allowance, and a telephone allowance, each legislator is entitled to receive a supplemental allowance of up to $6,800 during the course of a regular legislative session. This allowance currently may be used to pay for actual expenses related to travel between the legislator's home and Carson City during session, travel during session on legislative business, moving expenses to and from Carson City for session, and furniture rental in Carson City. Assembly Bill 170 permits this supplemental allowance also to apply to temporary housing costs incurred by certain legislators.

A.B. 189 (Chapter 512)

Assembly Bill 189 amends the Public Employees' Retirement Act. The bill allows legislators who are members of the Public Employees' Retirement System (PERS) to continue to accrue benefits in the PERS fund in lieu of participating in the Legislators' Retirement System, so long as contributions are made to the PERS fund. In addition, the bill allows legislators to pay the cost to gain service credit in the PERS fund for previous periods of leave without pay caused by service in the Nevada Legislature.

The measure modifies the definition of compensation subject to retirement contributions, clarifying that only compensation enumerated in statute is subject to retirement contributions. The bill requires that the retirement board establish standards for determining full-time work weeks for service credit accrual purposes. In addition, the bill enrolls members of the Nevada Gaming Commission in PERS. Further, the bill allows rollovers from certain retirement plans for purchase of service credit in the PERS system. The bill also provides that under certain circumstances, the service of certain county commissioners, city councilmen, and mayors must count as regular service credit for the purpose of computing benefits.

The bill allows public employers to contribute to an alternative retirement plan for certain elected officials who receive a benefit from PERS and are able to contribute to PERS. In addition, the bill revises the benefit formula for certain retired employees who have been receiving a retirement allowance and who are reemployed and enrolled in PERS. The bill increases, by $50, the minimum monthly cumulative benefit for surviving children and spouses of a deceased PERS participant. Finally, the bill eliminates the marriage requirement to receive certain benefits.

The majority of the bill is effective on July 1, 1999.

A.B. 241 (Chapter 292)

Assembly Bill 241 requires the Legislative Auditor to conduct an audit of the school districts in Nevada. The audit must include an assessment of a representative number of public schools in the state including at least one public school in each district. The bill specifies the items that must be assessed and requires the Legislative Auditor to submit a written report of the audit to the Audit Subcommittee of the Legislative Commission by February 5, 2001.

The measure is effective July 1, 1999.

A.B. 612 (Chapter 182)

Assembly Bill 612 changes, from the 30th day to the final day of the next regular session of the Nevada Legislature, the date by which the Legislative Commission may suspend the filing of a regulation to which the commission has objected and a state agency has refused to revise. The measure also declares that a regulation of Nevada's Commission on Ethics (R044-98), to which the Legislative Commission objected to on April 17, 1998, will not become effective.

This measure is effective on May 20, 1999.

A.B. 695 (Chapter 521)

Assembly Bill 695 grants to Joseph E. Dini, Jr., use of a special license plate designated "State Assemblyman 1," as a lifetime endowment, regardless of whether he continues to serve in the Nevada Assembly.

This measure honors the many years of outstanding service that Assemblyman Joe Dini, more commonly known as *Mr. Speaker*, has given to the Nevada Legislature and the people of this state. Speaker Dini, who now is in his 33rd year of legislative service, is the longest serving member of the Nevada State Assembly in Nevada history. He was first elected to office in November 1966. Since then, he has held numerous leadership posts, including *Speaker pro Tempore* in 1973, *Majority Floor Leader* in 1975, and *Speaker* for eight regular sessions.

This measure is effective on June 8, 1999.

A.C.R. 18 (File No. 11)

Assembly Concurrent Resolution No. 18 memorializes former Nevada legislator and engineer Max J. Bennett. The measure recognizes his sincerity and hard work during the 68th Session of the Nevada Legislature and extends the Legislature's condolences to Mr. Bennett's family.

A.C.R. 33 (File No. 28)

Assembly Concurrent Resolution No. 33 memorializes Louis W. Bergevin, former Assemblyman and esteemed public servant. Mr. Bergevin served in the Nevada State Legislature for 14 years, participating in seven regular and three special sessions. The measure also recognizes his service in the United States Army Air Force, on the Nevada State Board of Education, and in the Nevada Cattlemen's Association.

A.C.R. 48 (File No. 57)

Assembly Concurrent Resolution No. 48 memorializes former legislator and distinguished public servant Raymond L. Knisley. The measure recognizes Mr. Knisley for his commitment to preserve portions of the Lake Tahoe area as well as his devoted service during five regular legislative sessions and three special legislative sessions.

A.C.R. 50 (File No. 62)

Assembly Concurrent Resolution No. 50 memorializes native Nevadan and former Speaker of the Assembly, Berkeley L. Bunker, who was elected to the Assembly in 1936, 1938, and 1940. In 1944, he was elected to the U.S. House of Representatives. The resolution remembers Mr. Bunker for his integrity, sense of humor, and positive outlook.

A.C.R. 57 (File No. 73)

Assembly Concurrent Resolution No. 57 memorializes former Assemblyman Richard Kenneth McNeel, who was the first Republican Assemblyman elected from North Las Vegas. The measure recognizes his contributions to the Legislature as a member of several Assembly committees, his appointment as Labor Commissioner, and his membership in the Nevada State Apprenticeship Council for electrical workers.

A.C.R. 58 (File No. 74)

Assembly Concurrent Resolution No. 58 memorializes former Assemblyman Arthur P. Espinoza, a Democrat from southern Nevada, who was elected as one of the first Hispanics in the Assembly. The measure recognizes Mr. Espinoza for his commitment to the poor and elderly, his involvement in numerous civic organizations, his business leadership, and his service on several local and regional boards, commissions, and associations.

A.C.R. 59 (File No. 81)

Assembly Concurrent Resolution No. 59 memorializes R. Guild Gray, who was a poet, historian, educator, and state assemblyman. The measure describes some of his many achievements, including his service to the Legislature, success as an author, educational accomplishments, and dedication to Nevada.

A.C.R. 62 (File No. 80)

Assembly Concurrent Resolution No. 62 memorializes former legislator and Wolf Pack Hall of Fame inductee, James C. Bailey. The measure describes Mr. Bailey's many athletic

accomplishments, his service in the Nevada Legislature, and awards that he received for his service to northern Nevada.

A.C.R. 63 (File No. 85)

Assembly Concurrent Resolution No. 63 memorializes Juanita Greer White, former Assemblywoman. The measure describes Ms. White's success in earning a doctorate degree in chemistry, despite being refused entry into the Massachusetts Institute of Technology because she was a woman, and illustrates her commitment to enhancing opportunities for higher education in Nevada.

A.C.R. 68 (File No. 103)

Assembly Concurrent Resolution No. 68 requests the return of Assembly Bill 552 from the Governor's office to the Assembly for further legislative attention.

A.C.R. 69 (File No. 114)

Assembly Concurrent Resolution No. 69 revises the Joint Standing Rules of the Senate and Assembly for the 70th Session of the Legislature. The measure provides that no notice of reconsideration of any final vote on a bill is in order on the last day on which final action is allowed. The bill also adds to the list of exemptions bills to implement a budget decision or those returned from the Governor upon request by the Legislature.

A.C.R. 71 (File No. 120)

Assembly Concurrent Resolution No. 71 provides for the compensation of clergy for services rendered to the Assembly and the Senate during the 1999 Session of the Nevada Legislature. The measure expresses appreciation for the daily religious services provided by members of the clergy and authorizes a reasonable compensation of $35 per service from the Legislative Fund.

A.C.R. 77 (File No. 137)

Assembly Concurrent Resolution No. 77 commends Donald L. Bailey, Sr., Chief of the State Printing Division, and the members of his staff for their dedication and exceptional work during the 1999 Legislative Session.

A.J.R. 5 - 69th Session (File No. 142)

Assembly Joint Resolution No. 5 of the 69th Session proposes to amend the *Constitution of the State of Nevada* to provide for annual regular sessions of the Nevada Legislature. The measure replaces Nevada's biennial legislative sessions with annual sessions of no more than 120 calendar days in odd-numbered years, and no more than 45 calendar days in even-numbered years. Any legislative action taken after the end of the prescribed period is void. Further, the measure requires sessions in odd-numbered years to commence on the first Monday in February and sessions in even-numbered years to commence on the first Monday in March. In addition, the amendment requires the Governor to provide the Legislature with the proposed executive budget in odd-numbered years, and any proposed appropriations or budget revisions in even-numbered years, not later than 30 days before the session convenes.

The resolution also limits any special session of the Legislature to 20 calendar days and specifies that any legislative action taken after that time is void. Further, the measure permits the Legislature to petition the Governor to call a special session. Such a petition must set forth the topics for consideration in the special session and must be signed by at least two-thirds of the members elected to each house. Upon receipt of a qualified petition, the Governor must convene the special session within 45 calendar days. The Governor is authorized to add to the list of topics for consideration before issuing the proclamation to call the Legislature into special session. The measure also requires that an initiative petition that proposes a new statute or an amendment to an existing statute be circulated not earlier than one year before the convening of the regular session to which it is submitted.

Finally, the resolution requires that members of the Legislature receive a compensation fixed by law for each calendar day of service during any regular or special session.

This measure was amended, during the 1999 Session, from its original form; therefore, if approved in identical form by the 2001 Session of the Nevada Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2002 General Election.

Legislative and Other Studies Directed by the Legislature

S.B. 357 (Chapter 278)

Senate Bill 357 requires the State Board of Physical Therapy Examiners to appoint a five-member advisory board to recommend to the Nevada Legislature any legislation that it deems necessary concerning regulation of athletic trainers.

One member of the advisory board must be a licensed physical therapist and a current member of the State Board of Physical Therapy Examiners. This member also must be certified as an athletic trainer by the National Athletic Trainers Association Board of Certification. Two members must represent the Nevada Athletic Trainers Association and have at least a master's degree in a

discipline related to athletic training. Two members must represent the Nevada Athletic Trainers Association and have a bachelor's degree in a discipline related to athletic training.

Legislation recommended by the advisory board may include educational qualifications and experience requirements for licensure, the membership of the board that will license athletic trainers, fees for issuance and renewal of licenses, and requirements for disciplinary action. Any recommended legislation must be submitted to the Nevada Legislature no later than January 15, 2003.

S.B. 411 (Chapter 601)

Senate Bill 411 clarifies the methods that the Nevada Tax Commission and the county assessors use in determining the taxable value of property. The bill further exempts intangible personal property from taxation, prohibits the value of intangible personal property from being reflected on the value of real or personal property, and prohibits the exemption of attributes of real property. The measure also provides that the taxable value of property may not exceed the cost appropriately depreciated.

Further, the bill directs the standing Legislative Committee to Study the Distribution among Local Governments of Revenue from State and Local Taxes to monitor the implementation of this measure and conduct an interim study regarding the current tax structure of certain centrally or locally assessed businesses. The findings of this study are to be presented to the 2001 Nevada Legislature.

This measure is effective on July 1, 1999, and expires by limitation on June 30, 2004.

S.B. 432 (Chapter 529)

Senate Bill 432 directs the Legislative Commission to appoint an interim subcommittee, consisting of three senators and three assemblymen, to study the programs for air quality control in Clark County. The bill also directs the Legislative Commission to appoint an advisory committee, representing specific entities and interests, to assist the subcommittee in the study.

As part of its responsibilities, the subcommittee is directed to contract with a qualified, independent consultant to conduct a study of air quality in Clark County. Among other topics, the consultant's study must review existing programs related to air quality in the county and methods for improving the efficiency of these programs, programs that may be required in the future to meet air quality standards, current and future funding requirements of air quality programs, and the roles of state and local governmental agencies and the private sector in addressing air quality issues in Clark County.

This bill also requires the Department of Motor Vehicles and Public Safety (DMV&PS), in consultation with the State Environmental Commission and local air pollution control agencies, to implement an improved program to determine whether a motor vehicle that uses diesel fuel

complies with controls over emissions. Among other items, the DMV&PS must conduct roadside tests of the emissions of motor vehicles that use diesel fuel. Further, DMV&PS is also required to begin conducting roadside tests of the emissions from motor vehicles that are operated on highways in a county with a population of 400,000 or more.

Senate Bill 432 requires the consultant to submit a written report to the subcommittee on or before June 30, 2000. Further, the bill requires the Legislative Commission to submit a report of the committee's findings and recommendations to the 2001 Legislature. A $500,000 appropriation, is made, from the pollution control account of the State General Fund, to the Legislative Commission to carry out the provisions of the bill. The measure specifies, however, that of the appropriation, at least $100,000 must be distributed to the DMV&PS to implement a program of inspection of heavy-duty diesel powered vehicles.

This measure is effective on June 8, 1999.

S.B. 443 (Chapter 505)

Senate Bill 443 creates the Committee to Study the Funding of Higher Education. The committee consists of 12 voting members and 4 nonvoting members. The voting members are appointed as follows: three members of the Senate, by the Majority Leader of the Senate; three members of the Assembly, by the Speaker of the Assembly; three members of the Board of Regents, by the Chairman; and three members, by the Governor. In addition, the Governor appoints one person employed by the Budget Division of the Department of Administration and three persons employed by the University and Community College System of Nevada as nonvoting members.

The committee is charged with comparing the existing method of funding higher education in Nevada with the methods used in other states and determining if other methods would be appropriate in Nevada. The bill authorizes the committee to employ educational and financial consultants as necessary to complete the study. The committee must submit a report of its findings and recommendations for legislation to the Legislative Commission. Finally, Senate Bill 443 appropriates $150,000 from the State General Fund to the Legislative Commission to conduct this study.

The measure is effective on July 1, 1999, and expires by limitation on January 1, 2001.

S.B. 544 (Chapter 573)

Senate Bill 544, in addition to revising the provisions governing the state's program of group insurance, creates an Interim Retirement and Benefits Committee of the Legislature to review the operation of the programs and to make recommendations to the board. The measure also sets forth the membership and responsibilities of this committee and specifies that the committee may only meet when the Legislature is not in regular or special session.

This measure has various effective dates.

S.B. 556 (Chapter 598)

Senate Bill 556 creates a task force concerning access to public health services. The measure sets forth the membership of the task force, identifies the responsibilities of the task force, and appropriates $50,000 to the Department of Human Resources to carry out the provisions of the bill.

The task force must, among other things, establish the basic coverage that must be included in each health insurance policy; identify, review, and prioritize the basic health care services available; and identify and analyze current public and private resources within this state that provide health care services and coverage to persons without health insurance.

This measure is effective on July 1, 1999.

S.C.R. 1 (File No. 95)

Senate Concurrent Resolution No. 1 directs the Legislative Commission to conduct an interim study of the requirements for reapportionment and redistricting in the State of Nevada. The measure specifies that the 71st Session of the Nevada Legislature will be required to reapportion and redistrict the election districts for the members of the Legislature, the members in the United States House of Representatives from the State of Nevada, the Board of Regents of the University and Community College System of Nevada, and the State Board of Education. The measure describes the software needs of the state, specifies that the requirements must comply with current case law and constitutional and statutory legal requirements, and authorizes the Legislative Commission to enter into contracts or other agreements to establish and test the reapportionment and redistricting programs, including the computer equipment.

S.C.R. 4 (File No. 143)

Senate Concurrent Resolution No. 4 directs the Legislative Commission to appoint a subcommittee to conduct an interim study of long-term care in Nevada. The resolution notes that the state has experienced unprecedented growth in population and that a large percentage of this growth is attributable to elderly persons who have retired in this state. Likewise, elderly persons with disabilities generally have the highest incidence of chronic illness and the greatest need for long-term care services.

This study must include the identification, review, and evaluation of alternatives to institutionalization for providing long-term care. The study must also include an evaluation of the possibility of obtaining waivers from the Federal Government to integrate and coordinate acute care services, provided through Medicare and long-term services provided through Medicaid; and eliminate the requirement that elderly persons in this state impoverish themselves as a condition of receiving assistance for long-term care. Finally, S.C.R. 4 requires the Legislative Commission to submit a report of the subcommittee's findings and recommended legislation to the 2001 Legislature.

S.C.R. 16 (File No. 77)

Senate Concurrent Resolution No. 16 directs the Legislative Commission to appoint a committee to continue the review of the Tahoe Regional Planning Compact and to oversee the activities of the Tahoe Regional Planning Agency and the federal and state agencies having authority to regulate activities in the Lake Tahoe Basin.

S.C.R. 19 (File No. 144)

Senate Concurrent Resolution No. 19 directs the Legislative Commission to appoint a subcommittee to conduct an interim study of ways to encourage corporations and other business entities to organize and conduct business in this state. The resolution further requires the commission to appoint an advisory committee to assist with the study, which must include one representative each from the Office of the Secretary of State, the Commission on Economic Development, and the Business Law Section of the State Bar of Nevada.

The study must include consideration of whether any laws should be revised to facilitate business activities in this state. In addition, the study must review administrative fees charged to business entities and the need for expanded use of technology in the Office of the Secretary of State. The study also must include consideration of whether a court of limited jurisdiction should be established to resolve litigation and contractual disputes relating to business entities. Finally, S.C.R. 19 requires the Legislative Commission to submit a report containing the results of the study and any recommendations to the 2001 Legislature.

A.B. 28 (Chapter 48)

Assembly Bill 28 requires the Department of Motor Vehicles and Public Safety to report to the 71st Session of the Nevada Legislature concerning the collection of special fuel taxes. Specifically, this measure requires that, on or before March 1, 2001, the department must submit a written report regarding the administration and enforcement, during the immediately preceding biennium, of taxes collected on special fuels sold or used for motor vehicles upon the public highways in Nevada.

A.B. 74 (Chapter 261)

Assembly Bill 74 provides that a retired person who is a member of the Public Employees' Retirement System and who accepts employment as a member of the professional teaching staff of the College of Education of the University of Nevada, Reno, or the University of Nevada, Las Vegas, may continue to receive his retirement benefits for the duration of that employment, with no limit on his earnings.

The bill also requires the Public Employees' Retirement Board to conduct a study of the effect on the retirement system of reemployment of retired public employees by employers that participate

in the system. Status reports concerning the study must be presented at each meeting of the Interim Retirement Committee of the Legislature and the final report must be submitted to the 2001 Nevada Legislature.

This measure is effective on July 1, 1999, and expires by limitation on July 1, 2001.

A.B. 220 (Chapter 513)

Assembly Bill 220 creates an advisory committee to assess the need and prepare a plan for a four-year college in Henderson, Nevada. The committee is composed of five members, one each appointed by the Governor, Majority Leader of the Senate, Speaker of the Assembly, and two by the Board of Regents. Each member is appointed for a term that begins on August 1, 1999, and expires on July 1, 2001. The committee must meet at least once every six months. Assembly Bill 220 also appropriates $500,000 from the State General Fund to the advisory committee for completion of a needs assessment and implementation plan for a four-year state college in Henderson, Nevada. The committee must submit a report of its findings and recommendations relating to the assessment and plan to the 2001 Session of the Nevada Legislature and to the Director of the Department of Administration prior to September 1, 2000.

The measure is effective on June 8, 1999.

A.B. 408 (Chapter 636)

Assembly Bill 408, in addition to addressing the manner in which temporary well permits and domestic wells are handled in the Las Vegas Valley, directs the Legislative Committee on Public Lands to conduct a review during the 1999-2000 legislative interim of issues relating to residential, municipal, and quasi-municipal wells. The results of that review are to be provided to the 2001 Nevada Legislature.

This measure has various effective dates.

A.B. 684 (Chapter 568)

Assembly Bill 684 authorizes the Commission for the Preservation of Wild Horses to spend up to $75,000 from the Heil Trust Fund for Wild Horses. The measure provides that the money must be used to study the feasibility of establishing a private foundation to promote the adoption of wild horses and burros by members of the public. The bill further requires the commission to submit a written report of the results of the study to the Director of the Legislative Counsel Bureau for transmission to the 2001 Legislature.

The measure is effective on June 9, 1999.

A.B. 686 (Chapter 607)

Assembly Bill 686 creates an 11-member Commission on School Safety and Juvenile Violence. Five members are appointed by the Governor, three members by the Senate Majority Leader, and three members by the Speaker of the Assembly. The commission is composed of legislators, school principals, teachers, law enforcement officials, and parents. The bill provides compensation for legislative members and travel and per diem expenses for all members.

The measure requires the commission to hold at least three public meetings, one each in Clark County, Washoe County, and a rural county, to hear testimony regarding violence in public schools, acts of violence committed by juveniles, and methods to address such violence. In addition, the commission is charged with developing a statewide plan of emergency response to incidents of school violence. This plan must include specific items enumerated in the bill and be adopted by the commission not later than January 1, 2000. The chairman of the commission must provide a copy of the statewide plan to the State Department of Education for distribution to local school districts. The measure also requires each school board, on or before July 1, 2000, to develop and maintain a local plan of emergency response to incidents of school violence that is consistent with the statewide plan.

The measure also directs the commission to consider recommendations made by the Legislative Commission's interim study of juvenile justice in the State of Nevada created pursuant to Assembly Concurrent Resolution No. 57 of the 69th Session of the Nevada Legislature. The commission also is directed to make recommendations concerning programs designed to: reduce the incidence of violence in public schools; reduce the activities of gangs on school property and in local communities; restrict the accessibly of firearms to juveniles; and reduce the amount of violence committed by juveniles in communities. The commission must report its findings and recommendations to the 2001 Session of the Nevada Legislature. The bill allows the commission to request up to three legislative measures to carry out its recommendations.

Finally, Assembly Bill 686 appropriates $20,000 from the State General Fund to the legislative fund to pay the compensation, per diem, and travel expenses authorized in the bill.

The sections concerning appointment of members and the section authorizing the appropriation are effective on June 9, 1999. All other provisions are effective on July 1, 1999. The commission sunsets on June 30, 2001.

A.B. 698 (Chapter 644)

Assembly Bill 698 directs the Legislative Commission to appoint an interim committee to study the pension plan for Nevada Supreme Court justices and district court judges. The study must review the actuarial soundness of the current method of funding the pension plan; the actuarial soundness of possible alternatives to the current method of funding the pension plan, including the method of funding the Public Employees' Retirement System (PERS); and the financial feasibility

of adding justices of the peace or judges of the municipal courts to the current pension plan. The bill also authorizes PERS to provide up to $30,000 while advising and assisting the committee.

The measure requires the committee to consist of two members of the Assembly, one of whom must be appointed as the chairman of the committee; and two members of the Senate. Finally, the bill requires the committee to submit a report of its findings and any recommended legislation to the Legislative Commission.

This measure is effective on June 11, 1999.

A.C.R. 3 (File No. 100)

Assembly Concurrent Resolution No. 3 requires the Director of the Department of Transportation to conduct an interim study, in cooperation with certain local governing bodies in Nevada, to determine the feasibility of transferring certain highways owned, controlled, or maintained by the state to counties or cities in exchange for certain highways owned, controlled or maintained by counties or cities.

The results of this study will be transmitted to the 71st Session of the Nevada Legislature.

A.C.R. 13 (File No. 139)

Assembly Concurrent Resolution No. 13 directs the Legislative Commission to appoint an interim committee to continue the study of the system of juvenile justice in Nevada. The resolution notes that a continuation of the study regarding juvenile justice conducted during the 1997-1998 legislative interim is necessary to ensure a comprehensive analysis of critical issues that will result in improvements to Nevada's system of juvenile justice. The measure further authorizes the study committee to appoint and consult with an advisory committee regarding juvenile justice issues.

Among other topics, the study may review the placement of juveniles in correctional facilities, probation issues, the Standardized Juvenile Justice Data Collection System, and the treatment of substance abuse. In addition, the study may assess gang activity, school violence, truancy issues, and the need for mental health services for the juvenile justice population. Assembly Concurrent Resolution No. 13 requires the Legislative Commission to submit a report of the committee's findings and recommendations to the 2001 Legislature.

A.C.R. 25 (File No. 113)

Assembly Concurrent Resolution No. 25 authorizes the Legislative Committee on Education, in consultation with school districts in the state, to review Title 34 of *Nevada Revised Statutes* to identify statutes that the committee determines should be recommended for repeal by the Legislature. The resolution explains that these recommendations are intended to give districts and

schools more local control and flexibility in determining how to satisfy new academic content and performance standards. This resolution also urges the Legislative Committee on Education to evaluate the statewide automated system of information concerning pupils to determine how the system supports the program of accountability in schools. The measure further authorizes the committee to evaluate various methods to shift resources to disadvantaged schools. The committee must report any findings and recommendations to the 2001 Session of the Nevada Legislature.

A.C.R. 46 (File No. 140)

Assembly Concurrent Resolution No. 46 directs the Legislative Commission to appoint a subcommittee to conduct an interim study concerning the statutory limitation on damages that may be awarded to a person in a tort action against the State of Nevada or its political subdivisions. The subcommittee must also evaluate the effect of the statutory limitation on present or former officers or employees of the state or any political subdivision, or an immune contractor or state legislator arising out of an act or omission within the scope of his or her public duties or employment. The study must include, without limitation, an analysis of whether it is appropriate to change the current statutory limitation, and the cost of such a change.

The resolution further requires the commission to appoint an advisory committee to assist the subcommittee. Finally, A.C.R. 46 requires the Legislative Commission to submit a report of its findings and recommended legislation to the 2001 Legislature.

A.C.R. 53 (File No. 141)

Assembly Concurrent Resolution No. 53 directs the Legislative Commission to appoint a subcommittee to conduct an interim study of the integration of state and local child welfare systems in Nevada.

The study must include, without limitation, an evaluation of the appropriate manner in which to integrate the current state and local child welfare systems, a review of child welfare systems in other states, and an assessment of the impacts of creating an integrated service agency. During the course of the study, the committee must consult with various state and local agency representatives as well private citizens involved in child welfare programs. Finally, A.C.R. 53 requires the Legislative Commission to submit a report of the committee's findings and recommended legislation to the 2001 Legislature.

Lobbyists

A.B. 518 (Chapter 192)

Assembly Bill 518 states that a registered lobbyist must not itemize, on reports filed with the Legislative Counsel Bureau, an expenditure made on behalf of a legislator if that expenditure is

the cost of a function to which every legislator was invited. The measure defines function as a party, meal, or other social event.

Testimony indicated that many legislators have become increasingly concerned about attending functions of certain groups or organizations to which all legislators are invited. Current law provides that these groups or organizations must file an itemized report of individual expenses made on behalf of each legislator in attendance, even if a large number of legislators attend the function as a group.

This measure is effective on May 20, 1999.

LOCAL GOVERNMENTS, SPECIAL DISTRICTS, AND MISCELLANEOUS MATTERS RELATING TO GOVERNMENT AND PUBLIC AFFAIRS

S.B. 52 (Chapter 274)

Senate Bill 52 expands the definition of public agency to include Indian tribes and allows for such agencies to enter into certain cooperative agreements, including the exchanges of real property.

Testimony indicated this bill would streamline land exchanges between Indian tribes and other public agencies and assist in establishing a better working relationship between these entities. Testimony further confirmed that such land exchanges would continue to require public hearings and notification. In addition, only property owned by the tribe would be eligible for exchanges (as opposed to "trust land" that is owned by the Federal Government).

S.B. 121 (Chapter 186)

Senate Bill 121 revises the notice requirements for future land uses surrounding residential developments that the seller must provide to the initial purchaser of a residence. Under the bill, the disclosure document given to the purchaser that contains the zoning and master plan designations regarding land use must also include the general land uses described in the document. In addition, the bill requires that the disclosure document advise the initial purchaser that the land use designations contained in the master plan provide the most probable indication of future development for the surrounding properties.

Senate Bill 121 also revises the notice requirements for public hearings regarding zoning changes. A notice must indicate the existing zoning designation and the proposed zoning designation of the property in question. In addition, the notice must contain a brief summary of the intent of the proposed change.

This measure is effective on December 1, 1999.

S.B. 131 (Chapter 360)

Senate Bill 131 requires the board of county commissioners of a county with a population of 400,000 or more to enact an ordinance requiring a person who purchases paging services from a public utility and who resells those services to another person to maintain records of the names and addresses of the persons to whom the paging services are resold. The bill also imposes the same requirement on the governing body of each city in a county with a population of 400,000 or more.

Testimony indicated that criminals frequently use paging equipment and services to aid in the commission of crimes. They sometimes pay cash for the services so that there is no record of their identity.

S.B. 177 (Chapter 191)

Senate Bill 177 makes several changes concerning manufactured buildings. The bill provides that the edition of the various uniform codes most recently published before January 1, 1999, shall be used as quality standards for manufactured buildings. The measure also requires use of the American National Standards Institute (ANSI) Standard No. A117.1, which is the standard of construction that is compatible with the federal Americans with Disabilities Act. In addition, S.B. 177 authorizes a local enforcement agency to impose more stringent requirements than those contained in the applicable codes and standards if written approval is obtained from the Division of Manufactured Housing. Further, a local government authority must give the division written notice of any modification of a plan previously approved by the division. Moreover, the bill repeals the existing provision that all units bearing the insignia of approval issued by the division are deemed to be in compliance with all local ordinances and regulations. Finally, the bill increases, from a maximum of not more than $500 to not more than $2,500, the fine for a violation of Chapter 461, "Manufactured Buildings," of *Nevada Revised Statutes*, or the regulations adopted thereunder.

This measure is effective on July 1, 1999.

S.B. 192 (Chapter 617)

Senate Bill 192 makes various changes to laws affecting common-interest communities. The measure prohibits a unit owners' association in a planned community from restricting, prohibiting, or otherwise impeding the lawful residential use of property that is within or encompassed by the boundaries of the planned community and that is not designated as part of the planned community. However, nothing in this provision, or any other provision of this bill, abrogates any existing easements, restrictive covenants, court decisions, party agreements or contracts, governing documents or declarations of covenants, conditions and restrictions (CC&Rs), or any other decisions, rules, or regulations that a local governing body is authorized to make concerning land use or planning. The bill also expands the definition of "residential use" to include piers.

In addition, S.B. 192 prohibits an association from restricting the access of a person to his property unless the right to restrict such access was included in the declaration or in a separate recorded instrument at the time that the owner acquired title to the unit. An association may, however, charge the owner of the property a reasonable and nondiscriminatory fee to operate or maintain a gate or similar device designed to control access to the planned community.

An association may not expand, construct, or situate a building or structure that is not part of any plat or plan of the planned community if it was not previously disclosed to the units' owners, unless the association obtains the written consent of a majority of the units' owners and residents who reside within 500 feet of the proposed location of the building or structure.

Further, S.B. 192 provides that unless the terms of an easement in favor of an association prohibit a residential use of a servient estate, if the owner of the servient estate has obtained all necessary

approvals required by law or by any CC&Rs, the owner may use such property in any manner authorized by law without obtaining any additional approvals from the association.

S.B. 194 (Chapter 365)

Senate Bill 194 authorizes a local government to use its fund to stabilize the operation of local government to mitigate a natural disaster. The measure defines the term natural disaster and sets forth the provisions governing the use of the money in the fund.

The bill requires a local government to issue a formal declaration that a natural disaster exists and specifies the activities that may be funded, including certain infrastructure repairs, emergency measures to protect public health and safety, expenses for overtime of employees, and matching grant funds.

The measure is effective on July 1, 1999.

S.B. 216 (Chapter 242)

Senate Bill 216 revises provisions governing the payment of building permit fees by public agencies to counties and cities. The bill requires that political subdivisions of the State of Nevada pay these fees but does not require the State of Nevada, the University and Community College System of Nevada, or any school district to pay them. Those entities, however, may contract with a governing body to pay the fees for the issuance of building permits, the review of plans, and the inspection of construction. The measure also clarifies that a governing body is not required to review plans or inspect construction for these entities, unless it is agreed upon contractually.

This bill is effective on May 24, 1999.

S.B. 314 (Chapter 284)

Senate Bill 314 revises certain provisions governing municipal judges. The bill eliminates the one-year term limitation and authorizes cities to establish the terms of office of the judges by ordinance or under the city charter. In addition, S.B. 314 clarifies that the judges may be appointed in cities that are incorporated by general law. A candidate or appointee who has ever been removed or retired from any judicial office by the Commission on Judicial Discipline is not eligible. This provision does not apply to judges whose removal or retirement is pending appeal before the Supreme Court or has been overturned by the Supreme Court.

Senate Bill 314 addresses an internal statutory conflict between the statutes governing the election and appointment of municipal judges. Chapter 266 of the *Nevada Revised Statutes* (NRS), which governs cities that are incorporated by general law, authorizes these cities to either appoint or elect their judges; however, NRS 5.020 requires the election of municipal judges.

Senate Bill 314 addresses this conflict but does not affect the way any of the cities in Nevada currently appoint or elect judges.

Only six cities in Nevada are incorporated by general law: Ely, Fallon, Lovelock, Mesquite, West Wendover, and Winnemucca.

S.B. 391 (Chapter 619)

Senate Bill 391 requires the governing board of a county with a population of 400,000 or more to preserve the character of rural neighborhoods, as defined in the bill. The governing body must, to the extent practicable, and except for good cause, buffer such neighborhoods from adjacent development by limiting residential densities within a 330-foot buffer. The governing body also may modify the standards for the development of infrastructure to maintain the rural nature of such areas. These provisions expire on June 1, 2004.

Also, in counties of 400,000 or more, Senate Bill 391 authorizes a county or city governing body, jointly or independently, to negotiate a master development agreement for a relatively undeveloped area that is likely to be developed. Such an agreement must be based on an analysis of the cost to meet the anticipated needs of the area, at build-out, for water, sanitary sewers, storm sewers, streets, parks, and for fire, police, and flood protection. The governing body may distribute equitably the infrastructure development costs among those persons who wish to develop the land covered by the agreement.

For all counties, this measure authorizes a local master plan to include a rural neighborhood preservation plan and requires that zoning regulations must be designed to ensure the protection of existing neighborhoods and communities, including rural preservation neighborhoods.

Senate Bill 391 also provides that in any county or city ordinance, the definition of "single-family residence" must include residential facilities for groups in which persons with disabilities reside with their caregivers, and homes for individual residential care. The bill requires the Health Division of the Department of Human Resources to compile and maintain a registry of information on residential facilities for groups and to make the information available on the Internet or its successor. A county or city entity that becomes aware of a facility that is not in the registry must transmit such information within 30 days, as necessary, to the division for inclusion in the registry.

This bill further requires a county with a population of 100,000 or more and any city in such a county to approve the first application submitted after October 1, 1999, to operate a residential group facility within a particular neighborhood in its jurisdiction. After July 1, 2000, an application to operate such a facility within 660 feet of an existing facility must be reviewed based upon applicable zoning ordinances. The bill neither requires the relocation or displacement of a residential group facility that existed before July 1, 2000, nor does it create or impose a presumption that the location of more than one residential group facility within 660 feet of any other is inappropriate in all circumstances, with respect to enforcement of zoning regulations.

Further, the bill must not be applied in a manner that would result in a loss of money from federal housing programs.

Senate Bill 391 also prohibits a county or city from refusing to issue a special use permit to a residential group facility that meets local public health and safety standards.

This bill is effective on October 1, 1999, except for the provisions relating to residential facilities, which are effective on July 1, 2000.

S.B. 436 (Chapter 489)

Senate Bill 436 creates the Southern Nevada Regional Planning Coalition, consisting of Clark County; the cities of Boulder City, Henderson, Las Vegas, and North Las Vegas; and the Clark County School District. The bill requires that the coalition be governed by a ten-member board appointed by the various local governments involved from their own memberships, with two members per entity, except for Boulder City and the school district, which each have one member. The bill also specifies board terms, vacancies, and meeting requirements. In addition, the measure requires the board to elect a chairman and vice-chairman from its membership and hire any needed support or technical staff. Further, the board is directed to adopt rules or bylaws that govern its management and to prepare an annual budget.

The bill prescribes the powers and duties of the board, which include developing plans for coordinated land use planning and establishing projections for population. The board is also authorized to carry out and manage the strategic plan and recommendations from the Nevada Strategic Planning Authority. Further, the board may establish subcommittees to address the disposal of federal land and to carry out the duties of the Clark County Clearinghouse Council.

Further, the measure forms a technical committee to the coalition, which consists of the involved county and city managers or their appointees. The technical committee may request the participation of various other regional agencies and must perform duties as requested by the board.

Finally, S.B. 436 revises the membership of the debt management commission for Clark County to be parallel to and share common members with the coalition.

This measure is effective on July 1, 1999, except for the provisions regarding the debt management commission, which are effective on January 1, 2000.

S.B. 471 (Chapter 282)

Senate Bill 471 requires the face of legislative measures to state whether an unfunded mandate of $5,000 or more to local governments is contained in the provisions. In addition, the bill must state whether the unfunded mandate was requested on behalf of a local government.

This measure is effective on May 25, 1999.

S.B. 473 (Chapter 490)

Senate Bill 473 creates a procedure for the dissolution or disincorporation of certain local governments in a severe financial emergency. The bill provides that if the Executive Director of the Department of Taxation determines that a local government is in a severe financial emergency and is unlikely to become solvent within three years, he shall submit his findings to the Committee on Local Government Finance. If the committee determines that a severe financial emergency exists, it shall submit its recommendations to the Nevada Tax Commission for a public hearing and final determination. As specified in the bill, this determination includes a thorough review of the local government's financial situation. The bill provides that the electors in the local jurisdiction receive a ballot question regarding whether the local government should be dissolved or disincorporated. This question must delineate the ramifications of not approving the ballot question, including an increase in ad valorem or any other taxes and a decrease in services to ensure a balanced budget.

Upon approval by the electors, the bill requires the local government to dissolve or disincorporate pursuant to applicable laws and provides for the payment of any outstanding loans or bonds. The bill also requires local government officials to publish a dissolution announcement in a local or regional publication.

This measure is effective on July 1, 1999.

S.B. 528 (Chapter 254)

Senate Bill 528 makes various changes regarding redevelopment. The bill pledges that the provisions governing redevelopment will not be repealed, amended, or modified in any manner that impairs previously issued bonds or securities.

The bill provides that at least 75 percent of the land in a redevelopment area must be occupied by buildings connected to water, sewer, and roads. A redevelopment area may include an abandoned mine, landfill, or land with a similar use that surrounds or abuts the improved land.

This measure is effective on July 1, 1999.

S.B. 542 (Chapter 137)

Senate Bill 542 revises provisions governing land use planning and zoning. The bill allows a landowner or a local governing body that owns two or more contiguous parcels of land to merge and resubdivide the land into new parcels or lots without reverting the preexisting parcels to acreage. The measure requires these new parcels to be recorded on a final map, parcel map, or map of division into large parcels in accordance with state law and local ordinances. Further, the owner or governing body must ensure that the proper infrastructure remains in place. The measure also addresses securities posted on improvements to the land.

In addition, S.B. 542 allows a governing body of a local government to provide, upon request, electronic notice of a public hearing concerning a proposed variance, special or conditional use permit, or special exemption. The receipt of the electronic notice must be verifiable. The bill also requires that a 10-point font be used on hearing notices sent by either regular or electronic mail.

A.B. 86 (Chapter 322)

Assembly Bill 86 requires that in a county with a population of 400,000 or more, justices of the peace in a township with a population of 100,000 or more must be attorneys who are licensed and admitted to practice law in the courts of this state. The bill provides that in a county with a population of less than 400,000, justices of the peace in a township with a population of 250,000 or more must also be licensed attorneys. These provisions do not apply to any person who held the office of justice of the peace on June 30, 1999.

Representatives of these courts testified that the large volume of cases in their courts justify the need for justices of the peace with education and experience in law. Under existing law, only justices of the peace in townships with populations of 250,000 or more are required to be licensed attorneys admitted to practice in Nevada courts. This bill would expand the requirement to include the justices of the peace in Henderson and North Las Vegas townships.

This measure is effective on July 1, 1999.

A.B. 95 (Chapter 163)

Assembly Bill 95 authorizes the governing body of a county, city, or town to acquire, improve, operate, and maintain a street beautification project. After creating a district for such a project, and after a public hearing, the governing body must levy annual assessments against benefitted properties in an amount not to exceed the estimated costs. Further, the bill specifies that the basis for the computation of the assessments must be the frontage or another uniform and quantifiable basis. Written objections by the owners of tracts constituting 50 percent of the basis for the computation of assessments preclude the acquisition or improvement of a street beautification project.

A.B. 254 (Chapter 171)

Assembly Bill 254 changes the requirements for incorporation of cities by general law in counties with a population of less than 100,000. For proposed cities in such counties, the bill eliminates the population density standards and the requirement to include the entire area of any unincorporated town within the area of the proposed city.

Assembly Bill 254 also removes, for counties with a population of less than 100,000, the requirement that the board of county commissioners consider population density when determining the advisability and feasibility of a proposed city.

Testimony indicated that this measure would make it easier for growing communities in less populated counties to incorporate.

A.B. 298 (Chapter 471)

Assembly Bill 298 authorizes the governing board of each local government that sponsors or finances public works to adopt criteria for the qualification of bidders and to require bidders to be prequalified. The bill requires the State Public Works Board to adopt criteria for public works of the state, after conducting a public hearing, and to require bidders to be prequalified. The bill also identifies persons who are exempt from a requirement to prequalify. Qualification criteria adopted under this measure at the state or local level are limited to certain specified subjects and may not require or allow the use of discretion by any one person.

A person who wishes to qualify as a bidder on a public works contract must submit an application to the State Public Works Board or the local governing body, which must conduct an investigation and notify the applicant of its determination. If an application is denied, the applicant has a right to a hearing as set forth in this measure. The measure further allows a public body to accept a bid from a person who does not qualify if the person holds a contractor's license issued by the State Contractors' Board and provides appropriate bid and performance bonds. In addition, a nonqualifying person may be considered if, among other criteria, a qualified supervisor is employed.

Further, the bill outlines notices and bidding requirements. Projects for which the estimated cost exceeds $100,000 must be advertised in a newspaper of general circulation. Further, such projects must not be divided to avoid notice and bidding requirements. For projects between $25,000 and $100,000, a public body is authorized to solicit bids from three contractors who appear on a qualifying list.

The measure also requires the local governing board to prepare a list of information relative to the public works project and make it available to the public. In addition, the bill explicitly states that a public works contract shall not be awarded to an unlicensed contractor or to a contractor whose license limitations would be exceeded by the project. Subcontractors must also be properly licensed. If the public body discovers that the contractor is not properly licensed after the bid is awarded, it is authorized to reject the bid and accept the next lowest one.

The bill further instructs the public body to award the contract to the best bid unless a contractor prequalifies and has paid relevant taxes. The measure also addresses joint ventures and expands the definition of "eligible bidder" to include a prequalified bidder or one who is exempt from meeting such qualifications.

Finally, Assembly Bill 298 repeals an existing section of state law pertaining to the qualifications of bidders on contracts for public works.

This measure has various effective dates.

A.B. 306 (Chapter 643)

Assembly Bill 306 authorizes, in counties with population of 100,000 or more (Clark and Washoe Counties), a redevelopment agency to exercise the power of eminent domain only if the property sought is necessary to carry out the redevelopment plan; the agency has adopted a resolution of necessity as required in this measure; and the agency has made every reasonable effort to negotiate the purchase of the property. The resolution of necessity is final and not subject to judicial review unless credible evidence suggests it was procured by bribery or fraud.

For redevelopment plans adopted before July 1, 1987, this measure extends the time by which the plans must be terminated to the end of the fiscal year in which the last maturing securities are fully paid, or not later than 45 years from the date of the original plan, whichever is later. The measure also authorizes a redevelopment agency to create a residential plan for each neighborhood within the redevelopment area, appoint an advisory council for redevelopment, delegate the preparation of a residential plan to the council, and budget money from any source for carrying out an approved residential plan. The bill provides that a redevelopment agency may obligate lessees or purchasers of property acquired in a redevelopment project to comply with necessary conditions to carry out, without limitation, the provisions of an employment plan or a contract approved for a redevelopment project.

The measure further increases, from 15 percent to 18 percent, the amount of tax increment revenue a redevelopment agency of a city with a population of 200,000 or more must set aside to improve low-income housing. The obligation of the additional 3 percent of this revenue is subordinate to any existing obligations of the agency incurred before October 1, 1999.

Finally, Assembly Bill 306 provides that a person acting on behalf of, under contract with, or in cooperation with a governmental body undertaking a project that will result in the displacement of persons or businesses, shall adopt policies to provide relocation assistance and make relocation payments to each person, whether an owner or a tenant, who is displaced. Further, it provides that the governmental body, or a person acting on its behalf, is not prohibited from paying relocation benefits to a month-to-month renter or lessee of real property.

A.B. 314 (Chapter 216)

Assembly Bill 314 provides a mechanism to fund certain regional facilities for children. The bill defines "regional facility for children" to mean an institution that provides for the temporary care, custody, control, and treatment of a delinquent child who is detained under the jurisdiction of a juvenile court. The term includes, among other such facilities, the Western Nevada Regional Youth Facility in Lyon County.

This measure requires each county to pay an assessment for the operation of a regional facility for children that serves the county and does not receive support or money from the state other than referral fees. In addition, such a facility must be operated by a county with a population less than 400,000 to benefit other counties under an interlocal agreement, or it must be operated by an administrative entity established under an interlocal cooperation act by two or more counties, each

with a population of less than 400,000. The bill provides two formulas for the calculation of the assessment by the administrator of a regional facility for children and authorizes the board of county commissioners of each county served by such a facility to pay the assessment by levying an ad valorem tax of not more than 5 cents on each $100 of assessed valuation upon all taxable property in the county. The bill allows each county to pay the assessment from revenue raised by such a tax, from any other available money, or a combination thereof. Assembly Bill 314 provides that any revenue raised by a county to pay this assessment is not subject to the statutory limitations on the revenue that local governments may receive from ad valorem taxes.

Assembly Bill 314 follows up the 1997 legislation (Section 4 of Assembly Bill 464 [Chapter 579, *Statutes of Nevada 1997*]) that appropriated $1.25 million from the State General Fund to Lyon County for the construction of a regional facility for children from Carson City and Churchill, Douglas, Lyon, and Storey Counties. This bill provides the means for paying for the operating costs of the facility, which is being constructed in Silver Springs, Nevada.

This measure is effective on May 24, 1999.

A.B. 358 (Chapter 332)

Assembly Bill 358 revises procedures followed by the Division of State Lands of the State Department of Conservation and Natural Resources governing notification and comment on proposed realty actions by the Federal Government. Such realty actions involve the purchase by the Federal Government of private land or the exchange of public land for private land. The measure provides that the division must notify local governments affected by the realty action within one week of receiving an application from the federal agency. Local governments may provide comment to the division within 30 days, addressing the estimated reduction in the total assessed valuation resulting from the realty action and recommending appropriate mitigation. The bill requires that if the division elects to submit comments to the Federal Government, it must include comments received from local governments.

This measure is effective on May 28, 1999.

A.B. 423 (Chapter 297)

Assembly Bill 423 exempts property acquired by the American Land Conservancy or the Nevada Land Conservancy from property taxes if the state or appropriate local government has agreed that the acquisition of the property will be considered. In addition, if the state has agreed to consider the acquisition, the governing body of the county must approve its potential acquisition by the state.

This measure is effective on July 1, 1999.

A.B. 424 (Chapter 457)

Assembly Bill 424 makes legislative findings regarding the process of regional planning in a county with a population of 100,000 or more, but less than 400,000 (Washoe County), and makes changes to that process. It requires the inclusion of a summary of capital improvement plans for the region, as well as provisions relating to limitation of urban sprawl, preservation of neighborhoods, and revitalization of urban areas.

Assembly Bill 424 also increases the compensation of the members of a Regional Planning Commission in such a county, from $40 to $80 per meeting or from $200 to $400 per month, whichever is less. The bill requires the Governing Board for Regional Planning to prescribe an appropriate course of training in land use planning for the members of the commission, and provides that a member who fails to complete the training within the schedule set forth in the bill forfeits his appointment.

Finally, the measure authorizes all local governing bodies in Nevada to use appropriate land use controls or zoning principles including, without limitation, density bonuses, inclusionary zoning, and minimum density zoning, as defined in the bill. It also requires annual plans for capital improvements, statewide, to identify the costs that local governments expect to incur, and the sources of revenue they will use, to acquire, maintain, operate, and replace those improvements. It authorizes these plans to cover as many as 20 fiscal years.

A.B. 451 (Chapter 405)

Assembly Bill 451 requires that Nevada's Division of Environmental Protection enter into cooperative agreements with various state and local government agencies to inspect major facilities where explosives are manufactured. The inspections must be scheduled to provide an opportunity for joint participation by the relevant agencies. The provisions of the bill do not apply to the mining industry.

This bill is effective on May 29, 1999.

A.B. 459 (Chapter 219)

Assembly Bill 459 authorizes a county that has imposed the optional tax on the rental of transient lodging for the benefit of a transportation district, which is located in an area governed by an interstate compact between Nevada and a neighboring state, to use the money collected for improvements to a public transit system. The bill defines the term public transit system as a system designed to facilitate transportation of the general public, including the use of buses or rail vehicles as well as off-street parking and overpass projects.

Testimony indicated that this measure would facilitate construction of a multimodal transit facility in Douglas County at Lake Tahoe.

This measure is effective on July 1, 1999.

A.B. 486 (Chapter 443)

Assembly Bill 486 requires state agencies to consider the effect of regulations on small businesses. A small business is defined as a business conducted for profit which employs fewer than 150 full- or part-time employees. The bill requires that before conducting a workshop for a proposed regulation, an agency must determine whether the regulation is likely to impose a direct and significant economic burden upon a small business, or directly restrict the formation, operation, or expansion of a small business. If the proposed regulation is likely to impose such burdens upon small businesses, the agency must work with the small businesses in an effort to reduce or mitigate the adverse effects of the proposed regulation. A small business that is aggrieved by a regulation may, within 90 days of its effective date, file a petition with the agency that adopted the regulation. The agency must determine if the petition has merit and may take appropriate action to amend the regulation.

In addition, the bill requires local governments to determine, using the procedures described before, the effect of proposed rules on businesses. The measure defines "business" as a trade or occupation conducted for profit and requires a local government to provide a procedure for businesses to object to an adopted rule. The procedure must be filed with the clerk of the local government and be made available upon request at no charge. The bill also provides a mechanism to temporarily adopt a rule, without adhering to the public participation provisions, if it is determined that public health and safety is immediately threatened. However, such a rule may remain in effect for not more than six months after adoption.

A local government is exempt from the provisions of the bill if the local government does not have the authority to consider less stringent alternatives, including a rule that the local government is required to adopt pursuant to a federal statute or regulation, a contract, or an agreement.

This measure is effective on January 1, 2000.

A.B. 493 (Chapter 408)

Assembly Bill 493 makes legislative findings regarding the need for innovative strategies of planning and development and requires, in a county with a population of 400,000 or more, the board of county commissioners and the city council of each of at least the three largest cities in the county to establish a Regional Planning Coalition by interlocal agreement.

The coalition must develop, by March 1, 2001, a comprehensive regional policy plan for the balanced development and orderly growth of the region for a period of at least 20 years. The coalition may not adopt or amend the policy plan without the affirmative votes of not less than

two-thirds of its total membership and ratification by the governing bodies of the county and each city that established the coalition.

The bill requires the coalition to study and develop methods to encourage in-fill housing and business development, and authorizes the coalition to coordinate sources of information, establish methods for resolving issues related to inter-jurisdictional boundaries, and perform various other regional planning tasks. The coalition must establish a definition for the term "project of regional significance," and must have a preliminary definition by July 1, 2001.

Each governing body, regional agency, state agency, or public utility located in whole or in part within the region must submit its master plans, facility plans, and other similar plans to the coalition for review, on or before May 1, 2000, and not more than once every two years thereafter. After March 1, 2001, such entities shall not adopt or amend a master plan, facility plan, or similar plan unless the coalition has been given an opportunity to make recommendations. This requirement does not apply, however, to amendments to the land use elements of local governments' master plans.

By July 1, 2002, and not more than once every two years thereafter, the coalition must review the master plans, facility plans, and other similar plans submitted to it to determine whether they are in substantial conformance with the regional policy plan. If the coalition determines a plan is not in substantial conformance, it must return it with recommendations, and the submitting entity must provide a written response within 90 days. If the coalition determines that all the plans a city or county is required to submit are in substantial conformance with the regional policy plan, the coalition shall issue evidence of that determination and, until the next review, the county or city may establish its own policies and procedures with respect to regional planning, provided they do not conflict with federal or state law.

The coalition must prepare and adopt an annual budget for submittal to each of the local governments within the region as a recommendation for funding. The coalition may employ staff or contract for services as necessary to carry out its duties and may, by February 1, 2001, submit three requests for proposed legislation to the Legislature.

This measure is effective on January 1, 2000.

A.B. 504 (Chapter 458)

Assembly Bill 504 increases the number of counties that are authorized by statute to adopt an open-space plan and impose taxes to implement the plan. Before this measure was enacted, only counties with a population of 100,000 or more but less than 400,000 (Washoe County) could adopt such a plan. Now, all counties having fewer than 400,000 inhabitants, that is, all but Clark County, may do so. The taxes that may be levied include the real property transfer tax, the sales taxes, and the ad valorem property tax specified in *Nevada Revised Statutes* (NRS) 375.025, NRS 376A.040, NRS 376A.050, and NRS 376A.070.

The amendatory provisions of this measure expire by limitation on October 1, 2029.

A.B. 543 (Chapter 342)

Assembly Bill 543 provides that the State of Nevada is the only governmental entity in this state that may commence lawsuits against a manufacturer or distributor of a firearm or ammunition or a related trade association. The lawsuits under these provisions are for damages, abatement, or injunctive relief resulting from or relating to the lawful design, manufacture, marketing, or sale of a firearm or ammunition. The bill provides that a county, city, local government, or other political subdivision of this state is not prohibited from commencing a lawsuit against a manufacturer or distributor of a firearm or ammunition for breach of contract or warranty concerning the purchase of a firearm or ammunition by the local government entity.

The bill is effective on May 28, 1999, and the amendatory provisions do not apply to actions commenced prior that date.

A.B. 553 (Chapter 222)

Assembly Bill 553 provides that in any county in which there are two or more governmental entities represented on the regional transportation commission, the governing bodies of these member entities may enter into a written master agreement to expedite the approval process for a street or highway project being undertaken by the regional transportation commission. Before commencing an expedited approval process, the governing bodies of all member entities must approve the master agreement.

A.B. 603 (Chapter 269)

Assembly Bill 603 requires a person to obtain a conditional use permit from the appropriate county or city agency before commencing operation of certain facilities where explosives or certain hazardous substances are used, manufactured, processed, transferred, or stored. The bill provides that the procedures for obtaining such a permit must be established by local ordinance. The provisions of the bill do not apply to the mining industry.

This bill is effective on May 25, 1999, for the purpose of adopting the required local ordinances, and on October 1, 1999, for all other purposes.

A.B. 641 (Chapter 349)

Assembly Bill 641 authorizes a county or city with an adopted master plan to represent its own interests regarding land and appurtenant resources within its boundaries that are affected by policies and activities involving the use of federal lands. The county or city may bring an action on its own, or on behalf of any person, in a meritorious case in any court or before a federal agency, if an actual or proposed federal action regarding lands, appurtenant resources, or streets, impairs or tends to impair the traditional functions of the county or city or the implementation of the master plan. However, the county or city may not request relief from a court or an action

from a federal agency that would violate a state statute, and the bill explicitly prohibits a county or city from bringing or maintaining an action on behalf of the state.

This measure also authorizes the boards of commissioners of Esmeralda, Lincoln, and Nye Counties, individually or jointly, to establish and operate a zone for the preservation of a federally declared endangered or threatened wildlife species. It authorizes these boards to encourage the preservation of any wildlife species that would have a significant effect upon the economy and lifestyles of county residents if it were listed as endangered or threatened.

Assembly Bill 641 authorizes the boards of commissioners of Esmeralda, Lincoln, and Nye Counties to purchase, sell, exchange, or lease real and personal property, water rights, grazing permits, and other interests in property for this purpose. They may impose, by ordinance, a reasonable fee of not more than $550 per acre on construction or grading to carry out the program. If a fee is imposed, the board must create an enterprise fund, and any interest or other income earned, after deducting applicable charges, must be credited to the fund. The money may only be used to pay the actual direct costs of the programs established pursuant to this measure.

This measure is effective on May 28, 1999.

Bills Applying Generally to Local Governments

S.B. 25 (Chapter 147)

Senate Bill 25 requires that an ordinance passed by the board of county commissioners prohibiting, restricting, suppressing, or otherwise regulating fireworks provide that any license or permit required for the sale of fireworks must be issued by the licensing authority for the county, if sales are within unincorporated areas, or by a city if sales are within its boundaries.

This bill is effective on May 18, 1999.

S.B. 129 (Chapter 238)

Senate Bill 129 establishes staggered terms of office for representatives of local governments who compose certain regional transportation commissions. The regional transportation commissions in a county with a population of 100,000 or more, but less than 400,000, have two members who must serve until December 31 of an even-numbered year and two members who must serve until December 31 of an odd-numbered year. Further, the measure provides that current representatives of such regional transportation commissions serve reduced terms, expiring on December 31, 1999, and that a designated representative whose term of office expires may be selected to succeed himself.

S.B. 217 (Chapter 65)

Senate Bill 217 authorizes boards of county commissioners to establish, use, and operate wetland mitigation banks. As defined in the bill, wetland mitigation banks are used to create, enhance, restore, or preserve wetlands by generating compensatory credits allowing for the future development of other wetland sites. In addition, the bill allows a board of county commissioners to enter into a cooperative agreement with a public agency or nonprofit organization for the operation of the bank. Further, the banks must be operated in accordance with federal guidelines, and the bill makes wetlands-related definitions consistent with federal law.

Testimony indicated that wetland mitigation banks will assist in meeting an existing federal mandate that requires wetlands to be replaced if they are destroyed as a result of development. In sum, these banks allow for the selling of wetlands credits to landowners/developers who may use these credits to offset any impacted wetlands. Witnesses emphasized that the provisions of the bill will fall under the jurisdiction of the Clean Water Act.

This bill is effective on April 29, 1999.

S.B. 323 (Chapter 626)

Senate Bill 323 requires that a definition of single-family residence in a county or city zoning ordinance include a manufactured home. The bill also specifies that a local governing body must adopt standards for the placement of manufactured homes that are not affixed to a lot in a mobile home park. The standards set forth in the measure address: square footage; foundation; exterior siding and roofing; and the age of the unit. Governing bodies in a county with a population of less than 25,000 may adopt standards that are less restrictive. All standards adopted must not abrogate a recorded restrictive covenant prohibiting manufactured homes. Further, the bill does not apply within the boundaries of a county or city historic district or the Comstock Historic District. Finally, the measure provides that a manufactured home constitutes real property if it is permanently affixed to land owned by the owner of the manufactured home.

This measure is effective on January 1, 2000.

S.B. 367 (Chapter 67)

Senate Bill 367 provides that all assets and income of a political subdivision's deferred compensation program must be held in trust for the exclusive benefit of the participants in the program and their beneficiaries. This measure will conform Nevada's statutes with federal law and current practices.

This measure is effective on April 29, 1999, and applies retroactively to January 1, 1999.

S.B. 418 (Chapter 156)

Senate Bill 418 imposes joint and several liability on persons who knowingly defraud a government agency. The measure specifies that treble damages and civil penalties may be awarded to the state, a political subdivision, and private plaintiffs, if a person is found liable for committing the fraudulent act or acts. The bill defines the term "knowingly" as it applies to certain fraudulent acts and grants the court authority to decrease the award for damages and waive civil penalties under certain circumstances.

Senate Bill 418 gives the Attorney General the discretion to investigate any alleged liability pursuant to this act. In addition, the measure allows a private plaintiff to file an action pursuant to this act and provides that the complaint must remain sealed until the Attorney General has decided whether to intervene in, move to dismiss, or settle the action. The measure also specifies the rights of a defendant to respond after a complaint is filed and unsealed, and it prohibits private action in certain situations.

If the Attorney General elects not to intervene, the bill allows a private plaintiff the same rights to conduct the case that the Attorney General would have had. In addition, S.B. 418 sets forth provisions for the Attorney General to intervene even after he has declined to do so. The court has the discretion to limit the discovery or participation of the private plaintiff if it would interfere with the action.

Further, the bill specifies the percentage of recovery, excluding expenses or attorney's fees, that must be paid to the State General Fund and the private plaintiff, depending on the circumstances. The apportionment of recoveries for the state or a political subdivision, and the circumstances under which the prevailing party may be awarded certain fees and costs also are set forth.

The measure specifies that an employer is prohibited from taking actions designed to inhibit an employee from disclosing information relating to an action. Sanctions are included against an employer if he violates these provisions. Finally, the measure limits the time in which an action may be commenced and specifies the standard of proof for an action.

A.B. 200 (Chapter 455)

Assembly Bill 200 provides for the appointment of committees to prepare arguments for and against county and municipal ballot questions. Such committees must be formed in counties and cities with a population of 50,000 or more, and may be formed in smaller jurisdictions. For each ballot question, the bill requires the board of county commissioners or the city council to appoint a committee of six persons, three of whom support the initiative, referendum, or other ballot proposal, and three who oppose it. The committee may seek public comments on the question before preparing arguments for and against approval, and rebuttals thereto, which will be placed on the sample ballot.

The bill also requires the county or city clerk of an affected jurisdiction to provide by rule or regulation the maximum permissible length of an argument or rebuttal and the date by which the

committee must submit this language. Each county and city clerk is required to reject each statement in the argument or rebuttal that he believes is libelous or factually inaccurate. Not later than five days after such a rejection, the committee may appeal that rejection to the district attorney or city attorney and not later than three business days after the appeal is made, the district attorney or city attorney must issue his decision accepting or rejecting the statement. Such a decision is the final decision for the purposes of judicial review. Finally, the bill specifies that the county or city clerk is authorized to revise the language submitted by a committee so that it is clear, concise, and suitable for incorporation in the sample ballot but shall not alter the meaning or effect without the consent of the committee.

A.B. 226 (Chapter 77)

Assembly Bill 226 authorizes a town, which has a population of less than 300, to hire relatives of a town board member.

This measure is effective on May 3, 1999, and expires by limitation on July 1, 2009.

A.B. 251 (Chapter 88)

Assembly Bill 251 authorizes a county hospital, with the approval of the governing body of the hospital, to join a purchasing group and to purchase supplies, materials, and equipment without complying with the Local Government Purchasing Act. Further, the measure specifies the criteria that must be met before the hospital may purchase the supplies, materials, and equipment through a purchasing group.

The bill is effective on May 5, 1999.

A.B. 261 (Chapter 78)

Assembly Bill 261 authorizes a board of county commissioners, when meeting outside the county seat, to take final action on any matter except planning and zoning matters related to a different geographical area than the one in which the meeting is being held.

This bill is effective on May 3, 1999.

A.B. 318 (Chapter 633)

Assembly Bill 318 requires the governing body of a county or city that conveys property to a nonprofit organization for the development of affordable housing to require that organization or its assignee to use the property for affordable housing for at least 50 years. If the organization does not use the property to provide affordable housing, this measure authorizes the governing

body to take action to convert the property to that use. The governing body's agreement with the nonprofit organization must be recorded in the office of the county recorder.

Assembly Bill 318 also authorizes the governing body of a county or city to subordinate its interest in property conveyed for the development of affordable housing to the first or subsequent holder of a mortgage on that property, to the extent the governing body finds it necessary to promote investment in affordable housing. This measure also eliminates the requirement for the planning commission of a county or city to consider and make recommendations on applications for conveyance of property for the development of affordable housing.

In addition, the bill allows a county or city to donate commodities, supplies, materials, and equipment that are no longer needed by the governing body to another governmental entity. The property must be used for a purpose that will provide a substantial benefit to the inhabitants of the county or city. Further, such a donation must be made by resolution specifying the purpose and any conditions or limitations upon its use.

This measure is effective on June 11, 1999.

A.B. 414 (Chapter 174)

Assembly Bill 414 increases, from $3 to $4, the fee charged by county recorders for certifying a record. The bill also provides that, if there is no grantee, a county recorder must not record, for real property, a lien or notice of lien, an affidavit of death, a mortgage or deed of trust, or any conveyance of real property unless it contains the mailing address of the person making the request. Also, the assessor's parcel number must appear at the top of the first page of the document.

This measure also requires a county recorder to regularly forward information from affidavits of joint tenancy or community property with right of survivorship to the Welfare Division of the Department of Human Resources.

A.B. 461 (Chapter 178)

Assembly Bill 461 authorizes a local governing body to use the same criteria it must use when considering approval of tentative subdivision maps, when deciding whether to approve a second or subsequent parcel map for land that has been previously divided by a parcel map recorded within the last five years. The measure requires the preparer of an approved parcel map to cause the map to be recorded with the county recorder within one year of the date the map was approved, unless a longer time, not to exceed two years, is established by ordinance.

This measure also increases, to $750, the maximum filing fee for division of land into large parcels.

This measure is effective on May 20, 1999.

A.B. 506 (Chapter 117)

Assembly Bill 506 revises provisions governing the reporting requirements, payment schedules, and collection procedures for the tax on net proceeds of minerals. The measure changes the date by which a statement of gross yield and net proceeds must be filed with the state, extends the deadline for filing an amendment to the statement, revises the deadlines for payment of the tax, and provides that a refund must be made to the taxpayer in the event of an overpayment.

In addition, Assembly Bill 506 expands the ability of the boards of county commissioners to use money from mitigation funds and authorizes school districts to establish similar funds. Money from the mitigation funds may be used only to mitigate adverse effects on a county or school district that result either from a decline in the revenue received by the county from the tax on net proceeds of minerals or from the opening or closing of an extractive operation for which revenue of the net proceeds tax has been or is reasonably expected to be derived.

This measure is effective on July 1, 1999.

A.B. 509 (Chapter 221)

Assembly Bill 509 provides that counties may seek, at the request of the landowner, federal court action to remove wild horses that stray from public land to private property. The measure authorizes each county, on behalf of the private landowner, to request a federal court of competent jurisdiction to issue a writ of mandamus directing the appropriate federal authority to remove the wild horses within a reasonable time as required by the Wild Free-Roaming Horses and Burros Act. The court may authorize the county or Nevada's Department of Agriculture to remove the horses humanely if the Federal Government is unable financially or otherwise to perform the duty.

A.B. 564 (Chapter 590)

Assembly Bill 564 broadens the applicability of solid waste recycling programs to include public buildings. The measure requires the boards of county commissioners in Washoe and Clark Counties, which have populations over 100,000, to develop recycling programs for public buildings. In all other counties, these programs are encouraged. Counties adopting such programs must notify the occupants of public buildings that recycling opportunities are available.

Assembly Bill 564 authorizes Nevada's Division of Environmental Protection to assist state agencies in developing and carrying out recycling programs within state buildings. The measure also requires local school districts to recycle paper and paper products, and encourages each justice court administrator, the Legislative Commission, school boards of trustees, and the University and Community College System of Nevada to develop recycling programs for other recyclable waste materials.

Finally, the bill allows certain waivers if the cost of a recycling program is unreasonable.

A.B. 606 (Chapter 227)

Assembly Bill 606 creates the severe financial emergency fund as a revolving fund in the state treasury. Any interest and income earned on money in the fund, after applicable charges, must be credited to the fund.

The Executive Director of the Department of Taxation may make a loan from the fund to a local government for the payment of operating expenses if certain conditions are met. The measure requires the executive director to report to the Committee on Local Government Finance and the Nevada Tax Commission as soon as practicable after the loan is approved regarding the status of the loan, its purposes, and the resources the local government will use to repay the loan. Finally, the bill requires the State Controller to transfer the money in the local government emergency fund to the severe financial emergency fund as soon as practicable after May 24, 1999.

This measure is effective on May 24, 1999.

A.B. 648 (Chapter 135)

Assembly Bill 648 authorizes the Attorney General, under certain circumstances, to represent a justice of the peace or municipal judge in any civil action brought against that person based on an alleged act or omission relating to his public duties or employment. To receive representation from the Attorney General, the justice of the peace or municipal judge must have requested representation by the official attorney of the political subdivision and have been denied such representation for the reasons specified under the bill. Under these circumstances, the justice of the peace or municipal judge seeking representation must submit a written request for representation to the Attorney General, who must determine whether the person's actions appear to be in good faith and within the course and scope of his duties.

If the Attorney General represents a justice of the peace or municipal judge, the affected political subdivision is responsible for the costs of the representation.

This bill is effective on July 1, 1999, and expires by limitation on June 30, 2001.

Bills Applying to Specific Local Entities

S.B. 191 (Chapter 481)

Senate Bill 191 requires persons who propose projects of significant impact within the Las Vegas urban growth zone to submit impact statements. An impact statement must be submitted to appropriate local planning and zoning authorities at least 15 days before the project is to be considered for final action. As defined in the bill, projects of significant impact include planned unit developments of 500 units or more; tourist accommodations of 300 units or more; commercial or industrial facilities generating more than 3,000 average daily vehicle trips; and nonresidential

developments encompassing more than 160 acres. Further, the bill specifies the contents of an impact statement and requires, among other things, the estimated number of daily vehicle trips; the number of additional pupils per school; quantity of sewage; water demand; amount of storm water runoff; and the need for emergency services.

The measure prohibits subdividing, partitioning, or phasing a project to avoid the impact statement. Information required in the impact statement that was previously provided in another federal, state, or local report may be included by reference.

The bill instructs local governments to only approve projects that have submitted an impact statement, as required by the bill. In addition, the local government must verify that existing infrastructure is sufficient to support the project, or that appropriate mitigation is required, and the school district must have had an opportunity to review the project, where applicable. Finally, this measure authorizes a county or city master plan to include a school facilities plan showing the general locations of current and future school facilities based on information provided by the school district.

This bill is effective on June 8, 1999.

S.B. 215 (Chapter 427)

Senate Bill 215 makes various amendments to the *Sparks City Charter*. The bill allows temporary employees to receive extra points on a civil service examination. The bill also addresses promotional examinations and permits the fire suppression division to administer its examinations. Finally, under the provisions of the bill, employees waive their right to a hearing if they elect to pursue other available grievance procedures.

The provisions of this measure are not self-executing. The city council of Sparks will also need to hold hearings before adopting the proposed changes.

The measure is effective on May 29, 1999.

S.B. 236 (Chapter 511)

Senate Bill 236 appropriates $1 million to the Lincoln County School District to construct a new elementary school to replace the existing school that has been found unsafe, structurally unsound, and unsuitable for continued use as a school. The measure provides that the appropriation is contingent upon a determination by the State Board of Examiners that the following conditions have been met: the total ad valorem tax rate upon property within the Lincoln County School District is at the maximum rate allowable under law; the taxable value of property within Lincoln County is declining; and the repair or replacement of the building is necessary to alleviate a substantial risk to public safety. The school district is required to submit a final report of expenditures to the Department of Administration and the Legislative Counsel Bureau, on or

before January 15, 2001. Any remaining balance of the appropriation must not be committed for expenditure after June 30, 2001, and reverts to the State General Fund after June 30, 2001.

The bill is effective on June 8, 1999.

S.B. 255 (Chapter 28)

Senate Bill 255 revises the provisions governing funding for a railroad grade separation project in Washoe County. The bill ratifies the one-quarter cent sales and use tax increase, which was imposed by the Washoe County Board of Commissioners to finance the railroad grade separation and other infrastructure projects, and clarifies the intent of related legislation enacted by the 1997 Legislature.

The measure also permits Nevada's Department of Taxation, without a contractual agreement with the county, to perform all functions incident to the administration and operation of the railroad project and infrastructure-related taxes. The department is to be compensated for administrative expenses and is required to transfer the net revenue each month to the railroad and infrastructure funds in the county.

Further, the bill clarifies the relationship between the sales tax imposed by Washoe County and the room tax imposed by the city of Reno for the railroad project. Under the current law, to impose the sales tax, matching funds are required. This provision allows the proceeds of the room tax to be used as matching funds.

The measure adds that proceeds of the room tax imposed by the city of Reno may be used to pay direct expenses of the project; prepay principle and interest on notes, bonds, or other obligations issued to fund the project; and service debt. The bill also allows the money from the railroad project fund to be used for those purposes.

This measure is effective on March 30, 1999.

S.B. 274 (Chapter 187)

Senate Bill 274 amends a provision of the *Las Vegas City Charter* regarding the number of city council wards. Currently, the charter does not specify the number of wards. The bill amends the charter to create six wards, if that change is approved by the voters.

The measure provides that the city council must put the question, at the first general municipal election after the effective date of this act, to the registered voters of the city regarding whether the number of wards should be increased to six. If the voters approve the increase, the city must be divided into six wards of nearly equal population on or before January 1, 2000.

The bill explains that an increase in the number of wards may be initiated by the city council or by the submission of a petition signed by at least 15 percent of the voters who voted in the last

general election. Thereafter, the number of wards may be increased either by the city council or by approval of a ballot question. In either case, the question must be placed on the ballot and approved by the voters.

Finally, Senate Bill 274 also makes a minor change in the *Las Vegas City Charter* regarding filing fees, and deletes a provision regarding a city election for which only one candidate is nominated.

This bill is effective on May 20, 1999.

S.B. 329 (Chapter 577)

Senate Bill 329 authorizes the issuance of up to $3 million in general obligation bonds to assist in the construction of a California Immigrant Trail Interpretive Center in Elko County. The bill prohibits issuance of the bonds unless, on or before June 30, 2003, Elko County commits at least $1 million, the City of Elko commits at least $2 million, and the Federal Government commits at least $6 million for the construction of the center. In addition, issuance of the bonds is contingent on the Federal Government agreeing to own and operate the center in Elko County.

This bill is effective on July 1, 2001.

S.B. 366 (Chapter 375)

Senate Bill 366 extends the sunset date, from December 31, 1999, to December 31, 2001, for the surcharge on telephone services in Washoe County to enhance the 911 system.

The measure also specifies that the surcharge may not be imposed on mobile telephone service provided to residents of the county after the date on which the advisory committee on the enhanced 911 system notifies the board of county commissioners that the enhancement has been completed with respect to the placement of emergency calls from mobile telephones.

Finally, S.B. 366 requires the board of county commissioners to notify, in a timely manner, each telephone company and supplier that collects such a surcharge to cease collection on the dates specified in this measure.

S.B. 377 (Chapter 250)

Senate Bill 377 authorizes the State Land Registrar to convey approximately 20 acres of land in Laughlin to Clark County.

This measure is effective on May 24, 1999.

S.B. 394 (Chapter 425)

Senate Bill 394 requires, in counties with a population of 400,000 or more, cooperation among the regional planning coalition, the air pollution control board, and the regional transportation commission to ensure consistency among their plans, policies, and programs. In addition, these entities must establish and carry out an integrated program of long-term planning that has the purpose of conserving the region's economic, financial, and natural resources and supporting a common vision of desired future conditions. The measure specifies additional responsibilities of the regional planning coalition concerning air pollution and transportation needs, and a biennial report.

The measure also revises provisions governing an air contaminant control program that is operated in the county. The county must allow certain persons to earn credits for reducing the level of air contaminants emitted by using solar energy. A person is prohibited from earning credits, however, if the reduction is required as a component of a penalty imposed against the person. Finally, the measure requires submittal, by October 1, 2000, of a statement of the effects on air quality by complex sources to the Administrator of the Division of Environmental Protection.

This measure is effective on October 1, 1999, except for provisions relating to the cooperative efforts of the coalition, the air pollution control board, and the regional transportation commission, which are effective on July 1, 2000.

S.B. 397 (Chapter 376)

Senate Bill 397 authorizes a public entity, in cooperation with Nevada's Office of Historic Preservation, and in consultation with a local Indian tribe, to enter into a cooperative agreement with any person, property owner, agency of the Federal Government, or other public entity for the preservation, protection, restoration, and enhancement of unique archaeological or historical sites.

According to testimony, Senate Bill 397 is necessary to provide an official vehicle through which relevant entities may work cooperatively to protect Nevada's archaeological and historical heritage. The measure originated from the desire of parties, including the City of Henderson, the state's Office of Historic Preservation, the federal Bureau of Land Management, and other interested groups, to protect petroglyphs near a proposed development site adjacent to the City of Henderson.

S.B. 432 (Chapter 529)

Senate Bill 432 directs the Legislative Commission to appoint an interim subcommittee, consisting of three senators and three assemblymen, to study the programs for air quality control in Clark County. The bill also directs the Legislative Commission to appoint an advisory committee, representing specific entities and interests, to assist the subcommittee in the study.

As part of its responsibilities, the subcommittee is directed to contract with a qualified, independent consultant to conduct a study of air quality in Clark County. Among other topics, the consultant's study must review existing programs related to air quality in the county and methods for improving the efficiency of these programs, programs that may be required in the future to meet air quality standards, current and future funding requirements of air quality programs, and the roles of state and local governmental agencies and the private sector in addressing air quality issues in Clark County.

This bill also requires the Department of Motor Vehicles and Public Safety (DMV&PS), in consultation with the State Environmental Commission and local air pollution control agencies, to implement an improved program to determine whether a motor vehicle that uses diesel fuel complies with controls over emissions. Among other items, the DMV&PS must conduct roadside tests of the emissions of motor vehicles that use diesel fuel. Further, DMV&PS is also required to begin conducting roadside tests of the emissions from motor vehicles that are operated on highways in a county with a population of 400,000 or more.

Senate Bill 432 requires the consultant to submit a written report to the subcommittee on or before June 30, 2000. Further, the bill requires the Legislative Commission to submit a report of the committee's findings and recommendations to the 2001 Legislature. A $500,000 appropriation is made, from the pollution control account of the State General Fund to the Legislative Commission, to carry out the provisions of the bill. The measure specifies, however, that at least $100,000 of the appropriation must be distributed to the DMV&PS to implement a program for the inspection of heavy-duty, diesel-powered vehicles.

This measure is effective on June 8, 1999.

S.B. 454 (Chapter 159)

Senate Bill 454 amends the *North Las Vegas City Charter* by placing the city attorney under the general direction and supervision of the city council. In addition, the bill requires the city council to set the salary of the city attorney. Further, the bill specifies that the city attorney serves at the pleasure of the city council and may be removed at any time by an affirmative vote of a majority of the council members.

S.B. 456 (Chapter 68)

Senate Bill 456 requires a county with a population of 400,000 or more to include deputies of the public defender in the county merit personnel system.

Testimony indicated that this bill codifies current practices and conforms the Clark County Public Defender's Office with the personnel system used by the District Attorney's Office.

A.B. 50 (Chapter 106)

Assembly Bill 50 revises the provisions relating to the authority and duties of chief judges in the judicial districts in Clark and Washoe Counties. The bill requires the chief judges to ensure the uniform and timely consideration and disposition of family court cases and requires them to establish procedures for addressing grievances relating to family court cases and proceedings. The measure also clarifies the definitions of "chief judge" and "family court" within the provisions governing these judicial districts.

This bill is effective on July 1, 1999.

A.B. 174 (Chapter 37)

Assembly Bill 174 authorizes the board of county commissioners of Douglas County to impose a local sales tax of up to one-fourth of one percent. The proceeds of the tax are to be used to pay the expenses of the airport, library, services for senior citizens, and recreational facilities. The tax, which was approved by the voters at the primary election in 1998, may be imposed beginning on July 1, 1999.

This measure is effective on July 1, 1999.

A.B. 182 (Chapter 437)

Assembly Bill 182 requires that Nevada's Department of Transportation (NDOT) and Clark County enter into an interlocal agreement, on or before July 1, 2000, pertaining to highways other than freeways in Clark County in which both public entities have an ownership interest. This interlocal agreement is to address ownership of the highways, maintenance of and improvements to the highways, and standards of construction for the highways. In addition, this measure requires that, until the agreement has been entered into, NDOT shall consult with Clark County regarding standards of construction for such highways to ensure consistency with state and local standards and with encroachment requirements of third parties.

This measure is effective on May 31, 1999.

A.B. 205 (Chapter 560)

Assembly Bill 205 appropriates $3.5 million to the State Public Works Board for the construction of a Hi-tech Learning Center in Pahrump. The bill requires the State Public Works Board to construct the facility in cooperation with the University and Community College System of Nevada.

The measure is effective July 1, 1999.

A.B. 236 (Chapter 212)

Assembly Bill 236 is a special measure that authorizes Douglas County to enter into contracts and agreements with public and private entities for the purposes of creating, operating, and dissolving a nonprofit organization to own, operate, and maintain a coordinated transit system in the Lake Tahoe Basin. Further, the bill exempts Douglas County from the provisions of Chapter 332 of *Nevada Revised Statutes*, "Purchasing: Local Governments," for the specific purpose of entering into these contracts and agreements.

This measure is effective on May 24, 1999.

A.B. 270 (Chapter 214)

Assembly Bill 270 expands, from three to five members, the size of the Regional Transportation Commission of Carson City. As amended by the bill, the commission would be composed of two representatives of the Board of Supervisors and three representatives from the city at large. The terms of the members are staggered so one representative of the Board of Supervisors and one representative of the city at large serve until December 31 of the next ensuing even-numbered year, and the other three members serve until December 31 of the next ensuing odd-numbered year.

This measure is effective on May 24, 1999.

A.B. 284 (Chapter 262)

Assembly Bill 284 requires the State Board of Health to adopt regulations concerning the fluoridation of water in public water systems that serve a population of 400,000 or more. The measure sets forth certain criteria that must be addressed by the regulations and specifies situations under which an entity is exempt from the fluoridation requirement. The measure grants authority to the Health Division of Nevada's Department of Human Resources to secure alternative sources of funding for the enforcement of standards established by the Board of Health. Finally, the measure allows a public water system to submit a claim for payment to the Health Division for initial compliance costs that are incurred by the public water system.

Assembly Bill 284 is effective on May 24, 1999, for the purpose of adopting regulations, and on October 1, 1999, for all other purposes.

After this measure became law, its provisions were amended by passage of Assembly Bill 689 (Chapter 588), which requires that an advisory question concerning fluoridation be placed on the November 7, 2000, General Election ballot in each county with a population of 400,000 or more. Also, A.B. 689 clarifies that the provisions requiring the fluoridation of water only apply to public water systems serving a population of 100,000 or more in a county with a population of 400,000 or more.

Assembly Bill 689 is effective on June 9, 1999, and provides that Assembly Bill 284 expires by limitation on January 1, 2001, if a majority of voters do not support continued fluoridation of affected water systems.

A.B. 309 (Chapter 327)

Assembly Bill 309 makes changes to the *Reno City Charter*. It requires that the city's five wards must be nearly equal in population (as opposed to registered voters), and that these boundaries be changed whenever the last preceding decennial census shows that the population in any ward exceeds the population in another ward by more than 5 percent. The boundaries of wards may also be changed to include territory that has been annexed, or whenever the population in any ward exceeds the population in another ward by 5 percent by any measure that the city council finds reliable.

Assembly Bill 309 also removes the requirement that the mayor, the councilmen, the city attorney, and the municipal judges must reside, for at least six months preceding their election, in the wards they represent or, where applicable, the city at large. The bill provides that an incumbent mayor or city councilman who is re-elected may receive a pay increase.

The bill also changes, from 30 to 45 days after its publication, the period in which the city council must adopt or reject a city ordinance, except in case of an emergency. It also specifies that an offense that is a misdemeanor under state law is a misdemeanor against the city if it is committed within the city.

Finally, the measure repeals obsolete language in the charter regarding special meetings and evidence of traffic violations.

This bill is effective on May 28, 1999.

A.B. 330 (Chapter 635)

Assembly Bill 330 appropriates $3 million from the State General Fund to the Interim Finance Committee for distribution to Washoe County to provide a portion of the funding necessary for the construction of a new juvenile detention facility and juvenile addiction center in Washoe County. Before any of this money may be distributed to Washoe County, the Interim Finance Committee must make a determination that, with the assistance of this money, the county is able to meet its financial obligations for the construction of the new facilities. These funds may only be used to pay the actual cost for work performed not to exceed the amount appropriated.

This measure is effective on July 1, 2000.

A.B. 408 (Chapter 636)

Assembly Bill 408 addresses the manner in which temporary well permits and domestic wells are handled in the Las Vegas Valley and amends the provisions of the *North Las Vegas City Charter* relating to the calculation of water fees used to support beautification projects. The bill establishes the conditions under which the State Engineer may revoke a temporary well permit or prohibit a domestic well from being deepened or redrilled.

The conditions prescribed in the bill are as follows: (1) the property on which the well is located must be within 180 feet of a municipal water line; (2) the well must need to be redrilled or have repairs made that require the use of a well-drilling rig; and (3) the well users must be offered financial assistance to help them connect to the municipal water line. This assistance is up to 85 percent of the connection costs and is to be provided by an appropriate local agency with access to funding for this assistance. In Las Vegas, it is anticipated that the Southern Nevada Water Authority will fill this role. The Authority must also cover the costs of plugging the abandoned well.

These conditions sunset on July 1, 2005, and apply in a basin in which temporary permits are issued. Currently, only the Las Vegas Valley groundwater basin meets this definition.

The bill also adds a new provision to Nevada law requiring the State Engineer to notify the county recorder when he approves a temporary permit and when a domestic well is drilled after October 1, 1999. The goal is to establish a notification that will be tied to the deed for the property, so that a purchaser of the property will know his property is served by either a domestic well or a temporary permit that is subject to revocation.

In addition, the measure directs the Legislative Committee on Public Lands to conduct a review during the 1999-2000 legislative interim of issues relating to residential, municipal, and quasi-municipal wells. The results of that review are to be provided to the 2001 Nevada Legislature.

Finally, Assembly Bill 408 amends the *North Las Vegas City Charter* by specifying that each business customer and each housing unit that receives water from a utility is subject to the existing fee to support beautification projects in that city.

A.B. 425 (Chapter 175)

Assembly Bill 425 reduces, from seven to five, the number of members of the governing board of the Moapa Valley Water District. When a vacancy occurs on the board, this measure provides that the person appointed to fill the vacancy serves until the first Monday in January following the next general district election. If that election predates the expiration of the term of the member whose absence required the appointment, the balance of that term must be filled at that general election.

This measure also provides that the present members of the district's governing board may serve the remainder of their respective terms. The seats of two of the members whose terms expire on the first Monday in January 2001, must not be filled at the general district election in 2000. The governing board must determine which two seats will not be filled.

This bill also makes a change to the boundaries of the district and is effective on July 1, 1999.

A.B. 471 (Chapter 196)

Assembly Bill 471 reduces and prospectively eliminates a special motor vehicle privilege tax in Washoe County. This measure provides that further reductions must be made through Fiscal Year 2004-2005 by amounts specified in the bill. It further prohibits the Washoe County Board of Commissioners from imposing the special privilege tax for any fiscal year after June 30, 2005.

A.B. 480 (Chapter 518)

Assembly Bill 480 appropriates $2,031,337 from the State General Fund to the White Pine County School District for the payment of short-term debts incurred by the school district.

The bill is effective on June 8, 1999.

A.B. 528 (Chapter 340)

Assembly Bill 528 promotes economic diversification in those parts of Nevada that surround the Nevada Test Site. The bill authorizes Esmeralda, Lincoln, and Nye Counties, their cities and unincorporated towns, and the town of Indian Springs in Clark County, individually or jointly to form a regional development corporation together with the Nevada Test Site Development Corporation or another eligible nonprofit corporation. A community that desires to participate must first enact an ordinance setting forth the organization, duration, financing, property, gains from operation, and termination of such a corporation.

Assembly Bill 528 specifies the contents of articles of incorporation, the composition of boards of directors, the membership, and the purposes for which a regional development corporation may be organized. The corporation must not be organized for the purpose of promoting the transportation, disposal, or storage of high-level radioactive waste.

An affected county, city, or town that forms a regional development corporation may furnish personnel, equipment, property, or facilities to it, and may pay for its formation and operation to the extent provided in the enabling ordinance. The measure also grants certain protections, against civil actions, to an officer, employee, director, or agent of a regional development corporation.

This measure is effective on May 28, 1999.

A.B. 539 (Chapter 341)

Assembly Bill 539 amends the *Carson City Charter*. It establishes a charter committee to make recommendations to the board of supervisors on necessary charter amendments. It also removes the authority of the board to sell impounded animals and poultry running at large. Further, the bill modifies the salary of the mayor to an amount equal to 130 percent of the base amount established by *Nevada Revised Statutes* 245.043 for the Carson City supervisors, which currently is $18,000 per year.

Assembly Bill 539 also provides that the city clerk, treasurer, assessor, and sheriff shall not engage in any other business or occupation that creates a conflict of interest with his official duties. Further, the bill applies these restrictions to the district attorney and also prohibits the person in this position from engaging in the private practice of law.

This measure is effective on October 1, 1999, except for the provisions regarding the mayor's salary, which are effective on January 1, 2001.

A.B. 569 (Chapter 446)

Assembly Bill 569 revises provisions concerning changes to the boundary of a zoning district in a county with a population of 400,000 or more if those changes would reduce the density or intensity with which a parcel of land may be used. The measure requires that the notice of the change include a section that an owner of property may complete and return to the governing body to indicate his approval or opposition.

Further, the bill provides that a governing body may not approve the proposed amendment when at least 20 percent of the property owners to whom notices were sent indicate in their responses that they are opposed to the amendment, unless the governing body considers separately the merits of each aspect of the proposed amendment to which the owners expressed opposition. Further, the governing body must make a written finding that the public interest and necessity will be promoted by approval of such proposed amendment.

Finally, the measure prohibits a governing body of a county with a population of 400,000 or more from taking zoning actions that affect any unincorporated area of the county that is surrounded completely by the territory of an incorporated city without sending a notice to the city. The bill further requires the city to submit any recommendations to the governing body within 15 days after receiving the notice. If the county does not accept the recommendations, the county shall specify for the record the reasons for its action.

A.B. 590 (Chapter 344)

Assembly Bill 590 revises the provisions of the *North Las Vegas City Charter* regarding the election of city councilmen. The bill provides that the City of North Las Vegas must be divided into four wards, which must be as nearly equal in population as practicable. The boundaries of

these wards must be established by ordinance and adjusted whenever the population in any ward exceeds the population of any other ward by more than 5 percent, as determined by the last preceding national census.

The boundaries of the wards may not be changed within 30 days of the last day for filing for municipal elections, except to accommodate annexations. Each councilman must be a qualified elector who has resided in the ward that he represents for at least 30 days immediately preceding the last day for filing for office. All councilmen and the mayor continue to be elected by the registered voters of the city at large and serve terms of four years.

Finally, the bill provides that the city council must establish the boundaries of the wards on or before January 1, 2000, and that the provisions of the measure apply initially to candidates in the municipal election to be held in 2001.

A.B. 599 (Chapter 346)

Assembly Bill 599 increases, from 12 to 13, the number of members on the county fair and recreation board in a county with a population of 400,000 or more. To accomplish this, the bill increases, from 5 to 6, the number of members to be appointed by the other members. These six members include three selected from nominees submitted by the Chamber of Commerce of the largest incorporated city, two representing tourism (at least one of whom represents the resort hotel business), and one representing other commercial interests or interests related to tourism. Further, the six members appointed by the other members also include three selected from nominees submitted by the association of gaming establishments whose members in the county collectively paid the most gross revenue fees to the state in the preceding year. The members selected pursuant to this provision must represent the resort hotel business, at least one of whom must be from the central business district of the largest incorporated city.

The measure is effective on July 1, 1999, and provides for staggered terms.

A.B. 637 (Chapter 347)

Assembly Bill 637 amends the *Las Vegas City Charter* to provide that the city council, rather than the city manager, must appoint and fix the salary of the city auditor. The bill provides that the auditor reports directly to the city council, or to a committee designated by the council, and performs duties designated by the council or prescribed by ordinance.

This measure is effective on May 28, 1999.

A.B. 640 (Chapter 184)

Assembly Bill 640 makes changes concerning the annexation of land by a city in a county with a population of 100,000 or more but less than 400,000. An individual lot or parcel of land must not be divided by an annexation that is proposed by a certified program of annexation.

Testimony indicated that this measure applies only to Washoe County and the cities of Reno and Sparks.

This measure is effective on May 20, 1999.

A.B. 689 (Chapter 588)

Assembly Bill 689 amends Assembly Bill 284, which was approved earlier in the 1999 Legislative Session, to clarify that the provisions requiring the fluoridation of water apply to public water systems that serve a population of 100,000 or more, but only in a county with a population of 400,000 or more (Clark County). This bill also requires that an advisory question concerning fluoridation be placed on the ballot at the General Election on November 7, 2000, in each county with a population of 400,000 or more (Clark County). Further, the bill provides that Assembly Bill 284 expires by limitation on January 1, 2001, if a majority of the voters voting on the question support ceasing the fluoridation of water.

This measure is effective on June 9, 1999.

A.C.R. 56 (File No. 72)

Assembly Concurrent Resolution No. 56 commemorates the 150th anniversary of the first gold discovery in Nevada in the town of Dayton. Subsequent exploration of the area led prospectors to discover what would later become the Comstock Lode, the wealth from which helped to support the efforts of the Union in the Civil War. In recognition of this anniversary, the resolution proclaims July 17 and 18, 1999, as the Nevada Gold Sesquicentennial Celebration in Lyon County, Nevada.

Local Government Financial Administration

S.B. 14 (Chapter 190)

Senate Bill 14 authorizes counties and cities with a population of 100,000 or more, the State Treasurer, the Housing Division, and the Director of the Department of Business and Industry to lend securities. The loans must be secured by collateral that has a value of at least 102 percent of the value of the securities borrowed. The lenders are authorized to enter into contracts to manage the loans.

To lend securities, counties and cities with a population of 100,000 or more must have a portfolio of at least $100 million and a written investment policy. The treasurer of the county or city must make a report to the county or city manager each month regarding any loans of securities. The collateral received by counties and cities must be in the form of cash or marketable securities of a kind in which these local governments are authorized to invest. Further, any investments made with the collateral must mature within 90 days of the time the securities are lent.

Senate Bill 14 also authorizes cities and consolidated municipalities with a population of 50,000 or more, but less than 100,000, to participate in securities lending. Such a city or municipality must have a portfolio of at least $50 million, must comply with the other conditions applicable to counties and cities with a population of 100,000 or more, and must have an authorization from the State Board of Finance, granted pursuant to regulations adopted by the board.

S.B. 39 (Chapter 354)

Senate Bill 39 revises various provisions governing credit unions and the deposit of money therein. The bill authorizes a credit union to act as fiscal agent for, and receive deposits from, the State of Nevada or an agency or political subdivision thereof including, without limitation, a county, city, or school district. The measure also permits a credit union to invest in the obligations of a county, city, or school district of this state, as well as negotiable obligations of federal or state banks.

In addition, S.B. 39 increases, from $10,000 to $30,000, the amount credit union directors or members of its committees may guarantee or endorse on loans to other members. Further, the measure includes a credit union, whose deposits are insured by the National Credit Union Insurance Fund or an approved private insurer, in the definition of commercial bank and trust bank. Finally, the bill requires the Commissioner of Financial Institutions to adopt a regulation specifying the records a credit union must keep and the period of time the records must be retained.

S.B. 287 (Chapter 369)

Senate Bill 287 revises the authority of a board of county commissioners to impose a tax on fuel for jet or turbine-powered aircraft sold, distributed, or used in the county. The bill deletes the requirement that the board receive the approval of the voters before imposing a tax of four cents per gallon on such fuel. Senate Bill 287 includes a preamble stating that the Legislature's intent is to increase the discretion of the board but not to authorize a county to impose unduly burdensome taxes that have a detrimental effect upon the tourism industry.

This bill is effective on July 1, 1999.

S.B. 341 (Chapter 374)

Senate Bill 341 makes various changes relating to purchasing by local governments. The bill requires that local governments maintain a record of all requested and received bids for seven years rather than permanently.

The measure allows an authorized representative of a local governing body to conduct duties related to purchasing, including declaring an emergency and approving associated contracts. The authorized representative is instructed to report the emergency actions to the governing body at its next scheduled meeting. The measure also permits the authorized representative to approve contract assignments. In addition, the authorized representative may approve a subsequent sole contract bid, in accordance with the defined bidding process, if no responsible bids are received from the original solicitation. Further, in the event that a bidder who was awarded a contract fails to perform, the measure authorizes local governments to award contracts to another bidder without requiring that new bids be submitted.

The measure exempts additional items from the competitive bidding process, including perishable goods, computer hardware, associated peripherals and software for computers, and items for resale through a state or local government operated retail outlet. The bill also clarifies that the governing body, or its authorized representative, must determine that personal property of the local government is no longer required for public use before it is sold at public auction.

Finally, the bill affirms the authority of local governments to join or use State of Nevada contracts. The contract vendor must authorize this usage, and the state is not liable for the obligations of the local governments.

S.B. 407 (Chapter 377)

Senate Bill 407 authorizes a board of county commissioners to enter into a lease or a lease-purchase agreement to construct or remodel a building or facility.

S.B. 433 (Chapter 158)

Senate Bill 433 makes various changes to local government finance and county bond law. The bill requires each local government to prepare a capital improvement plan. The plan must cover five successive fiscal years and be filed with specified state and local governmental agencies. Further, the bill requires the upcoming fiscal year expenditures, as outlined in the plan, to equal the capital outlay in the final budget.

In addition, the bill provides definitions relating to county bond law. Specifically, the bill defines a "lending project," which allows for the issuance of county bonds to acquire bonds issued by municipalities located within the county to finance infrastructure projects. The bill also gives counties certain incidental powers in connection with such lending projects, including the power to acquire, hold, and sell municipal securities; refund bonds issued for a lending project; require that a municipality pay the county's costs in connection with the lending project; and secure the

payment of county general obligation bonds with a pledge of the lending project revenues. Further, the county is allowed to issue general obligation bonds without an election if the revenues from a lending project are pledged to repay county bonds.

Further, the bill includes a lending project among those that the county is authorized to finance pursuant to bond law. To do so, however, the county must adopt an ordinance setting forth its standards, policies, and procedures for financing the lending projects. Finally, the bill specifies that bonds issued for a lending project are exempt from the county's existing 10 percent debt limit, and a separate 15 percent debt limit for such projects is imposed.

This measure has various effective dates.

S.B. 455 (Chapter 312)

Senate Bill 455 revises the manner in which the revenue from certain fees for business licenses is calculated. The measure excludes, from the base revenue of a local government, certain fees of a business that a local government will not collect in the next fiscal year.

In addition, the bill deletes the provision in existing law that allows a local government to increase its revenue from business license fees if it is determined that an emergency condition exists that impairs the ability of the local government to perform its basic functions. Further, the measure stipulates that certain changes in taxes or fees on a private enterprise require written notice before the adoption of an ordinance that makes this type of change.

Finally, the bill specifies that counties, cities, and other political subdivisions may, under most circumstances, impose a tax or fee on businesses related to fuel and other flammable or combustible liquids.

This measure is effective on May 25, 1999.

S.B. 470 (Chapter 492)

Senate Bill 470 requires that local Debt Management Commissions be provided with the technical assistance required to carry out their duties. For counties with a population of 30,000 or more, assistance must be provided through the county. Smaller counties may call upon the Department of Taxation, to the extent that resources are available, for technical assistance.

The bill also establishes qualifications for commission members. Appointed members, who are not elected officials, in counties with a population of more than 50,000 must have at least five years' experience in public administration, accounting, or banking. Further, the measure specifies that appointed members must not have substantial financial interest in the ownership or negotiation of securities issues by state or local governments.

Finally, the measure provides for the removal of members if they fail to attend the meetings of the commission.

The provisions governing committee membership are effective on January 1, 2000. The remainder of the bill is effective on October 1, 1999.

S.B. 477 (Chapter 432)

Senate Bill 477 raises the tax on the rental of transient lodging within Washoe County to pay certain costs related to tourism promotion. The measure imposes a 3 percent room tax in the cities and unincorporated areas of Washoe County, except within a police protection district, where it imposes a 2 percent room tax. This tax is in addition to other room taxes and is collected in the same manner, paid to the Reno/Sparks Convention and Visitors Authority (RSCVA). The bill provides that "gross receipts from the rental of transient lodging" does not include the tax imposed or collected from paying guests as provided in this measure. The bill also provides that all decisions and deliberations concerning the expenditure and commitment of the proceeds of this tax must be made at a public meeting, whether or not the body discussing the issue is determined to be a "public body."

The bill specifies the uses of the proceeds of this tax, which include the expansion and remodeling of the Reno-Sparks Convention Center; the promotion of tourism as approved by the RSCVA; support for the National Bowling Stadium; and the operations and promotions of the Lake Tahoe Incline Village and Crystal Bay Visitors Bureau.

The bill further allows the City of Sparks to impose an additional 1 percent room tax on lodging within the city, to be used for tourism promotion in a manner determined by the Sparks Tourism and Marketing Committee.

Senate Bill 477 also creates two committees to carry out the provisions of this measure, the Sparks Tourism and Marketing Committee and the Truckee Meadows Tourism Facility and Revitalization Steering Committee, and specifies the membership and duties of both.

Finally, the measure provides that an officer or employee of a county fair and recreation board in a county with a population of more than 100,000 but less than 400,000 can be paid for the cost of travel, if the travel is required during the course of his duties. The payment is limited to the cost of travel on a regularly scheduled commercial air carrier in the class of service having the lowest cost, and shall not include travel for a relative or spouse.

The measure is effective on May 30, 1999, to prepare for the collection of the taxes imposed and authorized by this bill, and on June 1, 1999, for all other purposes. If a provision of the measure is declared invalid, the invalidity does not affect any remaining provisions of the bill that can otherwise be given effect.

S.B. 501 (Chapter 252)

Senate Bill 501 requires the Committee on Local Government Finance to annually provide forms to specified local governmental officials for ballot questions regarding the approval of general obligation bonds and increases in property tax. The forms must describe the process of submitting such a ballot question to the voters and provide examples of previous questions. Further, the bill requires that the forms be available to the public and be provided to local governments by April 1, 2000.

The measure also requires that ballot questions regarding general obligation bonds include the principal amount of and purpose for the issuance of the general obligations, estimates of the duration of the property tax levied for the payment of the general obligations, and the average annual increase in the amount of property taxes an owner of a new home with a fair market value of $100,000 will pay for debt service. Moreover, ballot questions proposing to levy a tax ad valorem must contain the proposed rate per $100 assessed valuation. A ballot question is also required to contain the duration of and purpose for the property tax increase, including the estimated annual increase based on a new home with a fair market value of $100,000.

The bill also clarifies that special elections may be held on the date of a primary state, municipal, or general city election. In addition, the measure also allows school districts to hold special elections, in accordance with the other specified elections, if the board of trustees determines that an emergency exists.

This measure has various effective dates.

S.B. 512 (Chapter 315)

Senate Bill 512 authorizes a county clerk to charge a fee for preparing an affidavit of correction for a marriage license or a marriage certificate, unless the errors were made by the county clerk. Further, the bill requires the county clerk or county recorder to charge and collect a fee for recording a corrected marriage certificate. If the county clerk charges and collects the fee, it must be paid over to the county recorder. The fee charged must be in an amount equal to the amount provided under the existing law that sets forth the fees that county recorders must charge for recording, copying, or certifying various documents, including marriage certificates. The bill requires that such a fee be charged and collected, regardless of whether a fee is charged for an affidavit of correction, and that the fees charged and collected under the measure must be deposited in the county general fund.

Senate Bill 512 also provides that if the copy of a marriage certificate that is held by the person who solemnizes the marriage is lost or destroyed before it is delivered to the county recorder, the county clerk may charge a maximum fee of $15 for the preparation of an affidavit indicating the loss or destruction and the issuance of a replacement certificate.

Senate Bill 512 also allows justices of the peace and municipal judges to accept nonmonetary gifts that are of nominal value for performing marriage ceremonies.

S.B. 523 (Chapter 314)

Senate Bill 523 provides that a local government is not required to pay delinquent taxes on certain property transferred to it for use as open-space real property. The provisions of the bill apply to property held in trust by the county treasurer.

This measure is effective on May 25, 1999.

S.B. 534 (Chapter 255)

Senate Bill 534 requires the Executive Director of the Department of Taxation to review the amount allocated under the local government tax distribution account if the population and assessed valuation of the taxable property within a local government have decreased in each of the three years prior to the current fiscal year. If the executive director determines that an adjustment to the allocation is necessary, he must submit his findings to the Committee on Local Government Finance, which must review the findings to determine whether an adjustment is appropriate. The bill requires the committee to submit a recommendation for an adjustment, if such a determination is made, to the Nevada Tax Commission. Under the bill, the commission must schedule a public hearing on the recommendation within 30 days to determine whether the adjustment is appropriate.

S.B. 535 (Chapter 256)

Senate Bill 535 includes the assessed valuation attributable to a redevelopment agency in the calculation of the assessed valuation of a local government or special district for use in the formula for distribution of the proceeds of certain taxes.

This measure is effective on July 1, 1999.

S.B. 536 (Chapter 199)

Senate Bill 536 revises the provisions governing the establishment of combined tax rates to determine compliance with applicable limitations. The bill provides that units of local government within a county may not comply with the statutory tax limit by having a larger local government unit transfer money to a smaller local government unit to enable the smaller unit to lower its rate.

The bill is effective on May 20, 1999; however, the measure does not apply to any combined tax rate that was established before that date.

S.B. 538 (Chapter 257)

Senate Bill 538 requires the Governor to certify the population of each town for the purpose of revenue and taxation. The bill also provides that for the purpose of determining the allocation of

excess revenue in the local government tax distribution account, the factor for assessed valuation is determined by the average change in assessed valuation over the year in which the allocation is made and the four previous fiscal years. In addition, for this same purpose, the bill provides that when a new method for determining population has been established, the percentage change must be calculated using population estimates determined pursuant to the new method for both the current and the immediately preceding fiscal years.

Senate Bill 538 also states that the net proceeds of minerals tax is excluded for the purposes of determining whether the revenue estimates from the supplemental city-county relief tax result in an increase in local property tax rates.

The bill is effective on July 1, 1999.

A.B. 288 (Chapter 398)

Assembly Bill 288 increases the amount paid to the State of Nevada by counties and local school districts for the collection of local taxes. Specifically, this measure authorizes administrative fees assessed against local entities, for the collection of local taxes, to be increased from 0.5 percent to 0.75 percent of all fees, taxes, interest, and penalties collected. The administrative charge, in the amount of 0.75 percent of all fees, taxes, interest, and penalties collected, is to be transferred by the State Controller to the appropriate account in the State General Fund. This transfer is to occur prior to the distribution of collections to the appropriate counties and local school districts.

This measure effective on July 1, 1999.

A.B. 299 (Chapter 101)

Assembly Bill 299 requires a local governing body to identify the source and dollar amount of revenue it will use to repay medium-term obligations. If the medium-term obligation is intended to finance a capital improvement, this measure requires the local government to update its plan for capital improvements as it would for general obligation debt.

Assembly Bill 299 also specifies that medium-term obligations are not included within a local government's general, long-term debt and, therefore, must be repaid from that government's operating levy.

This measure is effective on May 11, 1999.

A.B. 375 (Chapter 89)

Assembly Bill 375 provides that uninsured deposits by a county treasurer must be collateralized, and sets standards for such collateral. If an insured bank, credit union, or savings and loan association fails to pay a deposit upon demand of the county treasurer, the treasurer must, with

the written approval of the board of county commissioners, sell the securities pledged as collateral in a sufficient amount to repay the deposit to the highest and best bidder.

This bill also authorizes a county treasurer or other authorized county officer to deposit county money in the name of the county in insured credit unions located within the county or, if there are none, within the State of Nevada. The treasurer may deposit money in time accounts only with the written consent of the board of county commissioners. Deposits made by the treasurer may be drawn either by a check countersigned by the county auditor or by a warrant of the county auditor.

Assembly Bill 375 also authorizes a county treasurer to deposit for safekeeping with an insured bank, credit union, savings and loan association, or trust company securities pledged with him as collateral, but only with the joint written consent of the pledgor and the board of county commissioners.

This measure further permits payments of assessments in installments other than quarterly, and payments of ad valorem taxes in approximately equal quarterly installments. The bill requires a county tax recipient to make out a certificate that describes each property on which delinquent taxes have not been paid. The bill requires the county treasurer to cause it to be recorded in the office of the county recorder against each property described to provide constructive notice of the amount of delinquent taxes on each property. Finally, if the county sells real property to pay taxes on personal property, the deed delivered by the county treasurer to the purchaser is primary evidence that the real property belonged to the person liable for the tax.

A.B. 445 (Chapter 176)

Assembly Bill 445 adds contracts for the purchase of computer hardware and associated peripheral equipment and devices to the list of contracts which, by their nature, are not adapted to award by competitive bidding under the Local Government Purchasing Act.

A.B. 554 (Chapter 223)

Assembly Bill 554 provides that counties with a population of 100,000 or more must direct certain license taxes to county fair and recreation boards as long as the board has obligations that remain outstanding and unpaid. The bill also allows fair and recreation boards in any county to issue revenue bonds on its own behalf, without having the bonds additionally secured by property taxes. The revenue bonds may be issued at any time and secured by any combination of revenues from a recreational facility operated by the board, room taxes, or any other revenue legally made available for that purpose.

This measure is effective on May 24, 1999.

A.B. 639 (Chapter 229)

Assembly Bill 639 requires a local government in a county with a population of less than 100,000, which has annual appropriated expenditures of $1 million or more, to advertise all contracts for which the estimated price exceeds $25,000. The governing body may enter into a contract without advertising if the estimated price is $25,000 or less. If, however, the estimated contract price is more than $5,000, but not more than $25,000, requests for bids must be submitted to two or more persons capable of performing the contract, if available, and the governing body must maintain a record of all such requests and bids for at least seven years after the contract is executed. If the estimated price is more than $10,000, the governing body must publish, in a newspaper having general circulation in the county, a notice setting forth information about the contract and the manner in which a contractor may have his name placed on a list of properly licensed interested contractors.

Assembly Bill 639 further requires a local government in a county with a population of less than 100,000, which has annual appropriated expenditures of less than $1 million, to advertise all contracts for which the estimated price exceeds $10,000.

This measure is effective on July 1, 1999.

Improvement and Special Districts

S.B. 166 (Chapter 85)

Senate Bill 166 changes, from July 1 to January 1, the starting date for terms of office for members of district boards of agriculture in districts having a population of less than 100,000, and clarifies the dates on which the terms of office will expire.

S.B. 204 (Chapter 64)

Senate Bill 204 authorizes the Las Vegas Valley Water District to establish a desert preserve around the Big Springs Archeological District in Las Vegas. This preserve is to include exhibits and other features demonstrating the conservation and use of water; the history of southern Nevada; and the topology, geology, and history of the state. The district may create a board of trustees to supervise the development of the preserve.

The bill also provides for the issuance of special license plates for the support of the preserve. When issued, applicants for the plates will pay an initial fee of $35 for the plate and $25 for the support of the preserve. Each year when the plates are renewed, the applicants will pay a fee of $10 for the renewal and $20 for the support of the preserve. On or before October 1, 2003, the Department of Motor Vehicles and Public Safety must determine and publicly announce the number of applications it has received for these special plates. The special license plate provisions will sunset at that time if fewer than 250 plates have been requested.

S.B. 529 (Chapter 139)

Senate Bill 529 requires the boards of general improvement districts to separate and make available to the public the rate of tax levied for both operating and capital expenses. Further, the measure clarifies that a board may not continue a capital expenditure or debt service levy on general obligations after the amount is paid in full.

This measure is effective on July 1, 1999.

S.B. 530 (Chapter 550)

Senate Bill 530 authorizes municipalities to create commercial improvement districts (CIDs) for commercial area revitalization projects. A commercial area revitalization project may only be implemented in the public portion of areas primarily zoned for business and commercial purposes and includes beautification and improvements as well as promotional activities.

The measure allows a CID to contract with a nonprofit organization to provide the improvements or activities, as specified in the project plan. In addition, the bill outlines the procedures for collecting and levying the associated assessments. The measure also specifies the process required of the governing board of the municipality or the petitioners to form a CID and for the modification of an approved plan, if necessary. Finally, the measure allows a residential property owner to opt out of a district, and it sets forth the procedures for dissolving a district.

A.B. 197 (Chapter 189)

Assembly Bill 197 expands the Carson Water Subconservancy District to include that portion of Churchill County within the Carson River hydrologic basin. The board of directors of the district is increased, from 9 to 11 members, to include two members from Churchill County. The measure also increases the maximum compensation for members of the boards of directors of irrigation districts and water conservancy districts to $80 per day, plus actual traveling expenses.

This bill is effective on July 1, 1999.

A.B. 252 (Chapter 293)

Assembly Bill 252 revises provisions governing liens on lands entitled to receive water from irrigation districts when ownership of the water right is severed from the land. The measure provides that a lien remains in effect until either: (1) the place of use is changed to other land on which a lien is imposed; or (2) a written agreement for payment of relevant assessments, charges, or tolls is made and secured by the right to use the water in a manner satisfactory to the irrigation district. The bill, however, exempts security for payment if the holder of the water right is a governmental entity.

A.B. 275 (Chapter 38)

Assembly Bill 275 provides for the dissolution of a hospital district in counties with a population of less than 400,000 by resolution of the county commissioners after a hearing and upon a finding that such a dissolution is necessary. The taxes levied within the district are to be continued until the district's indebtedness and other obligations are paid. The measure further provides that the property of a hospital district dissolved under these provisions may be used as a hospital or disposed of in any appropriate manner. Proceeds from the sale of property must first be used to pay any of the district's outstanding obligations. Further, the bill provides a mechanism for the repayment of any outstanding debt, including employee salaries and retirement benefits, in the event that the amount of the debt exceeds the time limits for the tax. The measure authorizes the continuation of the higher, emergency tax rate should the county discontinue operation of the hospital and if the sale of assets does not cover the outstanding debt. It also provides for the continued support of a hospital and the repayment of previous debts should the county commissioners decide to operate the hospital after the district is dissolved. These special provisions expire once a hospital district's debts have been satisfied.

This measure is effective on April 8, 1999.

A.B. 295 (Chapter 326)

Assembly Bill 295 adds projects of the Moapa Valley Water District and the Virgin Valley Water District to the list of highway, school, utility, and water district projects exempt from the advertising requirements for public contracts. The bill also makes corrections to the boundaries of the service area of the Virgin Valley Water District.

This measure has various effective dates.

A.B. 425 (Chapter 175)

Assembly Bill 425 reduces, from seven to five, the number of members of the governing board of the Moapa Valley Water District. When a vacancy occurs on the board, this measure provides that the person appointed to fill the vacancy serves until the first Monday in January following the next general district election. If that election predates the expiration of the term of the member whose absence required the appointment, the balance of that term must be filled at that general election.

This measure also provides that the present members of the district's governing board may serve the remainder of their respective terms. The seats of two of the members whose terms expire on the first Monday in January 2001, must not be filled at the general district election in 2000. The governing board must determine which two seats will not be filled.

This bill also makes a change to the boundaries of the district and is effective on July 1, 1999.

A.B. 533 (Chapter 445)

Assembly Bill 533 authorizes a board of county commissioners to create a hospital district in an area where no hospital district currently exists for the purpose of contracting with a public agency or a privately owned hospital to provide the services to residents of the district. The measure also allows the board of trustees of an existing hospital district to contract with another hospital to provide services if the board determines that there is a need for services not currently offered to residents of the district, or when it is less costly to provide hospital services through such an arrangement.

The measure delineates the considerations that must be made by the board before it creates this district and specifies the items that must be included in a contract that is executed by the board to provide these services. The bill also permits the board of county commissioners to be designated by ordinance as, the ex officio board of trustees of the hospital district, notwithstanding certain provisions of existing law.

Finally, the measure authorizes a hospital that is part of a hospital district, with the approval of the governing body of the hospital district, to join a purchasing group and to purchase supplies, materials, and equipment without complying with the Local Government Purchasing Act. The bill specifies the criteria that must be met before the district hospital may purchase the supplies, materials, and equipment through a purchasing group.

A.B. 604 (Chapter 447)

Assembly Bill 604 provides for the creation of road maintenance districts in counties that have populations less than 100,000. The bill specifies the procedures through which two-thirds of the owners of real property within an unincorporated area of a county may petition for creation of a district. It further provides procedures relating to the adoption of an ordinance creating the district, the election of directors, authorities of a district, the apportionment and collection of assessments, hardship exemptions, and possible dissolution of a district.

This measure is effective on July 1, 1999.

S.B. 396 (Chapter 486)

Senate Bill 396 revises provisions relating to certain animals by defining specially trained animals, setting penalties for abuse of animals, and allowing access to places of public accommodation for specific animals. Under the bill, any person who willfully and maliciously kills an estray, a head of livestock, or a wild horse is guilty of a category C felony. A person who overdrives, overloads, tortures, cruelly beats, or unjustifiably injures, maims, mutilates, or kills an animal is guilty of a misdemeanor for the first offense or for a second offense committed within seven years. Jail time, a fine, and community service is mandated for each offense, with increased penalties for the second offense. A third or subsequent offense is a category C felony. The court must order any person convicted of this crime to pay restitution for all costs associated with the care and impoundment of a mistreated animal, and the court may order the person to surrender ownership of the animal. The measure provides an exception for accidental injury or death of an animal in the normal course of activities pertaining to a rodeo, livestock show, or ranch operation.

The bill defines a service animal as an animal that has been trained to provide a specialized service to a handicapped person. The measure establishes comparable penalties for willful and malicious crimes against service animals and dogs used in an exhibition, show, or contest in which the skill, breeding, and stamina of the animal are judged. Interference with a service animal or exhibition dog is a misdemeanor. Beating, harassing, or intimidating a service animal or exhibition dog is a gross misdemeanor. The killing of a service animal or exhibition dog is a category E felony.

Senate Bill 396 also sets forth penalties for willful and malicious actions against police animals. A person who interferes with a police animal is guilty of a misdemeanor. Abuse or injury to the police animal not resulting in death or total disability is a gross misdemeanor. If the animal is totally disabled or killed, the crime is a category C felony, and restitution may be required to replace the animal or pay for veterinary services. Finally, the measure prohibits a place of public accommodation from refusing admittance or service to a person because he is accompanied by a police dog, but does not relieve the person of liability for any damage caused by the dog. The person is subject to the same conditions and limitations that apply to any other person.

S.J.R. 12 (File No. 133)

Senate Joint Resolution No. 12 encourages the United States Congress to support the establishment of a working partnership between federal land management agencies, local governments, and other interested parties on issues relating to the use of public lands. The resolution also expresses support for efforts to review the methodologies and practices employed by public land management agencies that have resulted in an unnecessary reduction in the use of public lands for livestock grazing. In addition, the measure encourages Nevada's Division of Agriculture to develop a statewide database to further demonstrate the cumulative losses to this state and its counties because of the reduction in the use of public lands for livestock grazing.

This measure is effective on May 29, 1999.

A.B. 641 (Chapter 349)

Assembly Bill 641 authorizes a county or city with an adopted master plan to represent its own interests regarding land and appurtenant resources within its boundaries that are affected by policies and activities involving the use of federal lands. The county or city may bring an action on its own, or on behalf of any person, in a meritorious case in any court or before a federal agency, if an actual or proposed federal action regarding lands, appurtenant resources, or streets, impairs or tends to impair the traditional functions of the county or city or the implementation of the master plan. However, the county or city may not request relief from a court or an action from a federal agency that would violate a state statute, and the bill explicitly prohibits a county or city from bringing or maintaining an action on behalf of the state.

This measure also authorizes the boards of county commissioners of Esmeralda, Lincoln, and Nye Counties, individually or jointly, to establish and operate a zone for the preservation of a federally declared endangered or threatened wildlife species. It authorizes these boards to encourage the preservation of any wildlife species that would have a significant effect upon the economy and lifestyles of county residents if it were listed as endangered or threatened.

Assembly Bill 641 authorizes the boards of county commissioners of Esmeralda, Lincoln, and Nye Counties to purchase, sell, exchange, or lease real and personal property, water rights, grazing permits, and other interests in property for this purpose. They may impose, by ordinance, a reasonable fee of not more than $550 per acre on construction or grading to carry out the program. If a fee is imposed, the board must create an enterprise fund, and any interest or other income earned, after deducting applicable charges, must be credited to the fund. The money may only be used to pay the actual direct costs of the programs established pursuant to this measure.

This measure is effective on May 28, 1999.

A.J.R. 20 (File No. 118)

Assembly Joint Resolution No. 20 urges the United States Environmental Protection Agency (EPA) to reconsider recent revisions to the Toxics Release Inventory, which require certain industries to report releases of hazardous chemicals into the environment. The measure expresses concern that the inventory was expanded to include the mining industry, which handles many reportable elements occurring naturally in the earth's crust, and recommends that the industry be excluded from the reporting requirements. The measure further provides that if mining is not excluded, separate reporting requirements should be adopted by the EPA that are more appropriate for the mining industry.

This measure is effective on May 25, 1999.

A.J.R. 21 (File No. 119)

Assembly Joint Resolution No. 21 urges the federal Environmental Protection Agency (EPA) to reconsider certain proposed regulations for animal feeding operations. The measure recommends that states be given the authority and flexibility to enact statutes based on sound science, economic feasibility, and the specific needs of each state. The resolution urges the EPA to reconsider a formula which results in a reduction of the threshold number of animals and an expansion of the national permitting process. Finally, the measure recommends that the EPA seek and consider input from state and local governments and others affected by revisions to these regulations.

According to testimony, the Nevada's Division of Environmental Protection already has a permitting program for animal feeding operations, which is designed specifically to address situations in Nevada.

This measure is effective on May 25, 1999.

Agriculture and Ranching

S.B. 310 (Chapter 372)

Senate Bill 310 creates the Rangeland Resources Commission consisting of ten members, one member from each of Nevada's seven state grazing boards and the presidents of the Nevada Cattlemen's Association, the Nevada Woolgrowers' Association, and the Nevada Farm Bureau.

The bill provides for the commission to assess a fee of 10 cents per "Animal Unit Month" for cattle and sheep authorized to use, during the preceding year, grazing lands administered by the federal Bureau of Land Management and the United States Forest Service in Nevada. The proceeds may be used by the commission for purposes that include conducting research, compiling and disseminating information, conducting advertising campaigns, constructing or maintaining range improvements, and undertaking other programs and actions that are beneficial to the livestock industry.

The bill provides a mechanism by which a rancher who so desires may obtain a refund of his fee. It specifies the accounting procedures to be employed and directs Nevada's Department of Agriculture to furnish, within its available resources, administrative services to the commission. The bill also provides a graduated penalty schedule for persons who fail to pay the prescribed fee. Finally, the measure includes a sunset provision whereby the commission shall cease to exist if the amount of money refunded in the year 2001 or later is more than 50 percent of the revenue collected.

This measure is effective on July 1, 1999, for purposes of appointing the commission, and on October 1, 1999, for all other purposes.

S.B. 330 (Chapter 247)

Senate Bill 330 provides that notification of a livestock disease be kept confidential unless the disease is specifically regulated pursuant to *Nevada Revised Statutes* 571.130 for mandatory control and eradication to protect the public health, other livestock, or wildlife; or the State Quarantine Officer determines that a public health emergency exists.

This measure is effective on May 24, 1999.

A.B. 135 (Chapter 108)

Assembly Bill 135 revises provisions relating to nurseries and nursery stock by modifying the definitions of "nursery" and "pest," exempting certain sales from state licensing requirements, and requiring an inspection certificate or phytosanitary certificate on all nursery stock shipped interstate or intrastate to a location in Nevada. The measure defines related terminology, such as "agent," "peddler," "dangerously injurious plant pest," "phytosanitary certificate," and "quarantine pest." Finally, the bill modifies provisions pertaining to the treatment of infested or infected nursery stock.

A.B. 198 (Chapter 439)

Assembly Bill 198 revises provisions pertaining to grazing preference rights on public lands. The measure makes a grazing preference right appurtenant to base property and defines these terms. Assembly Bill 198 also provides that if the base property is sold, leased, or otherwise transferred, the owner must not be deprived of any grazing preference right solely on the basis of the sale, lease, or transfer unless just compensation is provided.

The measure prohibits interference with the lawful herding or grazing of livestock and prohibits damage or destruction of facilities and improvements used to sustain livestock. Violation of these provisions is a misdemeanor subject to penalty and restitution.

A.B. 324 (Chapter 496)

Assembly Bill 324 revises provisions governing certain agricultural extension programs of the University and Community College System of Nevada (UCCSN). The measure expands these programs to include educational, outreach, research, and service programs pertaining to agriculture, community development, health and nutrition, horticulture, natural resources, and personal and family development in rural and urban communities.

Assembly Bill 324 further provides for an appropriation of $75,000 to the UCCSN for the abatement of tall white top, which is a noxious and invasive weed. Any balance of this appropriation remaining after June 30, 2001, must be returned to the State General Fund.

The measure is effective on June 8, 1999.

A.B. 481 (Chapter 337)

Assembly Bill 481 revises provisions relating to bees and apiaries by repealing certain requirements, fees, and permits concerning registration, transportation, importation, and inspections. The measure also revises the definition of diseases affecting bees to include bacteria, viruses, or invertebrate pests. Finally, the bill removes the requirement that one member of the State Board of Agriculture be involved in beekeeping and replaces that member with a person involved in general agriculture.

A.B. 693 (Chapter 640)

Assembly Bill 693 provides that several fees currently specified in statute are to be set by regulation of the State Board of Agriculture or the Department of Agriculture. Included are fees for:

- Operation of a public livestock auction;
- A license as a broker, dealer, commission merchant, cash buyer, or agent for livestock and farm products or to operate a nursery;
- Testing and licensing to engage in pest control activities;
- Appointment as a public weighmaster;
- Registration of a pesticide, brand, or grade of fertilizer or agricultural mineral;
- Registration as a seller or distributor of a restricted-use pesticide or of fertilizer or agricultural minerals; and
- Inspection of brands of antifreeze.

The measure is effective on June 11, 1999, for the purpose of adopting necessary regulations, and on January 1, 2000, for all other purposes.

A.B. 694 (Chapter 587)

Assembly Bill 694 provides that the sale of liquid dairy products in amounts other than the quantities that are specified in statute (such as quarts, half-gallons, and gallons) must be approved by the State Dairy Commission and the State Sealer of Weights and Measures.

The bill further specifies that the containers of products sold in nontraditional volumes must be marked with the capacity in fluid ounces and a comparison to the traditional unit of measure in sufficient size and prominence to inform the public of the difference in volume.

This measure is effective on June 9, 1999.

Environmental Matters Generally

S.B. 217 (Chapter 65)

Senate Bill 217 authorizes boards of county commissioners to establish, use, and operate wetland mitigation banks. As defined in the bill, wetland mitigation banks are used to create, enhance, restore, or preserve wetlands by generating compensatory credits allowing for the future development of other wetland sites. In addition, the bill allows a board of county commissioners to enter into a cooperative agreement with a public agency or nonprofit organization for the operation of the bank. Further, the banks must be operated in accordance with federal guidelines, and the bill makes wetlands-related definitions consistent with federal law.

Testimony indicated that wetland mitigation banks will assist in meeting an existing federal mandate that requires wetlands to be replaced if they are destroyed as a result of development. In sum, these banks allow for the selling of wetlands credits to landowners/developers who may use these credits to offset any impacted wetlands. Witnesses emphasized that the provisions of the bill will fall under the jurisdiction of the Clean Water Act.

This bill is effective on April 29, 1999.

S.B. 432 (Chapter 529)

Senate Bill 432 directs the Legislative Commission to appoint an interim subcommittee, consisting of three senators and three assemblymen, to study the programs for air quality control in Clark County. The bill also directs the Legislative Commission to appoint an advisory committee, representing specific entities and interests, to assist the subcommittee in the study.

As part of its responsibilities, the subcommittee is directed to contract with a qualified, independent consultant to conduct a study of air quality in Clark County. Among other topics, the consultant's study must review existing programs related to air quality in the county and methods for improving the efficiency of these programs, programs that may be required in the

future to meet air quality standards, current and future funding requirements of air quality programs, and the roles of state and local governmental agencies and the private sector in addressing air quality issues in Clark County.

This bill also requires the Department of Motor Vehicles and Public Safety (DMV&PS), in consultation with the State Environmental Commission and local air pollution control agencies, to implement an improved program to determine whether a motor vehicle that uses diesel fuel complies with controls over emissions. Among other items, the DMV&PS must conduct roadside tests of the emissions of motor vehicles that use diesel fuel. Further, DMV&PS is also required to begin conducting roadside tests of the emissions from motor vehicles that are operated on highways in a county with a population of 400,000 or more.

Senate Bill 432 requires the consultant to submit a written report to the subcommittee on or before June 30, 2000. Further, the bill requires the Legislative Commission to submit a report of the committee's findings and recommendations to the 2001 Legislature. A $500,000 appropriation is made, from the pollution control account of the State General Fund to the Legislative Commission, to carry out the provisions of the bill. The measure specifies, however, that at least $100,000 of the appropriation must be distributed to the DMV&PS to implement a program for the inspection of heavy-duty, diesel-powered vehicles.

This measure is effective on June 8, 1999.

S.B. 511 (Chapter 532)

Senate Bill 511 revises provisions relating to expenditures for air quality from the pollution control account within the State General Fund. The measure provides that money remaining in the account after grants to local governments have been paid, pursuant to *Nevada Revised Statutes* 445B.830, may be expended by certain agencies for specific programs. The programs in order of priority include: (1) the control of engine emissions by the Department of Motor Vehicles and Public Safety, (2) the administration of the general provisions pertaining to air pollution by the Division of Environmental Protection, (3) the inspection of petroleum products by the Department of Agriculture, and (4) the preservation and improvement of air quality by the Tahoe Regional Planning Agency.

These specific provisions of the measure are effective on July 1, 1999.

For the period July 1, 1999, to June 30, 2001, additional programs are also eligible. These include programs of Nevada's Tahoe Regional Planning Agency, and attainment and maintenance of environmental thresholds in the Lake Tahoe Basin by the Tahoe Regional Planning Agency, and other appropriate agencies in Nevada. The eligibility of these latter programs expires by limitation on June 30, 2001.

S.J.R. 3 (File No. 131)

Senate Joint Resolution No. 3 expresses the Legislature's strong disapproval of regulations proposed by the federal Environmental Protection Agency (EPA) regarding regional haze.

The resolution contends that the standards for controlling and reducing regional haze contained in the proposed regulations are unreasonable, and the costs of complying with these standards are excessive. It further states that the proposed regulations do not adequately address issues relating to regional haze caused by motor vehicle emissions, fires, and air pollution originating from outside the United States. The resolution cites criticism of the regulations by a wide range of agencies and organizations, and it contends that compliance with the regulations would place a special burden on the western United States.

For these reasons, S.J.R. 3 expresses strong disapproval of the proposed regulations and urges the EPA to refrain from adopting the regulations until the referenced issues are addressed. The resolution further urges Congress to take any appropriate action to prohibit adoption of the regulations unless they are amended to address these issues.

This measure is effective on May 29, 1999.

A.B. 564 (Chapter 590)

Assembly Bill 564 broadens the applicability of solid waste recycling programs to include public buildings. The measure requires the boards of commissioners in Washoe and Clark Counties, which have populations over 100,000, to develop recycling programs for public buildings. In all other counties, these programs are encouraged. Counties adopting such programs must notify the occupants of public buildings that recycling opportunities are available.

Assembly Bill 564 authorizes Nevada's Division of Environmental Protection to assist state agencies in developing and carrying out recycling programs within state buildings. The measure also requires local school districts to recycle paper and paper products, and encourages each justice court administrator, the Legislative Commission, school boards of trustees, and the University and Community College System of Nevada to develop recycling programs for other recyclable waste materials. Finally, the bill allows certain waivers if the cost of a recycling program is unreasonable.

Hazardous Materials

S.B. 18 (Chapter 4)

Senate Bill 18 prohibits the development, production, stockpiling, transfer, acquisition, retention, or possession of a biological agent, toxin, or delivery system for use as a weapon. A violation of this prohibition is a category A felony, which carries a penalty of life in prison or a definite term

of 25 years in prison with the possibility of parole after 10 years. In addition, the bill provides that any person who knowingly makes any threat or conveys false information concerning the presence or use of a biological agent or toxin with the intention of injuring people, causing panic or civil unrest, extorting or profiting thereby, or interfering with the operations of or causing economic damage to any person or governmental entity is guilty of a category B felony. The penalty for such activity is a ~~minium~~ minimum term of 1 year and a maximum term of 6 years in prison.

This measure is effective on March 11, 1999, and the amendatory provisions do not apply to offenses committed before that date.

S.B. 167 (Chapter 616)

Senate Bill 167 revises the *Nevada Revised Statutes* to confirm the state's participation in the Uniform Program (as described in Title 49 of the *United States Code*) to regulate the transportation of hazardous materials on public highways. The measure authorizes the Director of the Department of Motor Vehicles and Public Safety to adopt necessary regulations and to enter into agreements for administration of the program. The bill also requires motor carriers to register and obtain a permit before transporting hazardous materials on public highways in Nevada. The department may not issue a permit without first determining that the carrier is in compliance with applicable federal and state laws and regulations. The measure provides authority for the Nevada Highway Patrol to investigate radioactive waste motor carriers and to charge the carrier for the cost of the investigation. The department may suspend or revoke a registration or deny an application for registration under certain circumstances, or it may impose civil penalties, the revenue from which is to be deposited in the State Highway Fund.

Under this measure, the calculation of fees for registration of hazardous materials motor carriers is amended and the fees must be deposited into the State Highway Fund. The bill also provides for a direct appropriation from the State Highway Fund to the contingency account for hazardous materials to support the State Emergency Response Commission.

This measure is effective on June 11, 1999.

S.B. 243 (Chapter 97)

Senate Bill 243 changes, from March 30 to March 1, the date by which fees adopted by the State Emergency Response Commission for the storage of extremely hazardous materials must be paid. This change makes Nevada's collection date consistent with the corresponding federal collection schedule.

S.B. 363 (Chapter 528)

Senate Bill 363 provides incentives for removal or remediation of environmental contamination and establishes procedures through which an owner or prospective owner of real property may enter into an agreement with Nevada's Division of Environmental Protection whereby the person agrees to clean up environmental contamination on the property in order to receive a certificate releasing him from liability for releases of hazardous materials occurring before the cleanup was conducted. The measure further provides the conditions under which this protection from liability extends to future owners of the property and relevant title holders and lending institutions.

The bill identifies the types of property that are eligible for participation in the program. It specifies procedures relating to applications for participation, approval of remediation agreements, and issuance of certificates of completion. Senate Bill 363 also outlines the specific conditions under which the release from liability does not apply.

The measure establishes in Nevada a program known nationally as a "brownfields" program. The goal of a "brownfields" program is to provide incentives for people to voluntarily clean up and use property that has been contaminated. In many instances, prospective purchasers, developers, and lending institutions may decide not to use a piece of property that was subject to previous contamination because they fear that they will become liable for potential fines and cleanup costs.

"Brownfields" legislation provides a mechanism through which a person who voluntarily participates in a remediation program receives protection from liability for additional, future cleanup costs.

This measure has various effective dates.

A.B. 110 (Chapter 263)

Assembly Bill 110 provides that the wages paid to employees whose duties are related to the manufacture of certain explosives must be based solely on the number of hours worked. The bill also provides penalties for any person who fails to pay such employees based on the number of hours worked. For a first violation, the fine is not less than $10,000 nor more than $20,000. For any subsequent violation, the fine is not less than $20,000 nor more than $50,000. Workers in the mining industry are excluded from the provisions of the bill.

This bill is effective on May 24, 1999.

A.B. 111 (Chapter 165)

Assembly Bill 111 requires the establishment of a written safety program for certain workplaces where explosives are manufactured. In addition, the bill requires the safety program to be in a

language and format that is understandable to each employee. The bill exempts employers in the mining industry.

This bill is effective on May 20, 1999.

A.B. 112 (Chapter 391)

Assembly Bill 112 requires the Division of Industrial Relations (DIR) of Nevada's Department of Business and Industry to adopt regulations that establish certain standards and procedures, including safety plans, safety zones, and annual training programs, for facilities where explosives are manufactured.

The bill provides that employees engaged in activities directly or indirectly related to the manufacture of explosives must be trained and tested annually by a trainer, production manager, supervisor, or other person certified by DIR to provide such training. In addition, the bill provides that a trainer, production manager, supervisor, or other person applying for the certification required by DIR must submit a statement with his application indicating whether he is subject to a court order for child support.

Assembly Bill 112 prohibits an employee from engaging in any employment activities related to the manufacture of explosives until he has completed the applicable training and testing program required by DIR. In addition, the bill provides that an employer that fails to provide the annual training and testing required by DIR is subject to certain administrative fines. Further, the bill requires DIR to disclose confidential information to law enforcement agencies under certain circumstances. The bill authorizes the legal counsel of DIR to prosecute certain criminal violations of law related to labor and industrial relations. Finally, certain provisions of the bill do not apply to the mining industry.

Provisions of the measure regarding the disclosure of certain confidential information to law enforcement, the prosecution of certain criminal violations, and the adoption of regulations by DIR and are effective on May 29, 1999. For all other purposes, the bill is effective on February 1, 2000.

A.B. 173 (Chapter 264)

Assembly Bill 173 revises the designation of highly hazardous substances as it pertains to their regulation. The measure modifies the quantities in which certain substances must be found in order to be considered highly hazardous. The bill also defines household waste and excludes these wastes from the definition of hazardous waste. Finally, Assembly Bill 173 authorizes Nevada's Division of Environmental Protection to develop a management plan for hazardous substances used by consumers in a manner contrary to label directions or inconsistent with the registration of the product.

Testimony indicated that the changes in the table of chemicals subject to the current provisions of Nevada law are necessary to conform the list to updated federal regulations.

This measure is effective on May 24, 1999.

A.B. 451 (Chapter 405)

Assembly Bill 451 requires that Nevada's Division of Environmental Protection enter into cooperative agreements with various state and local government agencies to inspect major facilities where explosives are manufactured. The inspections must be scheduled to provide an opportunity for joint participation by the relevant agencies. The provisions of the bill do not apply to the mining industry.

This bill is effective on May 29, 1999.

A.B. 535 (Chapter 266)

Assembly Bill 535 places the manufacture of explosives under the provisions of the statutes governing regulation of highly hazardous substances. The bill also specifies that the owner or operator of a regulated facility into which a highly hazardous substance or explosive is newly introduced must include this material in its hazard abatement plan and program.

A.B. 536 (Chapter 431)

Assembly Bill 536 prohibits an owner or operator of a facility regulated under the state's Chemical Accident Prevention Program from using a new process involving highly hazardous substances unless the appropriate permit is obtained from Nevada's Division of Environmental Protection. Likewise, the bill prohibits an owner or operator of a regulated facility from commencing with the construction of, substantially altering the construction of, or modifying any major process at a place of employment where explosives are manufactured unless the appropriate permit is obtained from the Division of Industrial Relations.

The measure further provides that failure to obtain either of these permits subjects the violator to a civil administrative penalty of $25,000.

The amendatory provisions of this measure do not apply to offenses that are committed before January 1, 2000.

This bill is effective on May 29, 1999, for the purpose of adopting regulations and performing other preparatory administrative tasks necessary to carry out the provisions of the bill. For all other purposes, the bill is effective on January 1, 2000.

A.B. 603 (Chapter 269)

Assembly Bill 603 requires a person to obtain a conditional use permit from the appropriate county or city agency before commencing operation of certain facilities where explosives or certain hazardous substances are used, manufactured, processed, transferred, or stored. The bill provides that the procedures for obtaining such a permit must be established by local ordinance. The provisions of the bill do not apply to the mining industry.

This bill is effective on May 25, 1999, for the purpose of adopting the required local ordinances, and on October 1, 1999, for all other purposes.

Lake Tahoe and the Tahoe Regional Planning Agency (TRPA)

S.B. 510 (Chapter 121)

Senate Bill 510 authorizes state and local peace officers to distribute educational information, furnish verbal advisories, and issue warning citations to people who violate ordinances of the Tahoe Regional Planning Agency relative to the use of watercraft. The bill also specifically exempts agencies that provide law enforcement or public safety services from these TRPA ordinances when the agencies are performing their official duties in an effort to protect life or property during an emergency or disaster on the waters of Lake Tahoe.

This bill is effective on May 13, 1999.

S.B. 511 (Chapter 532)

Senate Bill 511 revises provisions relating to expenditures for air quality from the pollution control account within the State General Fund. The measure provides that money remaining in the account after grants to local governments have been paid, pursuant to *Nevada Revised Statutes* 445B.830, may be expended by certain agencies for specific programs. The programs in order of priority include: (1) the control of engine emissions by the Department of Motor Vehicles and Public Safety, (2) the administration of the general provisions pertaining to air pollution by the Division of Environmental Protection, (3) the inspection of petroleum products by the Department of Agriculture, and (4) the preservation and improvement of air quality by the Tahoe Regional Planning Agency.

These specific provisions of the measure are effective on July 1, 1999.

For the period July 1, 1999, to June 30, 2001, additional programs are also eligible. These include programs of Nevada's Tahoe Regional Planning Agency, and attainment and maintenance of environmental thresholds in the Lake Tahoe Basin by the Tahoe Regional Planning Agency, and other appropriate agencies in Nevada. The eligibility of these latter programs expires by limitation on June 30, 2001.

S.C.R. 15 (File No. 65)

Senate Concurrent Resolution No. 15 urges state agencies active in conservation efforts in the Lake Tahoe Basin to use, to the greatest extent practical, inmate and volunteer labor. The resolution further urges Nevada's Division of Forestry to provide inmate crews that are dedicated exclusively to projects in the basin whenever practical.

S.C.R. 16 (File No. 77)

Senate Concurrent Resolution No. 16 directs the Legislative Commission to appoint a committee to continue the review of the Tahoe Regional Planning Compact and to oversee the activities of the Tahoe Regional Planning Agency and the federal and state agencies having authority to regulate activities in the Lake Tahoe Basin.

A.B. 132 (Chapter 433)

Assembly Bill 132 authorizes Nevada's Division of State Lands to establish and carry out programs to preserve, restore, and enhance the natural environment of the Lake Tahoe Basin on public land and on privately owned property with the property owner's consent. The bill specifies that the division's programs are intended to complement and not duplicate the activities of the Tahoe Regional Planning Agency. The measure further provides that the division may enter into agreements with federal and state agencies, local governments, nonprofit organizations, and others involved in preservation and restoration efforts at Lake Tahoe to implement these programs. The State Land Registrar may also make grants and adopt regulations necessary to carry out the provisions of this measure.

A.B. 236 (Chapter 212)

Assembly Bill 236 is a special measure that authorizes Douglas County to enter into contracts and agreements with public and private entities for the purposes of creating, operating, and dissolving a nonprofit organization to own, operate, and maintain a coordinated transit system in the Lake Tahoe Basin. Further, the bill exempts Douglas County from the provisions of Chapter 332 of *Nevada Revised Statutes*, "Purchasing: Local Governments," for the specific purpose of entering into these contracts and agreements.

This measure is effective on May 24, 1999.

A.B. 285 (Chapter 514)

Assembly Bill 285 directs the Administrator of the Division of State Lands, in cooperation with other state agencies, to coordinate the development and implementation of a program of environmental improvement projects in the Lake Tahoe Basin. The measure authorizes

the issuance of general obligation bonds of $3.2 million over the period July 1, 1999, to June 30, 2001, to undertake a number of specific projects described in the bill. With prior approval of the Legislature or the Interim Finance Committee, an additional issuance of $53.2 million is authorized for obligation over the period from July 1, 2001, to June 30, 2007, to undertake other environmental improvement projects at Lake Tahoe. The administrator also is authorized to submit a request to the Legislature each biennium, as necessary, for an appropriation to the program. The bill provides that the total bond value issued for the program may be reduced by the amount of money appropriated by the Legislature.

Assembly Bill 285 creates the Fund to Protect the Lake Tahoe Basin, into which all proceeds from the sale of bonds and appropriations approved by the Legislature must be deposited. The fund may be used for the issuance of grants to state agencies and local governments to carry out the environmental improvement program created by this measure.

Testimony indicated that the total estimated cost to implement these environmental improvement projects in the Lake Tahoe Basin for the period 1997-2007 is $906.8 million. Nevada's share is $82 million, of which $20 million will come from the existing Tahoe Bond (Ballot Question No. 12), which was previously approved by voters, and $5.6 million will be paid from state highway funds and other appropriations. This leaves a balance of $56.4 million as identified in Assembly Bill 285.

Other contributors to the $906.8 million estimated cost are the Federal Government ($296.8 million), the State of California ($274.6 million), local governments ($100.9 million), and private land owners through gradual improvements to their own properties ($152.5 million).

This bill is effective on July 1, 1999.

A.B. 459 (Chapter 219)

Assembly Bill 459 authorizes a county that has imposed the optional tax on the rental of transient lodging for the benefit of a transportation district, which is located in an area governed by an interstate compact between Nevada and a neighboring state, to use the money collected for improvements to a public transit system. The bill defines the term public transit system as a system designed to facilitate transportation of the general public, including the use of buses or rail vehicles as well as off-street parking and overpass projects.

Testimony indicated that this measure would facilitate construction of a multimodal transit facility in Douglas County at Lake Tahoe.

This measure is effective on July 1, 1999.

Mining

S.B. 344 (Chapter 73)

Senate Bill 344 corrects technical language relating to the option for persons who purchase school trust lands from the State of Nevada also to purchase the related mineral interests.

This measure is effective on May 3, 1999.

A.B. 506 (Chapter 117)

Assembly Bill 506 revises provisions governing the reporting requirements, payment schedules, and collection procedures for the tax on net proceeds of minerals. The measure changes the date by which a statement of gross yield and net proceeds must be filed with the state, extends the deadline for filing an amendment to the statement, revises the deadlines for payment of the tax, and provides that a refund must be made to the taxpayer in the event of an overpayment.

In addition, Assembly Bill 506 expands the ability of the boards of county commissioners to use money from mitigation funds and authorizes school districts to establish similar funds. Money from the mitigation funds may be used only to mitigate adverse effects on a county or school district that result either from a decline in the revenue received by the county from the tax on net proceeds of minerals or from the opening or closing of an extractive operation for which revenue of the net proceeds tax has been or is reasonably expected to be derived.

This measure is effective on July 1, 1999.

A.J.R. 19 (File No. 93)

Assembly Joint Resolution No. 19 urges the United States Secretary of the Interior to take certain actions regarding federal surface mining regulations. The measure notes that existing regulations are effective and successful in Nevada and opposes an effort by the federal Bureau of Land Management (BLM) to revise them.

Assembly Joint Resolution No. 19 expresses support for Alternative 1, the "No Action" alternative, as described in the draft environmental impact statement pertaining to the surface mining regulations. This alternative would maintain the existing regulations. The measure further urges the Secretary of the Interior to comply with the intent of Congress as stated in the Omnibus Appropriations Act of 1998, which requires the National Academy of Sciences to study the need to revise the surface mining regulations prior to the completion of BLM's revision process.

This resolution is effective on May 13, 1999.

A.C.R. 56 (File No. 72)

Assembly Concurrent Resolution No. 56 commemorates the 150th anniversary of the first gold discovery in Nevada in the town of Dayton. Subsequent exploration of the area led prospectors to discover what would later become the Comstock Lode, the wealth from which helped to support the efforts of the Union in the Civil War. In recognition of this anniversary, the resolution proclaims July 17 and 18, 1999, as the Nevada Gold Sesquicentennial Celebration in Lyon County, Nevada.

Parks

S.B. 204 (Chapter 64)

Senate Bill 204 authorizes the Las Vegas Valley Water District to establish a desert preserve around the Big Springs Archeological District in Las Vegas. This preserve is to include exhibits and other features demonstrating the conservation and use of water; the history of southern Nevada; and the topology, geology, and history of the state. The district may create a board of trustees to supervise the development of the preserve.

The bill also provides for the issuance of special license plates for the support of the preserve. When issued, applicants for the plates will pay an initial fee of $35 for the plate and $25 for the support of the preserve. Each year when the plates are renewed, the applicants will pay a fee of $10 for the renewal and $20 for the support of the preserve. On or before October 1, 2003, the Department of Motor Vehicles and Public Safety must determine and publicly announce the number of applications it has received for these special plates. The special license plate provisions will sunset at that time if fewer than 250 plates have been requested.

S.B. 329 (Chapter 577)

Senate Bill 329 authorizes the issuance of up to $3 million in general obligation bonds to assist in the construction of a California Immigrant Trail Interpretive Center in Elko County. The bill prohibits issuance of the bonds unless, on or before June 30, 2003, Elko County commits at least $1 million, the City of Elko commits at least $2 million, and the Federal Government commits at least $6 million for the construction of the center. In addition, issuance of the bonds is contingent on the Federal Government agreeing to own and operate the center in Elko County.

This bill is effective on July 1, 2001.

S.J.R. 21 (File No. 111)

Senate Joint Resolution No. 21 expresses the concern of the Legislature regarding proposals to redefine the airspace in which aircraft may be flown over the Grand Canyon and urges Congress

not to take actions that would adversely affect the air travel industry in southern Nevada or limit opportunities for visitors and sightseers.

This measure is effective on May 20, 1999.

A.B. 104 (Chapter 27)

Assembly Bill 104 changes the basis upon which fees must be paid by certain developers who sell memberships in campgrounds. This bill changes the basis from the number of campsites to the number of campground memberships.

According to testimony, this bill conforms the membership campground fee structure in Chapter 119B of *Nevada Revised Statutes* (NRS) to the time share fee structure in Chapter 119A of NRS.

This measure is effective on March 30, 1999.

A.B. 439 (Chapter 218)

Assembly Bill 439 revises provisions governing the use of state parks and recreational areas. The measure requires the Administrator of Nevada's Division of State Parks to set and collect reasonable fees for entering, camping, and boating in the state park system. The bill also revises the age and residency requirements to receive a free annual permit for the use of state parks. Specifically, the bill increases the age threshold, from 60 to 65, to receive such a permit and requires five years of residency in this state, rather than being a bona fide resident as outlined in current law. Because the measure increases the age threshold to receive the free permit, the bill provides "grandfather" provisions for current permit holders between the ages of 60 and 65.

Finally, A.B. 439 provides that the division may charge and collect an administrative fee in an amount sufficient to cover the costs of issuing the permit. The administrative fee collected must be deposited in the State General Fund.

This measure is effective on January 1, 2000.

A.B. 441 (Chapter 144)

Assembly Bill 441 revises provisions governing the expenditure of money from the account for the maintenance of state parks. The measure establishes a minimum threshold of $25,000 for projects that must be approved by the Interim Finance Committee. The Director of the State Department of Conservation and Natural Resources must approve emergency repairs and projects costing less than $25,000.

This measure is effective on July 1, 1999.

A.B. 464 (Chapter 116)

Assembly Bill 464 imposes an additional penalty upon a person who engages in certain acts related to trafficking of controlled substance in a public park. The bill adds public parks to *Nevada Revised Statutes* 453.3345, which provides additional penalties for such actions near public gathering places such as schools, playgrounds, swimming pools, and recreational areas for minors.

A.B. 630 (Chapter 146)

Assembly Bill 630 expands the definition of neighborhood facilities for parks for which a county or city may impose a residential construction tax. The bill adds areas to be used for organized amateur sports to the definition of facilities.

This measure is effective on July 1, 1999.

A.B. 683 (Chapter 567)

Assembly Bill 683 increases the number of parks and recreation areas within which money appropriated to the Division of State Parks in 1995 and 1997 may be spent and extends the deadlines for these expenditures. The measure also authorizes the State Board of Finance to issue general obligation bonds and the Division of Wildlife to expend the proceeds of these bonds in conformance with the provisions of Ballot Question No. 5, approved by Nevada voters in 1990.

This measure is effective on June 9, 1999.

Public Lands Generally

S.B. 52 (Chapter 274)

Senate Bill 52 expands the definition of public agency to include Indian tribes and allows for such agencies to enter into certain cooperative agreements, including the exchanges of real property.

Testimony indicated this bill would streamline land exchanges between Indian tribes and other public agencies and assist in establishing a better working relationship between these entities. Testimony further confirmed that such land exchanges would continue to require public hearings and notification. In addition, only property owned by the tribe would be eligible for exchanges (as opposed to "trust land" that is owned by the Federal Government).

S.B. 377 (Chapter 250)

Senate Bill 377 authorizes the State Land Registrar to convey approximately 20 acres of land in Laughlin to Clark County.

This measure is effective on May 24, 1999.

S.B. 397 (Chapter 376)

Senate Bill 397 authorizes a public entity, in cooperation with Nevada's Office of Historic Preservation, and in consultation with a local Indian tribe, to enter into a cooperative agreement with any person, property owner, agency of the Federal Government, or other public entity for the preservation, protection, restoration, and enhancement of unique archaeological or historical sites.

According to testimony, Senate Bill 397 is necessary to provide an official vehicle through which relevant entities may work cooperatively to protect Nevada's archaeological and historical heritage. The measure originated from the desire of parties, including the City of Henderson, the state's Office of Historic Preservation, the federal Bureau of Land Management, and other interested groups, to protect petroglyphs near a proposed development site adjacent to the City of Henderson.

S.B. 508 (Chapter 491)

Senate Bill 508 creates a revolving account for land management as a special account in the State General Fund. The measure allows the State Land Registrar to use the account for certain expenses related to the management of land held by the Division of State Lands. Eligible expenses include appraisals and surveys, construction of fences and vehicle barriers, and the cleanup and maintenance of the land. Expenditures must be approved by the State Land Registrar and records of disbursement are required.

Senate Bill 508 authorizes an appropriation of $20,000 to this account from the State General Fund. Money from the contingency fund may be requested if the balance in the account falls below $5,000. Donations and reimbursements received by the division may also be deposited into the account.

This measure is effective July 1, 1999.

S.J.R. 1 (File No. 130)

Senate Joint Resolution No. 1 explains that land managed by the Federal Government in Nevada is not taxable; and therefore, Nevada counties that have an extensive amount of federally controlled land experience significant fiscal burdens. The resolution further notes that Congress has provided for Payments in Lieu of Taxes (PILT) to compensate the local governments for

revenue lost in this manner. However, the money appropriated by Congress has been insufficient to provide full payments under the PILT formula.

Thus, S.J.R. 1 urges Congress to appropriate for distribution to Nevada's counties the amount of money necessary to correct the underpayments, or to authorize the transfer of land of equivalent value from the Federal Government to the affected counties.

This resolution is effective on May 29, 1999.

S.J.R. 2 (File No. 23)

Senate Joint Resolution No. 2 notes that many rights of way across public lands administered by the Federal Government were granted by congressional action in 1866. When the Federal Land Policy and Management Act of 1976 (FLPMA) was enacted, these rights of way were explicitly recognized. The resolution states that the United States Bureau of Land Management has failed to recognize the validity of these rights of way. It further notes that the Nevada Miners and Prospectors Association has proposed an amendment to FLPMA that would require the U.S. Secretaries of Agriculture and the Interior to contract with states to identify and map these rights of way.

Senate Joint Resolution No. 2 expresses the Legislature's support for the proposed amendment to FLPMA.

This resolution is effective on March 16, 1999.

S.J.R. 10 (File No. 132)

Senate Joint Resolution No. 10 urges Nevada's Congressional Delegation to support legislation to enact a general "Nevada Public Land Management Act" modeled after the existing Southern Nevada Public Land Management Act of 1998.

The resolution notes that the Southern Nevada Act directs the United States Secretary of the Interior to dispose of designated public lands in Clark County and provides for the use of the proceeds from the disposal of these lands. It further urges Congress to enact similar legislation that: (1) provides for the identification and disposal of public lands in Nevada not included in the Southern Nevada Act; and (2) provides that the proceeds from the sale of these properties are to be used for education, infrastructure, land management, and the purchase of environmentally sensitive lands in the Lake Tahoe Basin.

This resolution is effective on May 29, 1999.

A.B. 198 (Chapter 439)

Assembly Bill 198 revises provisions pertaining to grazing preference rights on public lands. The measure makes a grazing preference right appurtenant to base property and defines these terms.

Assembly Bill 198 also provides that if the base property is sold, leased, or otherwise transferred, the owner must not be deprived of any grazing preference right solely on the basis of the sale, lease, or transfer unless just compensation is provided.

The measure prohibits interference with the lawful herding or grazing of livestock and prohibits damage or destruction of facilities and improvements used to sustain livestock. Violation of these provisions is a misdemeanor subject to penalty and restitution.

A.B. 202 (Chapter 208)

Assembly Bill 202 establishes a procedure by which a professional land surveyor must set one or more reference monuments if a survey monument cannot be set or reset because of steep terrain, water, marsh, or existing structures, or if it would be obliterated as a result of construction or maintenance of a highway under the jurisdiction of Nevada's Department of Transportation.

According to testimony, a large number of survey monuments were set by the United States Geological Survey and other federal land management agencies many years ago. Some of these monuments now lie in locations that are unsafe or that are no longer accessible. This bill allows a land surveyor to replace the original survey monument with one or more "reference" monuments that may be set in safer and more accessible locations.

A.B. 358 (Chapter 332)

Assembly Bill 358 revises procedures followed by the Division of State Lands of the State Department of Conservation and Natural Resources governing notification and comment on proposed realty actions by the Federal Government. Such realty actions involve the purchase by the Federal Government of private land or the exchange of public land for private land. The measure provides that the division must notify local governments affected by the realty action within one week of receiving an application from the federal agency. Local governments may provide comment to the division within 30 days, addressing the estimated reduction in the total assessed valuation resulting from the realty action and recommending appropriate mitigation. The bill requires that if the division elects to submit comments to the Federal Government, it must include comments received from local governments.

This measure is effective on May 28, 1999.

Water

S.B. 108 (Chapter 236)

Senate Bill 108 outlines the criteria the State Engineer must consider in reviewing an application for an interbasin transfer of ground water. The bill also provides a statutory definition of

"interbasin transfer of ground water" and clarifies that the State Engineer must determine that additional studies are actually necessary before postponing action on an application.

In addition to any other relevant factors, the criteria that the State Engineer must consider in reviewing an interbasin transfer include whether the applicant has justified the need to import the water from another basin and whether the applicant has demonstrated, if applicable, that a conservation plan has been adopted and is being effectively carried out in the basin into which the water is being imported. The State Engineer must further consider whether the proposed action is environmentally sound and an appropriate water use that does not unduly limit the future growth and development in the basin from which the water is being exported.

S.B. 291 (Chapter 285)

Senate Bill 291 clarifies that water from a domestic well may be used for any purposes directly related to a single-family dwelling, including watering of livestock and household pets, as long as water usage does not exceed the daily maximum specified in *Nevada Revised Statutes* 534.180. This section of the statutes provides that a domestic well drawing a maximum of 1,800 gallons per day is exempt from the requirements of the state's groundwater law.

S.B. 526 (Chapter 253)

Senate Bill 526 amends Nevada's statutes relating to the state water planning program. The bill specifies that the provisions of the *State Water Plan* must not be construed to supersede, replace, amend, or add to the law of the State of Nevada. It further declares that state and local governmental agencies shall consider the *State Water Plan* when developing or implementing their water resource programs, plans, and responsibilities; and are not bound by a recommendation or provision of the plan unless they formally adopt the provision or recommendation.

The bill removes the statutory requirement that the Division of Water Planning must obtain the approval of the Legislature before the plan is implemented, and requires the administrator of the division to report the division's activities to the Legislative Commission on or before July 1, 1999, January 1, 2000, and July 1, 2000. Reports must be made to the Legislature at regular sessions thereafter.

This measure is effective on May 24, 1999.

A.B. 134 (Chapter 392)

Assembly Bill 134 makes various changes to provisions governing public water systems. The measure ensures consistency between federal regulations and state law by providing the Health Division of the Department of Human Resources with the necessary authority to implement drinking water standards.

The bill contains definitions that are consistent with the Safe Drinking Water Act and with guidelines and regulations of the United States Environmental Protection Agency. The measure also expands the existing operator certification statutes and defines the composition of the program's advisory board.

This bill is effective on May 29, 1999.

A.B. 237 (Chapter 456)

Assembly Bill 237 expands the authorized activities that may receive funds from the state's grant program for assisting public water systems. The bill authorizes the Board for Financing Water Projects to issue grants for capital improvements and water conservation to certain water systems. Water conservation projects include piping or lining irrigation canals; recovering or recycling wastewater or tailwater; irrigation scheduling; measuring or metering water use; improving the efficiency of irrigation operations; and improving the efficiency of the operation of a facility for water storage. In addition, these grants may be issued to eligible recipients in a designated water basin to assist in paying costs when owners of domestic wells or wells on temporary permits connect to municipal water systems. The bill limits these grants, however, to projects involving wells which were drilled on or before October 1, 1999.

Further, the bill expands general obligation bonding capacity for the overall grant program from $40 to $50 million. The measure also allows the money in the fund to be used to defray, in whole or part, the costs of administering the fund and the expenses of the board.

A.B. 252 (Chapter 293)

Assembly Bill 252 revises provisions governing liens on lands entitled to receive water from irrigation districts when ownership of the water right is severed from the land. The measure provides that a lien remains in effect until either: (1) the place of use is changed to other land on which a lien is imposed; or (2) a written agreement for payment of relevant assessments, charges, or tolls is made and secured by the right to use the water in a manner satisfactory to the irrigation district. The bill, however, exempts security for payment if the holder of the water right is a governmental entity.

A.B. 284 (Chapter 262)

Assembly Bill 284 requires the State Board of Health to adopt regulations concerning the fluoridation of water in public water systems that serve a population of 400,000 or more. The measure sets forth certain criteria that must be addressed by the regulations and specifies situations under which an entity is exempt from the fluoridation requirement. The measure grants authority to the Health Division of Nevada's Department of Human Resources to secure alternative sources of funding for the enforcement of standards established by the Board of Health. Finally,

the measure allows a public water system to submit a claim for payment to the Health Division for initial compliance costs that are incurred by the public water system.

Assembly Bill 284 is effective on May 24, 1999, for the purpose of adopting regulations, and on October 1, 1999, for all other purposes.

After this measure became law, its provisions were amended by passage of Assembly Bill 689 (Chapter 588), which requires that an advisory question concerning fluoridation be placed on the November 7, 2000, General Election ballot in each county with a population of 400,000 or more. Also, A.B. 689 clarifies that the provisions requiring the fluoridation of water only apply to public water systems serving a population of 100,000 or more in a county with a population of 400,000 or more.

Assembly Bill 689 is effective on June 9, 1999, and provides that Assembly Bill 284 expires by limitation on January 1, 2001, if a majority of voters do not support continued fluoridation of affected water systems.

A.B. 347 (Chapter 468)

Assembly Bill 347 authorizes the Southern Nevada Water Authority (SNWA) to establish a deferred payment program to assist property owners in paying the cost of abandoning their wells and connecting to a public water system. Money to be repaid by the property owner under the program is due and payable upon the sale or transfer of the real property and is secured by a lien upon the property.

This measure also authorizes the SNWA to operate a project for recharge or underground storage of water for the benefit of well owners in the Las Vegas Valley ground water basin. If the authority operates such a project, it may assess holders of water rights an annual fee of not more than $27 per acre-foot, and may assess owners of domestic wells a flat annual fee of not more than $27. The money collected may be used to prepare cost-benefit analyses and to conduct activities for the management of the artesian basin and protection of the aquifer.

In addition, the bill adds $3 per acre-foot and $3 per domestic well annually to the groundwater management program and specifically allocates this money to assist the owners of private wells in existence before October 1, 1999, if they are required to abandon their wells and connect to a public water system.

Finally, A.B. 347 deletes a provision adopted in 1997 that would have terminated the ground water management program for the Las Vegas Valley ground water basin upon the recommendation of the Advisory Committee for the Management of Groundwater.

This measure is effective on June 8, 1999, except for provisions that apply to state agencies with wells in the Las Vegas Valley ground water basin, which take effect July 1, 2001.

A.B. 380 (Chapter 515)

Assembly Bill 380 revises provisions governing certain aspects of Nevada water law. The measure sets the priority of a water right within a federal reclamation project according to the date on which the United States appropriated water to initiate the project, unless the water right vested under Nevada law prior to that date. If the water right vested at an earlier date, priority is determined according to the date when the water was first diverted. The bill specifically provides that the determination of the priority date does not grant, state, or imply the grant of any additional water rights beyond those allocated under applicable court decrees.

The bill addresses the use of water within a farm and defines a farm as a tract of land under the same ownership used primarily for agriculture. The measure provides that surface water rights acquired within a federal reclamation project are appurtenant to an entire farm under certain circumstances. The quantity of water used on the farm may not exceed the total amount determined in the necessary permit issued by the State Engineer. The bill also removes forfeiture from surface water law by providing that surface water rights shall not be lost or forfeited if they are not put to beneficial use.

The measure addresses the abandonment of surface water in two ways. First, surface water rights appurtenant to former agricultural land are not subject to abandonment if the land is converted to urban use, or acquired by a water purveyor, public utility, or public body for municipal use. Second, Assembly Bill 380 establishes a presumption that a surface water right has not been abandoned if certain facts can be shown. Evidence must show that within a ten-year period immediately preceding a claim of abandonment, water has been delivered, operations and maintenance to the delivery system have been performed, or capital improvements to the system have been made.

Finally, the bill creates the Newlands Project Water Rights Fund for acquisition of surface water rights and appropriates $3.3 million to the fund. The fund is established to assist in the resolution of legal and administrative challenges in existence on April 1, 1999, regarding water rights for the Newlands Reclamation Project. All interest generated from the appropriation accrues to the benefit of the fund. The appropriation, with interest, will be used to pay the state's $4 million fund contribution over a five-year period. Only $1.6 million of the state's contribution may be disbursed during the 1999-2001 biennium. The bill specifies criteria that must be met before the money from the fund may be committed for expenditure and provides that the 2001 Legislature will review compliance by all parties with the signed joint testimony provided in support of the measure.

The fund will be administered by the Carson Water Subconservancy District, which must adopt administrative criteria and acquire, from willing sellers only, surface water rights appurtenant to not more than 6,500 acres of land in the Newlands Reclamation Project. The district may accept gifts and grants for deposit in the fund and is directed to make efforts to secure money for the fund from several sources.

This measure is effective on June 8, 1999, and provisions for the Newlands Project Water Rights Fund expire by limitation on July 1, 2004.

A.B. 408 (Chapter 636)

Assembly Bill 408 addresses the manner in which temporary well permits and domestic wells are handled in the Las Vegas Valley and amends the provisions of the *North Las Vegas City Charter* relating to the calculation of water fees used to support beautification projects. The bill establishes the conditions under which the State Engineer may revoke a temporary well permit or prohibit a domestic well from being deepened or redrilled.

The conditions prescribed in the bill are as follows: (1) the property on which the well is located must be within 180 feet of a municipal water line; (2) the well must need to be redrilled or have repairs made that require the use of a well-drilling rig; and (3) the well users must be offered financial assistance to help them connect to the municipal water line. This assistance is up to 85 percent of the connection costs and is to be provided by an appropriate local agency with access to funding for this assistance. In Las Vegas, it is anticipated that the Southern Nevada Water Authority will fill this role. The Authority must also cover the costs of plugging the abandoned well.

These conditions sunset on July 1, 2005, and apply in a basin in which temporary permits are issued. Currently, only the Las Vegas Valley groundwater basin meets this definition.

The bill also adds a new provision to Nevada law requiring the State Engineer to notify the county recorder when he approves a temporary permit and when a domestic well is drilled after October 1, 1999. The goal is to establish a notification that will be tied to the deed for the property, so that a purchaser of the property will know his property is served by either a domestic well or a temporary permit that is subject to revocation.

In addition, the measure directs the Legislative Committee on Public Lands to conduct a review during the 1999-2000 legislative interim of issues relating to residential, municipal, and quasi-municipal wells. The results of that review are to be provided to the 2001 Nevada Legislature.

Finally, Assembly Bill 408 amends the *North Las Vegas City Charter* by specifying that each business customer and each housing unit that receives water from a utility is subject to the existing fee to support beautification projects in that city.

This measure has various effective dates.

A.B. 574 (Chapter 267)

Assembly Bill 574 requires that an analysis of water performed as a condition prior to the transfer of real property be performed by a laboratory that is certified in accordance with the standards adopted by the State Board of Health.

A.B. 689 (Chapter 588)

Assembly Bill 689 amends Assembly Bill 284, which was approved earlier in the 1999 Legislative Session, to clarify that the provisions requiring the fluoridation of water apply to public water systems that serve a population of 100,000 or more, but only in a county with a population of 400,000 or more (Clark County). This bill also requires that an advisory question concerning fluoridation be placed on the ballot at the General Election on November 7, 2000, in each county with a population of 400,000 or more (Clark County). Further, the bill provides that A.B. 284 expires by limitation on January 1, 2001, if a majority of the voters voting on the question support ceasing the fluoridation of water.

This measure is effective on June 9, 1999.

Watercraft and Boating

S.B. 343 (Chapter 248)

Senate Bill 343 provides that the law enforcement agency that seizes a vessel, which is stored to preserve evidence of a crime, must pay the storage fees if a conviction is not obtained. Current law requires Nevada's Division of Wildlife to pay the storage fees under these circumstances, regardless of which law enforcement agency seized the vessel.

This measure is effective on May 24, 1999.

S.B. 510 (Chapter 121)

Senate Bill 510 authorizes state and local peace officers to distribute educational information, furnish verbal advisories, and issue warning citations to people who violate ordinances of the Tahoe Regional Planning Agency relative to the use of watercraft. The bill also specifically exempts agencies that provide law enforcement or public safety services from these TRPA ordinances when the agencies are performing their official duties in an effort to protect life or property during an emergency or disaster on the waters of Lake Tahoe.

This bill is effective on May 13, 1999.

A.B. 136 (Chapter 206)

Assembly Bill 136 clarifies restrictions on the operation of watercraft in close proximity to persons engaged in bathing or areas frequented by bathers. The measure expands the use of the word "bather" to include a person participating in bathing, diving, floating, swimming, or wading.

A.B. 138 (Chapter 109)

Assembly Bill 138 modifies the statutes pertaining to collisions, accidents, and other casualties involving watercraft. The measure increases, from $200 to $500, the threshold amount of property damage above which an incident report must be filed with the Division of Wildlife. The bill also provides that the division must investigate and gather evidence for incidents resulting in death or substantial bodily injury but may investigate other incidents at its discretion.

A.B. 437 (Chapter 114)

Assembly Bill 437 authorizes the Division of Wildlife of the State Department of Conservation and Natural Resources to recover certain expenses associated with events involving vessels, such as regattas, boat races, marine parades, and exhibitions. The measure allows the administrator of the division to enter into an agreement with the sponsor of an event for reimbursement of expenses incurred by the division. The bill provides that these expenses may include, without limitation, costs associated with equipment, personnel, and general operating needs to ensure that the event is conducted safely.

A.B. 438 (Chapter 115)

Assembly Bill 438 makes various changes to provisions governing the custody of abandoned boats, watercraft, and other vessels by law enforcement agencies. The measure requires a law enforcement agency with custody of a vessel to notify its owner by registered or certified mail. The notice must include the location of the vessel and the method by which it may be claimed. The bill provides that if the abandoned vessel is held as evidence in a criminal case, the notice must be sent upon dismissal or conclusion of the case.

Assembly Bill 438 authorizes the Division of Wildlife of the State Department of Conservation and Natural Resources to issue a certificate of ownership for the vessel to the custodial law enforcement agency if it is not claimed within 180 days after the notice is mailed. The law enforcement agency may then use, sell, or destroy the vessel and either keep the proceeds of the sale, or notify the division within ten days if it is destroyed.

Wildlife

S.B. 105 (Chapter 234)

Senate Bill 105 authorizes the Board of Wildlife Commissioners to adopt regulations setting forth the circumstances under which a person may fish without a license, permit, or stamp in a lake or pond that is located entirely on private property and is stocked with lawfully acquired fish.

The measure is effective on May 24, 1999.

S.B. 106 (Chapter 235)

Senate Bill 106 provides that the demerit system for violation of wildlife laws or regulations only applies to licenses and permits for hunting, fishing, and trapping.

The Division of Wildlife currently issues about 1,200 permits for activities other than hunting, fishing, and trapping. Testimony indicated that it would be more appropriate to handle violations related to other activities through an administrative procedure, rather than the demerit system. The demerit system was originally designed to apply only to the regular licenses and permits for hunting, fishing, and trapping.

The measure is effective on May 24, 1999.

S.B. 211 (Chapter 366)

Senate Bill 211 codifies the current practices of the Division of Wildlife relative to contracting with a private entity to conduct the drawing and awarding of tags for special hunting seasons. The measure also eliminates the statutory requirement that the division's headquarters must be located in Reno. As provided in this bill, the division and its regional offices may be located where the Director of the State Department of Conservation and Natural Resources and the Board of Wildlife Commissioners deem necessary.

A.B. 296 (Chapter 295)

Assembly Bill 296 revises the criteria used by the Board of Wildlife Commissioners in adopting regulations for the issuance of special incentive elk tags to owners of private property in an elk use area. The measure requires that the criteria be based upon the number of elk using the private land and the number of days they use the property in a calendar year.

A.B. 509 (Chapter 221)

Assembly Bill 509 provides that counties may seek, at the request of the landowner, federal court action to remove wild horses that stray from public land to private property. The measure authorizes each county, on behalf of the private landowner, to request a federal court of competent jurisdiction to issue a writ of mandamus directing the appropriate federal authority to remove the wild horses within a reasonable time as required by the Wild Free-Roaming Horses and Burros Act. The court may authorize the county or Nevada's Department of Agriculture to remove the horses humanely if the Federal Government is unable financially or otherwise to perform the duty.

A.B. 684 (Chapter 568)

Assembly Bill 684 authorizes the Commission for the Preservation of Wild Horses to spend up to $75,000 from the Heil Trust Fund for Wild Horses. The measure provides that the money must be used to study the feasibility of establishing a private foundation to promote the adoption of wild horses and burros by members of the public. The bill further requires the commission to submit a written report of the results of the study to the Director of the Legislative Counsel Bureau for transmission to the 2001 Legislature.

The measure is effective on June 9, 1999.

A.J.R. 2 (File No. 116)

Assembly Joint Resolution No. 2 urges the United States Congress to amend provisions of the Wild Free-Roaming Horses and Burros Act to require that the population of wild horses be maintained at certain levels on public lands. The measure recognizes that Nevada's public lands serve multiple uses, including wildlife habitat, livestock production, and recreation, and that these uses may be adversely affected by an overpopulation of wild horses. The resolution recommends the number of wild horses be maintained at an appropriate management level to be determined by sound scientific data and environmental and range conditions. It also urges Congress to incorporate a provision into the federal act whereby unadoptable animals may be sold on the open market, with the proceeds used to augment wild horse and burro management programs in the state from which they were taken.

This measure is effective on May 24, 1999.

A.C.R. 24 (File No. 71)

Assembly Concurrent Resolution No. 24 urges the Division of Wildlife of the State Department of Conservation and Natural Resources, when making wildlife management decisions, to recognize, promote, and actively support the contributions made by owners of private property and water rights in Nevada toward the health, vitality, and continued viability of the state's wildlife.

PUBLIC OFFICERS AND EMPLOYEES
(See also: State Employees and Elections)

S.B. 215 (Chapter 427)

Senate Bill 215 makes various amendments to the *Sparks City Charter*. The bill allows temporary employees to receive extra points on a civil service examination. The bill also addresses promotional examinations and permits the fire suppression division to administer its examinations. Finally, under the provisions of the bill, employees waive their right to a hearing if they elect to pursue other available grievance procedures.

The provisions of this measure are not self-executing. The city council of Sparks will also need to hold hearings before adopting the proposed changes.

The measure is effective on May 29, 1999.

S.B. 314 (Chapter 284)

Senate Bill 314 revises certain provisions governing municipal judges. The bill eliminates the one-year term limitation and authorizes cities to establish the terms of office of the judges by ordinance or under the city charter. In addition, S.B. 314 clarifies that the judges may be appointed in cities that are incorporated by general law. A candidate or appointee who has ever been removed or retired from any judicial office by the Commission on Judicial Discipline is not eligible. This provision does not apply to judges whose removal or retirement is pending appeal before the Supreme Court or has been overturned by the Supreme Court.

Senate Bill 314 addresses an internal statutory conflict between the statutes governing the election and appointment of municipal judges. Chapter 266 of the *Nevada Revised Statutes* (NRS), which governs cities that are incorporated by general law, authorizes these cities to either appoint or elect their judges; however, NRS 5.020 requires the election of municipal judges. Senate Bill 314 addresses this conflict but does not affect the way any of the cities in Nevada currently appoint or elect judges.

Only six cities in Nevada are incorporated by general law: Ely, Fallon, Lovelock, Mesquite, West Wendover, and Winnemucca.

S.B. 367 (Chapter 67)

Senate Bill 367 provides that all assets and income of a political subdivision's deferred compensation program must be held in trust for the exclusive benefit of the participants in the program and their beneficiaries. This measure will conform Nevada's statutes with federal law and current practices.

This measure is effective on April 29, 1999, and applies retroactively to January 1, 1999.

S.B. 454 (Chapter 159)

Senate Bill 454 amends the *North Las Vegas City Charter* by placing the city attorney under the general direction and supervision of the city council. In addition, the bill requires the city council to set the salary of the city attorney. Further, the bill specifies that the city attorney serves at the pleasure of the city council and may be removed at any time by an affirmative vote of a majority of the council members.

S.B. 456 (Chapter 68)

Senate Bill 456 requires a county with a population of 400,000 or more to include deputies of the public defender in the county merit personnel system.

Testimony indicated that this bill codifies current practices and conforms the Clark County Public Defender's Office with the personnel system used by the District Attorney's Office.

S.B. 472 (Chapter 188)

Senate Bill 472 makes various changes to provisions regarding public administrators and public guardians. The bill increases, from $2,500 to $5,000, the gross value of a decedent's property that may be administered by a public administrator with an affidavit. The measure also authorizes the destruction of property of a ward or decedent without giving notice to the next of kin if it is determined that the property is contaminated, poses a threat to public health or safety, and is valued at less than $100. However, if the property is valued at $100 or more, such destruction must be approved by a health officer. Further, the measure requires the public administrator to investigate the financial status of a decedent for whom he has been requested to serve as administrator.

The bill also prohibits a public administrator from serving as a guardian of the person and estate of a ward if a public guardian has been appointed by a board of county commissioners, unless the board has designated the public administrator as ex officio public guardian. Further, the measure allows the appointment of a public guardian for persons under 60 years of age. Finally, the public administrator is authorized to obtain, upon written request, the names and addresses of public utility customers if the information is necessary to assist the public administrator in carrying out his duties.

This measure is effective on May 20, 1999.

A.B. 20 (Chapter 41)

Assembly Bill 20 clarifies that judges of municipal courts and justices of the peace may not seek re-election or be eligible to hold judicial office if they were ever removed or retired from any judicial office by the Commission on Judicial Discipline. In addition, the bill provides that

persons may not serve as substitute municipal judges if they have ever been removed or retired by the commission from any judicial office.

This measure also clarifies that a person shall not be ineligible to be a candidate for any judicial office if a decision to remove or retire that person is pending before Nevada's Supreme Court or has been overturned by the Supreme Court.

A.B. 74 (Chapter 261)

Assembly Bill 74 provides that a retired person who is a member of the Public Employees' Retirement System and who accepts employment as a member of the professional teaching staff of the College of Education of the University of Nevada, Reno, or the University of Nevada, Las Vegas, may continue to receive his retirement benefits for the duration of that employment, with no limit on his earnings.

The bill also requires the Public Employees' Retirement Board to conduct a study of the effect on the retirement system of reemployment of retired public employees by employers that participate in the system. Status reports concerning the study must be presented at each meeting of the Interim Retirement Committee of the Legislature and the final report must be submitted to the 2001 Nevada Legislature.

This measure is effective July 1, 1999, and expires by limitation on July 1, 2001.

A.B. 86 (Chapter 322)

Assembly Bill 86 requires that in a county with a population of 400,000 or more, justices of the peace in a township with a population of 100,000 or more must be attorneys who are licensed and admitted to practice law in the courts of this state. The bill provides that in a county with a population of less than 400,000, justices of the peace in a township with a population of 250,000 or more must also be licensed attorneys. These provisions do not apply to any person who held the office of justice of the peace on June 30, 1999.

Representatives of these courts testified that the large volume of cases in their courts justify the need for justices of the peace with education and experience in law. Under existing law, only justices of the peace in townships with populations of 250,000 or more are required to be licensed attorneys admitted to practice in Nevada courts. This bill would expand the requirement to include the justices of the peace in Henderson and North Las Vegas townships.

This measure is effective on July 1, 1999.

A.B. 189 (Chapter 512)

Assembly Bill 189 amends the Public Employees' Retirement Act. The bill allows legislators who are members of the Public Employees' Retirement System (PERS) to continue to accrue benefits in the PERS fund in lieu of participating in the Legislators' Retirement System, so long as contributions are made to the PERS fund. In addition, the bill allows legislators to pay the cost to gain service credit in the PERS fund for previous periods of leave without pay caused by service in the Nevada Legislature.

The measure modifies the definition of compensation subject to retirement contributions, clarifying that only compensation enumerated in statute is subject to retirement contributions. The bill requires that the retirement board establish standards for determining full-time work weeks for service credit accrual purposes. In addition, the bill enrolls members of the Nevada Gaming Commission in PERS. Further, the bill allows rollovers from certain retirement plans for purchase of service credit in the PERS system. The bill also provides that under certain circumstances, the service of certain county commissioners, city councilmen, and mayors must count as regular service credit for the purpose of computing benefits.

The bill allows public employers to contribute to an alternative retirement plan for certain elected officials who receive a benefit from PERS and are able to contribute to PERS. In addition, the bill revises the benefit formula for certain retired employees who have been receiving a retirement allowance and who are reemployed and enrolled in PERS. The bill increases, by $50, the minimum monthly cumulative benefit for surviving children and spouses of a deceased PERS participant. Finally, the bill eliminates the marriage requirement to receive certain benefits.

The majority of the bill is effective on July 1, 1999.

A.B. 226 (Chapter 77)

Assembly Bill 226 authorizes a town, which has a population of less than 300, to hire relatives of a town board member.

This measure is effective on May 3, 1999, and expires by limitation on July 1, 2009.

A.B. 227 (Chapter 87)

Assembly Bill 227 authorizes counties, cities, school districts, and other public agencies to participate in nonprofit associations or corporations to secure group health or life insurance for their officers, employees, and dependents. The measure also authorizes these entities to participate in nonprofit associations or corporations established to facilitate contracts for the provision of medical services and to procure and disseminate health-related information.

Testimony indicated that the techniques authorized by this measure allow public entities to work together to negotiate favorable insurance rates and health services for employees and their dependents.

This bill is effective on May 5, 1999.

A.B. 260 (Chapter 173)

Assembly Bill 260 excludes a county health officer appointed by the board of county commissioners from the definition of "public officer" for the purposes of the Nevada Ethics in Government Law.

This measure is effective on May 20, 1999.

A.B. 269 (Chapter 610)

Assembly Bill 269 provides that salaries of Supreme Court justices are not to be reduced as a result of their participation in the employer-pay provisions of the Public Employees' Retirement System.

This measure is effective on June 9, 1999, and applies to contributions made on or after January 1, 1999.

A.B. 309 (Chapter 327)

Assembly Bill 309 makes changes to the *Reno City Charter*. It requires that the city's five wards must be nearly equal in population (as opposed to registered voters), and that these boundaries be changed whenever the last preceding decennial census shows that the population in any ward exceeds the population in another ward by more than 5 percent. The boundaries of wards may also be changed to include territory that has been annexed, or whenever the population in any ward exceeds the population in another ward by 5 percent by any measure that the city council finds reliable.

Assembly Bill 309 also removes the requirement that the mayor, the councilmen, the city attorney, and the municipal judges must reside, for at least six months preceding their election, in the wards they represent or, where applicable, the city at large. The bill provides that an incumbent mayor or city councilman who is re-elected may receive a pay increase.

The bill also changes, from 30 to 45 days after its publication, the period in which the city council must adopt or reject a city ordinance, except in case of an emergency. It also specifies that an offense that is a misdemeanor under state law is a misdemeanor against the city if it is committed within the city.

Finally, the measure repeals obsolete language in the charter regarding special meetings and evidence of traffic violations.

This bill is effective on May 28, 1999.

A.B. 472 (Chapter 593)

Assembly Bill 472 increases the additional salary for longevity paid to district judges and members of the State Board of Pardons Commissioners who served as district judges or justices of the Supreme Court. The measure increases, from 1 to 2 percent, the additional salary and decreases, from five years to four years, the minimum years of service before receiving the additional salary.

This measure is effective on July 1, 1999.

A.B. 539 (Chapter 341)

Assembly Bill 539 amends the charter of Carson City. It establishes a charter committee to make recommendations to the board of supervisors on necessary charter amendments. It also removes the authority of the board to sell impounded animals and poultry running at large. Further, the bill modifies the salary of the mayor to an amount equal to 130 percent of the base amount established by *Nevada Revised Statutes* 245.043 for the Carson City supervisors, which currently is $18,000 per year.

Assembly Bill 539 also provides that the city clerk, treasurer, assessor, and sheriff shall not engage in any other business or occupation that creates a conflict of interest with his official duties. Further, the bill applies these restrictions to the district attorney and also prohibits the person in this position from engaging in the private practice of law.

This measure is effective on October 1, 1999, except for the provisions regarding the mayor's salary, which are effective on January 1, 2001.

A.B. 590 (Chapter 344)

Assembly Bill 590 revises the provisions of the *North Las Vegas City Charter* regarding the election of city councilmen. The bill provides that the City of North Las Vegas must be divided into four wards, which must be as nearly equal in population as practicable. The boundaries of these wards must be established by ordinance and adjusted whenever the population in any ward exceeds the population of any other ward by more than 5 percent, as determined by the last preceding national census.

The boundaries of the wards may not be changed within 30 days of the last day for filing for municipal elections, except to accommodate annexations. Each councilman must be a qualified elector who has resided in the ward that he represents for at least 30 days immediately preceding

the last day for filing for office. All councilmen and the mayor continue to be elected by the registered voters of the city at large and serve terms of four years.

Finally, the bill provides that the city council must establish the boundaries of the wards on or before January 1, 2000, and that the provisions of the measure apply initially to candidates in the municipal election to be held in 2001.

A.B. 622 (Chapter 564)

Assembly Bill 622 increases, from $2,000 to $2,500 per month, benefits provided to surviving spouses of Supreme Court justices and district judges. The measure also appropriates from the State General Fund to the Supreme Court for the support of the pensions of justices, judges, and surviving spouses $73,109 in each of the next two fiscal years. Any remaining balance at the end of the respective fiscal year reverts to the State General Fund.

This bill is effective on July 1, 1999.

A.B. 637 (Chapter 347)

Assembly Bill 637 amends the *Las Vegas City Charter* to provide that the city council, rather than the city manager, must appoint and fix the salary of the city auditor. The bill provides that the auditor reports directly to the city council, or to a committee designated by the council, and performs duties designated by the council or prescribed by ordinance.

This measure is effective on May 28, 1999.

A.B. 648 (Chapter 135)

Assembly Bill 648 authorizes the Attorney General, under certain circumstances, to represent a justice of the peace or municipal judge in any civil action brought against that person based on an alleged act or omission relating to his public duties or employment. To receive representation from the Attorney General, the justice of the peace or municipal judge must have requested representation by the official attorney of the political subdivision and have been denied such representation for the reasons specified under the bill. Under these circumstances, the justice of the peace or municipal judge seeking representation must submit a written request for representation to the Attorney General, who must determine whether the person's actions appear to be in good faith and within the course and scope of his duties.

If the Attorney General represents a justice of the peace or municipal judge, the affected political subdivision is responsible for the costs of the representation.

This bill is effective on July 1, 1999, and expires by limitation on June 30, 2001.

A.B. 660 (Chapter 603)

Assembly Bill 660 removes employees of the Office of the Governor from the classified and unclassified service of the state. The bill authorizes the Governor to employ the staff he deems necessary, and such employees serve at the pleasure of the Governor. The bill requires the Governor to adopt the rules and polices necessary to establish the duties and employment rights of his staff. In addition, the Governor may determine the salaries and benefits of persons employed by his office.

The bill is effective on June 9, 1999.

A.J.R. 10 (File No. 44)

Assembly Joint Resolution No. 10 expresses strong opposition to the extension of mandatory Social Security coverage to newly hired state and local governmental employees and urges Congress to oppose such an extension. The resolution notes that a mandate of this nature would not make the Social Security trust fund solvent and would seriously disrupt Nevada's financially sound pension plan.

This resolution is effective on April 8, 1999.

PUBLIC RECORDS AND OPEN MEETING LAW

S.B. 242 (Chapter 526)

Senate Bill 242 requires courts to place Social Security numbers in court records concerning a divorce decree or an order for child support and to maintain this information in a confidential manner. The court must also provide the Social Security number to the Welfare Division of the Department of Human Resources.

Senate Bill 242 was requested to protect individuals who are the subjects of divorce decrees or child support orders from identity theft. Current law requires the court to place the Social Security numbers in a court order, which is a public document. Under the measure, instead of including the numbers in the public documents, the court is required to maintain the Social Security numbers confidentially in its records.

Federal law requires the collection of Social Security numbers to facilitate the collection of child support (Personal Responsibility and Work Opportunity Reconciliation Act of 1996), and the state adopted the required provisions in 1997. Senate Bill 242 does not affect Nevada's compliance with federal law.

This measure is effective on June 8, 1999.

A.B. 93 (Chapter 17)

Assembly Bill 93 requires a person authorized to enter into contracts on behalf of the state to make sure the contracts are in writing and signed by each party. The measure also repeals the requirement that all signed contracts be forwarded to the Secretary of State for recording and preserving.

Testimony indicated that, given the volume of contracts into which the state enters, the existing statutes, first enacted in the 1800s, are in need of modernization.

This measure is effective on March 24, 1999.

A.B. 414 (Chapter 174)

Assembly Bill 414 increases, from $3 to $4, the fee charged by county recorders for certifying a record. The bill also provides that, if there is no grantee, a county recorder must not record, for real property, a lien or notice of lien, an affidavit of death, a mortgage or deed of trust, or any conveyance of real property unless it contains the mailing address of the person making the request. Also, the assessor's parcel number must appear at the top of the first page of the document.

This measure also requires a county recorder to regularly forward information from affidavits of joint tenancy or community property with right of survivorship to the Welfare Division of the Department of Human Resources.

A.B. 621 (Chapter 448)

Assembly Bill 621 changes various provisions concerning the Central Repository for Nevada Records of Criminal History. The bill expands the types of documents that are included in the definition of "record of criminal history" to include, among other things, the fingerprints of a person who is arrested and taken into custody and of a person who is placed on parole or probation and supervised by the Division of Parole and Probation. This measure requires each criminal justice agency to submit to the repository any records of criminal history that it creates or issues. Further, the bill requires submittals to the repository by a court concerning each order it issues to seal the criminal records of a person and by the Department of Prisons concerning the name, fingerprints, length of imprisonment, date of admission, and notice of release of each inmate. In addition, any fingerprints of a juvenile adjudicated delinquent for an offense that would be a felony or a sexual offense if committed by an adult that are submitted to the repository must be accompanied by a description of the child and the unlawful act, if any, that the child committed.

The bill defines the term "personal identifying information" and requires the repository to use, when practicable, a record of such information on a subject as the basis for any records concerning that person. The bill also clarifies what information the repository may request and receive from the Federal Bureau of Investigation concerning certain persons. Finally, the bill changes, from January 31 of each odd-numbered year to July 1 of each year, the date that the repository must submit a report containing statistical data concerning domestic violence to the Legislature or Legislative Commission.

This bill is effective on May 31, 1999.

PUBLIC SAFETY

S.B. 65 (Chapter 96)

Senate Bill 65 requires the Department of Motor Vehicles and Public Safety (DMV&PS) to issue yellow placards to identify vehicles of members of volunteer fire departments and emergency medical technicians associated with those departments. The placards are to be issued without charge, upon the request of the chief of a volunteer fire department. The measure further requires the chief of each volunteer fire department to establish rules regarding the use of the placards and must keep records of the placards that have been issued. When a volunteer ceases to be associated with the department, he must surrender the placard to the chief of the department.

For many years, the DMV&PS has issued yellow placards to members of volunteer fire departments.

S.B. 165 (Chapter 525)

Senate Bill 165 creates the Committee for Public Safety Telecommunications Operators, consisting of nine members appointed by the Governor. The members must have knowledge and experience in law enforcement, fire service, public safety telecommunications, or highway safety. The committee must provide for the training of public safety telecommunications operators and adopt minimum standards for their certification and training.

This bill is effective on June 1, 2000.

S.B. 193 (Chapter 581)

Senate Bill 193 makes various changes relating to emergency management practices. It establishes that a state agency or a local government may request the Division of Emergency Management of the Department of Motor Vehicles and Public Safety to conduct a preliminary assessment of the damages related to an event for which the state agency or local government seeks a grant or loan from the disaster relief fund. The division must then determine whether the event constitutes a disaster for which funding may be provided. The determination of whether a disaster requires immediate action may be made by either the Governor or the local government in conjunction with the division.

Further, this measure specifies that no more than 50 percent of the expenses incurred by a local government for the repair or replacement of public roads or buildings and other necessary emergency response measures may be paid for out of the disaster relief fund. It also adds that a request for a grant or loan must be made within 60 days after the disaster and must include a written report of damages prepared by the division and the written determination made by the division that the event constitutes a disaster pursuant to this bill. Finally, this measure makes other technical changes concerning disaster relief practices.

The portion of the measure that makes an appropriation to the Division of Emergency Management for contract computer programming assistance is effective on June 9, 1999. The remainder of the bill is effective on October 1, 1999.

S.B. 449 (Chapter 161)

Senate Bill 449 requires the notification of victims of violent crimes concerning the status of certain concealed weapon permits. If a sheriff who is processing such a permit receives notification that the applicant has been charged with a violent crime, the sheriff must notify the victim of the crime whether the processing of the application has been suspended or resumed, or if the application has been denied. Notification is also required if a permit has been suspended, restored, or revoked. The sheriff must notify the victim within ten days after taking action on the application or the permit.

A.B. 98 (Chapter 19)

Assembly Bill 98 requires the Chief of Nevada's Division of Emergency Management in the Department of Motor Vehicles and Public Safety to assist state and local government agencies, private organizations, and others with the development of comprehensive, coordinated plans for emergency management. The chief must work in partnership with government, business, industry, and volunteer organizations and must, among other requirements, periodically test the various emergency plans to make sure that activities are coordinated.

This bill is effective on March 24, 1999.

A.B. 626 (Chapter 301)

Assembly Bill 626 defines the terms disaster and emergency, and it revises the definition of emergency management to include support for search and rescue operations and planning and coordination of emergency and disaster response. The bill provides generally that Nevada's laws on emergency management apply to both disasters and emergencies. It further provides that the role of the Division of Emergency Management of the Department of Motor Vehicles and Public Safety is to assist with the provision of mutual aid, that the division is the lead state agency for purposes of the Interstate Civil Defense and Disaster Compact, and that the chief of the division is the director of emergency management and civil defense for the purposes of that compact. In addition, the bill transfers the responsibility to administer the emergency assistance account within the disaster relief fund from the State Emergency Response Commission to the Division of Emergency Management.

Assembly Bill 626 increases, from eight to ten, the number of members on the Board of Search and Rescue and provides for staggered terms of the members, and adjusts the representation on the board of the various law enforcement agencies and medical services. Further, this measure

provides that the coordinator of search and rescue is an employee of the Division of Emergency Management.

Finally, this measure requires the chief of the division to assist state and local government agencies, private organizations, and others with the development of comprehensive, coordinated plans for emergency management. The chief must work in partnership with government, business, industry, and volunteer organizations and must, among other requirements, periodically test the various emergency plans to make sure that activities are coordinated.

Police and Fire Protection

S.B. 68 (Chapter 477)

Senate Bill 68 reorganizes the Peace Officers' Standards and Training Committee (P.O.S.T.) in the Department of Motor Vehicles and Public Safety (DMV&PS) into a stand-alone commission.

The bill does not make major revisions regarding the duties or responsibilities of P.O.S.T. nor does it significantly alter the composition and appointment of the oversight body. However, the bill requires the commission members, by majority vote, to appoint an executive director. The bill defines the responsibilities of the executive director, who, with the advice of the commission, must carry out the day-to-day operations of the commission. The executive director also must administer the general fund account for the training of peace officers.

In 1997, the Nevada Legislature passed Senate Concurrent Resolution No. 21, which urges the Department of Motor Vehicles and Public Safety to conduct a study of the feasibility of separating the P.O.S.T. Committee from the DMV&PS. In collaboration with the Sheriffs and Chiefs Association, DMV&PS conducted such a study, and this measure reflects the recommendations.

Most provisions of the bill are effective on July 1, 1999.

S.B. 132 (Chapter 479)

Senate Bill 132 expands accident benefits under industrial insurance to include preventive treatment administered as a precaution to a police officer, salaried firefighter, or volunteer firefighter exposed to contagious disease while performing the duties of a police officer or firefighter, or upon battery by an offender. The bill requires that any incidents of exposure to contagious disease must be documented by the employer.

In addition, the bill provides that the employer of a police officer, salaried firefighter, or volunteer firefighter must test each such employee for Hepatitis A, Hepatitis B, Hepatitis C, tuberculosis, and human immunodeficiency virus at the time he is voluntarily or involuntarily terminated, and at 6 and 12 months after the date of termination. The bill provides that a police officer, salaried firefighter, or volunteer firefighter who tests positive for such a disease is eligible, during his

lifetime, to receive workers' compensation for the disease or any additional conditions resulting from the contagious disease.

The provisions of the bill do not apply to an employee who, before July 1, 1999, is receiving compensation pursuant to the Nevada Industrial Insurance Act or the Nevada Occupational Disease Act.

This bill is effective on July 1, 1999.

S.B. 343 (Chapter 248)

Senate Bill 343 provides that the law enforcement agency that seizes a vessel, which is stored to preserve evidence of a crime, must pay the storage fees if a conviction is not obtained. Current law requires Nevada's Division of Wildlife to pay the storage fees under these circumstances, regardless of which law enforcement agency seized the vessel.

This measure is effective on May 24, 1999.

S.B. 387 (Chapter 317)

Senate Bill 387 amends the statute regarding the lists from which law enforcement agencies select a tow car company to remove a vehicle from the highway. The bill provides that the Nevada Highway Patrol may not remove a company from that list solely on the grounds that it is insured under the same policy of insurance as one other operator in the same geographic area. Within ten days of the effective date of the bill, the Highway Patrol must add to the list any company that was on the list on June 30, 1998, and has been subsequently removed for the reason stated above.

This bill is effective on May 27, 1999.

S.B. 389 (Chapter 251)

Senate Bill 389 provides that the State Fire Marshal may enforce laws and regulations, including those relating to fire prevention and investigation; the storage and use of explosives, flammables, and fire works; and fire safety requirements in counties with a population less than 50,000. Previous law set the county population size at 35,000 for these purposes.

This measure is effective on May 24, 1999.

S.B. 404 (Chapter 506)

Senate Bill 404 provides group insurance or other medical or hospital service coverage, without charge, for the surviving spouse and any surviving child of certain police officers and firemen

killed in the line of duty. The bill requires the spouse, child, or legal guardian of the child to notify in writing the public agency that employed the police officer or fireman within 60 days after the date of the employee's death. In addition, the bill requires the public agency that employed the police officer or fireman to pay the entire cost of the coverage for the surviving spouse or child.

This bill is effective on June 8, 1999.

S.B. 510 (Chapter 121)

Senate Bill 510 authorizes state and local peace officers to distribute educational information, furnish verbal advisories, and issue warning citations to people who violate ordinances of the Tahoe Regional Planning Agency relative to the use of watercraft. The bill also specifically exempts agencies that provide law enforcement or public safety services from these TRPA ordinances when the agencies are performing their official duties in an effort to protect life or property during an emergency or disaster on the waters of Lake Tahoe.

This bill is effective on May 13, 1999.

S.C.R. 17 (File No. 17)

Senate Concurrent Resolution No. 17 commends the Truckee Meadows Law Enforcement Chaplaincy Program for its dedicated service and support to various law enforcement agencies in the Truckee Meadows and to the residents of Nevada. Since the inaugural class of the program graduated in 1996, the members have provided thousands of hours of service to local law enforcement agencies and to the residents of Nevada.

A.B. 195 (Chapter 438)

Assembly Bill 195, in addition to revising the eligibility requirements for receiving assistance from the fund for low-income owners of mobile homes, authorizes law enforcement agencies to patrol the common areas of a mobile home park to which the public has access and, with the permission of the park manager, other areas within a park.

A.B. 262 (Chapter 112)

Assembly Bill 262 changes the provisions for notifying the known parent, guardian, or custodian of a child who is taken into custody for violating any law or ordinance, or whose conduct indicates that he needs supervision. This bill requires any peace officer or probation officer who takes custody of the child to attempt to provide such notification without undue delay. Current law requires immediate notification. In addition, the bill requires the facility in which the child is detained to notify, without undue delay, the known parent, guardian, or custodian of the child if

the arresting officer did not provide the notification. The bill also requires the facility to notify the child's probation officer without undue delay.

The measure was requested to change the existing law that requires law enforcement officers to notify immediately the parent, guardian, or custodian, if known, of a child taken into custody. Law enforcement representatives testified that this legislation is needed because patrol officers most often do not have immediate access to a secure telephone that would guarantee a private communication with a child's parent or guardian.

A.B. 297 (Chapter 399)

Assembly Bill 297 requires employers to provide, upon the request of a law enforcement agency, information about a current or former employee who is an applicant for a position as a peace officer. The request must be in writing and must be accompanied by a notarized release signed by the applicant. A law enforcement agency may also request available information on employment dates, compensation, performance, attendance, disciplinary action, eligibility for rehiring, and termination.

Employers must not provide such information if the disclosure is prohibited by federal or state law. The law enforcement agency may use the information only to determine the suitability of the applicant for employment as a peace officer and must maintain its confidentiality. With certain exceptions, the employer is immune from civil liability for the disclosure of this information and its consequences.

This measure is effective on May 29, 1999.

A.B. 303 (Chapter 215)

Assembly Bill 303 provides that a police officer or fireman who is in the Public Employees' Retirement System, who is otherwise eligible for disability retirement because of an on-the-job injury, may continue to work in another position for his public employer and earn credit toward his regular retirement. His contributions to the retirement system must be paid at the rate established for police officers and firemen.

This measure also provides that, once the Public Employees' Retirement Board has approved an application for disability retirement, a police officer or fireman who accepts another position may receive his disability retirement allowance without further approval by the board if he ceases to work for that public employer.

This bill is effective on July 1, 1999.

A.B. 304 (Chapter 203)

Assembly Bill 304 creates a misdemeanor penalty for any person who knowingly files a false or fraudulent complaint against a peace officer for conduct in the course and scope of his employment. The measure further requires each agency employing a peace officer to establish written procedures for investigating any complaint or allegation of misconduct filed against an officer. Finally, the bill requires copies of the written procedures to be made available to the public.

A.B. 363 (Chapter 333)

Assembly Bill 363 increases the penalty for a first offense of aggravated stalking committed by a person who stalks and threatens another person with the intent to cause him to be placed in reasonable fear of death or substantial bodily harm. In addition, the bill increases the penalty for the second and any subsequent offense of aggravated stalking in the other circumstances that are provided by law. The bill increases the minimum term of imprisonment for these crimes from 1 year to 2 years and the maximum term from 6 years to 15 years.

The bill also requires the Peace Officers' Standards and Training Committee to require, as a condition of certification, each peace officer to be trained to deal with the crimes of stalking and aggravated stalking, including elements of these crimes and the manner of taking reports and investigating allegations of such crimes.

This measure is effective on May 28, 1999.

A.B. 376 (Chapter 625)

Assembly Bill 376 allows the board of trustees of a school district in a county with a metropolitan police department created pursuant to Chapter 280 of *Nevada Revised Statutes* (NRS) to contract with that police department for the provision and supervision of school police services. The bill also allows a metropolitan police department to enter into a contract to provide such services in the public schools within the school district and on property owned by the school district. The measure requires the department to create a separate unit designated as the school police unit for this purpose and allows it to establish qualifications and training requirements different from those generally applicable to officers of the department for officers assigned to the police unit. Assembly Bill 376 further requires that the school police unit must be considered a separate bargaining unit for negotiations that arise under the provisions of Chapter 288 of NRS. In addition, if a contract is entered into between a school district and the metropolitan police department, the contract must make a provision for the transfer of each school police officer employed by the board of trustees to the metropolitan police department. The measure also specifically authorizes other school districts to contract with the county sheriff for school police services.

Assembly Bill 376 further requires that if a school district employs persons to serve as school police officers, it must employ a law enforcement officer to serve as the chief of school police. The chief must be supervised by the district superintendent and he must supervise each person employed as a school police officer.

This measure is effective on July 1, 1999.

A.B. 438 (Chapter 115)

Assembly Bill 438 makes various changes to provisions governing the custody of abandoned boats, watercraft, and other vessels by law enforcement agencies. The measure requires a law enforcement agency with custody of a vessel to notify its owner by registered or certified mail. The notice must include the location of the vessel and the method by which it may be claimed. The bill provides that if the abandoned vessel is held as evidence in a criminal case, the notice must be sent upon dismissal or conclusion of the case.

Assembly Bill 438 authorizes the Division of Wildlife of the State Department of Conservation and Natural Resources to issue a certificate of ownership for the vessel to the custodial law enforcement agency if it is not claimed within 180 days after the notice is mailed. The law enforcement agency may then use, sell, or destroy the vessel and either keep the proceeds of the sale, or notify the division within ten days if it is destroyed.

A.B. 458 (Chapter 441)

Assembly Bill 458 authorizes law enforcement agencies to conduct certain inspections for the purpose of locating stolen vehicles. Specifically, the measure allows designated state and local law enforcement agents to inspect the vehicle identification number of a vehicle located in certain commercial establishments. Law enforcement agents may also inspect a parking facility or terminal with the permission of the owner. The bill requires that inspections be done during regular business hours.

Under this law, a person is guilty of a category B felony if he knowingly buys with the intent to resell, disposes of, sells or transfers more than one motor vehicle or parts from more than one motor vehicle that have an identification number or mark that is defaced, destroyed, or altered to misrepresent the identity or to prevent the identification of the motor vehicle or parts of the motor vehicles. The punishment for this crime is imprisonment for a term of one to ten years, and a fine of up to $60,000. A person who violates this law by knowingly possessing with the intent to sell, transfer, import, or export more than one motor vehicle or parts from more than one vehicle that have an identification number or mark that is defaced, destroyed, or altered to prevent the identification of the vehicle or parts is guilty of a category D felony. The punishment for this crime is a prison term of one to four years, and a fine of up to $30,000.

The provisions of Assembly Bill 458 do not apply to licensed automobile wreckers or salvage pools that in the normal, legal course of business and in good faith, process motor vehicles, nor

do the provisions of this measure apply to an owner of, or person authorized to possess, a motor vehicle or part of a motor vehicle.

Further, under this measure, a person is guilty of category D felony if he intentionally defaces, destroys, or alters the identification number or mark of a vehicle without authorization from the Department of Motor Vehicles and Public Safety. The punishment for this crime is imprisonment for a term of one to four years, and a fine of up to $25,000.

Finally, this bill prohibits a building owner or operator from knowingly allowing an illegally obtained motor vehicle, or part of a motor vehicle, to remain on the premises in order to deface, destroy, alter, or sell the vehicle. For this violation, the punishment is imprisonment for a term of one to four years, and a fine of up to $50,000.

A.B. 473 (Chapter 442)

Assembly Bill 473 provides that a juvenile who is taken into custody for committing a battery that constitutes domestic violence must not be released for at least 12 hours. The bill further revises state law by requiring an officer to notify a parent, guardian, or custodian, and probation officer of a juvenile without undue delay when a juvenile is taken into custody. Presently, an officer must notify a parent, guardian, or custodian, and probation officer immediately.

This measure also requires that a valid order for protection against domestic violence issued by a court of another state, territory, or Indian tribe within the United States must be accorded full faith and credit by the courts of this state and enforced as if it were issued by a court in this state, regardless of whether the order has been registered in this state.

Finally, A.B. 473 provides that a person who commits a battery upon a person to whom he is related by marriage, or with whom he has had or is having a dating relationship, may not be admitted to bail sooner than 12 hours after his arrest. The measure also specifies the bail amounts that must be set for those persons.

A.B. 483 (Chapter 265)

Assembly Bill 483 authorizes a law enforcement officer, correctional officer, emergency medical attendant, fireman, or any other person who is employed by an agency of criminal justice, or the employer of any such person, to petition a court to require a person who may have exposed the employee to a contagious disease to be tested for the human immunodeficiency virus and the hepatitis B surface antigen. This measure also requires the person or employer who files such a petition to submit, to the designated health care officer or other designee, information concerning the possible exposure. The health care officer or other designee shall establish guidelines to determine substantial exposure.

Assembly Bill 483 further requires a court to promptly hear a petition and determine whether there is probable cause to believe there was a transfer of blood or bodily fluids. If the court determines

that probable cause exists, two specimens of blood must be submitted and tested. Results of the test must be disclosed to the person who was tested, the person who was exposed, and the health care officer or other designee. If the person who was tested is incarcerated, the person in charge of that facility must also be notified. Finally, this measure requires the employer or the employer's insurer to pay for the cost of the test.

A.B. 485 (Chapter 86)

Assembly Bill 485 requires bail agents and bail enforcement agents to notify the local law enforcement agency immediately after apprehending a defendant in this state. The bill requires that the notification must be in person or by telephone to the local law enforcement agency of the jurisdiction in which the defendant was apprehended and must include the identity of the defendant; the identity of the bail agent or bail enforcement agent; and where the defendant is being taken to surrender him into custody. The bill also requires bail agents and bail enforcement agents to notify local law enforcement before forcibly entering an inhabited dwelling in this state. In addition, the measure provides that a bail agent or bail enforcement agent who violates these provisions is guilty of a misdemeanor.

The bill is effective on May 5, 1999, and the amendatory provisions of this bill do not apply to offenses committed before that date.

A.B. 647 (Chapter 126)

Assembly Bill 647 requires a law enforcement agency to notify a person who is entitled to possession of property that has been stolen or embezzled when the property is in the custody of the agency. In addition, the bill authorizes a person who is entitled to possession of such property to claim the property. In this situation, the owner must be notified pursuant to state law.

The measure also specifies that if the stolen or embezzled property is a firearm, a law enforcement agency must only notify the owner of the property, and only the owner may file a claim for the property. Further, if the property was stolen from a pawnbroker, a law enforcement agency must notify the pawnbroker from whom the property was obtained in addition to the owner or other person who is entitled to possession.

Finally, A.B. 647 adds provisions allowing a peace officer to place a written hold on any property related or allegedly related to criminal activity that is received in pledge by a pawnbroker. A pawnbroker and an employee of a pawnbroker who take action required in this new law are immune from civil liability for such action.

This bill is effective on July 1, 1999.

A.B. 650 (Chapter 271)

Assembly Bill 650 authorizes the Supreme Court to establish rules governing the electronic filing, storage, and reproduction of documents filed with justice courts. The measure also provides a procedure for holding a person liable for failing to appear in court if an electronic citation is issued to that person.

This bill further authorizes peace officers to issue electronic citations for misdemeanor violations and to file such citations electronically with a court or traffic violations bureau. If a citation is prepared electronically, the officer shall deliver the signed copy to the person and indicate on the electronic record whether the person charged gave his written promise to appear.

This measure also allows every county, city, or town law enforcement agency to provide appropriate forms for misdemeanor citations in book form or through an electronic device used to prepare citations. Finally, A.B. 650 allows citations that are prepared electronically to be filed electronically with a court having jurisdiction over the alleged offense if the court authorizes the filing; has the electronic ability to receive and store the citations; and has the ability to physically reproduce the citation.

This measure is effective on July 1, 1999.

Public Health and Safety

S.B. 421 (Chapter 379)

Senate Bill 421 establishes requirements concerning smoking in the gaming areas of certain grocery stores. The bill provides that a grocery store may allow the smoking of tobacco in a public area of the store that is leased or operated by a person with a gaming license if the entire public area of the store is not more than 10,000 square feet. A grocery store with an entire public area greater than 10,000 square feet may allow smoking in a gaming area if it is segregated from the public areas of the store by two or more walls or partial walls, or any combination thereof, in a configuration that includes at least one corner and contains a method of ventilation that substantially removes smoke from the area. The measure clarifies that a "wall" or "partial wall" may include one or more slot machines or other gaming devices if they are configured together or in conjunction with other structures to create a barrier that is similar to a wall or partial wall.

Senate Bill 421 further provides that a grocery store may allow smoking in a gaming area without these restrictions if the store was constructed or received final approval for construction before October 1, 1999. On or after January 1, 2010, such a store may allow smoking in the gaming area only if the area contains a method of ventilation that substantially removes smoke from the area. If such a grocery store remodels at least 25 percent of the square footage of its entire public area at any time before January 1, 2010, the store may allow smoking in the gaming area only if the remodel includes a method of ventilation that substantially removes smoke from the area.

A.B. 134 (Chapter 392)

Assembly Bill 134 makes various changes to provisions governing public water systems. The measure ensures consistency between federal regulations and state law by providing the Health Division of the Department of Human Resources with the necessary authority to implement drinking water standards.

The bill contains definitions that are consistent with the Safe Drinking Water Act and with guidelines and regulations of the United States Environmental Protection Agency. The measure also expands the existing operator certification statutes and defines the composition of the program's advisory board.

This bill is effective on May 29, 1999.

Weapons and Firearms

S.B. 18 (Chapter 4)

Senate Bill 18 prohibits the development, production, stockpiling, transfer, acquisition, retention, or possession of a biological agent, toxin, or delivery system for use as a weapon. A violation of this prohibition is a category A felony, which carries a penalty of life in prison or a definite term of 25 years in prison with the possibility of parole after 10 years. In addition, the bill provides that any person who knowingly makes any threat or conveys false information concerning the presence or use of a biological agent or toxin with the intention of injuring people, causing panic or civil unrest, extorting or profiting thereby, or interfering with the operations of or causing economic damage to any person or governmental entity is guilty of a category B felony. The penalty for such activity is a ~~minium~~ minimum term of 1 year and a maximum term of 6 years in prison.

This measure is effective on March 11, 1999, and the amendatory provisions do not apply to offenses committed before that date.

A.B. 166 (Chapter 539)

Assembly Bill 166 expands the locations into which a person with a permit to carry a concealed firearm may carry that firearm. This measure allows a person with such a permit to carry a concealed weapon into a public building but prohibits carrying a concealed weapon in a public building that has a metal detector at each public entrance or a sign posted at each public entrance indicating that no firearms are allowed. It also prohibits carrying a concealed weapon into public airports, schools, and onto the property of the University and Community College System of Nevada. The bill allows a permittee to carry a concealed weapon into any public building if he has written permission to do so.

This measure is effective on June 9, 1999.

A.B. 543 (Chapter 342)

Assembly Bill 543 provides that the State of Nevada is the only governmental entity in this state that may commence lawsuits against a manufacturer or distributor of a firearm or ammunition or a related trade association. The lawsuits under these provisions are for damages, abatement, or injunctive relief resulting from or relating to the lawful design, manufacture, marketing, or sale of a firearm or ammunition. The bill provides that a county, city, local government, or other political subdivision of this state is not prohibited from commencing a lawsuit against a manufacturer or distributor of a firearm or ammunition for breach of contract or warranty concerning the purchase of a firearm or ammunition by the local government entity.

The bill is effective on May 28, 1999, and the amendatory provisions do not apply to actions commenced prior that date.

PUBLIC UTILITIES

S.B. 27 (Chapter 148)

Senate Bill 27 repeals antiquated provisions relating to telegraphs and telegraph lines. The measure also revises various provisions governing telephones and community antenna television companies. Finally, S.B. 27 imposes penalties on persons who vandalize or interfere with transmissions through telephone and community antenna television lines.

S.B. 128 (Chapter 547)

Senate Bill 128 authorizes the State Contractors' Board to issue an order to cease and desist unlawful advertising if the board, after notice and hearing, has determined that a person is advertising without having a contractor's license in an appropriate classification. The order also must require the disconnection of any telephone number included in the advertising, other than a telephone number for a paging service. If the advertising includes a number of a beeper, the order must require that the person request the provider of the paging service to change the number of any beeper that is included in the advertising or disconnect the paging services to that beeper.

If a person fails to disconnect the telephone number included in the advertising within five days after he receives the order, the board may request the Public Utilities Commission of Nevada to order the appropriate provider of telephone service to disconnect any telephone number included in the advertisement (excluding paging services). If the telephone number in the advertisement is for a beeper, and a person fails to request, within five days after the person receives the order, that the paging service either change the number of the beeper or disconnect the paging service, the board may request the provider of the paging service to switch the beeper number or disconnect the paging services, whichever the provider deems appropriate.

If the commission receives an order to disconnect a telephone number, it must issue an order to the appropriate telephone service provider to disconnect the number. Compliance in good faith with the order is a complete defense to any civil or criminal action against the telephone provider arising from termination of service.

The bill also prohibits a provider of telephone service from forwarding or offering to forward telephone calls to the disconnected number to another number. In addition, the measure prohibits offering to provide or providing a recorded message that includes a new telephone number for a business whose telephone number was disconnected pursuant to the provisions of this bill.

S.B. 366 (Chapter 375)

Senate Bill 366 extends the sunset date, from December 31, 1999, to December 31, 2001, for the surcharge on telephone services in Washoe County to enhance the 911 system.

The measure also specifies that the surcharge may not be imposed on mobile telephone service provided to residents of the county after the date on which the advisory committee on the enhanced 911 system notifies the board of county commissioners that the enhancement has been completed with respect to the placement of emergency calls from mobile telephones.

Finally, S.B. 366 requires the board of county commissioners to notify, in a timely manner, each telephone company and supplier that collects such a surcharge to cease collection on the dates specified in this measure.

S.B. 440 (Chapter 313)

Senate Bill 440 provides for the alternative regulation of telecommunications services. The bill defines numerous terms, including "affected person," "basic network service," "electing carrier," "competitive service," "competitive supplier," "discretionary service," "incumbent local exchange carrier," "other essential service," and "price floor."

The measure also provides that an electing carrier that has elected to be regulated pursuant to an alternative plan of regulation is not subject to any review of earnings, monitoring of rate base, or any regulation of the Public Utilities Commission of Nevada relating to net income or rate of return as long as the carrier remains under the plan or until the carrier files an application to continue participation in the plan. An electing carrier shall not increase any rate for a basic service without filing a request with the commission, unless a basic service is reclassified as a competitive service by the commission.

In addition, the bill requires the commission to establish regulations for determining whether a service should be reclassified. The commission, however, may not deny a request to reclassify a basic network service within an exchange where a competitive supplier operates and provides such service on the basis that there is not a competitive supplier for that service in some other portion of the state. Senate Bill 440 also authorizes the commission, at any time, on its own motion or at the request of any person, to reclassify a basic network service, except for access to emergency 911 service. Nothing in the bill, however, authorizes an electing carrier to discontinue a basic service at the price and on the terms in effect on the effective date of the measure without approval from the commission. Further, an electing carrier may not receive funds from the Nevada Universal Service Fund except for universal support for lifeline or link-up services provided pursuant to federal law.

The bill authorizes an electing carrier to exercise pricing flexibility for competitive and discretionary services, as well as service packages, under certain conditions. The measure provides criteria for an electing carrier to engage in price flexibility. Packages may include combinations of services such as basic network services, competitive services, discretionary services, and other essential services. The bill specifies that the price for a package of services must not be lower than the lesser of the sum of the price floors for each individual service in the package, or the sum of the basic network service prices and the price floors for each of the other services included in the package. Further, each service in a package must be available on an

individual basis. Moreover, the commission is prohibited from establishing a maximum rate for packages of services.

The bill also authorizes an electing carrier to establish promotional price reductions upon one-day notice to the commission. The promotional period, however, must not exceed 90 days in any consecutive 12-month period, and the promotional price must be offered on a nondiscriminatory basis in all geographical areas served by the carrier where facilities permit. An electing carrier must set the price for any competitive or discretionary service above the price floor for that service.

In addition, the measure authorizes an electing carrier to introduce a new service on 30 days' written notice to the commission and requires the same notice requirements specified for flexible pricing. A new service is defined as a telecommunications service that provides a function, feature, or capability materially different from any service previously offered by the carrier, or that combines two or more previously provided new services. Unless otherwise classified as a competitive service by the commission, a new service shall be classified as a discretionary service. The commission shall not establish a maximum rate for a new service, and the minimum rate must equal the price floor for that service.

Senate Bill 440 requires rates charged by an electing carrier, except for competitive services, to be geographically averaged throughout the service territory in which the carrier serves as the provider of last resort, or within such other, smaller geographic areas the commission deems appropriate to balance the interests of all customers and providers. The bill further mandates that the intrastate access charges by an electing carrier shall not exceed the prices authorized by the Federal Communications Commission for corresponding elements, and any resulting reductions shall be offset on a revenue-neutral basis with adjustments to other essential retail services.

Finally, S.B. 440 does not limit or modify the duties of an electing carrier to a competitive supplier pursuant to the federal Telecommunications Act of 1996, nor does it apply to the commission in connection with any actions or decisions required or permitted under the federal act.

Language in the bill that sets forth amendments to Chapter 704 of the *Nevada Revised Statutes*, as well as provisions that require the commission to establish regulations, address judicial review of a commission decision, and set forth the applicability of the chapter, are effective on May 25, 1999. The remainder of this bill is effective on October 1, 1999.

S.B. 485 (Chapter 530)

Senate Bill 485 makes various changes regarding technological crimes. The bill creates the Advisory Board for the Nevada Task Force for Technological Crime. The bill requires the board to facilitate cooperation between federal, state, and local officers in detecting, investigating, and prosecuting technological crime; oversee task forces on technological crime; coordinate training and education regarding technological crime; and evaluate any necessary changes to the relevant

laws. The board is required to appoint an executive director of technological crime within the Office of the Attorney General.

Senate Bill 485 also makes certain activities relating to computers unlawful. Under the bill, a person who willfully uses or attempts to use encryption to facilitate any criminal offense or hinder prosecution is guilty of a gross misdemeanor. It is a misdemeanor to willfully falsify any data contained in an electronic mail header, transmit electronic mail to a recipient without his knowledge or consent, or distribute or possess software that facilitates false electronic mail transmissions, under certain circumstances. Internet service providers must keep confidential all information concerning subscribers, except their electronic mail addresses, unless a subscriber permits the release of the information. Under the bill, the electronic mail address must also remain confidential if so requested by the subscriber. Notice of the confidentiality laws must be provided to all subscribers. A violation of these provisions is a misdemeanor.

In addition, S.B. 485 provides that a person who knowingly, willfully, and without authorization introduces a computer contaminant into a computer system, including a virus, worm, or Trojan horse, is guilty of a misdemeanor. The bill expands the crime of unlawful interference with a computer and provides affirmative defenses to the crime. The measure also prohibits obtaining information services without paying the provider of the services. The unlawful activity includes making or offering kits for this purpose, and the crime is a category D felony. Further, the bill includes items involved in computer and information service crimes in the list of property subject to forfeiture.

The bill also criminalizes cramming and slamming activities. Under the bill, telecommunication service providers are prohibited from making false, misleading, or deceptive representations or from misrepresenting their identity. In addition, the providers must give customers a timely written notice containing a clear and detailed description of the services for which the customer is being billed and the amount charged for those services. The bill prohibits providers from charging for unauthorized services or from changing a customer's subscription to a local exchange carrier or interexchange carrier without the customer's authorization and confirmation for the change. A provider is also required to offer the customer the opportunity to freeze the interexchange carrier.

Finally, the measure prohibits inmates from having access to a telecommunications device, and provides that offenders may not engage in training or employment that involves telemarketing, telephone opinion polls, or the use of personal information concerning any person who is not incarcerated.

The bill is effective on June 8, 1999.

S.B. 487 (Chapter 120)

Senate Bill 487 makes various changes relating to telecommunication services provided to low-income persons. It establishes a procedure for informing these persons that they may be eligible for a reduced rate for basic telephone service or reduced connection charges.

The bill defines "eligible customer," "eligible provider" of telecommunications services, "lifeline" service, and "link up" service. The measure requires the Department of Human Resources to give each eligible provider a list of eligible customers, as determined by the Public Utilities Commission of Nevada (PUCN) or, the Federal Communications Commission, as appropriate, who are located in the provider's service area. Every six months, the department must supply each eligible provider with an updated list of eligible customers in the state.

Within seven days after determining a person located in its service territory is an eligible customer, a provider shall notify the customer that he or she will receive lifeline or link up service, or both, unless the customer specifically declines to receive the services. The notice must contain certain information about the services, including when they will commence, and a self-addressed, postage-paid response card. To decline the services, a customer must return the card not later than 10 days before the date service is scheduled to begin.

Unless the customer has declined the services, S.B. 487 requires a provider to begin billing the customer not later than 60 days after the date the provider receives the list of eligible customers. The measure also requires the provider to continue supplying lifeline service as long as a customer receives telecommunications services from the provider unless the customer or the department notifies the provider that the customer is no longer eligible, or the customer notifies the provider in writing to discontinue the service.

Senate Bill 487 provides that the reduction in telephone rates for lifeline or link up services shall be based on a formula or other methods established in regulations by the PUCN. The reduction only applies to specified basic telephone services. In addition, the measure requires any reductions greater than the reimbursement provided under the federal Universal Service Fund to be reimbursed from the statewide Universal Service Fund established by the PUCN pursuant to Nevada law.

Finally, the bill provides that a telephone company, a wireless or commercial mobile radio service provider, a public safety answering point, or a manufacturer supplying equipment to a telephone company or a public safety answering point, is not liable to any person who uses enhanced 911 service for specified occurrences. Those occurrences include the release of information such as unpublished telephone numbers, if the release was made in good faith, failure of any equipment or procedure in connection with emergency enhanced 911 service, or any act or omission committed in good faith while providing, or while in training to provide, services through a public safety answering point.

Lifeline is a federal program that provides a discount on basic telephone service for families whose gross annual income does not exceed 150 percent of federally established poverty levels. This bill provides automatic eligibility for Nevada families if they receive benefits under any of the numerous entitlement programs and was requested because less than 10 percent of eligible low-income customers take advantage of this federal subsidy. The subsidy amounts to $5.25 per month and has no fiscal effect on the State of Nevada.

A.B. 134 (Chapter 392)

Assembly Bill 134 makes various changes to provisions governing public water systems. The measure ensures consistency between federal regulations and state law by providing the Health Division of the Department of Human Resources with the necessary authority to implement drinking water standards.

The bill contains definitions that are consistent with the Safe Drinking Water Act and with guidelines and regulations of the United States Environmental Protection Agency. The measure also expands the existing operator certification statutes and defines the composition of the program's advisory board.

This bill is effective on May 29, 1999.

Energy Regulation

S.B. 438 (Chapter 600)

Senate Bill 438 amends existing state law regarding the competitive provision of electric services. The measure deletes the existing cap on rates for electric service and, for each class of customers, establishes a new cap, which expires by limitation on March 1, 2003, for service to customers who are unable to obtain electricity from, or who fail to select, an alternative seller. The new cap is set at a level not to exceed the total rate for each class of customer that was in effect on July 1, 1999, except for modifications resulting from deferred energy accounting cases filed before October 1, 1999. After October 1, 1999, the provisions authorizing deferred energy accounting expire. While the rate cap is in effect, the measure prohibits the Public Utilities Commission of Nevada (PUCN) from reviewing the rates, earnings, rate base, or rate of return of a designated provider of electric service.

Senate Bill 438 also changes the date, from December 31, 1999, to March 1, 2000, by which customers may begin obtaining potentially competitive services, unless the Governor, in consultation with the PUCN, determines that a different date is necessary to protect the public interest. The measure also changes the date after which a vertically integrated electric utility may only provide a potentially competitive service through an affiliate, from December 31, 1999, to March 1, 2000, or the date on which the PUCN determines the service is potentially competitive, whichever is later.

Further, after July 1, 2001, the bill authorizes a licensed alternative seller to offer to provide electric service currently being supplied by the designated provider of last resort, if the offer covers at least 10 percent of the load of that designated provider, would provide service to more than one class of customer, and would result in a discount of 5 percent. The measure authorizes the PUCN, upon receipt of such an offer, to conduct an auction for the rights to provide that service, if it determines an auction is in the public interest. Also, after July 1, 2001, if the designated provider of last resort is a vertically integrated electric utility, it must provide the

service only through an affiliate. If a designated provider experiences a shortfall resulting from its services to all classes of customers during the period from March 1, 2000, to March 1, 2003, it may recover the shortfall only from the after-tax gain, if any, on the sale of its generation assets.

In determining recoverable costs for a utility, S.B. 438 allows the PUCN to consider whether the utility failed to minimize, in a reasonable and prudent manner, federal taxes resulting from the offsetting of gains and losses of assets and obligations related to potentially competitive service. Further, the measure directs the PUCN to consider any reasonable costs incurred by the utility to minimize layoffs and other adverse effects on employees, including, without limitation, severance pay, retraining, job placement, and early retirement.

In addition, the bill directs vertically integrated electric utilities and their successor electric distribution utilities to honor existing contracts for the purchase of power; provides that such contracts shall not be modified or reinterpreted except by the agreement of the contracting parties; and provides that the utility must be permitted to recover costs associated with purchase of power agreements upon presenting certain evidence to the PUCN. Such a utility, and its affiliates, must also honor any labor agreements in effect on July 1, 1999.

Finally, Senate Bill 438:

- Authorizes the PUCN to appoint one or more hearing officers to conduct proceedings or hearings;

- Authorizes a vertically integrated utility to negotiate and enter into a contract with a customer for the provision of electric service before March 1, 2000, but no such contract may take effect before March 1, 2000;

- Clarifies that the PUCN may limit neither the ability of an alternative seller to combine customers into groups, for the purpose of providing electric service, nor the ability of customers to form groups to obtain service from alternative sellers;

- Authorizes an affiliate of a provider of noncompetitive service to use the name or logo, or both, of that provider when supplying a potentially competitive service; and

- Clarifies that unbundling of rates must continue, and that the PUCN must establish the rate for each component of services, for each class of customer, before March 1, 2000.

Most provisions of this bill are effective on July 1, 1999. The elimination of deferred energy accounting is effective on October 1, 1999. The rate cap provisions expire on March 1, 2003, and the provision that allows a designated provider of last resort to recover any shortfall expires on September 1, 2003.

If the pending merger between Sierra Pacific Resources and Nevada Power Company is terminated for any reason before its completion, this measure expires by limitation on the date of termination.

RESOLUTIONS

Senate Joint Resolutions

S.J.R. 1 (File No. 130)

Senate Joint Resolution No. 1 explains that land managed by the Federal Government in Nevada is not taxable; and, therefore, Nevada counties that have an extensive amount of federally controlled land experience significant fiscal burdens. The resolution further notes that the United States Congress has provided for Payments in Lieu of Taxes (PILT) to compensate the local governments for revenue lost in this manner. However, the money appropriated by Congress has been insufficient to provide full payments under the PILT formula.

Thus, the resolution urges Congress to appropriate, for distribution to Nevada's counties, the amount of money necessary to correct the underpayments, or to authorize the transfer of land of equivalent value from the Federal Government to the affected counties.

This measure is effective on May 29, 1999.

S.J.R. 2 (File No. 23)

Senate Joint Resolution No. 2 notes that many rights of way across public lands administered by the Federal Government were granted by congressional action in 1866. When the Federal Land Policy and Management Act of 1976 (FLPMA) was enacted, these rights of way were explicitly recognized. The resolution states that the United States Bureau of Land Management has failed to recognize the validity of these rights of way. It further notes that the Nevada Miners and Prospectors Association has proposed an amendment to FLPMA that would require the U.S. Secretaries of Agriculture and the Interior to contract with states to identify and map these rights of way.

Senate Joint Resolution No. 2 expresses the Legislature's support for the proposed amendment to FLPMA.

This measure is effective on March 16, 1999.

S.J.R. 3 (File No. 131)

Senate Joint Resolution No. 3 expresses the Legislature's strong disapproval of regulations proposed by the federal Environmental Protection Agency (EPA) regarding regional haze.

The resolution contends that the standards for controlling and reducing regional haze contained in the proposed regulations are unreasonable, and the costs of complying with these standards are excessive. It further states that the proposed regulations do not adequately address issues relating

to regional haze caused by motor vehicle emissions, fires, and air pollution originating from outside the United States. The resolution cites criticism of the regulations by a wide range of agencies and organizations, and it contends that compliance with the regulations would place a special burden on the western United States.

For these reasons, the resolution expresses strong disapproval of the proposed regulations, urges the EPA to refrain from adopting the regulations until the referenced issues are addressed, and further urges Congress to take any appropriate action to prohibit adoption of the regulations unless they are amended to address these issues.

The resolution is effective on May 29, 1999.

S.J.R. 4 (File No. 8)

Senate Joint Resolution No. 4 urges Congress not to enact the Nuclear Waste Policy Act of 1999. The proposed federal act would require the shipment of nuclear waste through 43 states to reach an "interim" storage facility at the Nevada Test Site. There are many causes for concern about the storage facility including high seismic activity, radiation overexposure, and the possibility of the facility becoming a permanent nuclear storage site.

This measure is effective on February 9, 1999.

S.J.R. 7 (File No. 115)

Senate Joint Resolution No. 7 urges members of Nevada's Congressional Delegation to support "The Liberty Dollar Bill Act," which requires a portion of the *Constitution of the United States* to appear on the reverse of the $1 Federal Reserve Note that is being redesigned.

This measure is effective on May 29, 1999.

S.J.R. 10 (File No. 132)

Senate Joint Resolution No. 10 urges Nevada's Congressional Delegation to support legislation to enact a general "Nevada Public Land Management Act" modeled after the existing Southern Nevada Public Land Management Act of 1998.

The resolution notes that the Southern Nevada Act directs the United States Secretary of the Interior to dispose of designated public lands in Clark County and provides for the use of the proceeds from the disposal of these lands. It further urges Congress to enact similar legislation that provides both for the identification and disposal of public lands in Nevada not included in the Southern Nevada Act and for the proceeds from the sale of these properties to be used to fund education, infrastructure, land management, and the purchase of environmentally sensitive lands in the Lake Tahoe Basin.

S.J.R. 11 (File No. 86)

Senate Joint Resolution No. 11 proposes to amend the *Constitution of the State of Nevada* to authorize the Nevada Legislature to provide by law for an abatement of the tax upon, or a partial exemption of the assessed value of, a single-family residence occupied by the owner to avoid severe economic hardship to that person.

If approved in identical form by the 2001 Session of the Nevada Legislature, this proposal will be submitted to the voters for final approval or disapproval at the 2002 General Election.

S.J.R. 12 (File No. 133)

Senate Joint Resolution No. 12 encourages the Congress to support the establishment of a working partnership between federal land management agencies, local governments, and other interested parties on issues relating to the use of public lands. The resolution also expresses support for efforts to review the methodologies and practices employed by public land management agencies that have resulted in an unnecessary reduction in the use of public lands for livestock grazing. In addition, the measure encourages Nevada's Department of Agriculture to develop a statewide database to further demonstrate the cumulative losses to this state and its counties because of the reduction in the use of public lands for livestock grazing.

This measure is effective on May 29, 1999.

S.J.R. 13 (File No. 24)

Senate Joint Resolution No. 13 urges the President and Congress to support the participation of Taiwan of the Republic of China in the World Health Organization. In 1972, the country of Taiwan lost membership in the World Health Organization but has since expressed a willingness to assist financially or technically in international and health activities supported by the World Health Organization.

This measure is effective on March 16, 1999.

S.J.R. 19 (File No. 76)

Senate Joint Resolution No. 19 urges the Congress to permanently mitigate the consequences of Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Section 110 of the Act requires that the U.S. Immigration and Naturalization Service implement an entry and exit control system to track all foreign visitors entering and leaving the United States. Implementation of Section 110 has been suspended by Congress until March 30, 2001.

Testimony indicated that Section 110 would create delays and congestion along the United States' borders with Canada and Mexico. These delays, in turn, would severely impact travel and tourism in Nevada.

This measure is effective on May 5, 1999.

S.J.R. 20 (File No. 87)

Senate Joint Resolution No. 20 proposes to amend the *Constitution of the State of Nevada* to provide requirements for the enactment of property and sales tax exemptions. These requirements state that the Legislature must, among other things, determine that the exemption will achieve a bona fide social or economic purpose; restrict the eligibility for the exemption solely to the intended beneficiaries of the exemption; and determine that the exemption will not have a material adverse effect on the finances of the state or any local government that would otherwise receive revenue from the tax.

The measure further requires the Legislature to review any such exemption at least once every six years to determine whether the purpose of the exemption is still valid and that the exemption is being used effectively.

If approved in identical form by the 2001 Session of the Nevada Legislature, this proposal will be submitted to the voters for final approval or disapproval at the 2002 General Election.

S.J.R. 21 (File No. 111)

Senate Joint Resolution No. 21 expresses the concern of the Legislature regarding proposals to redefine the airspace in which aircraft may be flown over the Grand Canyon and urges Congress not to take actions that would adversely affect the air travel industry in southern Nevada or limit opportunities for visitors and sightseers.

This measure is effective on May 20, 1999.

S.J.R. 22 (File No. 146)

Senate Joint Resolution No. 22 urges Congress to ensure that proposed federal legislation affecting financial services and insurance does not preempt the authority of Nevada to regulate providers of insurance. The resolution further explains that existing state law is adequate to monitor and ensure the financial stability of providers of insurance and to protect the residents of this state from unfair trade practices.

This measure is effective on June 8, 1999.

Senate Concurrent Resolutions

S.C.R. 1 (File No. 95)

Senate Concurrent Resolution No. 1 directs the Legislative Commission to conduct an interim study of the requirements for reapportionment and redistricting in the State of Nevada. The measure specifies that the 71st Session of the Nevada Legislature will be required to reapportion and redistrict the election districts for the members of the Legislature, the members in the United States House of Representatives from the State of Nevada, the Board of Regents of the University and Community College System of Nevada, and the State Board of Education. The measure describes the software needs of the state, specifies that the requirements must comply with current case law and constitutional and statutory legal requirements, and authorizes the Legislative Commission to enter into contracts or other agreements to establish and test the reapportionment and redistricting programs, including the computer equipment.

S.C.R. 2 (File No. 105)

Senate Concurrent Resolution No. 2 urges the Commission on Professional Standards in Education to raise the passing score for the teacher competency tests administered for licensure in Nevada. The commission is advised to review all existing qualifying scores and consider the rigorous demands placed upon Nevada teachers by the adoption of the state's new academic standards for public schools.

S.C.R. 3 (File No. 106)

Senate Concurrent Resolution No. 3 encourages the Board of Regents of the University and Community College System of Nevada (UCCSN) to share more detailed information with school districts about the academic performance of the districts' high school graduates within the college and university system. To facilitate this exchange, the UCCSN is urged to establish a process to request the necessary consent forms for release of student information. The State Department of Education is directed to provide assistance through its automated student records system, or through other data sources as needed, to assist in this effort. Further, the measure encourages Nevada's school districts to provide constructive feedback to the colleges of education in this state concerning the strengths and weaknesses of teachers trained in those institutions and employed by the districts.

As part of the resolution, the State Department of Education will study this matter, in cooperation with the UCCSN, and report its findings to the 2001 Legislature.

S.C.R. 4 (File No. 143)

Senate Concurrent Resolution No. 4 directs the Legislative Commission to appoint a subcommittee to conduct an interim study of long-term care in Nevada. The resolution notes that the state has experienced unprecedented growth in population and that a large percentage of this growth is attributable to elderly persons who have retired in this state. Likewise, elderly persons with disabilities generally have the highest incidence of chronic illness and the greatest need for long-term care services.

This study must include the identification, review, and evaluation of alternatives to institutionalization for providing long-term care. The study must also include an evaluation of the possibility of obtaining waivers from the Federal Government to integrate and coordinate acute care services, provided through Medicare and long-term services provided through Medicaid; and eliminate the requirement that elderly persons in this state impoverish themselves as a condition of receiving assistance for long-term care. Finally, S.C.R. 4 requires the Legislative Commission to submit a report of the subcommittee's findings and recommended legislation to the 2001 Legislature.

S.C.R. 7 (File No. 9)

Senate Concurrent Resolution No. 7 commends the Clark County Board of Commissioners and its Neighborhood Justice Center for their dedication to the success of the Peer Mediation Program. The Peer Mediation Program teaches pupils valuable life skills, including communication, critical thinking, and problem-solving skills.

S.C.R. 9 (File No. 88)

Senate Concurrent Resolution No. 9 urges the Health Division's Bureau of Licensure and Certification to make its published surveys of nursing homes easier for consumers to understand. Further, the measure encourages the bureau to make these surveys more accessible and available to consumers of long-term care services.

S.C.R. 10 (File No. 10)

Senate Concurrent Resolution No. 10 commemorates African-American history and designates February as African-American History Month. This measure recognizes the significant contributions made by African-Americans in Nevada throughout the state's history. Finally, S.C.R. 10 encourages the residents of the State of Nevada to observe and celebrate the history of African-Americans.

S.C.R. 11 (File No. 107)

Senate Concurrent Resolution No. 11 expresses the Legislature's support for community-based efforts for suicide prevention and treatment, as well as support programs for families and others who have lost someone to suicide. The resolution also encourages the development and promotion of related mental health services to assist persons at risk of suicide.

S.C.R. 12 (File No. 13)

Senate Concurrent Resolution No. 12 designates February 22, 1999, as Boulder City Day at the Nevada Legislature. The resolution commemorates the contributions of the citizens of Boulder City for various accomplishments, including the construction of the Hoover Dam.

S.C.R. 14 (File No. 98)

Senate Concurrent Resolution No. 14 urges the Eighth Judicial District Court to adopt rules or procedures that provide for the selection and assignment of a district family court judge to serve as the judge of the juvenile court for a period of three years.

S.C.R. 15 (File No. 65)

Senate Concurrent Resolution No. 15 urges state agencies active in conservation efforts in the Lake Tahoe Basin to use, to the greatest extent practical, inmate and volunteer labor. The resolution further urges Nevada's Division of Forestry to provide inmate crews that are dedicated exclusively to projects in the basin whenever practical.

S.C.R. 16 (File No. 77)

Senate Concurrent Resolution No. 16 directs the Legislative Commission to appoint a committee to continue the review of the Tahoe Regional Planning Compact and to oversee the activities of the Tahoe Regional Planning Agency and the federal and state agencies having authority to regulate activities in the Lake Tahoe Basin.

S.C.R. 17 (File No. 17)

Senate Concurrent Resolution No. 17 commends the Truckee Meadows Law Enforcement Chaplaincy Program for its dedicated service and support to various law enforcement agencies in the Truckee Meadows and to the residents of Nevada. Since the inaugural class of the program graduated in 1996, the members have provided thousands of hours of service to local law enforcement agencies and to the residents of Nevada.

S.C.R. 18 (File No. 18)

Senate Concurrent Resolution No. 18 memorializes former Senator Jack Regan. The measure recognizes his contributions during five legislative sessions. From 1989 to 1993, Mr. Regan served as an assemblyman and, from 1995 to 1997, he was the Senate Minority Whip.

S.C.R. 19 (File No. 144)

Senate Concurrent Resolution No. 19 directs the Legislative Commission to appoint a subcommittee to conduct an interim study of ways to encourage corporations and other business entities to organize and conduct business in this state. The resolution further requires the commission to appoint an advisory committee to assist with the study, which must include one representative each from the Office of the Secretary of State, the Commission on Economic Development, and the Business Law Section of the State Bar of Nevada.

The study must include consideration of whether any laws should be revised to facilitate business activities in this state. In addition, the study must review administrative fees charged to business entities and the need for expanded use of technology in the Office of the Secretary of State. The study also must include consideration of whether a court of limited jurisdiction should be established to resolve litigation and contractual disputes relating to business entities. Finally, S.C.R. 19 requires the Legislative Commission to submit a report containing the results of the study and any recommendations to the 2001 Legislature.

S.C.R. 20 (File No. 21)

Senate Concurrent Resolution No. 20 commemorates the 80th anniversary of the American Legion and designates March 13 through March 19, 1999, as American Legion Week in Nevada. The resolution recognizes that American Legion Posts gave more than $3.6 million in scholarships during Fiscal Year 1995-1996. Further, this measure acknowledges their support of Nevada Boys' State, in addition to numerous other youth and veteran programs throughout Nevada and the United States.

S.C.R. 21 (File No. 26)

Senate Concurrent Resolution No. 21 memorializes Edward Van Gorder, distinguished educator, and recognizes his many community contributions and services to the citizens of Nevada. Mr. Van Gorder was active in many civic organizations and also served as President of the Board of School Trustees of the Washoe County School District.

S.C.R. 24 (File No. 29)

Senate Concurrent Resolution No. 24 honors Chinese journalist Gao Yu for her courage and determination to fight for the ideals of democracy.

S.C.R. 25 (File No. 30)

Senate Concurrent Resolution No. 25 congratulates Dr. Wallace S. Broecker for being selected as the recipient of the Nevada Medal given by the Desert Research Institute and sponsored by Nevada Bell shareholders. The measure notes Dr. Broecker's major contributions to the understanding of climate change and global warming through his research of ocean currents and chemical cycles.

S.C.R. 26 (File No. 37)

Senate Concurrent Resolution No. 26 commends Ms. Carol Martini for her years of public service to the Nevada Legislature and the State of Nevada. The measure notes Ms. Martini's tremendous work ethic, dedication to the Legislature, and concern for the residents of Nevada. Further, Ms. Martini is recognized for her willingness to help others as evidenced by her active membership in the First Baptist Church of Carson City, her service on the advisory board of the Crisis Pregnancy Center, and her work for Friends In Service Helping.

S.C.R. 27 (File No. 39)

Senate Concurrent Resolution No. 27 commends Miss Shila Young, recipient of the 1999 Prudential Spirit of Community Award. This prestigious award honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities by showing personal initiative and leadership in providing volunteer service. The measure notes Miss Young earned this award by giving generously of her time and energy in conducting a five-month fund-raising campaign called "Pennies for Jenny," which raised $25,000 to benefit her best friend. The money donated enabled Jenny's mother to stay at her daughter's bedside until she died as a result of cancer.

S.C.R. 28 (File No. 47)

Senate Concurrent Resolution No. 28 revises certain sections of Rule No. 14 of the Joint Standing Rules of the Senate and Assembly for the 70th Session of the Nevada Legislature. The measure exempts joint, concurrent, and simple resolutions from limitations to the number that may be requested and deadlines by which a resolution must be requested, introduced, or enacted.

S.C.R. 29 (File No. 49)

Senate Concurrent Resolution No. 29 memorializes former Nevada Legislator Jean Ford, who was elected to the Nevada Assembly in 1972 and 1974 and to the Nevada Senate in 1978. The resolution highlights Ms. Ford's civic contributions, praises her support for visionary legislation, and recognizes her role in the development of the Nevada Women's Archives and the Nevada Women's History Project.

S.C.R. 30 (File No. 51)

Senate Concurrent Resolution No. 30 designates April 8, 1999, as Kiwanis Day in Nevada and recognizes the accomplishments of members in that organization.

S.C.R. 31 (File No. 53)

Senate Concurrent Resolution No. 31 memorializes George J. Vucanovich, who is remembered as a wonderful father; a successful businessman; an active community leader; and a dedicated volunteer involved in numerous charities, programs, and events.

S.C.R. 32 (File No. 58)

Senate Concurrent Resolution No. 32 memorializes Roger Teglia, pioneer rancher and native Nevadan. The measure notes Mr. Teglia's numerous efforts to establish and develop wild gamebird populations, wetlands, and recreation areas in Nevada as well as his dedicated community service with many organizations such as the Regional Planning Commission in Washoe County and the City of Reno Housing Authority.

S.C.R. 33 (File No. 59)

Senate Concurrent Resolution No. 33 memorializes accomplished athlete and dedicated public servant Sheila Renee Tarr-Smith. The measure notes that Mrs. Tarr-Smith was the 1984 National Collegiate Athletic Association's champion in the heptathlon, the first such honor ever won by any athlete from the State of Nevada, and was an alternate for the United States Olympic Team.

S.C.R. 34 (File No. 66)

Senate Concurrent Resolution No. 34 memorializes former Assemblyman Marvin Bender Humphrey and his wife, Lucie King Humphrey, for their dedication and civic commitment to the State of Nevada. During his membership in the Nevada Assembly from 1947 to 1952 and again from 1957 to 1960, Mr. Humphrey helped to enact the Nevada Free Port Law, allowing Nevada

to store goods in transit without taxation and resulting in economic benefit to the state. Mrs. Humphrey is recognized for her many years of community service and political involvement.

S.C.R. 35 (File No. 69)

Senate Concurrent Resolution No. 35 recognizes the 100th anniversary of the Veterans of Foreign Wars (VFW) of the United States. The measure commends America's veterans for their sacrifice, hardship, endurance, dedication, bravery, courage, and patriotism in defense of our nation's freedoms and democratic government. The resolution recognizes the VFW as the 16th most powerful membership organization in the country, with more than 10,000 posts worldwide and more than 2 million members; and it praises the VFW for its assistance to veterans, their families, and their communities.

S.C.R. 36 (File No. 75)

Senate Concurrent Resolution No. 36 memorializes Thelma Davis Calhoun, Nevada artist and public servant, for her creativity, determination, and leadership in northern Nevada for more than 30 years.

S.C.R. 37 (File No. 78)

Senate Concurrent Resolution No. 37 commends Operation Godspeed for its commitment to patriotism and its support of the veterans of the United States, particularly for the efforts to raise money to purchase equipment and construct facilities at the Southern Nevada Veterans' Memorial Cemetery.

S.C.R. 38 (File No. 82)

Senate Concurrent Resolution No. 38 commends James E. Rogers for his many philanthropic contributions to educational institutions and for his generous support of nonprofit organizations in Nevada.

S.C.R. 39 (File No. 83)

Senate Concurrent Resolution No. 39 congratulates the Douglas High School girls' cross county team for winning the state 4A championship in 1998.

S.C.R. 40 (File No. 84)

Senate Concurrent Resolution No. 40 congratulates the Douglas High School girls' volleyball team for winning the state 4A championship in 1998.

S.C.R. 41 (File No. 89)

Senate Concurrent Resolution No. 41 memorializes Matthew C. Benson, prominent Nevada rancher. The measure describes Mr. Benson's military service, his educational achievements, his career as a rancher in Nevada, and his public service commitments to organizations that served the farming and ranching community.

S.C.R. 42 (File No. 90)

Senate Concurrent Resolution No. 42 commends Dr. Janet Dorby, the principal of Gordon McCaw Elementary School in Henderson, for her dedication and commitment to the youth of Nevada.

S.C.R. 43 (File No. 91)

Senate Concurrent Resolution No. 43 memorializes Arthur M. Smith, Jr., Nevada banking pioneer and community leader. The measure describes Mr. Smith's career in Nevada, his military service, his banking accomplishments, and his commitment to public service through his membership with various organizations.

S.C.R. 44 (File No. 92)

Senate Concurrent Resolution No. 44 designates May 10, 1999, as Collector Car Day in Nevada. The resolution also commends the many state residents who participate in car clubs and automotive organizations in an effort maintain the memories of our car culture.

S.C.R. 45 (File No. 99)

Senate Concurrent Resolution No. 45 memorializes Nevada sports legend William Wesley Morris. The measure describes Mr. Morris's love for the game of football, recognizes his contribution to a successful football program at Las Vegas High School, commends his service to the United States in the Korean War, and mentions his work for key U.S. Senators Pat McCarran and Alan Bible.

S.C.R. 46 (File No. 104)

Senate Concurrent Resolution No. 46 requests the return of Senate Bill 8 from the Governor's office to the Senate for further legislative attention.

Senate Joint Resolutions - 69th Session

S.J.R. 12 - 69th Session (File No. 129)

Senate Joint Resolution No. 12 of the 69th Session proposes to amend the *Constitution of the State of Nevada* to allow the investment of state money to stimulate economic development. The measure describes the benefits of ensuring business expansion in the state and further describes the restrictions in Nevada's constitution for investing in certain economic growth programs. The resolution advocates changing the constitution by allowing for the specific enactment of legislation to invest in projects for economic diversification or development and specifies the methods that will be used to make decisions regarding projects for investment.

This proposal was approved in identical form by the 1997 and 1999 Legislatures and will be submitted to voters for final approval or disapproval at the 2000 General Election.

Assembly Joint Resolutions

A.J.R. 1 (File No. 147)

Assembly Joint Resolution No. 1 expresses support for the withdrawal, by the United States Air Force, of public land within the Nellis Air Force Range for an indefinite period of time under specified conditions.

The specified conditions include:

- If the range or any portion of it ceases to be used for purposes directly related to Nellis Air Force Base, the land reverts to the State of Nevada;
- The Federal Government is responsible for any environmental cleanup that may be necessary;
- The U.S. Air Force provides periodic reports, every five years, to the U.S. Congress and the State of Nevada, with continued public involvement and input;
- Congress reviews the indefinite withdrawal every 15 years, but does not require the preparation of an environmental impact statement; and

- Congress does not authorize high-level radioactive waste to be stored temporarily or permanently at any location within the Nellis Air Force Range.

The Nellis Air Force Range, as withdrawn from the public domain by the Congress in 1986, includes three million acres in Clark, Lincoln, and Nye Counties. It does not include the Nellis Air Force Base itself.

This measure is effective on June 9, 1999.

A.J.R. 2 (File No. 116)

Assembly Joint Resolution No. 2 urges Congress to amend provisions of the Wild Free-Roaming Horses and Burros Act to require that the population of wild horses be maintained at certain levels on public lands. The measure recognizes that Nevada's public lands serve multiple uses, including wildlife habitat, livestock production, and recreation, and that these uses may be adversely affected by an overpopulation of wild horses. The resolution recommends the number of wild horses be maintained at an appropriate management level to be determined by sound scientific data and environmental and range conditions. It also urges Congress to incorporate a provision into the federal act whereby unadoptable animals may be sold on the open market, with the proceeds used to augment wild horse and burro management programs in the state from which they were taken.

This measure is effective on May 24, 1999.

A.J.R. 4 (File No. 79)

Assembly Joint Resolution No. 4 proposes to amend the *Constitution of the State of Nevada* by repealing the constitutional rule against perpetuities. Currently, Section 4 of Article 15 provides that, "No perpetuities shall be allowed except for eleemosynary purposes."

Testimony indicated that only charitable (eleemosynary) activities are now exempt from the rule against perpetuities. Further, it was pointed out that under this antiquated rule, which had its origins in English common law, there are limits placed on the duration of trusts. Several states have repealed the rule against perpetuities to promote economic development and provide for more flexibility in estate planning.

If approved in identical form by the 2001 Nevada Legislature, this proposal will be submitted to the voters for final approval or disapproval at the 2002 General Election.

A.J.R. 5 (File No. 22)

Assembly Joint Resolution No. 5 urges Congress to enact legislation that provides for the payment of lump sums to persons who became eligible, after 1981 and before 1992, for Social Security benefits and who have been paid reduced benefits as a result of previous federal law.

This measure is effective on March 16, 1999.

A.J.R. 8 (File No. 15)

Assembly Joint Resolution No. 8 expresses support for the development of SPACEPORT NEVADA and other commercial activities at the Nevada Test Site and commends Nevada's Congressional Delegation for its continued support of the Nevada Test Site Development Corporation. One of the many benefits of SPACEPORT NEVADA is the development of a commercial aerospace industry in Nevada, resulting in numerous job opportunities for Nevadans.

This measure is effective on March 4, 1999.

A.J.R. 10 (File No. 44)

Assembly Joint Resolution No. 10 expresses strong opposition to the extension of mandatory Social Security coverage to newly hired state and local governmental employees and urges Congress to oppose such an extension. The resolution notes that a mandate of this nature would not make the Social Security trust fund solvent and would seriously disrupt Nevada's financially sound pension plan.

This measure is effective on April 8, 1999.

A.J.R. 12 (File No. 110)

Assembly Joint Resolution No. 12 urges the Federal Government to invest all surplus money in the Federal Insurance Contributions Act to benefit the Social Security system. The resolution notes that the total income from the Social Security system is estimated to fall short of expenditures in 2019, with assets being exhausted in 2029. The resolution explains that efforts to save the Social Security system will expand national savings, increase labor productivity, and enhance the economy of the United States.

This measure is effective on May 20, 1999.

A.J.R. 13 (File No. 121)

Assembly Joint Resolution No. 13 proposes to amend the *Constitution of the State of Nevada* to revise the term of office of a Supreme Court justice or district court judge who is appointed to fill a vacancy. The measure requires that an appointed justice or judge serve at least 12 months before that office is subject to a general election. However, if fewer than 12 months remain in the unexpired term, the appointment covers just the remaining term. Finally, the measure provides that a subsequent election to fill a vacated office is for the remainder of the unexpired term.

The Constitution now requires the Governor to fill a vacancy in the Supreme Court or among the district judges from a list of three nominees submitted by the Commission on Judicial Selection. Further, the Constitution provides that the term of office of an appointed justice or judge expires on the first Monday in January following the next general election. Testimony indicated that this change would encourage more eligible persons to seek appointment to a court vacancy, instead of remaining in the private sector until the next election, and would give voters more time to evaluate the performance of an appointed justice or judge before voting for that office.

If approved in identical form by the 2001 Nevada Legislature, this proposal will be submitted to the voters for final approval or disapproval at the 2002 General Election.

A.J.R. 14 (File No. 45)

Assembly Joint Resolution No. 14 commends Dr. Daniel L. Peterson, a resident of Incline Village, Nevada, for his work on behalf of persons with chronic fatigue syndrome (CFS). In addition, the measure urges Congress to provide financial support for additional scientific research to combat this disease. Finally, the resolution describes the debilitating effects of chronic fatigue syndrome on individuals and their families, discusses the contributions Dr. Peterson has made to understanding this illness, and illustrates his commitment to assisting patients who are afflicted with CFS.

This measure is effective on April 8, 1999.

A.J.R. 15 (File No. 112)

Assembly Joint Resolution No. 15 urges Congress to take steps to ensure persons covered by health insurance plans governed by the Employee Retirement Income Security Act of 1974 have adequate procedural protections and rights or appeal. The resolution takes note of laws that have been enacted by other states to protect health insurance consumers and observes that states have limited authority to regulate health insurance coverage offered by self-insured employers.

This measure is effective on May 20, 1999.

A.J.R. 19 (File No. 93)

Assembly Joint Resolution No. 19 urges the U.S. Secretary of the Interior to take certain actions regarding federal surface mining regulations. The measure notes that existing regulations are effective and successful in Nevada and opposes an effort by the federal Bureau of Land Management (BLM) to revise them.

Assembly Joint Resolution No. 19 expresses support for Alternative 1, the "No Action" alternative, as described in the draft environmental impact statement pertaining to the surface mining regulations. This alternative would maintain the existing regulations. The measure further urges the Secretary of the Interior to comply with the intent of Congress as stated in the Omnibus Appropriations Act of 1998, which requires the National Academy of Sciences to study the need to revise the surface mining regulations prior to the completion of BLM's revision process.

This measure is effective on May 13, 1999.

A.J.R. 20 (File No. 118)

Assembly Joint Resolution No. 20 urges the federal Environmental Protection Agency (EPA) to reconsider recent revisions to the "Toxics Release Inventory," which require certain industries to report releases of hazardous chemicals into the environment. The measure expresses concern that the inventory was expanded to include the mining industry, which handles many reportable elements occurring naturally in the earth's crust, and recommends that the industry be excluded from the reporting requirements. The measure further provides that if mining is not excluded, separate reporting requirements should be adopted by the EPA that are more appropriate for the mining industry.

This measure is effective on May 25, 1999.

A.J.R. 21 (File No. 119)

Assembly Joint Resolution No. 21 urges the federal Environmental Protection Agency (EPA) to reconsider certain proposed regulations for animal feeding operations. The measure recommends that states be given the authority and flexibility to enact statutes based on sound science, economic feasibility, and the specific needs of each state. The resolution urges the EPA to reconsider a formula which results in a reduction of the threshold number of animals and an expansion of the national permitting process. Finally, the measure recommends that the EPA seek and consider input from state and local governments and others affected by revisions to these regulations.

According to testimony, Nevada's Division of Environmental Protection already has a permitting program for animal feeding operations, which is designed specifically to address situations in this state.

This measure is effective on May 25, 1999.

A.J.R. 22 (File No. 127)

Assembly Joint Resolution No. 22 proposes to amend the *Constitution of the State of Nevada* to create an intermediate court of appeals between the district courts and Nevada's Supreme Court.

The resolution specifies that the court of appeals must consist of three or more judges, as provided by law. This measure provides for the election and staggered terms of office of the initial appellate court judges. After the initial terms, the judges would be elected at subsequent general elections to serve six-year terms of office. Further, the measure specifies the procedure for filling vacancies on the appellate court, which may not be for a period longer than the remainder of the unexpired term. Finally, the resolution requires the Legislature to establish the jurisdiction of the court of appeals and provide for the review by the Supreme Court, where appropriate, of appeals decided by the appellate court.

If the resolution is passed in identical form by the 2001 Session of the Nevada Legislature, it will be submitted to Nevada's voters for final approval or disapproval at the 2002 General Election.

A.J.R. 23 (File No. 50)

Assembly Joint Resolution No. 23 commends the three servicemen who were taken captive in the former Yugoslavia for their courage and urges residents of Nevada to demonstrate support by displaying yellow ribbons.

This measure is effective on April 13, 1999.

A.J.R. 24 (File No. 148)

Assembly Joint Resolution No. 24 urges members of Congress to adopt federal legislation that requires a warning label on products that contain a steroid ingredient. The resolution states that multiple adverse medical outcomes may result from inappropriate use of over-the-counter and prescription drugs that contain steroids. Further, the resolution indicates that appropriate notice should be given to consumers concerning the percentage of steroid ingredient in products, possible adverse effects, recommended dosage for effective use, and the specified duration of time for which a drug may be used. Finally, the measure specifies that the Nevada Legislature supports the efforts of the Steroid Warning Network, which is a nonprofit organization devoted to providing information and emotional support for persons who suffer from steroid-related medical problems.

This measure is effective on June 9, 1999.

A.J.R. 25 (File No. 138)

Assembly Joint Resolution No. 25 expresses the Nevada Legislature's most sincere sympathy, support, and condolences, on behalf of all Nevadans, to the families of all of the victims of the

tragedy that occurred in Littleton, Colorado, the students and faculty of Columbine High School, the community of Littleton, and the residents of the State of Colorado.

This measure is effective on May 29, 1999.

A.J.R. 26 (File No. 122)

Assembly Joint Resolution No. 26 proposes to amend the *Constitution of the State of Nevada* by adding another exemption from the state borrowing cap of 2 percent of the state's total assessed valuation. This measure also exempts state contracts for public debt concerning the improvement, acquisition, and construction of facilities for public elementary and secondary schools.

This measure combines and clarifies the provisions of two resolutions considered earlier in the 1999 Session: A.J.R. 7 and S.J.R. 8. The proposed constitutional amendment was requested to allow school districts to access financing for school construction at the more favorable rate accorded to the state.

If this proposal is approved in identical form by the 2001 Session of the Nevada Legislature, it will be submitted to the voters for final approval or disapproval at the 2002 General Election.

Assembly Concurrent Resolutions

A.C.R. 1 (File No. 7)

Assembly Concurrent Resolution No. 1 adopts the Joint Rules of the Senate and Assembly for the 1999 Legislative Session.

A.C.R. 2 (File No. 19)

Assembly Concurrent Resolution No. 2 encourages the Administrative Office of the Courts to improve the use of technology in the judicial system and to develop consistent accounting procedures for the courts in this state. The resolution reflects the position of the current Supreme Court by creating a minimum standard of technology in every court and establishing consistent accounting procedures, which is expected to improve the rate of collecting money from fines and provide more accurate court statistics.

A.C.R. 3 (File No. 100)

Assembly Concurrent Resolution No. 3 requires the Director of the Department of Transportation to conduct an interim study, in cooperation with certain local governing bodies in Nevada, to determine the feasibility of transferring certain highways owned, controlled, or maintained by the

state to counties or cities in exchange for certain highways owned, controlled, or maintained by counties or cities.

The results of this study will be transmitted to the 71st Session of the Nevada Legislature.

A.C.R. 4 (File No. 52)

Assembly Concurrent Resolution No. 4 urges the family courts in Nevada to coordinate and integrate as fully as possible all case files that pertain to the same parties or children, but that are reviewed by multiple persons or agencies. The resolution also urges the family courts to ensure that the parties or children in such cases are directed to the appropriate agencies and services in a timely manner. In addition, this measure directs each of the chief judges of the Second and Eighth Judicial Districts (Washoe and Clark Counties) to submit, to the next regular session of the Nevada Legislature, a report that summarizes any actions taken in the judicial district to coordinate and integrate such case files and contains any suggestions for necessary legislation to assist the courts in achieving such results.

A.C.R. 6 (File No. 60)

Assembly Concurrent Resolution No. 6 encourages the Department of Human Resources to enter into agreements with community-based organizations and essential community providers to enroll children in the Children's Health Insurance Program in Nevada, known as Nevada Check-Up. The agreements should provide for such organizations to reach out to families who may be eligible for the program. Further, the agreements will include specific outreach programs targeted at local communities and will provide monetary incentives to organizations that are successful in enrolling children.

A.C.R. 13 (File No. 139)

Assembly Concurrent Resolution No. 13 directs the Legislative Commission to appoint an interim committee to continue the study of the system of juvenile justice in Nevada. The resolution notes that a continuation of the study regarding juvenile justice conducted during the 1997-1998 legislative interim is necessary to ensure a comprehensive analysis of critical issues that will result in improvements to Nevada's system of juvenile justice. The measure further authorizes the study committee to appoint and consult with an advisory committee regarding juvenile justice issues.

Among other topics, the study may review the placement of juveniles in correctional facilities, probation issues, the Standardized Juvenile Justice Data Collection System, and the treatment of substance abuse. In addition, the study may assess gang activity, school violence, truancy issues, and the need for mental health services for the juvenile justice population. Assembly Concurrent Resolution No. 13 requires the Legislative Commission to submit a report of the committee's findings and recommendations to the 2001 Legislature.

A.C.R. 16 (File No. 108)

Assembly Concurrent Resolution No. 16 urges the State Department of Education to establish an advisory group to review the requirements for a pupil with disabilities to graduate from high school with a standard diploma. The advisory group should consist of special education teachers, other teachers, administrators, parents of special education students, and staff from the State Department of Education and the Legislative Counsel Bureau. The resolution asks the advisory group to recommend any additional criteria that a student with a disability should meet to be eligible to graduate from high school with a standard diploma. The State Department of Education is also urged to consider which accommodations and modifications to the high school proficiency examination for disabled students should be deemed appropriate. Finally, the measure directs the State Department of Education to submit a copy of the advisory group's findings to the 71st Session of the Nevada Legislature.

A.C.R. 17 (File No. 25)

Assembly Concurrent Resolution No. 17 expresses the support of the Legislature for programs and policies that encourage residents of the State of Nevada to master English and other languages. The resolution notes that English is the most widely used language in the area of finance, trade, technology, diplomacy, and entertainment. The measure further explains that a common language promotes unity and fosters better communication between nations and different ethic and racial groups. In addition to English, the resolution encourages the knowledge of other languages, including Spanish, and states that this knowledge is vital for building important cultural and economic bridges to other countries. Finally, the resolution encourages all Nevada residents to take advantage of educational opportunities to realize their potential in the mastery of English and other languages.

A.C.R. 18 (File No. 11)

Assembly Concurrent Resolution No. 18 memorializes former Nevada legislator and engineer Max J. Bennett. The measure recognizes his sincerity and hard work during the 68th Session of the Nevada Legislature and extends the Legislature's condolences to Mr. Bennett's family.

A.C.R. 19 (File No. 67)

Assembly Concurrent Resolution No. 19 urges all Nevadans who have agreed to donate organs and tissues to direct that their anatomical gifts be offered first to transplant candidates living in Nevada. Further, the resolution notes that, despite the presence of a donor card, a person's next-of-kin must sign a consent form before an organ will be donated to a transplant candidate and, without directed donation, there is no assurance that the organ will be used for another Nevada resident.

A.C.R. 21 (File No. 35)

Assembly Concurrent Resolution No. 21 declares the last week of June as Amateur Radio Week in Nevada. The resolution notes that amateur radio operators play a critical role in emergency situations when conventional systems of communication are inoperative. The measure further explains that the last week of June will be devoted toward final preparations for "Field Day," an operation designed to simulate an emergency situation and coordinate the efforts of amateur radio operators. Finally, the resolution commends and congratulates the members of the State of Nevada Amateur Radio Emergency Service and the Radio Amateur Civil Emergency Service for their participation in "Field Day" and for their many hours of dedicated service to all Nevadans.

A.C.R. 22 (File No. 16)

Assembly Concurrent Resolution No. 22 commemorates the birthday of Theodor Seuss Geisel, who is better known as Dr. Seuss, by recognizing March 2, 1999, as Read Across America Day in Nevada. The measure also encourages children and adults to read a favorite book together on this date.

A.C.R. 23 (File No. 124)

Assembly Concurrent Resolution No. 23 grants five days of administrative leave to employees of the Legislature and Legislative Counsel Bureau in recognition of their enthusiastic and dedicated service during the 1999 Session of the Nevada Legislature.

A.C.R. 24 (File No. 71)

Assembly Concurrent Resolution No. 24 urges the Division of Wildlife of the State Department of Conservation and Natural Resources, when making wildlife management decisions, to recognize, promote, and actively support the contributions made by owners of private property and water rights in Nevada toward the health, vitality, and continued viability of the state's wildlife.

A.C.R. 25 (File No. 113)

Assembly Concurrent Resolution No. 25 authorizes the Legislative Committee on Education, in consultation with school districts in the state, to review Title 34 of *Nevada Revised Statutes* to identify statutes that the committee determines should be recommended for repeal by the Legislature. The resolution explains that these recommendations are intended to give districts and schools more local control and flexibility in determining how to satisfy new academic content and performance standards. This resolution also urges the Legislative Committee on Education to evaluate the statewide automated system of information concerning pupils to determine how the system supports the program of accountability in schools. The measure further authorizes the

committee to evaluate various methods to shift resources to disadvantaged schools. The committee must report any findings and recommendations to the 2001 Session of the Nevada Legislature.

A.C.R. 28 (File No. 20)

Assembly Concurrent Resolution No. 28 commends the Nevada Board of Medical Examiners for 100 years of dedicated service ensuring that the residents of the State of Nevada receive quality medical care. The resolution further recognizes the board for its 1985 recommendation to revise Chapter 630 of the *Nevada Revised Statutes* and explains that Nevada's modern medical practice act has become a model for the nation.

A.C.R. 33 (File No. 28)

Assembly Concurrent Resolution No. 33 memorializes Louis W. Bergevin, former Assemblyman and esteemed public servant. Mr. Bergevin served in the Nevada State Legislature for 14 years, participating in seven regular and three special sessions. The measure also recognizes his service in the United States Army Air Force, on Nevada's State Board of Education, and in the Nevada Cattlemen's Association.

A.C.R. 34 (File No. 27)

Assembly Concurrent Resolution No. 34 respectfully requests that the Governor return Assembly Bill 108 of this session to the Assembly for further consideration.

A.C.R. 37 (File No. 101)

Assembly Concurrent Resolution No. 37 urges the University and Community College System of Nevada to increase efforts to develop course offerings, academic programs, and student activities at its institutions that better reflect the cultural diversity of the student body and local communities.

A.C.R. 38 (File No. 31)

Assembly Concurrent Resolution No. 38 designates March 23, 1999, as Nevada Diabetes Awareness Day. The measure recognizes that opportunities exist to create positive programs through collaborative efforts to reduce the cost and incidence of this debilitating illness.

A.C.R. 39 (File No. 32)

Assembly Concurrent Resolution No. 39 designates March 24, 1999, as HIV/AIDS Awareness Day in the State of Nevada. The measure notes that the observance of HIV/AIDS Awareness Day

is an opportunity to enhance tolerance, increase compassion, and promote understanding of persons infected with HIV/AIDS while communicating information about the prevention of this epidemic.

A.C.R. 40 (File No. 36)

Assembly Concurrent Resolution No. 40 memorializes Mrs. Linda B. Alden, former Chief Clerk of the Nevada Assembly. The measure notes Mrs. Alden's professional demeanor and outstanding work ethic throughout her career with the Nevada Legislature. In addition, the resolution recognizes the natural wit and true spirit with which Mrs. Alden led her life.

A.C.R. 41 (File No. 38)

Assembly Concurrent Resolution No. 41 congratulates the University of Nevada School of Medicine on its thirtieth anniversary and commends Dean Dr. Robert M. Daugherty, Jr., for the leadership and guidance he has provided to its students. The measure notes the national recognition the School of Medicine receives due to the caliber of its faculty, students, and programs. Further, Dr. Daugherty is credited with much of this recognition because of his leadership roles in national medical organizations and his advocacy for all physicians to preserve the doctor/patient relationship.

A.C.R. 42 (File No. 40)

Assembly Concurrent Resolution No. 42 memorializes former Chief of the Legislative Police Jerry A. Kenney. In addition to his successful career in law enforcement, the measure notes Mr. Kenney's service as regional chairman and vice chairman of the National Legislative Services and Security Association.

A.C.R. 43 (File No. 41)

Assembly Concurrent Resolution No. 43 commends Mrs. Carol Van Wagoner for her outstanding watercolor paintings of the state symbols of Nevada. The measure recognizes that through the use of her imagination and vivid colors, Mrs. Van Wagoner was able to capture the true feeling of the Nevada state symbols.

A.C.R. 44 (File No. 46)

Assembly Concurrent Resolution No. 44 commends Sheriff Richard Kirkland and the employees of the Washoe County Consolidated Jail for the innovative management philosophy applied at that facility. The measure notes that Sheriff Kirkland's bold new philosophy was premised on the beliefs that inmates should be held accountable for their actions, experience meaningful

punishment, and repay their debts to society. The resultant programs have increased the likelihood that the inmates will leave the jail better equipped to be productive members of society.

A.C.R. 45 (File No. 48)

Assembly Concurrent Resolution No. 45 commends the Reno Chamber Orchestra for its 25-year contribution to the arts in the State of Nevada. The resolution notes that the Reno Chamber Orchestra, under the direction of Maestro Vahe Khochayan, has enhanced the cultural and educational climate of Nevada. The resolution also praises the orchestra for providing a forum for local, national, and international talent and encourages Nevadans to attend performances of the Reno Chamber Orchestra.

A.C.R. 46 (File No. 140)

Assembly Concurrent Resolution No. 46 directs the Legislative Commission to appoint a subcommittee to conduct an interim study concerning the statutory limitation on damages that may be awarded to a person in a tort action against the State of Nevada or its political subdivisions. The subcommittee must also evaluate the effect of the statutory limitation on present or former officers or employees of the state or any political subdivision, or an immune contractor or state legislator arising out of an act or omission within the scope of his or her public duties or employment. The study must include, without limitation, an analysis of whether it is appropriate to change the current statutory limitation, and the cost of such a change.

The resolution further requires the commission to appoint an advisory committee to assist the subcommittee. Finally, the measure requires the Legislative Commission to submit a report of its findings and recommended legislation to the 2001 Legislature.

A.C.R. 47 (File No. 56)

Assembly Concurrent Resolution No. 47 designates April 21, 1999, as E Clampus Vitus Day at the Nevada Legislature. The measure offers praise and commendation to the Ancient and Honorable Order of E Clampus Vitus for its contributions to humankind and recognizes its members who continue to serve and protect the residents of the Silver State.

A.C.R. 48 (File No. 57)

Assembly Concurrent Resolution No. 48 memorializes former legislator and distinguished public servant Raymond L. Knisley. The measure recognizes Mr. Knisley for his commitment to preserve portions of the Lake Tahoe area as well as his devoted service during five regular and three special legislative sessions.

A.C.R. 49 (File No. 61)

Assembly Concurrent Resolution No. 49 memorializes Dr. James B. McMillan, civil rights pioneer. This measure recognizes Dr. McMillan's leadership in the desegregation of Las Vegas and successful efforts to change the racial outlook of the city.

A.C.R. 50 (File No. 62)

Assembly Concurrent Resolution No. 50 memorializes native Nevadan and former Speaker of the Assembly, Berkeley L. Bunker, who was elected to the Assembly in 1936, 1938, and 1940. In 1944, he was elected to the U.S. House of Representatives. The resolution remembers Mr. Bunker for his integrity, sense of humor, and positive outlook.

A.C.R. 51 (File No. 63)

Assembly Concurrent Resolution No. 51 recognizes Jamie McAdoo and Jesse Waite as Nevada's top two youth volunteers named by the National Prudential Spirit of Community Awards for 1998. Ms. McAdoo of Elko High School was chosen for her commitment to tutoring a young autistic boy for six years and her desire to become a special education teacher. Jesse Waite of W. Mack Lyon Middle School in Overton was chosen for designing and organizing a landscape beautification project for an empty lot at a local elementary school.

A.C.R. 52 (File No. 64)

Assembly Concurrent Resolution No. 52 memorializes James Kent Seastrand, former Mayor of the City of North Las Vegas, for his public service and dedication to his family, church, community, and state. The measure recognizes his leadership first as a city councilman for 6 years and later as mayor for 16 years.

A.C.R. 53 (File No. 141)

Assembly Concurrent Resolution No. 53 directs the Legislative Commission to appoint a subcommittee to conduct an interim study of the integration of state and local child welfare systems in Nevada.

The study must include, without limitation, an evaluation of the appropriate manner in which to integrate the current state and local child welfare systems, a review of child welfare systems in other states, and an assessment of the impacts of creating an integrated service agency. During the course of the study, the committee must consult with various state and local agency representatives as well private citizens involved in child welfare programs. Finally, A.C.R. 53 requires the Legislative Commission to submit a report of the committee's findings and recommended legislation to the 2001 Legislature.

A.C.R. 54 (File No. 68)

Assembly Concurrent Resolution No. 54 designates April 28, 1999, the anniversary of the enactment of the Occupational Safety and Health Act of 1970, as Workers' Memorial Day in Nevada. The measure honors workers who have succumbed to an occupational disease or who have been injured or killed as a result of work-related accidents and urges Nevadans to observe the day by recognizing the need to strengthen safety and health protections in the workplace. The American Federation of Labor and Congress of Industrial Organizations has observed April 28 as Workers' Memorial Day since 1989.

A.C.R. 56 (File No. 72)

Assembly Concurrent Resolution No. 56 commemorates the 150th anniversary of the first gold discovery in Nevada in the town of Dayton. Subsequent exploration of the area led prospectors to discover what would later become the Comstock Lode, the wealth from which helped to support the efforts of the Union in the Civil War. In recognition of this anniversary, the resolution proclaims July 17 and 18, 1999, as the Nevada Gold Sesquicentennial Celebration in Lyon County, Nevada.

A.C.R. 57 (File No. 73)

Assembly Concurrent Resolution No. 57 memorializes former Assemblyman Richard Kenneth McNeel, who was the first Republican Assemblyman elected from North Las Vegas. The measure recognizes his contributions to the Legislature as a member of several Assembly committees, his appointment as Labor Commissioner, and his membership in the Nevada State Apprenticeship Council for electrical workers.

A.C.R. 58 (File No. 74)

Assembly Concurrent Resolution No. 58 memorializes former Assemblyman Arthur P. Espinoza, a Democrat from southern Nevada, who was elected as one of the first Hispanics in the Assembly. The measure recognizes Mr. Espinoza for his commitment to the poor and elderly, his involvement in numerous civic organizations, his business leadership, and his service on several local and regional boards, commissions, and associations.

A.C.R. 59 (File No. 81)

Assembly Concurrent Resolution No. 59 memorializes R. Guild Gray, who was a poet, historian, educator, and state assemblyman. The measure describes some of his many achievements, including his service to the state legislature, success as an author, educational accomplishments, and dedication to Nevada.

A.C.R. 60 (File No. 125)

Assembly Concurrent Resolution No. 60 urges the State Board of Education, the boards of trustees of school districts, school administrators, and educational personnel to consider the unique needs of children who are deaf or hard of hearing. This resolution also urges the State Board of Education, the boards of trustees of school districts, and all personnel responsible for the development of individualized educational programs for children who are deaf or hard of hearing to ensure that parents are involved in determining an appropriate educational program, which takes into account the unique needs of such children, and that the child receives certain instructional services. The resolution further urges that these children and their parents are fully informed of the educational options provided by the school district so that an informed decision may be made about the child's education.

A.C.R. 61 (File No. 70)

Assembly Concurrent Resolution No. 61 requests the return of Assembly Bill 350 of the 70th Session of the Legislature from the Governor to the Assembly for further legislative attention.

A.C.R. 62 (File No. 80)

Assembly Concurrent Resolution No. 62 memorializes former legislator and Wolf Pack Hall of Fame inductee, James C. Bailey. The measure describes Mr. Bailey's many athletic accomplishments, his service in the Nevada Legislature, and the service awards he received.

A.C.R. 63 (File No. 85)

Assembly Concurrent Resolution No. 63 memorializes Juanita Greer White, former Assemblywoman. The measure describes Ms. White's success in earning a doctorate degree in chemistry, despite being refused entry into the Massachusetts Institute of Technology because she was a woman, and illustrates her commitment to enhancing opportunities for higher education in Nevada.

A.C.R. 64 (File No. 94)

Assembly Concurrent Resolution No. 64 memorializes Fred A. Olson, a lifelong sailor who served the country for more than 40 years in the Merchant Marine. The measure describes Mr. Olson's union membership, marriage, and contributions to the state through his membership in various organizations.

A.C.R. 65 (File No. 96)

Assembly Concurrent Resolution No. 65 commends Peter A. Fenili, retired Director of the Walker River Irrigation District in Yerington, Nevada, for his 24 years of service with the district. The measure describes Mr. Fenili's commitment to proper water management and to having qualified personnel and facilities. Further, the measure describes Mr. Fenili's prevailing efforts over water supply lawsuits and his success in managing water in drought years.

A.C.R. 66 (File No. 97)

Assembly Concurrent Resolution No. 66 commends the Nevada Opera and its founders, Ted and Deena Puffer, for 30 years of success as a nationally recognized regional opera company. The measure credits Nevada Opera for more than 120 main-stage productions, several national and international premieres, and ongoing educational and rural outreach programs.

A.C.R. 68 (File No. 103)

Assembly Concurrent Resolution No. 68 requests the return of Assembly Bill 552 from the Governor to the Assembly for further legislative attention.

A.C.R. 69 (File No. 114)

Assembly Concurrent Resolution No. 69 revises the Joint Standing Rules of the Senate and Assembly for the 70th Session of the Legislature. The measure provides that no notice of reconsideration of any final vote on a bill is in order on the last day on which final action is allowed. The bill also adds to the list of exemptions bills to implement a budget decision or those returned from the Governor upon request by the Legislature.

A.C.R. 70 (File No. 117)

Assembly Concurrent Resolution No. 70 commends Henry C. Hodges, Sr., for his valuable contributions toward research and development in the field of vehicular transportation. The measure recognizes the achievements of Mr. Hodges in product integrity, performance, and safety and acknowledges his dedication and allegiance to his country and state.

A.C.R. 71 (File No. 120)

Assembly Concurrent Resolution No. 71 provides for the compensation of clergy for services rendered to the Assembly and the Senate during the 1999 Session of the Nevada Legislature. The measure expresses appreciation for the daily religious services provided by members of the clergy and authorizes a reasonable compensation of $35 per service from the Legislative Fund.

A.C.R. 72 (File No. 145)

Assembly Concurrent Resolution No. 72 urges the Council to Establish Academic Standards for Public Schools to incorporate certain documents concerning the principles of American government into the statewide content and performance standards being developed for social studies. These documents include the *Constitution of the United States*; the *Bill of Rights*; the *Constitution of the State of Nevada*; the *Declaration of Independence*; the *Federalist Papers*; the *Gettysburg Address*; the *Emancipation Proclamation*; and the *Farewell Address of President George Washington.* Further, the measure recommends that the council consider other documents that reflect the full history and diversity of citizenry of the United States, including the Seneca Falls Declaration; "Ain't I A Woman?" by Sojourner Truth; Susan B. Anthony's writings about women's rights; the Treaty of Guadalupe Hidalgo; the "I Have a Dream" speech by Martin Luther King, Jr.; the *Monroe Doctrine*; the discussions of President Theodore Roosevelt concerning antitrust law; and the writings and activities of Ralph J. Bunche with respect to the challenge of human relations.

A.C.R. 73 (File No. 126)

Assembly Concurrent Resolution No. 73 expresses the Legislature's support for the Desert Space Station, a nonprofit, interactive science museum where children and adults can explore and experience science and technology.

A.C.R. 74 (File No. 134)

Assembly Concurrent Resolution No. 74 commends Paul C. Fisher, Nevada businessman and inventor, for his enterprising and inventive spirit, which has contributed in many ways to this country and, especially, to the State of Nevada. The measure notes that Mr. Fisher, as president and owner of Fisher Space Pen Company of Boulder City, Nevada, has helped design and build many special tools and automatic machines.

A.C.R. 75 (File No. 135)

Assembly Concurrent Resolution No. 75 commends William "Bob" H. Bailey and Anna Bailey for their efforts to help make Nevada a place where persons of all races and diverse backgrounds can live and prosper together. This measure notes that Mr. Bailey established the Nevada Economic Development Company, which helped minority businesses in our state obtain $300 million in loans and lines of credit for over 19 years.

A.C.R. 76 (File No. 136)

Assembly Concurrent Resolution No. 76 commends Claude "Blackie" Evans for his public service to the people of Nevada and his loyalty and dedication to the needs of members of unions within

the state. This measure notes that from 1978 through 1999, Mr. Evans held the position of Chief Executive Officer of Nevada's AFL-CIO, which consists of approximately 150 local unions with 120,000 members.

A.C.R. 77 (File No. 137)

Assembly Concurrent Resolution No. 77 commends Donald L. Bailey, Sr., Chief of the State Printing Division, and the members of his staff for their dedication and exceptional work during the 1999 Legislative Session.

Assembly Joint Resolutions - 69th Session

A.J.R. 5 - 69th Session (File No. 142)

Assembly Joint Resolution No. 5 of the 69th Session proposes to amend the *Constitution of the State of Nevada* to provide for annual regular sessions of the Nevada Legislature. The measure replaces Nevada's biennial legislative sessions with annual sessions of no more than 120 calendar days in odd-numbered years, and no more than 45 calendar days in even-numbered years. Any legislative action taken after the end of the prescribed period is void. Further, the measure requires sessions in odd-numbered years to commence on the first Monday in February and sessions in even-numbered years to commence on the first Monday in March. In addition, the amendment requires the Governor to provide the Legislature with the proposed executive budget in odd-numbered years, and any proposed appropriations or budget revisions in even-numbered years, not later than 30 days before the session convenes.

The resolution also limits any special session of the Legislature to 20 calendar days and specifies that any legislative action taken after that time is void. Further, the measure permits the Legislature to petition the Governor to call a special session. Such a petition must set forth the topics for consideration in the special session and must be signed by at least two-thirds of the members elected to each house. Upon receipt of a qualified petition, the Governor must convene the special session within 45 calendar days. The Governor is authorized to add to the list of topics for consideration before issuing the proclamation to call the Legislature into special session. The measure also requires that an initiative petition that proposes a new statute or an amendment to an existing statute be circulated not earlier than one year before the convening of the regular session to which it is submitted.

Finally, A.J.R. 5 requires that members of the Legislature receive a compensation fixed by law for each calendar day of service during any regular or special session.

This measure was amended, during the 1999 Session, from its original form; therefore, if approved in identical form by the 2001 Session of the Nevada Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2002 General Election.

S.B. 52 (Chapter 274)

Senate Bill 52 expands the definition of public agency to include Indian tribes and allows for such agencies to enter into certain cooperative agreements, including the exchanges of real property.

Testimony indicated this bill would streamline land exchanges between Indian tribes and other public agencies and assist in establishing a better working relationship between these entities. Testimony further confirmed that such land exchanges would continue to require public hearings and notification. In addition, only property owned by the tribe would be eligible for exchanges (as opposed to "trust land" that is owned by the Federal Government).

S.B. 54 (Chapter 127)

Senate Bill 54 requires the Administrator of the Division of Industrial Relations to provide, upon request, the names, addresses, and other employer information that is maintained by the division to the Department of Taxation for the purpose of verifying business tax returns.

This bill is effective on July 1, 1999.

S.B. 111 (Chapter 289)

Senate Bill 111 clarifies the law under which a state agency may purchase, on behalf of an employee, service credit in the Public Employees' Retirement System. The measure provides that an agency may enter into an agreement to pay for service credit of a member of the system if it does so before the member is hired. Further, the member must be hired upon the condition that the employer pay the cost of purchasing the credit and the agreement must be in writing.

This bill is effective on May 25, 1999.

S.B. 216 (Chapter 242)

Senate Bill 216 revises provisions governing the payment of building permit fees by public agencies to counties and cities. The bill requires that political subdivisions of the State of Nevada pay these fees but does not require the State of Nevada, the University and Community College System of Nevada, or any school district to pay them. Those entities, however, may contract with a governing body to pay the fees for the issuance of building permits, the review of plans, and the inspection of construction. The measure also clarifies that a governing body is not required to review plans or inspect construction for these entities, unless it is agreed upon contractually.

This bill is effective on May 24, 1999.

S.B. 397 (Chapter 376)

Senate Bill 397 authorizes a public entity, in cooperation with Nevada's Office of Historic Preservation, and in consultation with a local Indian tribe, to enter into a cooperative agreement with any person, property owner, agency of the Federal Government, or other public entity for the preservation, protection, restoration, and enhancement of unique archaeological or historical sites.

According to testimony, Senate Bill 397 is necessary to provide an official vehicle through which relevant entities may work cooperatively to protect Nevada's archaeological and historical heritage. The measure originated from the desire of parties, including the City of Henderson, the state's Office of Historic Preservation, the federal Bureau of Land Management, and other interested groups, to protect petroglyphs near a proposed development site adjacent to the City of Henderson.

S.B. 418 (Chapter 156)

Senate Bill 418 imposes joint and several liability on persons who knowingly defraud a government agency. The measure specifies that treble damages and civil penalties may be awarded to the state, a political subdivision, and private plaintiffs, if a person is found liable for committing the fraudulent act or acts. The bill defines the term "knowingly" as it applies to certain fraudulent acts and grants the court authority to decrease the award for damages and waive civil penalties under certain circumstances.

Senate Bill 418 gives the Attorney General the discretion to investigate any alleged liability pursuant to this act. In addition, the measure allows a private plaintiff to file an action pursuant to this act and provides that the complaint must remain sealed until the Attorney General has decided whether to intervene in, move to dismiss, or settle the action. The measure also specifies the rights of a defendant to respond after a complaint is filed and unsealed, and it prohibits private action in certain situations.

If the Attorney General elects not to intervene, the bill allows a private plaintiff the same rights to conduct the case that the Attorney General would have had. In addition, S.B. 418 sets forth provisions for the Attorney General to intervene even after he has declined to do so. The court has the discretion to limit the discovery or participation of the private plaintiff if it would interfere with the action.

Further, the bill specifies the percentage of recovery, excluding expenses or attorney's fees, that must be paid to the State General Fund and the private plaintiff, depending on the circumstances. The apportionment of recoveries for the state or a political subdivision, and the circumstances under which the prevailing party may be awarded certain fees and costs also are set forth.

The measure specifies that an employer is prohibited from taking actions designed to inhibit an employee from disclosing information relating to an action. Sanctions are included against an

employer if he violates these provisions. Finally, the measure limits the time in which an action may be commenced and specifies the standard of proof for an action.

S.B. 544 (Chapter 573)

Senate Bill 544 revises the provisions governing the state's program of group insurance. The Committee on Benefits is replaced by the Board of the Public Employees' Benefits Program. The measure specifies the composition of the board and requires the board to meet at least quarterly. In addition, the measure requires the board to employ an executive officer and authorizes him to employ staff who are in the unclassified service of the state. Further, the bill sets forth the requirements for continuing education for each board member and the executive officer.

The measure requires the board to establish and carry out the employee benefits program for state employees, ensure that the program is funded on an actuarially sound basis, and ensure that the program is operated in accordance with sound insurance and business practices. The board is allowed to make recommendations to the Legislature. The state and any other public employers that participate in the program are relieved of liability for the obligations of the program other than indemnification of the board and its employees relating to the administration of the program. Further, the bill extends the ability of session hires of the Legislative Counsel Bureau to purchase their health insurance during the interims.

In addition, the measure allows a group of not less than 300 officers, employees, or retired employees to apply to the board to leave the program. The measure also removes the advisory authority of the state risk manager over the group health insurance plan. Finally, the bill requires the Commissioner of Insurance to adopt regulations requiring the use of uniform claim forms and billing codes and the ability to make compatible electronic data transfers for all insurers and administrators who are authorized to conduct business in the state.

The bill creates an Interim Retirement and Benefits Committee of the Legislature to review the operation of the programs and to make recommendations to the board. The measure also sets forth the membership and responsibilities of this committee and specifies that the committee may only meet when the Legislature is not in regular or special session.

A.B. 255 (Chapter 172)

Assembly Bill 255 requires the Director of the Department of Administration to submit to the Legislature, the Governor, and the Legislative Auditor a report on the status of internal accounting and administrative controls in state agencies. The report is due on or before the first Monday in February of each odd-numbered year, and must identify agencies that have not reviewed, do not have effective methods for reviewing, or have weaknesses in their internal controls.

A.B. 305 (Chapter 43)

Assembly Bill 305 changes the name of the Mental Hygiene and Mental Retardation Division of Nevada's Department of Human Resources and the Commission on Mental Health and Mental Retardation. The name of the division is changed to the "Division of Mental Health and Developmental Services," and the name of the commission is changed to the "Commission on Mental Health and Developmental Services."

This measure is effective on April 22, 1999.

A.B. 350 (Chapter 331)

Assembly Bill 350 provides that a colored reproduction or facsimile of the state seal may be used only if its colors are substantially as depicted in this measure. This is the first color depiction contained within a Nevada legislative measure.

A.B. 423 (Chapter 297)

Assembly Bill 423 exempts property acquired by the American Land Conservancy or the Nevada Land Conservancy from property taxes if the state or appropriate local government has agreed that the acquisition of the property will be considered. In addition, if the state has agreed to consider the acquisition, the governing body of the county must approve its potential acquisition by the state.

This measure is effective on July 1, 1999.

A.B. 451 (Chapter 405)

Assembly Bill 451 requires that Nevada's Division of Environmental Protection enter into cooperative agreements with various state and local government agencies to inspect major facilities where explosives are manufactured. The inspections must be scheduled to provide an opportunity for joint participation by the relevant agencies. The provisions of the bill do not apply to the mining industry.

This bill is effective on May 29, 1999.

A.B. 543 (Chapter 342)

Assembly Bill 543 provides that the State of Nevada is the only governmental entity in this state that may commence lawsuits against a manufacturer or distributor of a firearm or ammunition or a related trade association. The lawsuits under these provisions are for damages, abatement, or injunctive relief resulting from or relating to the lawful design, manufacture, marketing, or sale

of a firearm or ammunition. The bill provides that a county, city, local government, or other political subdivision of this state is not prohibited from commencing a lawsuit against a manufacturer or distributor of a firearm or ammunition for breach of contract or warranty concerning the purchase of a firearm or ammunition by the local government entity.

The bill is effective on May 28, 1999, and the amendatory provisions do not apply to actions commenced prior that date.

A.B. 564 (Chapter 590)

Assembly Bill 564 broadens the applicability of solid waste recycling programs to include public buildings. The measure requires the boards of commissioners in Washoe and Clark Counties, which have populations over 100,000, to develop recycling programs for public buildings. In all other counties, these programs are encouraged. Counties adopting such programs must notify the occupants of public buildings that recycling opportunities are available.

Assembly Bill 564 authorizes Nevada's Division of Environmental Protection to assist state agencies in developing and carrying out recycling programs within state buildings. The measure also requires local school districts to recycle paper and paper products, and encourages each justice court administrator, the Legislative Commission, school boards of trustees, and the University and Community College System of Nevada to develop recycling programs for other recyclable waste materials.

Finally, the bill allows certain waivers if the cost of a recycling program is unreasonable.

A.B. 634 (Chapter 565)

Assembly Bill 634 makes various changes concerning the organization and duties of the State Contractors' Board. The bill establishes a special investigations office within the board to enforce provisions of Chapter 624, "Contractors," of *Nevada Revised Statutes* (NRS). The measure also makes various changes regarding the procedures and grounds for taking disciplinary action against a contractor. The bill also requires the board to review complaints received and to identify potential difficulties in the regulation of contractors. The board must report its findings and recommendations annually to the Governor and the Legislature.

Further, A.B. 634 requires that a licensee or an applicant for a license demonstrate that his past and current financial solvency are such that there is a reasonable expectation that the contractor can successfully do business as a contractor without jeopardy to the public health, safety, and welfare. The bill also requires that an applicant for a license provide the board with a financial statement prepared by an independent certified public accountant and certain other information. The bill gives the board authority to gather information concerning an applicant's background and to require an applicant to submit his fingerprints to the board.

In addition, A.B. 634 provides that it is a misdemeanor for a person to take an examination for a license on behalf of another person or to provide any portion of the examination to another person without the board's authorization.

The bill gives the board authority, in certain disciplinary cases, to order a licensee to either perform corrective work himself, hire, and pay another contractor to perform the corrective work, or pay the owner of a construction project a specified sum to correct the condition. Also, the board may take disciplinary action against a contractor during the period in which a claim arising out of a constructional defect is being settled, mediated, or otherwise resolved pursuant to Chapter 40, "Actions Concerning Property," of NRS.

The measure also makes changes to various provisions concerning acts that constitute causes for disciplinary action and allows the board to impose an administrative fine of not more than $20,000 if a licensee violates certain provisions of Chapter 624 concerning misuse of a license, evasion of the law, or entering into a contract with an unlicensed contractor. Finally, the bill increases the maximum penalties that may be imposed for violating any of the provisions of Chapter 624.

Administrative Rules and Procedures

S.B. 13 (Chapter 272)

Senate Bill 13 establishes a program for training cosmetologists in rural counties through a program of apprenticeship, rather than attendance at a school of cosmetology. The bill provides that the State Board of Cosmetology may issue a certificate of registration as a cosmetologist's apprentice to a person who lives in a county with a population less than 35,000 and lives more than 60 miles from a licensed school of cosmetology. The apprentice must also train at a licensed cosmetology establishment in that county and the trainer must be a licensed cosmetologist who has practiced for at least three years. To take the examination for licensure as a cosmetologist, the apprentice must complete 3,600 hours of training.

Senate Bill 13 also authorizes the State Board of Cosmetology to issue citations to persons who are practicing cosmetology without a license. The board may impose an administrative fine of $500 for a first offense, $1,000 for a second offense, and $1,500 for a subsequent offense. These penalties may be imposed in addition to those authorized in current law. Finally, the bill requires a person to obtain a license from the board to operate a cosmetology establishment and, after receiving the license, request activation of the license. The board must conduct an on-site inspection of the facility not later that 90 days after the license is activated.

Portions of S.B. 13 are effective on October 1, 1999, but the provisions regarding cosmetologist apprentices are effective on January 1, 2000.

S.B. 38 (Chapter 475)

Senate Bill 38 transfers the responsibility for issuing a certificate of registration for certain employee leasing companies from the State Industrial Insurance System to the Division of Industrial Relations, Department of Business and Industry. In addition, the bill requires the Division of Industrial Relations to regulate employee leasing companies.

The bill also provides that the books, records, and payrolls of an employer insured by a private carrier must be open to inspection by the private carrier providing workers' compensation insurance to that employer. In addition, the bill directs that an employer who refuses to open his books, records, and payroll to inspection by a private carrier is subject to a $1,000 fine.

The measure also allows private carriers and the State Industrial Insurance System to offer fully insured workers' compensation coverage to heterogeneous groups of employers. In addition, the bill changes, from the current 24 hours to 15 days, the requirement for an insurer to notify the Division of Industrial Relations of changes in the insurance status of employers.

Further, the bill requires insurers to notify claimants in writing of the circumstances under which certain claims may be closed.

This bill is effective on July 1, 1999.

S.B. 53 (Chapter 231)

Senate Bill 53 provides that every workers' compensation insurer must provide certain information, for the purpose of claims indexing, to the Administrator of the Division of Industrial Relations, Department of Business and Industry. The bill also provides that insurers who intentionally fail to provide such information shall be fined $1,000 by the administrator for an initial violation, and $2,000 for each subsequent violation.

This bill is effective on July 1, 1999.

S.B. 61 (Chapter 357)

Senate Bill 61 makes various changes concerning the statutes relating to businesses. The measure authorizes the creation of business trusts, clarifies the circumstances under which a business entity that is no longer in good standing loses its distinguishable name, revises the business judgment rule for cases involving corporate takeovers, rewrites the rules governing the votes needed for removal of a director, and makes technical changes to outdated provisions.

Senate Bill 61 also makes changes throughout Title 7 of *Nevada Revised Statutes*, "Business Associations; Securities; Commodities," to enable the Office of the Secretary of State to further implement electronic filings. The bill defines the terms "signed" and "signature" and deletes certain acknowledgment requirements for documents filed with the Secretary of State.

Senate Bill 61 includes a fee change for filing articles of merger. The minimum fee of $75 is increased to $125, which is the same filing fee for other amendatory documents. The measure also clarifies certain bankruptcy filings and repeals other filings within its office.

Finally, the bill combines the various disclosure documents required for the initial purchaser of a residence into one document, and allows parties to contract to sell a piece of unparcelled real property, provided that the map is recorded before closing.

S.B. 62 (Chapter 104)

Senate Bill 62 revises Article 9 of the *Uniform Commercial Code*, which governs secured transactions. The bill expands the scope of Article 9 to include additional types of collateral, such as sales of payment intangibles and promissory notes, security interests created by governmental debtors, health insurance receivables, consignments, and commercial tort claims. The measure also revises the choice of law for interstate secured transactions to provide that the laws of the state in which the debtor is located govern the transactions. Senate Bill 62 also creates new rules governing the perfection of security interests based on the type of collateral.

Senate Bill 62 also provides for centralized filing of financing statements and relieves offices that file financing statements from the responsibility for the accuracy of information on the statements. The definition of proceeds is broadened to include distributions on account of collateral; claims rising out of the loss or nonconformity of, defects in, or damage to collateral; and collections on account of supporting obligations. Further, the measure sets forth the rules relating to third parties that govern multiple issues, including the alienability of a debtor's rights in collateral, agreements not to assert defenses against assignees, and rights in receivables.

The revisions to Article 9 under S.B. 62 also make a clearer distinction between transactions in which the debtor is a consumer. In addition, the good faith standard becomes the objective standard of commercial reasonableness to govern these transactions. Moreover, the bill revises the law governing debtor default and creditor enforcement of security transactions, particularly in nonconsumer transactions.

The revisions to Article 9 were promulgated by the National Conference of Commissioners on Uniform State Laws in 1998. Proponents of these revisions stressed that the amended Article 9 was designed to modernize and speed the filing process by allowing the filing to take place electronically. Other areas, such as foreclosure, are not affected.

Senate Bill 62 is effective on July 1, 2001; however, governmental agencies affected by S.B. 62 may test the changes authorized under the bill as long as the agency also allows actions to be taken under the existing law until July 1, 2001.

S.B. 332 (Chapter 153)

Senate Bill 332 provides that benefits for unemployment must not be charged against the record of an employer if the employer provides satisfactory evidence to the Administrator of the Employment Security Division that the employee claiming benefits left his employment voluntarily without good cause or was discharged for misconduct connected with his employment.

S.B. 439 (Chapter 380)

Senate Bill 439 makes various changes concerning accountants. The bill authorizes the State Board of Accountancy to adopt regulations allowing certified public accounting or public accounting to be practiced by limited-liability companies. The measure also establishes certain criteria for issuance of a certificate of certified public accountant and requires the board to conduct the examination for issuance of the certificate not less than once each year.

In addition, the bill establishes conditions for granting a certificate to a person who holds a certificate from another jurisdiction. Further, S.B. 439 removes the requirement that all shareholders of a corporation or limited-liability company engaged in public accounting must be certified public accountants. Instead, the bill requires a simple majority of the ownership in terms of financial interest to be certified public accountants.

Senate Bill 439 also authorizes the board to revoke or suspend a certificate if the holder makes a false or misleading statement in support of an application for a certificate, registration, or permit by another person. Also, the measure prohibits the Secretary of State from accepting any articles of incorporation, or any amendment thereto, of any corporation formed pursuant to Nevada statute or any foreign corporation, which provides that the name of the corporation may not contain the words "accountant," "accounting," "accountancy," "auditor," or "auditing," unless the board certifies that the corporation is properly registered according to Nevada law. The measure does, however, authorize the Secretary of State to accept such a filing if the corporation has filed a written statement under penalty of perjury with the board stating the company is not engaged in practicing or offering to practice accounting in this state.

Finally, the bill provides that noncertificate holders may prepare financial statements and issue reports if the documents contain a disclosure that the preparer is not licensed by the board and that the statements and reports do not purport to be prepared in compliance with the Statements on Standards for Accounting and Review Services.

This measure is effective on July 1, 1999, with the exception of provisions regarding the criteria for the issuance of a certificate of certified public account, which are effective on January 1, 2001.

S.B. 465 (Chapter 160)

Senate Bill 465 makes various changes to provisions governing trust companies. The bill authorizes the Commissioner of Financial Institutions to collect a fee from state banks of $100 for

each trust office. The measure also authorizes a bank, with the written consent of the commissioner, to maintain stand alone trust offices in this state or other states. In addition, an organization that does not maintain an office in Nevada is authorized to act as a fiduciary in this state if the organization associates as a cofiduciary with a bank authorized to conduct business in Nevada.

Senate Bill 465 defines the terms "trust company business" and "fiduciary." Further, the bill authorizes the commissioner to take possession of the assets of a trust company if the company is in an unsafe condition that may result in a danger to the public. The measure also authorizes a limited-liability company to be licensed as a trust company and exempts various financial institutions from regulation by the commissioner if the institutions are regulated by another jurisdiction. Further, S.B. 465 places certain restrictions on the use of the word "trust" in the name of businesses.

The bill establishes standards that officers and directors of a trust company must meet before the company can be licensed by the commissioner. Finally, the measure requires that managers of a limited-liability company must meet the same bonding requirements as officers and directors of corporate trust companies and may be removed from office by the commissioner in the same manner as such officers and directors.

S.B. 526 (Chapter 253)

Senate Bill 526 amends Nevada's statutes relating to the state water planning program. The bill specifies that the provisions of the *State Water Plan* must not be construed to supersede, replace, amend, or add to the law of the State of Nevada. It further declares that state and local governmental agencies shall consider the *State Water Plan* when developing or implementing their water resource programs, plans, and responsibilities; and are not bound by a recommendation or provision of the plan unless they formally adopt the provision or recommendation.

The bill removes the statutory requirement that the Division of Water Planning must obtain the approval of the Legislature before the plan is implemented, and requires the administrator of the division to report the division's activities to the Legislative Commission on or before July 1, 1999, January 1, 2000, and July 1, 2000. Reports must be made to the Legislature at regular sessions thereafter.

This measure is effective on May 24, 1999.

A.B. 12 (Chapter 472)

Assembly Bill 12 expands the definition of the term "regulation" as it is used in Nevada's Administrative Procedure Act. The bill also outlines what the term does not include.

The measure provides that an emergency action taken by a state agency to protect public health and safety is not a regulation, but requires an agency taking such an action to file a statement with

the Legislative Counsel within five working days for inclusion in the register of administrative regulations.

Assembly Bill 12 exempts from the Administrative Procedure Act enforcement actions of the Division of Environmental Protection related to workplace safety but requires the Division of Industrial Relations to submit to the Advisory Council of the division a quarterly report listing each citation issued for a workplace safety violation. Within five working days of that submission, the Division of Industrial Relations must submit a copy of the report to the Legislative Counsel for inclusion in the register of administrative regulations.

This measure also exempts from the Administrative Procedure Act resolutions adopted by the Board to Review Claims to carry out its duties for the cleanup of discharged petroleum. However, the board must submit a copy of any such resolution to the Legislative Counsel within five working days for inclusion in the register of administrative regulations.

This bill is effective on July 1, 1999, for the purpose of adopting regulations to comply with the new definition of the term "regulation" and on January 1, 2000, for all other purposes.

A.B. 93 (Chapter 17)

Assembly Bill 93 requires a person authorized to enter into contracts on behalf of the state to make sure the contracts are in writing and signed by each party. The measure also repeals the requirement that all signed contracts be forwarded to the Secretary of State for recording and preserving.

Testimony indicated that, given the volume of contracts into which the state enters, the existing statutes, first enacted in the 1800s, are in need of modernization.

This measure is effective on March 24, 1999.

A.B. 127 (Chapter 33)

Assembly Bill 127 provides that investigations by the Secretary of State into complaints about notaries public are confidential until concluded. The Secretary of State may, however, submit any information obtained to the district attorney in connection with a criminal prosecution, or to a state agency or a political subdivision of the state. The measure clarifies that an applicant to become a court reporter (a type of notary public with limited powers) who resides in an adjoining state must provide with his application the same information as any other applicant from an adjoining state provides. Finally, the bill raises certain maximum fees a notary public may charge.

A.B. 138 (Chapter 109)

Assembly Bill 138 modifies the statutes pertaining to collisions, accidents, and other casualties involving watercraft. The measure increases, from $200 to $500, the threshold amount of property damage above which an incident report must be filed with the Division of Wildlife. The bill also provides that the division must investigate and gather evidence for incidents resulting in death or substantial bodily injury but may investigate other incidents at its discretion.

A.B. 189 (Chapter 512)

Assembly Bill 189 amends the Public Employees' Retirement Act. The bill allows legislators who are members of the Public Employees' Retirement System (PERS) to continue to accrue benefits in the PERS fund in lieu of participating in the Legislators' Retirement System, so long as contributions are made to the PERS fund. In addition, the bill allows legislators to pay the cost to gain service credit in the PERS fund for previous periods of leave without pay caused by service in the Nevada Legislature.

The measure modifies the definition of compensation subject to retirement contributions, clarifying that only compensation enumerated in statute is subject to retirement contributions. The bill requires that the retirement board establish standards for determining full-time work weeks for service credit accrual purposes. In addition, the bill enrolls members of the Nevada Gaming Commission in PERS. Further, the bill allows rollovers from certain retirement plans for purchase of service credit in the PERS system. The bill also provides that under certain circumstances, the service of certain county commissioners, city councilmen, and mayors must count as regular service credit for the purpose of computing benefits.

The bill allows public employers to contribute to an alternative retirement plan for certain elected officials who receive a benefit from PERS and are able to contribute to PERS. In addition, the bill revises the benefit formula for certain retired employees who have been receiving a retirement allowance and who are reemployed and enrolled in PERS. The bill increases, by $50, the minimum monthly cumulative benefit for surviving children and spouses of a deceased PERS participant. Finally, the bill eliminates the marriage requirement to receive certain benefits.

The majority of the bill is effective on July 1, 1999.

A.B. 358 (Chapter 332)

Assembly Bill 358 revises procedures followed by the Division of State Lands of the State Department of Conservation and Natural Resources governing notification and comment on proposed realty actions by the Federal Government. Such realty actions involve the purchase by the Federal Government of private land or the exchange of public land for private land. The measure provides that the division must notify local governments affected by the realty action within one week of receiving an application from the federal agency. Local governments may provide comment to the division within 30 days, addressing the estimated reduction in the total

assessed valuation resulting from the realty action and recommending appropriate mitigation. The bill requires that if the division elects to submit comments to the Federal Government, it must include comments received from local governments.

This measure is effective on May 28, 1999.

A.B. 429 (Chapter 466)

Assembly Bill 429 clarifies the duties of the Division of Health Care Financing and Policy of Nevada's Department of Human Resources concerning public assistance programs administered by the division, including the children's health insurance program. The measure specifies the provisions that must be followed before the division adopts, amends, or repeals any regulation governing programs for which the division is responsible. Further, the bill specifies the procedures that must be adhered to when an application for assistance from the children's health insurance program is denied.

In addition, the measure authorizes the Traumatic Brain Injury Committee to make use of funds for travel and per diem purposes, if such funds are obtained from sources other than state funds, such as federal grants and private or nonprofit entities, and if such use is permitted by the funding source. The bill also extends, to October 1, 2001, the date through which the Department of Human Resources is authorized to contract for pharmaceutical services for its Medicaid managed care program. Finally, the measure repeals the prospective expiration date of the division, but the bill does not repeal the provisions relevant to the charge master program, which will expire by limitation on June 30, 1999.

The measure is effective on June 8, 1999.

A.B. 486 (Chapter 443)

Assembly Bill 486 requires state agencies to consider the effect of regulations on small businesses. A small business is defined as a business conducted for profit which employs fewer than 150 full- or part-time employees. The bill requires that before conducting a workshop for a proposed regulation, an agency must determine whether the regulation is likely to impose a direct and significant economic burden upon a small business, or directly restrict the formation, operation, or expansion of a small business. If the proposed regulation is likely to impose such burdens upon small businesses, the agency must work with the small businesses in an effort to reduce or mitigate the adverse affects of the proposed regulation. A small business that is aggrieved by a regulation may, within 90 days of its effective date, file a petition with the agency that adopted the regulation. The agency must determine if the petition has merit and may take appropriate action to amend the regulation.

In addition, the bill requires local governments to determine, using the procedures described before, the effect of proposed rules on businesses. The measure defines "business" as a trade or occupation conducted for profit and requires a local government to provide a procedure for

businesses to object to an adopted rule. The procedure must be filed with the clerk of the local government and be made available upon request at no charge. The bill also provides a mechanism to temporarily adopt a rule, without adhering to the public participation provisions, if it is determined that public health and safety is immediately threatened. However, such a rule may remain in effect for not more than six months after adoption.

A local government is exempt from the provisions of the bill if the local government does not have the authority to consider less stringent alternatives, including a rule that the local government is required to adopt pursuant to a federal statute or regulation, a contract, or an agreement.

This measure is effective on January 1, 2000.

A.B. 503 (Chapter 409)

Assembly Bill 503 expands the personal information that the Director of Nevada's Department of Motor Vehicles and Public Safety may release to an agent of the Public Defender's office or to a licensed private investigator who is investigating an insurance claim. Further, this measure expressly provides that a licensed private investigator shall not obtain or seek access to information from the department for any purpose other than that which is directly related to his investigation of an insurance claim. If the Private Investigator's Licensing Board finds that a private investigator has used the information obtained from the department in violation of this law, the board shall, in addition to any other disciplinary action it deems appropriate, suspend the license of the private investigator.

A.B. 612 (Chapter 182)

Assembly Bill 612 changes, from the 30th day to the final day of the next regular session of the Nevada Legislature, the date by which the Legislative Commission may suspend the filing of a regulation to which the commission has objected and a state agency has refused to revise. The measure also declares that a regulation of Nevada's Commission on Ethics (R044-98), to which the Legislative Commission objected to on April 17, 1998, will not become effective.

This measure is effective on May 20, 1999.

A.B. 633 (Chapter 462)

Assembly Bill 633 amends various provisions of the statutes that relate to the State Contractors' Board. The measure establishes a program for the issuance of a contractor's license in an expedited manner and establishes an inactive status for a license. The bill increases the amount of certain fees that the board may charge and prohibits the unauthorized use of the board's seal. In addition, the bill makes various changes to existing provisions concerning the monetary limit that is imposed on a contractor's license, including the revision of procedures for requesting an increase in the limit.

The measure makes certain provisions regarding experience, financial responsibility, and knowledge of certain laws applicable to currently licensed contractors as well as to applicants for a license. Assembly Bill 633 also imposes a requirement that an applicant for a license have, within the preceding ten years, at least four years' experience as a journeyman in the specific classification in which he is applying for a license. Training received in a college program, or an equivalent program approved by the board, may be used to satisfy not more than three years of the experience requirement.

Finally, the bill provides for notification to the board by a surety within a certain time after an action is commenced by or against the surety and provides for service of process and notice of certain actions. Finally, the measure amends certain requirements for a hearing if the board summarily suspends the license of a contractor.

A.B. 674 (Chapter 418)

Assembly Bill 674 creates a new title to *Nevada Revised Statutes* (NRS), designated as Title 59, and creates a new chapter within that title concerning use of digital signatures in commercial transactions. A digital signature is an electronic transformation of a message using an algorithm that provides a secure encryption of the original information.

The provisions of the new chapter apply to transactions for which digital signatures may be used, including transactions carried out by private businesses and by government entities. The bill also imposes certain restrictions on the use of digital signatures. Specifically, a digital signature may not be used with respect to a sworn statement; an acknowledgment; a record or other document that is required to be signed in the presence of a third party; or a record or other document that must be signed in writing.

The bill prohibits a person from conducting business as a certifying authority without first obtaining a license as a certification authority from the Secretary of State. In addition, A.B. 674 authorizes the Secretary of State to adopt regulations regarding the use and verification of digital signatures, licensure of a certification authority, confidentiality of information represented in a message that is transformed by a digital signature, and other aspects of the use or verification of digital signatures. The Secretary of State is authorized to impose a penalty of up to $10,000 for a willful violation of a provision of the new chapter or a regulation adopted pursuant thereto. The measure also repeals provisions in NRS Chapter 239, "Public Records," that refer to electronic symbols.

This bill is effective on May 29, 1999.

Organization

S.B. 37 (Chapter 388)

Privatization of the State Industrial Insurance System

Senate Bill 37 authorizes the manager of the State Industrial Insurance System (SIIS) to take the steps necessary to establish a domestic mutual insurance company to transact industrial insurance and other lines of property and casualty insurance in the State of Nevada.

The bill provides that the Governor must proclaim the following events have occurred before the manager of SIIS can transfer the assets of the system to the successor organization:

- A sufficient amount of reinsurance has been purchased by SIIS to operate in a financially responsible manner;
- The manager has taken the steps necessary to establish a domestic mutual insurance company;
- A favorable ruling has been received by SIIS from the Internal Revenue Service that establishing the domestic mutual insurance company is not considered a taxable event; and
- The Commissioner of Insurance has determined the domestic mutual insurance company qualifies to transact industrial insurance in Nevada.

If the Governor issues such a proclamation, the manager may transfer to the chief executive officer of the established domestic mutual insurance company the premiums and other money paid to SIIS, including all records, real property, and securities acquired with money in the State Insurance Fund.

The measure requires the Governor to appoint an advisory committee to adopt the initial bylaws of the established domestic mutual insurance company. The advisory committee must be composed of members representing small, medium, and large employers insured by SIIS, whose places of employment are located in various regions of the state.

The bill requires that the chief executive officer of any successor organization to SIIS must continue to hold in trust any money paid to SIIS for the purpose of providing compensation for industrial accidents, occupational diseases, and related administrative expenses. If the successor organization stops providing industrial insurance in the State of Nevada, all money held in trust for the purpose of providing compensation for industrial injuries must be delivered to the Commissioner of Insurance and deposited in the State Insurance Fund. Further, the bill prohibits any successor organization of SIIS from using the money held in trust for the purpose of providing compensation for industrial accidents from being used to transact other property or casualty insurance.

The bill exempts all officers and employees of SIIS from the provisions of Chapter 284 of *Nevada Revised Statutes*, "State Personnel System," effective on the date the Governor's proclamation is issued. In addition, the bill provides that a classified employee who is employed by SIIS on July 1, 1999, retains his rights to reemployment with another agency of the State of Nevada, including the right to be placed on an appropriate reemployment list maintained by the Department of Personnel for at least 24 months.

If the manager of SIIS lays off an employee, the manager must give the employee 60 days' written notice, and provide the Department of Personnel with the information necessary to ensure the employee receives his rights to reemployment. Further, the bill provides that the established domestic mutual insurance company must buy out the pensions of certain employees nearing retirement.

The bill provides that the chief executive officer of the established domestic mutual insurance company must enter into an agreement with the Department of Employment, Training and Rehabilitation to provide services and training to certain employees who are laid off before January 1, 2002. The established domestic mutual insurance company must pay the fees required for such training, up to $2 million. Further, the bill provides that the Commissioner of Insurance must approve any retrospective rating agreement or contract of SIIS existing on June 30, 1999, until December 31, 2000, or until the agreement or contract expires, is renewed, reissued, or amended, whichever occurs first.

Industrial Insurance Benefits

Senate Bill 37 requires an injured employee to sign all medical releases necessary for the insurer to obtain information and records about a preexisting medical condition that is reasonably related to the industrial injury of the employee. In addition, the measure provides that an injured employee may request a hearing officer or appeals officer to order the insurer to reimburse him for the cost associated with a second impairment rating that results in a higher percentage of disability than the first rating, if the hearing officer or appeals officer decides that the second determination of a higher percentage of disability is appropriate.

The bill provides that an employee, whose preexisting nonindustrial condition is aggravated due to a subsequent industrial accident or occupational disease, is entitled to workers' compensation benefits, unless the insurer can prove by a preponderance of the evidence that the subsequent injury or occupational disease is not a substantial contributing cause of the resulting condition. The bill also provides that an employee whose industrial injury or occupational disease is subsequently aggravated outside of the workplace is entitled to workers' compensation benefits, unless the insurer can prove by a preponderance of the evidence that the injury or occupational disease is not a substantial contributing cause of the resulting condition.

The bill allows an insurer to close certain claims if the medical benefits for the claims are less than $300 and the injured employee does not receive treatment for the injury for a 12-month period. The bill requires the insurer to provide written notice to the claimant of the closure of such a claim. Further, the bill provides that under certain circumstances, workers' compensation

payments for a permanent total disability must be reduced by an amount equal to the amount of the permanent partial disability lump sum previously paid to the injured employee.

The bill clarifies that a position offered by an employer to an injured employee with a temporary total disability must provide a gross wage that is equal to or substantially similar to the gross wage the employee was earning at the time of his injury in order for the employer to be exempt from certain provisions governing vocational rehabilitation. Further, the bill provides that an insurer and an injured employee may jointly select the physician or chiropractor used to determine the percent of the injured employee's disability; otherwise, the insurer must select the rating physician or chiropractor from the rotating list of such practitioners maintained by the Administrator of the Division of Industrial Relations. The bill also changes the factor for compensation of a permanent partial disability from 0.54 percent to 0.6 percent for each 1 percent of impairment of the whole man for injuries sustained on or after January 1, 2000.

The bill changes, from 90 days to 6 months, the length of time an injured employee with existing marketable skills may receive job placement assistance. The bill also extends, by 3 months, the time period that an injured employee who does not have existing marketable skills is eligible to receive vocational rehabilitation, depending on the injured employee's percent of impairment.

Further, the bill provides that under certain circumstances an injured employee may receive vocational rehabilitation services at a location outside of the State of Nevada, but the location may not be more than 50 miles from Nevada's border. The bill also provides that under certain circumstances, the insurer, organization for managed care, health care provider, third-party administrator, or employer must pay a benefit penalty to the injured worker that is not less than $5,000, but not greater than $25,000.

Office for Consumer Health Assistance

Senate Bill 37 creates the Office for Consumer Health Assistance (OCHA) in the Office of the Governor. The bill provides that the Governor must appoint a Director of the office who is a physician, registered nurse, advanced practitioner of nursing, or a physician's assistant. The measure specifies the duties of the director and permits the director to adopt regulations necessary to carry out the provisions of the bill related to the office. The bill also transfers the three ombudsmen positions of SIIS, and two positions to assist those ombudsmen, including the equipment and supplies associated with their positions, to OCHA. In addition, the bill transfers one position from the Health Division, Department of Human Resources, and one position from the Division of Health Care Financing and Policy, Department of Human Resources, to the OCHA.

The bill appropriates from the State General Fund $212,404 for Fiscal Year (FY) 1999-2000, and $251,001 for FY 2000-2001, to pay for a portion of the cost of the OCHA. In addition, the bill appropriates from the Fund for Workers' Compensation and Safety $262,085 for FY 1999-2000, and $325,848 for FY 2000-2001, to pay for the cost associated with the positions transferred to OCHA from SIIS. Further, the bill appropriates from the State General Fund $36,248 for FY 1999-2000, and $50,314 for FY 2000-2001, to pay for the cost associated with the position transferred from the Health Division to OCHA.

Finally, the bill requires the director to submit a written report to the Governor, on or before February 1 of each year, that includes the number and geographic origin of the inquiries received by OCHA, the type of assistance provided to each health care consumer and injured employee who sought assistance, and the disposition of each inquiry and complaint received by the Director.

Effective Dates

Many sections of the bill are effective on July 1, 1999, including sections relating to the creation of the Office for Consumer Health Assistance. Sections of the bill that exempt SIIS employees from the State Personnel System are effective on the date the Governor issues a proclamation that certain events have occurred. Sections of the bill that authorize a hearing and appeals officer to order an insurer to reimburse an injured employee for the expense of a second impairment rating; revise the provisions governing the effect on the availability of compensation of a preexisting condition and of an aggravation of an industrial injury or disease that is not related to employment; revise provisions governing compensation for permanent total disability; and expand the length of certain programs of vocational rehabilitation, are effective on January 1, 2000.

S.B. 68 (Chapter 477)

Senate Bill 68 reorganizes the Peace Officers' Standards and Training Committee (P.O.S.T.) in the Department of Motor Vehicles and Public Safety (DMV&PS) into a stand-alone commission.

The bill does not make major revisions regarding the duties or responsibilities of P.O.S.T. nor does it significantly alter the composition and appointment of the oversight body. However, the bill requires the commission members, by majority vote, to appoint an executive director. The bill defines the responsibilities of the executive director, who, with the advice of the commission, must carry out the day-to-day operations of the commission. The executive director also must administer the general fund account for the training of peace officers.

In 1997, the Nevada Legislature passed Senate Concurrent Resolution No. 21, which urges the Department of Motor Vehicles and Public Safety to conduct a study of the feasibility of separating the P.O.S.T. Committee from the DMV&PS. In collaboration with the Sheriffs and Chiefs Association, DMV&PS conducted such a study, and this measure reflects the recommendations.

Most provisions of the bill are effective on July 1, 1999.

S.B. 97 (Chapter 358)

Senate Bill 97 increases, from seven to eight, the number of members on the Commission on Mental Health and Developmental Services by adding a marriage and family therapist. The additional commissioner is appointed by the Governor.

S.B. 117 (Chapter 359)

Senate Bill 117 authorizes the Chairman of the Nevada Commission on Aging to appoint former members of the commission, along with other experts on aging issues, to serve on advisory committees. In addition, the measure specifies that such advisory committees and subcommittees be composed of no more than five members each, that members be representative of the various ethnic groups and geographic areas of the state, and that these members are entitled to receive reimbursement for travel and per diem expenses.

Under current law, when commissioners complete their appointed terms, their service to the commission ends. This measure provides a mechanism for these individuals to continue to participate and remain involved in the commission's activities as members of an advisory committee or subcommittee.

S.B. 165 (Chapter 525)

Senate Bill 165 creates the Committee for Public Safety Telecommunications Operators, consisting of nine members appointed by the Governor. The members must have knowledge and experience in law enforcement, fire service, public safety telecommunications, or highway safety. The committee must provide for the training of public safety telecommunications operators and adopt minimum standards for their certification and training.

This bill is effective on June 1, 2000.

S.B. 211 (Chapter 366)

Senate Bill 211 codifies the current practices of the Division of Wildlife relative to contracting with a private entity to conduct the drawing and awarding of tags for special hunting seasons. The measure also eliminates the statutory requirement that the division's headquarters must be located in Reno. As provided in this bill, the division and its regional offices may be located where the Director of the State Department of Conservation and Natural Resources and the Board of Wildlife Commissioners deem necessary.

S.B. 218 (Chapter 140)

Senate Bill 218 authorizes the Board of Examiners for Marriage and Family Therapists to issue subpoenas for the attendance of witnesses and the production of books, records, and papers. The bill also requires a license holder to pay the costs incurred by the board to conduct a disciplinary hearing.

Further, the measure refines the definition of the practice of marriage and family therapy to include the use of the principle of diagnosis when treating persons or groups that have marriage, family, or personal relationship adjustment disorders.

Testimony indicated that some health insurance companies are reluctant to pay medical insurance claims submitted by the therapists because the current law does not specifically state that diagnosis is a principle of the practice of marriage and family therapy.

S.B. 259 (Chapter 580)

Senate Bill 259 revises the provisions governing the licensing of businesses that create or produce motion pictures. The bill provides that such businesses are not subject to the business tax if their operations in the state are concluded in less than 60 days. In addition, money appropriated to the Commission of Economic Development for awarding grants to develop certain programs involving occupational education does not revert to the State General Fund at the end of the fiscal year.

The bill also increases, from seven to nine, the number of members on the Commission on Tourism to include a member who is a resident of any county in the state. The membership is also revised to include either the Chief Administrative Officer of the County Fair and Recreation Boards or, if there is no such board, the Chairman of the Board of County Commissioners, from the three counties that have paid the greatest amount of transient lodging tax.

This measure has various effective dates.

S.B. 263 (Chapter 483)

Senate Bill 263 changes the name of the Office of Veteran Affairs to the Office of Veterans' Services. The measure also removes the agency from the Office of the Military and creates a separate Office of Veterans' Services. Further, the executive director of the office is authorized to adopt regulations concerning the agency that are needed to carry out the provisions of Chapter 417 of the *Nevada Revised Statutes*.

The bill is effective July 1, 1999.

S.B. 310 (Chapter 372)

Senate Bill 310 creates the Rangeland Resources Commission consisting of ten members, one member from each of Nevada's seven state grazing boards and the presidents of the Nevada Cattlemen's Association, the Nevada Woolgrowers' Association, and the Nevada Farm Bureau.

The bill provides for the commission to assess a fee of 10 cents per "Animal Unit Month" for cattle and sheep authorized to use, during the preceding year, grazing lands administered by the federal Bureau of Land Management and the United States Forest Service in Nevada. The proceeds may be used by the commission for purposes that include conducting research, compiling and disseminating information, conducting advertising campaigns, constructing or maintaining range improvements, and undertaking other programs and actions that are beneficial to the livestock industry.

The bill provides a mechanism by which a rancher who so desires may obtain a refund of his fee. It specifies the accounting procedures to be employed and directs Nevada's Department of Agriculture to furnish, within its available resources, administrative services to the commission. The bill also provides a graduated penalty schedule for persons who fail to pay the prescribed fee. Finally, the measure includes a sunset provision whereby the commission shall cease to exist if the amount of money refunded in the year 2001 or later is more than 50 percent of the revenue collected.

This measure is effective on July 1, 1999, for purposes of appointing the commission, and on October 1, 1999, for all other purposes.

S.B. 346 (Chapter 309)

Senate Bill 346 revises the composition and duties of the Commission on Substance Abuse Education, Prevention, Enforcement, and Treatment. The measure increases, from 13 to 15, the total number of voting members and adjusts the representation on the commission of various state agencies, private business, and the general public. The measure also requires the Legislative Commission to appoint two nonvoting legislators to the body, one senator and one assemblyman, selected for their experience and knowledge with substance abuse issues.

The measure revises the authority of the commission to make grants, further authorizing these funds to be provided to organizations that review and evaluate problems concerning drug enforcement laws and the treatment of drug abuse. In addition, the bill repeals the commission's authority to recommend policies and priorities for the state's use of federal funds concerning substance abuse. Finally, the bill shifts, from September 1 to July 1, the date the commission's activity report must be submitted to the Governor.

The measure is effective on July 1, 1999.

S.B. 357 (Chapter 278)

Senate Bill 357 requires the State Board of Physical Therapy Examiners to appoint a five-member advisory board to recommend to the Nevada Legislature any legislation that it deems necessary concerning regulation of athletic trainers.

One member of the advisory board must be a licensed physical therapist and a current member of the State Board of Physical Therapy Examiners. This member also must be certified as an athletic trainer by the National Athletic Trainers Association Board of Certification. Two members must represent the Nevada Athletic Trainers Association and have at least a master's degree in a discipline related to athletic training. Two members must represent the Nevada Athletic Trainers Association and have a bachelor's degree in a discipline related to athletic training.

Legislation recommended by the advisory board may include educational qualifications and experience requirements for licensure, the membership of the board that will license athletic

trainers, fees for issuance and renewal of licenses, and requirements for disciplinary action. Any recommended legislation must be submitted to the Nevada Legislature no later than January 15, 2003.

S.B. 365 (Chapter 279)

Senate Bill 365 establishes a nine-member advisory committee on emergency medical services. The members are appointed by the Governor from organizations and agencies providing emergency medical services for government and industry in rural and urban settings, using both paid employees and volunteers. Four ex officio members include representatives of the Health Division, the Clark and Washoe County health offices, and a physician representing a trauma committee in the state. The Governor may not appoint more than one member from the same company or service organization. Members serve two-year terms without compensation, except for travel and per diem expenses. The chairman of the committee is selected by the members and serves a one-year term in that capacity. The committee is authorized to review and advise the Health Division concerning Nevada's emergency medical services, including emergency care policies, emergency protocols, provider qualifications, emergency care regulations, training and education matters, and related budget issues.

Provisions authorizing the appointment of the committee members are effective on May 25, 1999. All other sections are effective October 1, 1999.

S.B. 487 (Chapter 120)

Senate Bill 487 makes various changes relating to telecommunication services provided to low-income persons. It establishes a procedure for informing these persons that they may be eligible for a reduced rate for basic telephone service or reduced connection charges.

The bill defines "eligible customer," "eligible provider" of telecommunications services, "lifeline" service, and "link up" service. The measure requires the Department of Human Resources to give each eligible provider a list of eligible customers, as determined by the Public Utilities Commission of Nevada (PUCN) or, the Federal Communications Commission, as appropriate, who are located in the provider's service area. Every six months, the department must supply each eligible provider with an updated list of eligible customers in the state.

Within seven days after determining a person located in its service territory is an eligible customer, a provider shall notify the customer that he or she will receive lifeline or link up service, or both, unless the customer specifically declines to receive the services. The notice must contain certain information about the services, including when they will commence, and a self-addressed, postage-paid response card. To decline the services, a customer must return the card not later than 10 days before the date service is scheduled to begin.

Unless the customer has declined the services, S.B. 487 requires a provider to begin billing the customer not later than 60 days after the date the provider receives the list of eligible customers.

The measure also requires the provider to continue supplying lifeline service as long as a customer receives telecommunications services from the provider unless the customer or the department notifies the provider that the customer is no longer eligible, or the customer notifies the provider in writing to discontinue the service.

Senate Bill 487 provides that the reduction in telephone rates for lifeline or link up services shall be based on a formula or other methods established in regulations by the PUCN. The reduction only applies to specified basic telephone services. In addition, the measure requires any reductions greater than the reimbursement provided under the federal Universal Service Fund to be reimbursed from the statewide Universal Service Fund established by the PUCN pursuant to Nevada law.

Finally, the bill provides that a telephone company, a wireless or commercial mobile radio service provider, a public safety answering point, or a manufacturer supplying equipment to a telephone company or a public safety answering point, is not liable to any person who uses enhanced 911 service for specified occurrences. Those occurrences include the release of information such as unpublished telephone numbers, if the release was made in good faith, failure of any equipment or procedure in connection with emergency enhanced 911 service, or any act or omission committed in good faith while providing, or while in training to provide, services through a public safety answering point.

Lifeline is a federal program that provides a discount on basic telephone service for families whose gross annual income does not exceed 150 percent of federally established poverty levels. This bill provides automatic eligibility for Nevada families if they receive benefits under any of the numerous entitlement programs and was requested because less than 10 percent of eligible low-income customers take advantage of this federal subsidy. The subsidy amounts to $5.25 per month and has no fiscal effect on the State of Nevada.

S.B. 550 (Chapter 555)

Senate Bill 550 creates the Division of Internal Audits within the Department of Administration. The bill specifies the qualifications for the position of Chief of the Division of Internal Audits and specifies that the chief is appointed by the Director of Administration. The bill requires the division to prepare a plan for auditing executive branch agencies for each fiscal year, perform the audits of the programs and activities of the agencies in accordance with the plan as approved by the Executive Branch Audit Committee, and report its findings concerning internal accounting, administrative controls, and financial management. The measure further requires the director of the Department of Administration to submit a report to the Legislature, the Legislative Auditor, and the Governor on the status of internal accounting and administrative controls in state agencies prior to the start of each legislative session.

Senate Bill 550 also creates the Executive Branch Audit Committee. The committee is composed of the Governor, Lieutenant Governor, Secretary of State, State Treasurer, State Controller, Attorney General, and one member appointed by the Governor. This committee must adopt

policies and procedures for the operation of the Division of Internal Audit, approve each annual plan for auditing state agencies, and approve each annual report of the division.

Finally, the measure appropriates $751,833 for Fiscal Year (FY) 1999-2000 and $1,168,609 for FY 2000-2001 from the State General Fund to the Department of Administration to establish a Division of Internal Audit.

The bill is effective on July 1, 1999.

A.B. 103 (Chapter 645)

Assembly Bill 103 removes the Division of Agriculture from the Department of Business and Industry and places this function and several agricultural boards and commissions in the State Department of Agriculture. The measure also places the Division of Minerals under the Commission on Mineral Resources and gives the commission rate-setting authority.

Assembly Bill 103 is effective on June 11, 1999, for the purpose of adopting regulations necessary to carry out the provisions of this measure, and on July 1, 1999, for all other purposes.

A.B. 181 (Chapter 394)

Assembly Bill 181 transfers the Bureau of Alcohol and Drug Abuse (BADA) from the Department of Employment, Training and Rehabilitation to the Department of Human Resources (DHR). Further, the measure specifies that BADA must prepare requests for proposals (RFPs) for certain treatment facilities to provide services for adolescents who engage in substance abuse. In addition, the bill describes the process for the bureau to follow concerning the RFPs. Further, the bill requires that the bureau submit a biennial report and specifies the items that must be included in the report.

The Commission on Substance Abuse Education, Prevention, Enforcement and Treatment is required to review certain activities related to substance abuse and make recommendations for adolescents to receive services. Further, the commission is required to identify and report key indicators of the level of substance abuse by persons in Nevada and to compile a list of privately or publicly funded substance abuse programs in the state. The measure also requires the DHR to establish three pilot projects in family resource centers in the state, sets forth the criteria for the pilot projects, and specifies the responsibilities of the commission and the family resource centers in relation to these projects.

Finally, the bill requires BADA to make available, from its existing federal and state funding sources, the sum of $158,400 for the pilot projects.

The measure is effective on July 1, 1999.

A.B. 489 (Chapter 179)

Assembly Bill 489 requires the Administrator of the Division of Industrial Relations to create within the division a section for enforcement and a section for safety and health consultation, education, information, and training. The bill requires the section for enforcement to develop a program, if authorized by the United States Secretary of Labor, to assist small employers in eliminating or reducing safety hazards, and allows the section to reduce penalties for employers who comply with the program. In addition, the bill requires the section for safety and health consultation, education, information, and training to establish a program and a toll-free telephone number designed to assist small employers in complying with the requirements of the Nevada Occupational Safety and Health Act.

This bill is effective on July 1, 1999.

A.B. 519 (Chapter 545)

Assembly Bill 519 makes various changes concerning the Division of Child and Family Services (DCFS) within the Department of Human Resources (DHR). The bill increases, from three to four, the number of deputies in the DCFS, one of whom is the deputy administrator for youth corrections responsible only for correctional services for youths under the jurisdiction of DCFS. In addition, the measure provides that the Administrator of the Division of Health Care Financing and Policy, DHR, may appoint the remaining two deputies.

A.B. 626 (Chapter 301)

Assembly Bill 626 defines the terms disaster and emergency, and it revises the definition of emergency management to include support for search and rescue operations and planning and coordination of emergency and disaster response. The bill provides generally that Nevada's laws on emergency management apply to both disasters and emergencies. It further provides that the role of the Division of Emergency Management of the Department of Motor Vehicles and Public Safety is to assist with the provision of mutual aid, that the division is the lead state agency for purposes of the Interstate Civil Defense and Disaster Compact, and that the chief of the division is the director of emergency management and civil defense for the purposes of that compact. In addition, the bill transfers the responsibility to administer the emergency assistance account within the disaster relief fund from the State Emergency Response Commission to the Division of Emergency Management.

Assembly Bill 626 increases, from eight to ten, the number of members on the Board of Search and Rescue and provides for staggered terms of the members, and adjusts the representation on the board of the various law enforcement agencies and medical services. Further, this measure provides that the coordinator of search and rescue is an employee of the Division of Emergency Management.

Finally, this measure requires the chief of the division to assist state and local government agencies, private organizations, and others with the development of comprehensive, coordinated plans for emergency management. The chief must work in partnership with government, business, industry, and volunteer organizations and must, among other requirements, periodically test the various emergency plans to make sure that activities are coordinated.

A.B. 679 (Chapter 639)

Assembly Bill 679 reorganizes the Department of Motor Vehicles and Public Safety. It provides that the motor vehicles branch of the department must consist of a deputy director and other staff, including managers, specialists, investigators, and staff who the director determines are necessary to carry out the duties of the department. Within the motor vehicles branch of the department, this measure establishes the following divisions: central services and records, compliance enforcement, field services, management services, and programs. Further, this bill creates a training division within the public safety branch of the department, which must provide training to the employees of the department. Finally, this measure makes technical corrections to the statutes governing the activities of the department.

This measure is effective on June 11, 1999 for the purpose of authorizing any preliminary activities necessary to ensure the provisions of this bill are carried out; however, the remaining sections are effective on July 1, 1999.

State Employees

S.B. 183 (Chapter 83)

Senate Bill 183 grants criminal investigators employed by the Office of the Secretary of State peace officer powers. In addition, the bill provides that these criminal investigators must be classified as category II peace officers upon completion of training and certification by the Peace Officers' Standards and Training Committee.

This bill is effective on July 1, 1999.

S.B. 292 (Chapter 426)

Senate Bill 292 authorizes an increase in reimbursement for certain educational expenses of active members of the Nevada National Guard who attend the University and Community College System of Nevada as full-time or part-time students. The measure increases the reimbursement from 50 percent to 100 percent of the consolidated fee and the credit-hour cost each semester. The bill

further provides that the member must be in good standing at the beginning of and throughout the entire semester for which the benefits are received.

This measure is effective on May 29, 1999.

S.B. 353 (Chapter 554)

Senate Bill 353 directs the Department of Personnel to increase by one grade level the compensation of certain custody positions within Nevada's Department of Prisons (NDOP). An appropriation of $1,220,235 is included in the bill to provide for the increase. The measure also requires the Department of Personnel to conduct an occupational study of all custody positions and any related positions within NDOP by September 1, 2000, and to report the results of the study to the Director of the Department of Administration.

The grade-level increase for the custody positions is effective on January 1, 2001. The section of the measure regarding the study to be conducted by the Department of Personnel is effective on July 1, 1999.

S.B. 499 (Chapter 95)

Senate Bill 499 clarifies overtime pay eligibility requirements for state employees who work variable or innovative work weeks. For employees who work variable work weeks, the bill specifies that overtime pay may be received after working 80 hours biweekly, or for approved overtime in excess of one scheduled shift of eight or more hours per day. Those employees who work flexible work weeks are eligible for overtime pay only after working 40 hours per week.

In addition, the measure repeals redundant and obsolete provisions governing promotional reports and requirements related to classified employees who were employed before March 30, 1953.

This bill is effective on July 1, 1999.

S.B. 554 (Chapter 558)

Senate Bill 554 establishes the maximum salaries for certain employees in the unclassified service of the state. The positions include certain staff for the state's constitutional officers, directors of the executive branch agencies, and the Chief Ombudsman for Consumer Health Assistance.

This bill is effective on July 1, 1999.

S.B. 559 (Chapter 548)

Senate Bill 559 revises the qualifications of the Director of the Department of Museums, Library and Arts. The measure specifies that the director must have a degree from an accredited four-year college or university, and a demonstrated ability and four years of experience either in administering a major public agency or in business administration. Finally, the bill provides that the director must possess a comprehensive knowledge of administrative principles, the administrative ability to assess the adequacy of agency operation and the protection of the public interest, and the ability to present information to government officials and to oversee the statutory responsibilities of the department.

This measure is effective on June 9, 1999.

A.B. 99 (Chapter 6)

Assembly Bill 99 changes, from 62 to 64 years, the maximum allowable age of a commissioned officer in the Nevada National Guard. Testimony indicated that this change is necessary to conform Nevada law with federal law.

This measure is effective on March 16, 1999.

A.B. 101 (Chapter 7)

Assembly Bill 101 allows the classified employees of the Office of the State Controller to pursue an outside business or occupation. Testimony indicated that this measure would place classified employees of the State Controller on a par with all other classified employees of the state. The Deputy State Controller, which is an unclassified position, must continue to devote his entire time to the business of his office.

This measure is effective on March 16, 1999.

A.B. 125 (Chapter 12)

Assembly Bill 125 provides that all assets and income of Nevada's deferred compensation program must be held in trust for the exclusive benefit of the participants in the program and their beneficiaries.

According to testimony, this measure will conform Nevada statutes with federal law and the current practices of the Committee on Deferred Compensation for State Employees.

This measure is effective on March 18, 1999, and is retroactive to January 1, 1999.

A.B. 126 (Chapter 13)

Assembly Bill 126 requires administrative assessments on participants in Nevada's deferred compensation program to be deposited in an account in the State General Fund and the interest and income on the account to be credited to the account.

Testimony indicated that the administrative fund will earn substantially higher interest if these assessments are deposited in the State General Fund.

This bill is effective on July 1, 1999.

A.B. 176 (Chapter 2)

Assembly Bill 176 appropriates $9 million from the State General Fund to the benefit services fund. In addition, a total of $1 million is appropriated from the State Highway Fund to the benefit services fund. The measure also indefinitely suspends the operation of the Committee on Benefits and transfers all powers and duties of the committee to the Governor.

This measure is effective on February 19, 1999.

A.B. 203 (Chapter 167)

Assembly Bill 203 specifies that the Administrator of the Rehabilitation Division, Department of Employment, Training and Rehabilitation (DETR), is responsible for certain duties related to vocational rehabilitation, which previously were assigned to the Director of DETR.

The bill is effective on May 20, 1999.

A.B. 250 (Chapter 51)

Assembly Bill 250 clarifies the duties of the specialist for the rights of elderly persons within the Aging Services Division of the Department of Human Resources. Further, the measure defines the term elderly person as a person who is 60 years of age or older. Finally, the bill grants authority to the specialist to investigate incidents of isolation of an elderly person.

The measure is effective on April 27, 1999.

A.B. 370 (Chapter 403)

Assembly Bill 370 establishes the amount to be paid by the state for group insurance for state employees. The state will pay $327.20 per month for Fiscal Year (FY) 1999-2000 and

$368.75 per month for FY 2000-2001. For retired state employees, the state will pay $183.59 per month for FY 1999-2000 and $208.92 per month for FY 2000-2001.

This measure is effective on July 1, 1999.

A.B. 531 (Chapter 180)

Assembly Bill 531 limits the liability of a person who is licensed by the Division of Child and Family Services of Nevada's Department of Human Resources to conduct a family foster home or a group foster home. The measure describes those situations for which immunity is granted and clarifies that a licensed person is not liable for the acts of a foster child unless the person took an affirmative action to contribute to the act of the child. In addition, the bill specifies when liability applies to a licensed person if a foster child is truant from school and states that a licensed person is not financially responsible for a foster child's attorney's fees.

A.B. 691 (Chapter 570)

Assembly Bill 691 increases, from $6 to $7.50, the maximum daily travel allowance for persons employed at various prison facilities who reside more than 25 miles from those facilities, and adds Cold Creek State Prison to the list of facilities at which the travel allowance applies.

The bill appropriates $156,354 in Fiscal Year (FY) 1999-2000, and $224,718 in FY 2000-2001, from the State General Fund to the Department of Prisons for these travel expenses. The measure also appropriates $5,745 in FY 1999-2000, and $5,713 in FY 2000-2001, from the State General Fund to the Division of Forestry of the State Department of Conservation and Natural Resources for these travel expenses.

This measure is effective on July 1, 1999.

A.B. 701 (Chapter 586)

Assembly Bill 701 authorizes a 2 percent increase in the salaries of classified and unclassified state employees and classified employees in the University and Community College System.

This measure is effective on July 1, 2000.

A.B. 702 (Chapter 585)

Assembly Bill 702 increases the daily rate of compensation for certain legislative employees. The bill also creates new titles and revises existing titles of certain legislative employees.

State Financial Administration (See also: Appropriations)

S.B. 14 (Chapter 190)

Senate Bill 14 authorizes counties and cities with a population of 100,000 or more, the State Treasurer, the Housing Division, and the Director of the Department of Business and Industry to lend securities. The loans must be secured by collateral that has a value of at least 102 percent of the value of the securities borrowed. The lenders are authorized to enter into contracts to manage the loans.

To lend securities, counties and cities with a population of 100,000 or more must have a portfolio of at least $100 million and a written investment policy. The treasurer of the county or city must make a report to the county or city manager each month regarding any loans of securities. The collateral received by counties and cities must be in the form of cash or marketable securities of a kind in which these local governments are authorized to invest. Further, any investments made with the collateral must mature within 90 days of the time the securities are lent.

Senate Bill 14 also authorizes cities and consolidated municipalities with a population of 50,000 or more, but less than 100,000, to participate in securities lending. Such a city or municipality must have a portfolio of at least $50 million, must comply with the other conditions applicable to counties and cities with a population of 100,000 or more, and must have an authorization from the State Board of Finance, granted pursuant to regulations adopted by the board.

S.B. 39 (Chapter 354)

Senate Bill 39 revises various provisions governing credit unions and the deposit of money therein. The bill authorizes a credit union to act as fiscal agent for, and receive deposits from, the State of Nevada or an agency or political subdivision thereof including, without limitation, a county, city, or school district. The measure also permits a credit union to invest in the obligations of a county, city, or school district of this state, as well as negotiable obligations of federal or state banks.

In addition, S.B. 39 increases, from $10,000 to $30,000, the amount credit union directors or members of its committees may guarantee or endorse on loans to other members. Further, the measure includes a credit union, whose deposits are insured by the National Credit Union Insurance Fund or an approved private insurer, in the definition of commercial bank and trust bank. Finally, the bill requires the Commissioner of Financial Institutions to adopt a regulation specifying the records a credit union must keep and the period of time the records must be retained.

S.B. 139 (Chapter 361)

Senate Bill 139 authorizes the Chief of the Purchasing Division of the Department of Administration to transfer surplus property, without cost, to other state agencies. The bill also allows the chief to donate property that has reached the end of its useful life to specified educational, religious, or charitable organizations and waive associated fees. In addition, under the provisions of this measure, the chief is permitted to sell surplus property that cannot be transferred to another agency and deposit the proceeds in the fund from which the money to purchase the property was expended.

The bill also permits a board of county commissioners or its authorized representative to donate certain commodities, supplies, materials, equipment, and personal property to a nonprofit organization created for religious, charitable, or educational purposes. Finally, S.B. 139 provides this same authorization to city councils and makes city law consistent with the county statute.

This bill is effective on May 29, 1999.

S.B. 190 (Chapter 287)

Senate Bill 190 combines the revolving accounts of the bureaus of Vocational Rehabilitation and Services to the Blind and Visually Impaired into one account, titled rehabilitation division revolving account. This measure also sets the account maximum at $90,000.

This bill is effective on July 1, 1999.

S.B. 193 (Chapter 581)

Senate Bill 193 makes various changes relating to emergency management practices. It establishes that a state agency or a local government may request the Division of Emergency Management of the Department of Motor Vehicles and Public Safety to conduct a preliminary assessment of the damages related to an event for which the state agency or local government seeks a grant or loan from the disaster relief fund. The division must then determine whether the event constitutes a disaster for which funding may be provided. The determination of whether a disaster requires immediate action may be made by either the Governor or the local government in conjunction with the division.

Further, this measure specifies that no more than 50 percent of the expenses incurred by a local government for the repair or replacement of public roads or buildings and other necessary emergency response measures may be paid for out of the disaster relief fund. It also adds that a request for a grant or loan must be made within 60 days after the disaster and must include a written report of damages prepared by the division and the written determination made by the division that the event constitutes a disaster pursuant to this bill. Finally, this measure makes other technical changes concerning disaster relief practices.

The portion of the measure that makes an appropriation to the Division of Emergency Management for contract computer programming assistance is effective on June 9, 1999. The remainder of the bill is effective on October 1, 1999.

S.B. 238 (Chapter 80)

Senate Bill 238 clarifies provisions governing the administration of the exemption from the sales and use tax on food for human consumption. The measure amends the statutory provisions of both the Sales and Use Tax (Chapter 372, *Nevada Revised Statutes*) and the Local School Support Tax (Chapter 374, *Nevada Revised Statutes)* by requiring the Department of Taxation to determine the exemption on the basis of whether the food is intended for immediate consumption rather than on the type of establishment where the food is sold.

The bill is effective July 1, 1999.

S.B. 243 (Chapter 97)

Senate Bill 243 changes, from March 30 to March 1, the date by which fees adopted by the State Emergency Response Commission for the storage of extremely hazardous materials must be paid. This change makes Nevada's collection date consistent with the corresponding federal collection schedule.

S.B. 301 (Chapter 99)

Senate Bill 301 requires contractors to make prompt payment to subcontractors for the construction and improvement of highway projects. The bill requires a principal contractor to pay a subcontractor or supplier within 15 days of receiving a payment from Nevada's Department of Transportation (NDOT). The payment to the subcontractor must include interest and be in proportion to the value of the work performed. If the payment to the subcontractor is made outside of the prescribed 15 days, an additional 2 percent interest must be added.

The bill also provides that if a contractor withholds more than 10 percent of a payment, the subcontractor or supplier may inform the director of NDOT in writing of the amount due. The director is to assist in resolving the issue within 20 working days. If no resolution is reached, the contractor must hold a portion of the subsequent payment in an interest-bearing escrow account while the affected parties pursue any available legal or equitable remedy. Finally, the bill specifies that the director must not be a party to any related legal or equitable action that may be brought.

S.B. 303 (Chapter 244)

Senate Bill 303 appropriates $303,600, from the State General Fund to the National College of Juvenile and Family Law, to assist in securing public and private grants and other funding

during the 1999-2001 biennium. The bill also directs the State Controller to transfer the sum of $2.5 million from the fund for the National College of Juvenile and Family Law to the State General Fund. The measure allows the State Board of Examiners, on or after July 1, 2001, to recommend to the Interim Finance Committee that the money transferred to the State General Fund be repaid to the fund for the National College of Juvenile and Family Law if sufficient money exists from the appropriate revenue sources to effect the repayment. Upon approval by the Interim Finance Committee, the money may be transferred.

The bill is effective on May 24, 1999.

S.B. 304 (Chapter 245)

Senate Bill 304 appropriates $600,000, from the State General Fund to the National Judicial College, to assist in securing public and private grants and other funding during the 1999-2001 biennium. The bill also directs the State Controller to transfer the sum of $5 million from the fund for the National Judicial College to the State General Fund. The measure allows the State Board of Examiners, on or after July1, 2001, to recommend to the Interim Finance Committee that the money transferred to the State General Fund be repaid to the fund for the National Judicial College if sufficient money exists from appropriate revenue sources to effect the repayment. Upon approval by the Interim Finance Committee, the money may be transferred.

The bill is effective on May 24, 1999.

S.B. 329 (Chapter 577)

Senate Bill 329 authorizes the issuance of up to $3 million in general obligation bonds to assist in the construction of a California Immigrant Trail Interpretive Center in Elko County. The bill prohibits issuance of the bonds unless, on or before June 30, 2003, Elko County commits at least $1 million, the City of Elko commits at least $2 million, and the Federal Government commits at least $6 million for the construction of the center. In addition, issuance of the bonds is contingent on the Federal Government agreeing to own and operate the center in Elko County.

This bill is effective on July 1, 2001.

S.B. 368 (Chapter 615)

Senate Bill 368 requires the State of Nevada to pay Carson City's sewage connection fee for state buildings that are connected to the city's sewer system on or after July 1, 2001.

In 1959, the Nevada Legislature appropriated $135,000 to Carson City to assist with the acquisition of a sewage system. The state also contributed 127 acres of land for the sewage plant site. Funding was conditioned upon the agreement that Carson City would never charge the state for sewage connection fees for state buildings.

According to testimony, the current value of connection fees that have been waived by the city is $7.6 million. In addition, the state uses 15 percent of the system capacity valued at $11 million. Carson City estimates the value of the 1959 land donation and appropriation is $1.55 million in today's dollars. Therefore, the state has recouped its contribution several times over.

This measure is effective July 1, 1999.

S.B. 369 (Chapter 618)

Senate Bill 369 relates to revenue bonds for industrial development. The measure authorizes the Director of Nevada's Department of Business and Industry to finance the acquisition, refurbishing, replacement, and installation of equipment for a project. Bonds issued for this purpose may not exceed $2.5 million and must be sold only to qualified institutional buyers, unless they are rated in one of the top four rating categories by certain rating agencies.

The director or the governing body of a county or city must make information regarding projects financed by industrial revenue bonds available to the public upon request. Certain information such as financial records of the obligor, proprietary information, and information regarding the location of the project, may not be disclosed to the public without the approval of the obligor. In addition, the bill clarifies the term "corporation for public benefit."

The measure also changes the provisions regarding the kinds of projects that may be financed with industrial revenue bonds and provides that the borrower need not submit a five-year operating history if the bonds are sold only to institutional investors or receive a high rating.

Finally, the director is required to adopt regulations governing the issuance of revenue bonds for industrial development, and he is prohibited from providing any financing pursuant to this measure until the State Board of Finance has established guidelines required by the bill. Also, the bill amends existing law to provide for the refund of bonds that are issued pursuant to the County Economic Development Revenue Bond Law and the City Economic Development Revenue Bond Law.

The measure is effective on June 11, 1999.

S.B. 371 (Chapter 249)

Senate Bill 371 authorizes the Board of Regents of the University and Community College System of Nevada to issue revenue bonds not to exceed $8.6 million for a building project at the Desert Research Institute (DRI) in Las Vegas. The bill allows pledged revenue, which includes grants from the Federal Government and net revenues from the operation of any facilities at DRI, to repay the bonds. Definitions, as they relate to the project, are provided in the measure.

Further, the bill authorizes the Board of Regents to request that the State Public Works Board delegate certain authorities with respect to the construction of the project. This delegation, however, is discretionary for both the Board of Regents and the State Public Works Board.

Testimony indicated that DRI has a unique partnership opportunity to construct a joint use facility in cooperation with the federal Department of Energy. The purpose of this facility is to house, and make available to the public, artifacts and documents pertaining to the Atomic Age and the Nevada Test Site. Although the Legislature must approve the sale of the revenue bonds, proponents of the measure emphasized that such bonds will not count against the state's bonding capacity.

The measure is effective on May 24, 1999.

S.B. 398 (Chapter 155)

Senate Bill 398 creates the State Child Support Disbursement Fund as an agency fund administered by the Welfare Division of the Department of Human Resources. The fund is required pursuant to federal law concerning child support collections. Money collected by the division to carry out the federal act must be deposited in the fund.

This bill is effective on July 1, 1999.

S.B. 419 (Chapter 304)

Senate Bill 419 authorizes certain businesses to apply to the Commission on Economic Development for funding to pay for an approved program to train employees. The measure sets forth the criteria that must be adhered to in applying to the commission, and authorizes the commission to assist a business in the development of the application. The bill also provides for matching money from applicants and participation by the University and Community College System of Nevada.

In addition, the bill authorizes the Director of Nevada's Department of Business and Industry to provide up to $500,000 per year in financial assistance to the commission to develop and administer the approved program; however, the director is given the discretion to provide additional funding as he determines necessary. Further, the measure allows the department to apply for or accept any gifts, grants, donations, or contributions from any source to carry out certain provisions of S.B. 419. Finally, the measure permits the director of the department to adopt regulations that are necessary to carry out the provisions of the bill.

S.B. 464 (Chapter 382)

Senate Bill 464 revises provisions available to the Employment Security Division for the treatment of delinquency payments of an employer's unemployment compensation assessments. The bill

provides for a handling charge of not more than $25 for dishonored checks; increases, from 0.5 percent to 1 percent, the monthly interest rate charged on past due unemployment taxes; and strengthens the garnishment procedures to offset the delinquent assessments owed to the state.

The provisions regarding handling charges and interest are effective on July 1, 2000. The remaining provisions are effective on May 29, 1999.

S.B. 490 (Chapter 134)

Senate Bill 490 creates a revolving account in the motor vehicle fund to pay the cost of issuing special license plates. Twenty-five percent of the fee for issuing these plates must be deposited in this fund. In most cases the fee is $35. If the balance in the fund exceeds $50,000, the excess must be transferred to the State Highway Fund.

This bill is effective on July 1, 1999.

S.B. 494 (Chapter 81)

Senate Bill 494 extends, from two years to three years, the interval between studies by the Department of Taxation of the ratio of assessed to taxable value of property in each county. The measure provides that the Nevada Tax Commission must divide the counties into three comparable groups and the department must conduct the study of one group each year. The commission may reallocate the counties among the groups, provided that each county is studied at least once every three years.

S.B. 496 (Chapter 536)

Senate Bill 496 creates the Millennium Scholarship Trust Fund administered by the State Treasurer. The bill authorizes 40 percent of the money received by the state from settlements with tobacco firms and from judgements in a civil action against tobacco companies to be deposited into the fund.

Students must meet the following requirements to receive a scholarship: (1) have been a resident of Nevada for at least two years; (2) have graduated from a public or private high school in the state after May 1, 2000; (3) have maintained at least a 3.0 grade point average in the high school core curriculum; and (4) be enrolled in at least 12 semester credit hours in a university or at least six semester credit hours in a community college. In addition, the Board of Regents must establish eligibility requirements for students who did not graduate from a high school in Nevada but have been state residents for at least two years. The bill further specifies the criteria students must meet to continue a scholarship and the purposes for which scholarship funds may be used. Finally, the measure provides $40 per credit hour for community college students and $80 per credit hour for university students, or the amount needed to pay the cost of attending school not paid from other

sources, whichever is less. Students receiving Millennium Scholarships may not receive more than $10,000.

S.B. 498 (Chapter 71)

Senate Bill 498 increases, from $3,500 to $8,000, the maximum expenditure of money that the State Board of Examiners may authorize from the reserve for statutory contingency account to pay the salary of a replacement employee following the purchase of unused leave and sick leave pay of the former employee.

This bill is effective on July 1, 1999.

S.B. 500 (Chapter 623)

Senate Bill 500 provides procedures for the collection of certain debts owed to state agencies. Among the provisions of the bill, the Director of the Department of Administration and the Attorney General are permitted to jointly adopt regulations concerning this act. The bill provides that a state agency is required to submit reports concerning debts owed to the agency. In addition, the measure sets forth conditions under which an agency may enter into an agreement with the debtor, and under which the Attorney General may collect an unpaid debt on behalf of the agency.

The measure authorizes an agency to file an application for summary judgment to allow the agency to recover a debt and also to file a certificate of liability in the office of a county recorder. The certificate constitutes a lien upon all real and personal property of the debtor situated in the county. Further, the measure permits the State Controller to offset amounts due to an agency from a debtor against any amount owing to that debtor by any agency, and the bill requires the State Controller to adopt regulations concerning this authority.

In addition, the measure authorizes a state agency, under certain conditions, to enter into a contract with a private debt collector or any other person to collect the agency's debt, and identifies the procedures an agency must follow to cancel a debt. Finally, the bill outlines procedures relating to bad debts.

The measure is effective on July 1, 1999.

S.B. 508 (Chapter 491)

Senate Bill 508 creates a revolving account for land management as a special account in the State General Fund. The measure allows the State Land Registrar to use the account for certain expenses related to the management of land held by the Division of State Lands. Eligible expenses include appraisals and surveys, construction of fences and vehicle barriers, and the cleanup and maintenance of the land. Expenditures must be approved by the State Land Registrar and records of disbursement are required.

Senate Bill 508 authorizes an appropriation of $20,000 to this account from the State General Fund. Money from the contingency fund may be requested if the balance in the account falls below $5,000. Donations and reimbursements received by the division may also be deposited into the account.

This measure is effective July 1, 1999.

S.B. 511 (Chapter 532)

Senate Bill 511 revises provisions relating to expenditures for air quality from the pollution control account within the State General Fund. The measure provides that money remaining in the account after grants to local governments have been paid, pursuant to *Nevada Revised Statutes* 445B.830, may be expended by certain agencies for specific programs. The programs in order of priority include: (1) the control of engine emissions by the Department of Motor Vehicles and Public Safety, (2) the administration of the general provisions pertaining to air pollution by the Division of Environmental Protection, (3) the inspection of petroleum products by the Department of Agriculture, and (4) the preservation and improvement of air quality by the Tahoe Regional Planning Agency.

These specific provisions of the measure are effective on July 1, 1999.

For the period July 1, 1999, to June 30, 2001, additional programs are also eligible. These include programs of Nevada's Tahoe Regional Planning Agency, and attainment and maintenance of environmental thresholds in the Lake Tahoe Basin by the Tahoe Regional Planning Agency, and other appropriate agencies in Nevada. The eligibility of these latter programs expires by limitation on June 30, 2001.

S.B. 533 (Chapter 72)

Senate Bill 533 authorizes a designee of the clerk of the State Board of Examiners to approve contracts of less than $5,000, contracts necessary to preserve life and property for amounts less than $25,000, or contracts entered into by the Gaming Control Board for the purposes of investigating an applicant or holder of a gaming license.

This bill is effective on July 1, 1999.

S.B. 551 (Chapter 556)

Senate Bill 551 authorizes $5.6 billion in expenditures, for Fiscal Years (FY) 2000 and 2001, of money not appropriated from the State General Fund or the State Highway Fund. In addition, the measure authorizes expenditures of $45.4 million from the State General Fund for the State Gaming Control Board. The bill also authorizes the University and Community College System of Nevada to expend revenue from student registration fees and the system's endowment fund.

Senate Bill 551 grants authority for agencies to collect and expend revenues other than from the State General Fund, including federal funds, gifts, grants, interagency transfers, service fees, and other funds.

The budget reflects a total increase in FY 1999-2000 of 5 percent, with the State General Fund appropriation recommended to increase 2.5 percent. In FY 2000-2001, the total budget increases 3.4 percent, with the State General Fund increasing by 3.9 percent.

The measure is effective July 1, 1999.

A.B. 94 (Chapter 419)

Assembly Bill 94 creates a combined budget account in the State General Fund for the veterans' cemeteries in northern and southern Nevada. A separate gift account for veterans' cemeteries also is created. In addition, the measure creates a similar veterans' home account and a veterans' home gift account. Gifts of funds or personal property may be restricted to a particular cemetery or nursing home, and the act provides that the commissioner comply with such restrictions. Money remaining in the gift accounts does not revert to the State General Fund, but is carried forward to the fund into the next fiscal year.

This bill is effective on May 29, 1999.

A.B. 100 (Chapter 205)

Assembly Bill 100 raises, from $1.25 billion to $2 billion, the limit on the aggregate principal of outstanding bonds, notes, and other obligations of Nevada's Housing Division.

This measure is effective on May 24, 1999.

A.B. 108 (Chapter 200)

Assembly Bill 108 clarifies that the Attorney General may bring a civil action for unfair trade practices on behalf of a person who is damaged, either directly or indirectly, as a result of a violation of the provisions of Nevada's Unfair Trade Practices Act (Chapter 598A of *Nevada Revised Statutes*). The bill also clarifies that a person who is damaged, either directly or indirectly, may also bring a civil action for unfair trade practices. Assembly Bill 108 increases, from 10 percent to 50 percent, the portion of money collected for violations of laws regarding unfair trade practices that must be credited to the Attorney General's special fund. In addition, the measure increases, from $30,000 to $200,000, the amount of money that may be retained in the special fund at the end of each fiscal year. Finally, any amount of money deposited in the State Treasury for credit to the special fund that would cause the balance of the fund to exceed $250,000 immediately reverts to the State General Fund.

A.B. 124 (Chapter 8)

Assembly Bill 124 changes the local government tax distribution fund to an account within the state's intergovernmental fund. The measure also changes the Department of Human Resources' gift fund from a special revenue fund to a trust fund and establishes a separate account within the State General Fund for the tax on liquor. Finally, the measure changes the location of two accounts used in the implementation of the federal Safe Drinking Water Act. Witnesses stated that these changes will conform the affected accounts and funds with generally accepted accounting principles.

This measure is effective on March 16, 1999.

A.B. 125 (Chapter 12)

Assembly Bill 125 provides that all assets and income of Nevada's deferred compensation program must be held in trust for the exclusive benefit of the participants in the program and their beneficiaries.

According to testimony, this measure will conform Nevada statutes with federal law and the current practices of the Committee on Deferred Compensation for State Employees.

This measure is effective on March 18, 1999, and is retroactive to January 1, 1999.

A.B. 126 (Chapter 13)

Assembly Bill 126 requires administrative assessments on participants in Nevada's deferred compensation program to be deposited in an account in the State General Fund and the interest and income on the account to be credited to the account.

Testimony indicated that the administrative fund will earn substantially higher interest if these assessments are deposited in the State General Fund.

This bill is effective on July 1, 1999.

A.B. 128 (Chapter 32)

Assembly Bill 128 authorizes the State Treasurer to name a designee to sign purchase contracts or accept binding bids for bonds, and to appoint a Deputy Treasurer of Debt Management. The bill also authorizes the use of an additional type of bond for the financing of state highway construction projects and increases, from 10 to 20 years, the maximum term of special obligation

bonds issued to finance highway projects. Finally, the measure allows the State Treasurer to employ necessary legal, financial, or other professional services related to the sale of state obligations.

This measure is effective on July 1, 1999.

A.B. 129 (Chapter 141)

Assembly Bill 129 revises limitations on investment of state money and money in the trust fund for prepaid tuition. The bill requires that corporate bonds in which the fund is invested must be rated at least "A" rather than "BBB," and allows up to 50 percent, rather than 5 percent, of the fund's fixed income investments to be invested in these bonds. In addition, the bill adds to the approved list, obligations of the Government National Mortgage Association, collateralized mortgage obligations, asset-backed securities rated "AAA," and securities issued by instrumentalities of the United States. Further, the bill authorizes the investment of prepaid tuition property in common trust funds and mutual funds.

Assembly Bill 129 also adds obligations of the Government National Mortgage Association and asset-backed securities rated "AAA" or the equivalent to the list of securities in which the state may invest its money. The bill amends the list to increase, from three to five years, the maximum term to maturity of A-rated corporate securities in which the state may invest. In addition, the bill authorizes the State Treasurer to employ investment and financial advisers in connection with the state's investments.

This measure is effective on May 18, 1999.

A.B. 150 (Chapter 201)

Assembly Bill 150 abolishes the state highway payroll clearing account by repealing Section 408.227 of *Nevada Revised Statutes*.

This measure is effective on July 1, 1999.

A.B. 234 (Chapter 211)

Assembly Bill 234 specifies that the State Treasurer shall transfer the remaining balance in the permanent net proceeds fund to the State General Fund.

The measure is effective on May 24, 1999.

A.B. 237 (Chapter 456)

Assembly Bill 237 expands the authorized activities that may receive funds from the state's grant program for assisting public water systems. The bill authorizes the Board for Financing Water Projects to issue grants for capital improvements and water conservation to certain water systems. Water conservation projects include piping or lining irrigation canals; recovering or recycling wastewater or tailwater; irrigation scheduling; measuring or metering water use; improving the efficiency of irrigation operations; and improving the efficiency of the operation of a facility for water storage. In addition, these grants may be issued to eligible recipients in a designated water basin to assist in paying costs when owners of domestic wells or wells on temporary permits connect to municipal water systems. The bill limits these grants, however, to projects involving wells which were drilled on or before October 1, 1999.

Further, the bill expands general obligation bonding capacity for the overall grant program from $40 to $50 million. The measure also allows the money in the fund to be used to defray, in whole or part, the costs of administering the fund and the expenses of the board.

A.B. 239 (Chapter 440)

Assembly Bill 239 establishes a revolving account within the State General Fund to investigate the background of volunteers who work with children. The Director of the Department of Motor Vehicles and Public Safety must administer the account. The money must only be used to pay the Central Repository for Nevada Records of Criminal History to process requests from nonprofit agencies for background checks on volunteers who work directly with children to determine if a volunteer has committed a sexual offense.

The bill authorizes the director to apply for and accept any gift, donation, bequest, grant, or other source of money for deposit in the account. In addition, any interest or income earned on money in the account must be credited to the account. Any money that remains in the account at the end of a fiscal year does not revert to the State General Fund but must be carried forward to the next fiscal year.

Assembly Bill 239 requires the director to adopt regulations addressing, among other matters, the procedure for applying for a grant from the account, the criteria to be used in awarding grants, and equitable procedures for distributing funds in the account. The measure authorizes a state or local government agency to establish forms and procedures whereby a person may donate money to the account while transacting business with an agency.

Finally, the bill provides that a decision by a nonprofit agency not to use the account must not be considered as evidence of negligence or causation in a civil action brought against the agency.

This bill is effective on May 31, 1999.

A.B. 249 (Chapter 170)

Assembly Bill 249 amends provisions governing asset recovery as it pertains to certain programs administered by the Welfare Division of Nevada's Department of Human Resources. The bill authorizes the division to recover amounts that were incorrectly paid to a recipient, clarifies the parties that may be held responsible for the repayment of incorrectly paid benefits, and clarifies the circumstances under which the division may pursue an action to recover these benefits. In addition, the measure grants the division the authority to waive certain collections if the collection will impose a hardship upon the person from whom benefits are to be recovered.

The measure specifies that incorrect payments may be collected from the recipient of public assistance, the estate of the recipient, the undivided estate of the recipient of Medicaid, or a person who signed the application for assistance on behalf of the recipient. Further, the measure revises provisions related to the length of time in which the division may pursue an action to recover money owed and requires that recoveries by the division be paid in cash.

Further, the bill requires the court to allow the division to amend its claim for the payment of benefits before the filing of the final account. Finally, the measure stipulates that the division must provide written notice of any rejected claim and specifies the time frame for providing this notice.

A.B. 285 (Chapter 514)

Assembly Bill 285 directs the Administrator of the Division of State Lands, in cooperation with other state agencies, to coordinate the development and implementation of a program of environmental improvement projects in the Lake Tahoe Basin. The measure authorizes the issuance of general obligation bonds of $3.2 million over the period July 1, 1999, to June 30, 2001, to undertake a number of specific projects described in the bill. With prior approval of the Legislature or the Interim Finance Committee, an additional issuance of $53.2 million is authorized for obligation over the period from July 1, 2001, to June 30, 2007, to undertake other environmental improvement projects at Lake Tahoe. The administrator also is authorized to submit a request to the Legislature each biennium, as necessary, for an appropriation to the program. The bill provides that the total bond value issued for the program may be reduced by the amount of money appropriated by the Legislature.

Assembly Bill 285 creates the Fund to Protect the Lake Tahoe Basin, into which all proceeds from the sale of bonds and appropriations approved by the Legislature must be deposited. The fund may be used for the issuance of grants to state agencies and local governments to carry out the environmental improvement program created by this measure.

Testimony indicated that the total estimated cost to implement these environmental improvement projects in the Lake Tahoe Basin for the period 1997-2007 is $906.8 million. Nevada's share is $82 million, of which $20 million will come from the existing Tahoe Bond (Ballot Question No. 12), which was previously approved by voters, and $5.6 million will be paid from state highway funds and other appropriations. This leaves a balance of $56.4 million as identified in Assembly Bill 285.

Other contributors to the $906.8 million estimated cost are the Federal Government ($296.8 million), the State of California ($274.6 million), local governments ($100.9 million), and private land owners through gradual improvements to their own properties ($152.5 million).

This bill is effective on July 1, 1999.

A.B. 288 (Chapter 398)

Assembly Bill 288 increases the amount paid to the State of Nevada by counties and local school districts for the collection of local taxes. Specifically, this measure authorizes administrative fees assessed against local entities, for the collection of local taxes, to be increased from 0.5 percent to 0.75 percent of all fees, taxes, interest, and penalties collected. The administrative charge, in the amount of 0.75 percent of all fees, taxes, interest, and penalties collected, is to be transferred by the State Controller to the appropriate account in the State General Fund. This transfer is to occur prior to the distribution of collections to the appropriate counties and local school districts.

This measure effective on July 1, 1999.

A.B. 289 (Chapter 500)

Assembly Bill 289 provides that money received from the operation of any vending machines located in a facility or an institution of the Department of Prisons must be deposited in the offenders' store fund.

Testimony indicated that these funds would be utilized to purchase items benefitting inmates, such as recreational items and law library books, thus eliminating the need to pay for these items with general fund dollars.

This measure is effective on July 1, 1999.

A.B. 303 (Chapter 215)

Assembly Bill 303 provides that a police officer or fireman who is in the Public Employees' Retirement System, who is otherwise eligible for disability retirement because of an on-the-job injury, may continue to work in another position for his public employer and earn credit toward his regular retirement. His contributions to the retirement system must be paid at the rate established for police officers and firemen.

This measure also provides that, once the Public Employees' Retirement Board has approved an application for disability retirement, a police officer or fireman who accepts another position may

receive his disability retirement allowance without further approval by the board if he ceases to work for that public employer.

This bill is effective on July 1, 1999.

A.B. 374 (Chapter 75)

Assembly Bill 374 authorizes the Commission for Cultural Affairs to award financial assistance of up to $750,000 per year from interest earned on the fund for the preservation and promotion of cultural resources. The assistance must be used to fund projects identified in the commission's plan to promote and preserve the state's cultural resources.

This measure is effective on May 3, 1999.

A.B. 416 (Chapter 136)

Assembly Bill 416 makes two appropriations to the benefit services fund for anticipated expenses for Fiscal Year 1999. The first appropriation, $6,970,765, is made from the State General Fund. The second appropriation, $1,797,547, is made from the State Highway Fund.

The measure further requires an assessment of state agencies whose budgets include expenditures of money from the Federal Government or any source other than an appropriation from the State General Fund or State Highway Fund. The assessment is set at a rate of $1,208 per employee, not to exceed a total of $7,230,494, to be deposited in the benefit services fund. Finally, the bill requires each applicable agency to revise its work programs to pay the assessment as soon as practicable.

This measure is effective on May 14, 1999.

A.B. 441 (Chapter 144)

Assembly Bill 441 revises provisions governing the expenditure of money from the account for the maintenance of state parks. The measure establishes a minimum threshold of $25,000 for projects that must be approved by the Interim Finance Committee. The Director of the State Department of Conservation and Natural Resources must approve emergency repairs and projects costing less than $25,000.

This measure is effective on July 1, 1999.

A.B. 450 (Chapter 177)

Assembly Bill 450 revises provisions governing fees collected by Nevada's Division of Minerals. The measure authorizes the Commission on Mineral Resources to set these fees as created and defined by statute and provides that the fees cannot exceed specific maximum amounts.

This bill is effective July 1, 1999.

A.B. 474 (Chapter 538)

Assembly Bill 474 sets forth the state's priorities for expending the proceeds from settlement agreements with manufacturers of tobacco products. The measure declares that these priorities are to increase the number of Nevada students who attend and graduate from Nevada institutions of higher education and assist Nevada residents in obtaining and maintaining good health. Further, the measure dedicates a total of 60 percent of the money to two separate trust funds.

The bill creates the Fund for a Healthy Nevada from 50 percent of the proceeds, identifies five goals for the state to meet with the use of the money, and establishes a task force to allocate the money in the fund. The task force is responsible for conducting public hearings and for establishing a process to evaluate the health and health needs of Nevadans. Further, the task force must reserve not more than 30 percent of the funds for prescription drugs and pharmaceutical services for senior citizens and not more than 30 percent for grants for programs that assist senior citizens with independent living. Not more than 20 percent of the funds must be reserved for programs that prevent, reduce, or treat the use of tobacco and the consequences of tobacco use and not more than 20 percent may be used for health services for children and for persons with disabilities.

Among its other responsibilities, the task force must develop policies and procedures for the administration and distribution of grants and other expenditures to nonprofit organizations, universities, and community colleges.

In addition, the measure sets forth the responsibilities of the Department of Human Resources (DHR) concerning the various programs that are established and requires the department to enter into contracts with private insurers who transact health insurance in this state. The contracts must arrange for the availability, at a reasonable cost, of policies of health insurance that provide coverage to senior citizens for prescription drugs and pharmaceutical services. Further, the measure establishes a method to provide subsidies to senior citizens for these health insurance policies, and among the various provisions of the bill, the DHR is required to cooperate with the Department of Taxation concerning property tax relief for senior citizens.

The bill creates the Trust Fund for Public Health from the remaining 10 percent of the proceeds. However, only the interest and income earned on the money in this trust fund may be expended. The measure creates a board of trustees and specifies that the trust fund money be used for grants for promoting public health programs, expenses related to the operation of the board of trustees,

and actual costs incurred by the Health Division, DHR, for providing administrative assistance to the board.

Finally, the measure makes miscellaneous appropriations from the proceeds, and the bill specifies the conditions under which these appropriations are to be made. The appropriations include:

- $2 million to public broadcasting stations KNPB and KLVX to carry out the conversion to digital television;

- $5 million to the University of Nevada School of Medicine for capital improvements required to establish a program in Las Vegas that is designed to provide health care services to persons for whom health care is not readily accessible;

- $5 million to the Rehabilitation Division of the Department of Employment, Training and Rehabilitation for disbursement to Accessible Space, Inc., to construct an accessible housing and supportive services complex in Clark County for disabled persons; and

- $1 million to the Office of Rural Health, University of Nevada School of Medicine for emergency medical services provided in rural counties, the improvement of billing technology used by rural hospitals, and the development of systems to provide health care services, by the use of telemedicine and other electronic means, in counties with a population of less than 100,000.

A.B. 490 (Chapter 300)

Assembly Bill 490 modifies the statutory provisions associated with the account for the channel clearance, maintenance, restoration, surveying, and monumenting program.

The bill directs Nevada's Division of State Lands and Environmental Protection to refund application and permit fees to governmental entities if their applications for grants under this program are denied because of a lack of sufficient money in the account. It also specifically directs the State Engineer to request an allocation from the contingency fund if the balance in the channel clearance account is not sufficient to cover the local government grant applications.

A.B. 525 (Chapter 464)

Assembly Bill 525 creates the Office of Financial Analysis and Planning within the Fiscal Analysis Division of the Legislative Counsel Bureau to assist the Legislature in long-term financial analysis and planning, including long-term economic planning and forecasting of future state revenues.

The bill also creates a Task Force for Financial Analysis and Planning, which consists of eight representatives of various state and local agencies and five members appointed by the Speaker of the Assembly, the Majority Leader of the Senate, and the Governor. The Office of Financial Analysis and Planning is designated to provide administrative support and technical

expertise to the Task Force. Assembly Bill 525 requires the task force to develop a process for the preparation and periodic update of long-term forecasts of and recommendations concerning future state revenues. The process developed will be used in planning and budgeting state programs and must provide for the compilation and periodic update of reports that include the economic information specified in the bill.

The measure is effective on July 1, 1999. The provisions regarding the task force expire by limitation on June 30, 2001.

A.B. 527 (Chapter 519)

Assembly Bill 527 authorizes the financing of campus facilities that are required in master plans at the University of Nevada, Las Vegas, and the University of Nevada, Reno. The financing shall be provided by revenue bonds.

Further, the measure increases the amount of the revenue bonds at these schools and authorizes $35 million of such bonds to be used for the construction, other acquisition, and improvement of a dental school and other structures and clinics associated with the dental school. Finally, the measure does not obligate the use of money from the State General Fund other than any portion of the clinical fees that is derived from money appropriated for Nevada Medicaid or the Children's Health Insurance Program.

This measure is effective on June 8, 1999.

A.B. 584 (Chapter 224)

Assembly Bill 584 transfers responsibility for the collection of the gasoline tax from the Department of Taxation to the Department of Motor Vehicles and Public Safety and moves the point of collection to the terminal rack.

This measure is effective on January 1, 2000, for the purpose of adopting regulations; however, most amendatory provisions and changes in the collection of the tax are not effective until January 1, 2002. The sections regarding trust accounts for special fuel suppliers and dealers are effective on May 24, 1999.

A.B. 587 (Chapter 145)

Assembly Bill 587 amends Chapter 353, "State Financial Administration," of *Nevada Revised Statutes* by adding new provisions regarding the Western Interstate Commission for Higher Education's (WICHE) fund for student loans. The bill provides that if the three commissioners from the State of Nevada jointly determine that current claims against the WICHE fund exceed the amount of money available to pay the claims because of a delay in the receipt of revenue due the fund, the commissioners may request from the Director of the Department of Administration a

temporary advance from the State General Fund to the WICHE fund for the payment of authorized expenses. If the director approves the request, he shall notify the State Controller and the Fiscal Analysis Division of the Legislative Counsel Bureau of that approval. The State Controller must draw his warrant upon receipt of the approval by the director.

In addition, S.B. 587 limits the amount of an advance from the State General Fund to 50 percent of the revenue expected to be received by the WICHE fund for student loans in the current fiscal year from any source other than legislative appropriation. Any money that is temporarily advanced from the State General Fund pursuant to this measure must be repaid by August 31 following the end of the fiscal year in which the temporary advance is made.

A.B. 588 (Chapter 225)

Assembly Bill 588 requires the Chief of the Purchasing Division to adopt regulations establishing procedures for awarding contracts under the State Purchasing Act. Except as otherwise provided by statute, the chief must contract for services for which the estimated value is $100,000 or more, and may authorize an executive agency to contract for such services if he determines it would be in the state's best interests. Upon request from an executive agency, the chief must provide assistance on contracts for services with an estimated value of less than $100,000. The measure also establishes procedures for evaluating proposals and making awards. Further, the bill provides that the state is not required to accept the lowest-priced proposal.

Testimony indicated that the state's purchasing procedures are presently oriented toward the purchase of goods rather than services. This measure would modernize the State Purchasing Act regarding contracts for services.

A.B. 591 (Chapter 345)

Assembly Bill 591 requires the Chief of the Purchasing Division in the Department of Administration to assess a fee to state agencies for the procurement of goods and inventory of services. The fee must be assessed annually and based on the agency's use of the procurement and inventory services during preceding years. Further, the bill allows the formula for calculating the fees to be adjusted biennially. Agencies that do not use the services of the Purchasing Division will be assessed a fee based on processing costs to the division. Finally, the chief may adopt regulations to carry out the provisions of the bill.

The bill is effective July 1, 1999.

A.B. 595 (Chapter 563)

Assembly Bill 595 authorizes the Supreme Court to enter into a 20-year lease for office space in Clark County. The total amount committed over this period may not exceed $8,928,000 excluding operation and maintenance costs. Payment of the debt incurred for this lease will be made from

the tax imposed for the payment of state obligations from the consolidated bond interest and redemption fund or by other legislative act.

The bill is effective on June 9, 1999.

A.B. 597 (Chapter 596)

Assembly Bill 597 creates the fund to assist school districts in financing capital improvements. The fund will be administered by the Director of the Department of Administration; however, the State Board of Examiners must approve all grants made from the fund. The bill allows school districts to apply for a grant of money from the fund. An application for such a grant must be accompanied by proof that specific emergency conditions exist within the school district. A school district's application for funding must be reviewed by the Department of Taxation, the board of county commissioners, and the State Public Works Board. The measure requires the director of the Department of Administration to make grants from this fund based on the need of each district whose application is approved and authorizes the department to adopt regulations prescribing the annual deadline for submission of a grant application.

Assembly Bill 597 also allows school districts up to ten years to issue bonds for capital improvements after the date of approval by voters. In addition, the bill imposes an additional sales tax, subject to certain conditions, when the school district board of trustees has been given approval for a grant of money from the fund to assist school districts in financing capital improvements. The tax rate may not exceed one-eighth of one percent of the gross receipts of any retailer. Money raised by this tax may only be used for the cost of extraordinary maintenance, extraordinary repair, and extraordinary improvement of school facilities within the county.

Assembly Bill 597 changes the membership of the state planning commission for new construction, design, maintenance, and repair of school facilities. The commission will now consist of four members of the Legislature, the Superintendent of Public Instruction, one employee of a city, one employee of a county, one employee of a school district, the Director of the Department of Administration, and the Executive Director of the Department of Taxation. In addition, the measure requires the commission to develop a plan to help each school district adequately finance the cost of designing and constructing new school facilities and maintaining and repairing existing school facilities. Finally, the bill authorizes the issuance of $16 million in general obligation bonds of the State of Nevada. The proceeds must be deposited into the fund to assist school districts in financing capital improvements.

The bill is effective on July 1, 1999.

A.B. 606 (Chapter 227)

Assembly Bill 606 creates the severe financial emergency fund as a revolving fund in the state treasury. Any interest and income earned on money in the fund, after applicable charges, must be credited to the fund.

The Executive Director of the Department of Taxation may make a loan from the fund to a local government for the payment of operating expenses if certain conditions are met. The measure requires the executive director to report to the Committee on Local Government Finance and the Nevada Tax Commission as soon as practicable after the loan is approved regarding the status of the loan, its purposes, and the resources the local government will use to repay the loan. Finally, the bill requires the State Controller to transfer the money in the local government emergency fund to the severe financial emergency fund as soon as practicable after May 24, 1999.

This measure is effective on May 24, 1999.

A.B. 635 (Chapter 595)

Assembly Bill 635 provides for the licensing and regulation of captive insurers by the Commissioner of Insurance. The bill specifies the minimum required amounts of capital and surplus that must be maintained by a captive insurer. The measure also imposes upon captive insurers a premium tax on net direct premiums and on revenue from assumed reinsurance premiums. In addition, the bill creates within the State General Fund, an account for the regulation and supervision of captive insurers. Ten percent of the revenues collected from the premium tax must be deposited to this account. The remaining 90 percent of the premium tax revenues collected from captive insurers must be deposited into the State General Fund. At the end of each fiscal year, any funds in the account exceeding $100,000 must be transferred to the State General Fund. The bill also makes the provisions of Chapter 689A of *Nevada Revised Statutes*, "Trade Practices; Financing of Premiums," applicable to captive insurers. Finally, A.B. 635 provides that the commissioner may establish regulations to carry out the provisions of this bill.

The measure is effective on June 9, 1999, for the purpose of adopting regulations, and on October 1, 1999, for all other purposes.

A.B. 636 (Chapter 423)

Assembly Bill 636 establishes an account, also known as the recovery fund, from which an owner of a single-family residence, who is damaged by the failure of a residential contractor to perform qualified services adequately, may recover up to $30,000 in actual damages suffered. Claims against a single contractor must not exceed $200,000.

In addition to the annual fee for a license, the bill requires a residential contractor to pay an annual assessment to the State Contractors' Board, based on the monetary limit on his license, to fund the account. The State Contractors' Board shall suspend the collection of assessments when the balance in the account reaches 150 percent of the largest account balance of the previous fiscal year.

This measure further establishes procedures for a home owner to file a complaint with the State Contractors' Board, and for the board to hold a hearing concerning such a complaint.

An injured person is eligible for recovery from the account if the board or its designee finds that the injured person suffered actual damages as a result of an act or omission of a residential contractor. A decision by the board or its designee is final and not subject to judicial review. The bill also provides that a complaint may be filed with the Board for satisfaction from the account with a judgment from a court of competent jurisdiction.

Each year, the board shall transmit to the Legislature, or the Interim Finance Committee if the Legislature is not in session, a statement on the financial condition of the account. Further, once the initial balance in the account reaches $200,000, the board shall maintain a minimum balance of that amount.

Finally, A.B. 636 provides that a residential contractor shall notify an owner with whom he contracts of these rights. The board may impose fines upon a residential contractor for failing to provide this information. Any such fines must be deposited in the recovery fund.

The sections of this bill that pertain to the collection of funds are effective on October 1, 1999. The remaining sections concerning complaints and monetary recovery are effective July 1, 2001.

A.B. 638 (Chapter 348)

Assembly Bill 638 requires a state agency using an invoicing and billing procedure to record the revenue receivables from the billings in the state central accounting system. The measure defines state agency as an agency, board, bureau, commission, department, division, or any other unit of the executive branch of the state government.

This measure is effective on May 28, 1999.

A.B. 663 (Chapter 566)

Assembly Bill 663 requires the State Board of Finance to issue general obligation bonds of the State of Nevada in the face amount of not more than $5 million. The proceeds of the bonds must be allocated for the establishment of a railroad line similar to the former Virginia and Truckee Railroad, from Virginia City through the Gold Hill area to Carson City. The expenses related to the issuance of bonds pursuant to this measure must be paid from the proceeds of the bonds, and must not exceed 2 percent of the face amount of the bonds sold. The State Board of Finance must not issue the general obligation bonds pursuant to this act on or before July 1, 2003, unless certain conditions are met. For example, the Tricounty Railway Commission must receive commitments for at least $15 million from other public or private sources, or both, for the establishment of the railroad line. Finally, this measure establishes that any remaining balance of the appropriation made by this bill must not be committed for expenditure after April 1, 1999, and reverts to the State General Fund as soon as all payments of money have been made.

This measure is effective on June 9, 1999.

A.B. 683 (Chapter 567)

Assembly Bill 683 increases the number of parks and recreation areas within which money appropriated to the Division of State Parks in 1995 and 1997 may be spent and extends the deadlines for these expenditures. The measure also authorizes the State Board of Finance to issue general obligation bonds and the Division of Wildlife to expend the proceeds of these bonds in conformance with the provisions of Ballot Question No. 5, approved by Nevada voters in 1990.

The measure is effective on June 9, 1999.

A.B. 684 (Chapter 568)

Assembly Bill 684 authorizes the Commission for the Preservation of Wild Horses to spend up to $75,000 from the Heil Trust Fund for Wild Horses. The measure provides that the money must be used to study the feasibility of establishing a private foundation to promote the adoption of wild horses and burros by members of the public. The bill further requires the commission to submit a written report of the results of the study to the Director of the Legislative Counsel Bureau for transmission to the 2001 Legislature.

The measure is effective on June 9, 1999.

A.B. 687 (Chapter 494)

Assembly Bill 687 allows the Director of the Department of Prisons to transfer money from the offenders' store fund to the appropriate account in the State General Fund to pay the costs of providing an offender with housing, transportation, meals, and medical or dental services. These costs may be paid for an offender who has been assigned to a center for the purposes of making restitution, but is subsequently returned to an institution for violating Department of Prisons regulations. Further, the bill allows the director to reimburse the offenders' store fund from the offender's individual account in the prisoners' property fund as money becomes available.

The bill is effective on June 8, 1999.

A.J.R. 26 (File No. 122)

Assembly Joint Resolution No. 26 proposes to amend the *Constitution of the State of Nevada* by adding another exemption from the state borrowing cap of 2 percent of the state's total assessed valuation. This measure also exempts state contracts for public debt concerning the improvement, acquisition, and construction of facilities for public elementary and secondary schools.

This measure combines and clarifies the provisions of two resolutions considered earlier in the 1999 Session: A.J.R. 7 and S.J.R. 8. The proposed constitutional amendment was requested to

allow school districts to access financing for school construction at the more favorable rate accorded to the state.

If this proposal is approved in identical form by the 2001 Session of the Nevada Legislature, it will be submitted to the voters for final approval or disapproval at the 2002 General Election.

TAXATION

S.B. 140 (Chapter 150)

Senate Bill 140 requires an insurer to provide a statement with each policy renewal notice to the effect that a portion of the premium is attributable to the general premium tax, if the insurer includes the general premium tax in the amount billed to its insureds. In addition, if the insurer includes any annual fees or assessments, the insurer may provide a statement that a portion of the premium is attributable to such fees and assessments.

The measure is effective on July 1, 2000.

S.B. 318 (Chapter 246)

Senate Bill 318 defines buyer, seller, and escrow for the purpose of taxes on transfers of real property. The bill provides that the buyer and the seller are jointly and severally liable for the payment of such taxes and certain related penalties. The bill also provides that the escrow holder is not liable for the payment of these taxes and penalties.

This measure is effective on May 24, 1999, for the purpose of adopting any necessary regulations by the Department of Taxation and on October 1, 1999, for all other purposes.

S.B. 362 (Chapter 484)

Senate Bill 362 makes various changes to the provisions governing the collection and payment of taxes. The measure requires Nevada's Department of Taxation to include in its notice to the taxpayer the date on which an audit conducted by the department will be completed. That date may only be extended by the department if written notice that includes an explanation of the reasons for the extension is given to the taxpayer. The measure provides that if the department determines, after an audit, that delinquent taxes are due, interest and penalties may not be imposed during the period of the extension.

In addition, the bill requires the department to give written notice to a taxpayer of a determination that he is entitled to an exemption. The notice must be given within 30 days after the determination is made or, if the determination is made as a result of an audit, within 30 days after completion of the audit. The bill also clarifies the authority of the Nevada Tax Commission to review decisions of the department and certain procedures on appeal.

Senate Bill 362 also expands the Taxpayers' Bill of Rights to clarify that written notice is required if the department determines that a taxpayer is entitled to an exemption or has been taxed more than is required by law. Written instructions must also be provided that state how the taxpayer may petition for a reduction in, or the release of, a security required to be furnished under the state's laws governing revenue and taxation. The bill also states that taxpayers have the right to have statutes imposing taxes and any related regulations construed in favor of the taxpayer if the

statutes or regulations are of doubtful validity. In addition, the department may waive penalties and any tax, penalty, and interest owed by a taxpayer who relies on advice from the department or the Attorney General.

Finally, S.B. 362 clarifies the method for calculating penalties and interest on overpayments and underpayments and authorizes persons to bring certain actions relating to the payment of taxes in certain counties, in addition to Carson City.

This measure has various effective dates.

S.B. 408 (Chapter 378)

Senate Bill 408 revises the residential construction tax that may be imposed on mobile homes. More specifically, the bill provides that for each developed mobile home lot authorized by permit, the tax must not exceed 80 percent of the average residential construction tax for a residential dwelling unit in the jurisdiction during the preceding year.

Testimony indicated that the purpose of this bill is to provide a consistent method for imposing the residential construction tax on certain manufactured mobile homes, regardless of whether the homes are located in a mobile home park or on individually owned lots. Counties were reported to be interpreting this tax structure differently, which, in turn, may generate a disproportionate amount of revenue for communities with a large number of mobile homes.

This bill is effective on July 1, 1999.

S.B. 476 (Chapter 452)

Senate Bill 476 changes the limitation on the total ad valorem tax levy in certain circumstances. The measure provides that any levy imposed by the Legislature for state debt or for the operation of public schools that is in excess of 50 cents on each $100 of assessed valuation must not be included in calculating the limit on the total ad valorem tax if the governing body of a county, city, or town located in a county with a population of 25,000 or less obtains voter approval for an additional tax levy in excess of the combined rate limit. Voter approval may only be sought if the combined tax rate was at least $3.50 per $100 of assessed valuation on June 25, 1998, and if the governing body determines by a unanimous vote that an emergency exists.

Senate Bill 476 also requires the ex officio tax receiver in a county in which a combined property tax rate exceeds $3.64 per $100 of assessed valuation to publish a notice in a local newspaper disclosing the amount by which the highest combined tax rate exceeds that rate.

This measure is effective on July 1, 1999.

S.B. 477 (Chapter 432)

Senate Bill 477 raises the tax on the rental of transient lodging within Washoe County to pay certain costs related to tourism promotion. The measure imposes a 3 percent room tax in the cities and unincorporated areas of Washoe County, except within a Police protection district, where it imposes a 2 percent room tax. This tax is in addition to other room taxes and is collected in the same manner, paid to the Reno/Sparks Convention and Visitors Authority (RSCVA). The bill provides that "gross receipts from the rental of transient lodging" does not include the tax imposed or collected from paying guests as provided in this measure. The bill also provides that all decisions and deliberations concerning the expenditure and commitment of the proceeds of this tax must be made at a public meeting, whether or not the body discussing the issue is determined to be a "public body."

The bill specifies the uses of the proceeds of this tax, which include the expansion and remodeling of the Reno-Sparks Convention Center; the promotion of tourism as approved by the RSCVA; support for the National Bowling Stadium; and the operations and promotions of the Lake Tahoe Incline Village and Crystal Bay Visitors Bureau.

The bill further allows the City of Sparks to impose an additional 1 percent room tax on lodging within the city, to be used for tourism promotion in a manner determined by the Sparks Tourism and Marketing Committee.

Senate Bill 477 also creates two committees to carry out the provisions of this measure, the Sparks Tourism and Marketing Committee and the Truckee Meadows Tourism Facility and Revitalization Steering Committee, and specifies the membership and duties of both.

Finally, the measure provides that an officer or employee of a county fair and recreation board in a county with a population of more than 100,000 but less than 400,000 can be paid for the cost of travel, if the travel is required during the course of his duties. The payment is limited to the cost of travel on a regularly scheduled commercial air carrier in the class of service having the lowest cost, and shall not include travel for a relative or spouse.

The measure is effective on May 30, 1999, to prepare for the collection of the taxes imposed and authorized by this bill, and on June 1, 1999, for all other purposes. If a provision of the measure is declared invalid, the invalidity does not affect any remaining provisions of the bill that can otherwise be given effect.

S.B. 501 (Chapter 252)

Senate Bill 501 requires the Committee on Local Government Finance to annually provide forms to specified local governmental officials for ballot questions regarding the approval of general obligation bonds and increases in property tax. The forms must describe the process of submitting such a ballot question to the voters and provide examples of previous questions. Further, the bill requires that the forms be available to the public and be provided to local governments by April 1, 2000.

The measure also requires that ballot questions regarding general obligation bonds include the principal amount of and purpose for the issuance of the general obligations, estimates of the duration of the property tax levied for the payment of the general obligations, and the average annual increase in the amount of property taxes an owner of a new home with a fair market value of $100,000 will pay for debt service. Moreover, ballot questions proposing to levy a tax ad valorem must contain the proposed rate per $100 assessed valuation. A ballot question is also required to contain the duration of and purpose for the property tax increase, including the estimated annual increase based on a new home with a fair market value of $100,000.

The bill also clarifies that special elections may be held on the date of a primary state, municipal, or general city election. In addition, the measure also allows school districts to hold special elections, in accordance with the other specified elections, if the board of trustees determines that an emergency exists.

This measure has various effective dates.

S.B. 521 (Chapter 594)

Senate Bill 521 revises the property and sales tax exemptions for fine art on public display. For the purposes of the exemptions, the measure provides that a taxpayer may charge a fee for the public display of fine art, if residents of Nevada are given a 50-percent discount from any admission fee charged to nonresidents, and the display must be open to student tours, by appointment and without charge, for at least 60 days during the year. Upon request, the taxpayer must provide a free copy of a poster depicting the fine art on display to a school or the parent of a home-schooled child. Further, this measure establishes that taxes are due to the extent the taxpayer earns any net revenue from the fees after deducting the direct costs of owning and exhibiting the art and the cost of any educational programs associated with the display. The measure also provides that the taxpayer is eligible for a credit against any taxes otherwise due for donations to the State Arts Council, the fund for historic preservation, or a nature or children's museum.

In addition, Senate Bill 521 provides that to be eligible for the exemptions, art must be placed or displayed within certain periods of time. It also revises the definition of "fine art for public display" to specifically exclude certain items, including works of fine art that are fixtures or improvements to real property or products of filmmaking or photography. Finally, this measure makes a number of technical changes to make is easier for an assessor and Nevada's Department of Taxation to administer the exemptions and for the taxpayer to comply with the requirements of the bill.

S.B. 522 (Chapter 311)

Senate Bill 522 prohibits the Nevada Tax Commission and the Department of Taxation from construing any provision under the laws governing sales and use taxes and local school support

taxes to authorize the imposition of a tax on any transaction that is not expressly made taxable under Nevada law.

S.B. 534 (Chapter 255)

Senate Bill 534 requires the Executive Director of the Department of Taxation to review the amount allocated under the local government tax distribution account if the population and assessed valuation of the taxable property within a local government have decreased in each of the three years prior to the current fiscal year. If the executive director determines that an adjustment to the allocation is necessary, he must submit his findings to the Committee on Local Government Finance, which must review the findings to determine whether an adjustment is appropriate. The bill requires the committee to submit a recommendation for an adjustment, if such a determination is made, to the Nevada Tax Commission. Under the bill, the commission must schedule a public hearing on the recommendation within 30 days to determine whether the adjustment is appropriate.

S.B. 536 (Chapter 199)

Senate Bill 536 revises the provisions governing the establishment of combined tax rates to determine compliance with applicable limitations. The bill provides that units of local government within a county may not comply with the statutory tax limit by having a larger local government unit transfer money to a smaller local government unit to enable the smaller unit to lower its rate.

The bill is effective on May 20, 1999; however, the measure does not apply to any combined tax rate that was established before that date.

S.B. 537 (Chapter 384)

Senate Bill 537 establishes that a person who intends to locate or expand a business in this state may apply to the Commission on Economic Development for a partial abatement of one or more of the taxes imposed on the new or expanded businesses in this state. This measure requires that the commission must approve an application for a partial abatement if the commission makes certain determinations. However, S.B. 537 also allows the commission to waive or add to the requirements that a business must meet to qualify for a partial tax abatement. In determining whether to approve an application, the commission may look at whether the business is consistent with the state plan for industrial development and diversification, how many employees the business has, how large a capital investment the business has made in the state, and other factors showing a commitment to Nevada and its residents.

Further, this measure establishes that the commission must adopt regulations regarding the minimum level of benefits that a business must provide to its employees if the business is going to use benefits paid to employees as a basis to qualify for a partial abatement. In addition, the

Nevada Tax Commission must adopt regulations that, among other things, set forth the capital investment requirements a new business must meet.

Finally, this bill requires that the Commission on Economic Development must, on or before January 15 of each odd-numbered year, prepare and submit a report to the Director of the Legislative Counsel Bureau for transmission to the Legislature concerning the abatements from taxation that the commission approved pursuant to this measure.

This bill is effective on May 29, 1999.

S.B. 538 (Chapter 257)

Senate Bill 538 requires the Governor to certify the population of each town for the purpose of revenue and taxation. The bill also provides that for the purpose of determining the allocation of excess revenue in the local government tax distribution account, the factor for assessed valuation is determined by the average change in assessed valuation over the year in which the allocation is made and the four previous fiscal years. In addition, for this same purpose, the bill provides that when a new method for determining population has been established, the percentage change must be calculated using population estimates determined pursuant to the new method for both the current and the immediately preceding fiscal years.

Senate Bill 538 also states that the net proceeds of minerals tax is excluded for the purposes of determining whether the revenue estimates from the supplemental city-county relief tax result in an increase in local property tax rates.

The bill is effective on July 1, 1999.

S.J.R. 20 (File No. 87)

Senate Joint Resolution No. 20 proposes to amend the *Constitution of the State of Nevada* to provide requirements for the enactment of property and sales tax exemptions. These requirements state that the Legislature must, among other things, determine that the exemption will achieve a bona fide social or economic purpose; restrict the eligibility for the exemption solely to the intended beneficiaries of the exemption; and determine that the exemption will not have a material adverse effect on the finances of the state or any local government that would otherwise receive revenue from the tax.

The measure further requires the Legislature to review any such exemption at least once every six years to determine whether the purpose of the exemption is still valid and that the exemption is being used effectively.

If approved in identical form by the 2001 Session of the Nevada Legislature, this proposal will be submitted to the voters for final approval or disapproval at the 2002 General Election.

A.B. 275 (Chapter 38)

Assembly Bill 275 provides for the dissolution of a hospital district in counties with a population of less than 400,000 by resolution of the county commissioners after a hearing and upon a finding that such a dissolution is necessary. The taxes levied within the district are to be continued until the district's indebtedness and other obligations are paid. The measure further provides that the property of a hospital district dissolved under these provisions may be used as a hospital or disposed of in any appropriate manner. Proceeds from the sale of property must first be used to pay any of the district's outstanding obligations. Further, the bill provides a mechanism for the repayment of any outstanding debt, including employee salaries and retirement benefits, in the event that the amount of the debt exceeds the time limits for the tax. The measure authorizes the continuation of the higher, emergency tax rate should the county discontinue operation of the hospital and if the sale of assets does not cover the outstanding debt. It also provides for the continued support of a hospital and the repayment of previous debts should the county commissioners decide to operate the hospital after the district is dissolved. These special provisions expire once a hospital district's debts have been satisfied.

This measure is effective on April 8, 1999.

A.B. 314 (Chapter 216)

Assembly Bill 314 provides a mechanism to fund certain regional facilities for children. The bill defines "regional facility for children" to mean an institution that provides for the temporary care, custody, control, and treatment of a delinquent child who is detained under the jurisdiction of a juvenile court. The term includes, among other such facilities, the Western Nevada Regional Youth Facility in Lyon County.

This measure requires each county to pay an assessment for the operation of a regional facility for children that serves the county and does not receive support or money from the state other than referral fees. In addition, such a facility must be operated by a county with a population less than 400,000 to benefit other counties under an interlocal agreement, or it must be operated by an administrative entity established under an interlocal cooperation act by two or more counties, each with a population of less than 400,000. The bill provides two formulas for the calculation of the assessment by the administrator of a regional facility for children and authorizes the board of county commissioners of each county served by such a facility to pay the assessment by levying an ad valorem tax of not more than 5 cents on each $100 of assessed valuation upon all taxable property in the county. The bill allows each county to pay the assessment from revenue raised by such a tax, from any other available money, or a combination thereof. Assembly Bill 314 provides that any revenue raised by a county to pay this assessment is not subject to the statutory limitations on the revenue that local governments may receive from ad valorem taxes.

Assembly Bill 314 follows up the 1997 legislation (Section 4 of Assembly Bill 464 [Chapter 579, *Statutes of Nevada 1997*]) that appropriated $1,250,000 from the State General Fund to Lyon County for the construction of a regional facility for children from Carson City and

Churchill, Douglas, Lyon, and Storey Counties. This bill provides the means for paying for the operating costs of the facility, which is being constructed in Silver Springs, Nevada.

This measure is effective on May 24, 1999.

A.B. 375 (Chapter 89)

Assembly Bill 375, in addition to providing that uninsured deposits by a county treasurer must be collateralized, permits payments of assessments in installments other than quarterly, and payments of ad valorem taxes in approximately equal quarterly installments. The bill requires a county tax recipient to make out a certificate that describes each property on which delinquent taxes have not been paid. The bill requires the county treasurer to cause it to be recorded in the office of the county recorder against each property described to provide constructive notice of the amount of delinquent taxes on each property. Finally, if the county sells real property to pay taxes on personal property, the deed delivered by the county treasurer to the purchaser is primary evidence that the real property belonged to the person liable for the tax.

A.B. 459 (Chapter 219)

Assembly Bill 459 authorizes a county that has imposed the optional tax on the rental of transient lodging for the benefit of a transportation district, which is located in an area governed by an interstate compact between Nevada and a neighboring state, to use the money collected for improvements to a public transit system. The bill defines the term public transit system as a system designed to facilitate transportation of the general public, including the use of buses or rail vehicles as well as off-street parking and overpass projects.

Testimony indicated that this measure would facilitate construction of a multimodal transit facility in Douglas County at Lake Tahoe.

This measure is effective on July 1, 1999.

A.B. 504 (Chapter 458)

Assembly Bill 504 increases the number of counties that are authorized by statute to adopt an open-space plan and impose taxes to implement the plan. Before this measure was enacted, only counties with a population of 100,000 or more but less than 400,000 (Washoe County) could adopt such a plan. Now, all counties having fewer than 400,000 inhabitants, that is, all but Clark County, may do so. The taxes that may be levied include the real property transfer tax, the sales taxes, and the ad valorem property tax specified in *Nevada Revised Statutes* (NRS) 375.025, NRS 376A.040, NRS 376A.050, and NRS 376A.070.

The amendatory provisions of this measure expire by limitation on October 1, 2029.

A.B. 506 (Chapter 117)

Assembly Bill 506 revises provisions governing the reporting requirements, payment schedules, and collection procedures for the tax on net proceeds of minerals. The measure changes the date by which a statement of gross yield and net proceeds must be filed with the state, extends the deadline for filing an amendment to the statement, revises the deadlines for payment of the tax, and provides that a refund must be made to the taxpayer in the event of an overpayment.

In addition, Assembly Bill 506 expands the ability of the boards of county commissioners to use money from mitigation funds and authorizes school districts to establish similar funds. Money from the mitigation funds may be used only to mitigate adverse effects on a county or school district that result either from a decline in the revenue received by the county from the tax on net proceeds of minerals or from the opening or closing of an extractive operation for which revenue of the net proceeds tax has been or is reasonably expected to be derived.

This measure is effective on July 1, 1999.

A.B. 554 (Chapter 223)

Assembly Bill 554 provides that counties with a population of 100,000 or more must direct certain license taxes to county fair and recreation boards as long as the board has obligations that remain outstanding and unpaid. The bill also allows fair and recreation boards in any county to issue revenue bonds on its own behalf, without having the bonds additionally secured by property taxes. The revenue bonds may be issued at any time and secured by any combination of revenues from a recreational facility operated by the board, room taxes, or any other revenue legally made available for that purpose.

This measure is effective on May 24, 1999.

A.B. 597 (Chapter 596)

Assembly Bill 597 creates the fund to assist school districts in financing capital improvements. The fund will be administered by the Director of the Department of Administration; however, the State Board of Examiners must approve all grants made from the fund. The bill allows school districts to apply for a grant of money from the fund. An application for such a grant must be accompanied by proof that specific emergency conditions exist within the school district. A school district's application for funding must be reviewed by the Department of Taxation, the board of county commissioners, and the State Public Works Board. The measure requires the director of the Department of Administration to make grants from this fund based on the need of each district whose application is approved and authorizes the department to adopt regulations prescribing the annual deadline for submission of a grant application.

Assembly Bill 597 also allows school districts up to ten years to issue bonds for capital improvements after the date of approval by voters. In addition, the bill imposes an additional sales

tax, subject to certain conditions, when the school district board of trustees has been given approval for a grant of money from the fund to assist school districts in financing capital improvements. The tax rate may not exceed one-eighth of one percent of the gross receipts of any retailer. Money raised by this tax may only be used for the cost of extraordinary maintenance, extraordinary repair, and extraordinary improvement of school facilities within the county.

Assembly Bill 597 changes the membership of the state planning commission for new construction, design, maintenance, and repair of school facilities. The commission will now consist of four members of the Legislature, the Superintendent of Public Instruction, one employee of a city, one employee of a county, one employee of a school district, the Director of the Department of Administration, and the Executive Director of the Department of Taxation. In addition, the measure requires the commission to develop a plan to help each school district adequately finance the cost of designing and constructing new school facilities and maintaining and repairing existing school facilities. Finally, the bill authorizes the issuance of $16 million in general obligation bonds of the State of Nevada. The proceeds must be deposited into the fund to assist school districts in financing capital improvements.

The bill is effective on July 1, 1999.

A.B. 601 (Chapter 226)

Assembly Bill 601 revises provisions governing the appraisal of real property to include grouping of parcels if the parcels should be valued as a collective unit. The bill also clarifies that an assessor may use an analysis of discounted cash flow to determine the taxable value of property.

A.B. 630 (Chapter 146)

Assembly Bill 630 expands the definition of neighborhood facilities for parks for which a county or city may impose a residential construction tax. The bill adds areas to be used for organized amateur sports to the definition of facilities.

This measure is effective on July 1, 1999.

A.B. 646 (Chapter 350)

Assembly Bill 646 changes, from June 20 to June 30, the deadline for collecting the annual excise tax imposed on slot machines. The bill also clarifies the deadline for collecting the annual license fees for the issuance or renewal of the licenses for manufacturers, sellers, and distributors of gaming devices. The bill provides that all such licenses must be issued for the calendar year beginning on January 1 and expiring on December 31, and it requires that these fees must be collected on or before December 31 for the ensuing calendar year if the operation is continuing.

This measure is effective on May 28, 1999.

A.B. 667 (Chapter 259)

Assembly Bill 667 requires all manufacturers of tobacco products sold in Nevada to participate in the settlement that is made between them and this state. The measure states that cigarette smoking presents serious public health problems for residents of Nevada and serious financial problems for the state and taxpayers. Further, the bill describes the "Master Settlement Agreement" and sets forth the criteria by which manufacturers of tobacco products shall settle claims. In addition, the Department of Taxation is required to adopt regulations as are necessary to determine the amount of excise tax that is collected by the state on the cigarettes of each manufacturer of tobacco products for each year. Finally, the measure imposes penalties on manufacturers who fail to adhere to these provisions.

The measure is effective on May 24, 1999.

A.B. 669 (Chapter 589)

Assembly Bill 669 revises the provisions relating to the regulation of gaming. The measure prohibits a person who has been denied a gaming license or has otherwise been found unsuitable by the Nevada Gaming Commission from entering into contracts or other agreements with gaming licensees. In addition, every contract or agreement for employment with a gaming licensee or an affiliate shall be deemed to include a termination provision upon a finding by the commission that the person is unsuitable to be associated with a gaming enterprise. The measure also requires the Gaming Control Board to maintain a list of all such persons, including the names of any businesses they control, and to make the list available to gaming licensees.

Assembly Bill 669 authorizes a rehearing, at the discretion of the commission, of a claim for a refund of gaming taxes or fees by a licensee. Finally, the bill provides that service charges imposed and collected by someone other than the licensee in connection with the use of credit or debit cards by patrons are not subject to the casino entertainment tax.

The amendatory provisions relating to the casino entertainment tax do not apply to any amounts paid before June 9, 1999, the effective date of the bill.

Property Tax

S.B. 36 (Chapter 61)

Senate Bill 36 revises the dates for filing and processing claims for refunds under the Senior Citizens' Property Tax Assistance Act. Under this measure, a claim must be filed with the appropriate county assessor between February 1 and April 15, inclusive, rather than the previous dates of January 15 and April 30. The period of time in which the county assessor must process

the application and make a determination is shortened from 45 to 30 days. Finally, the bill changes, from September 30 to August 15, the date by which an approved refund must be issued.

This measure is effective January 1, 2000.

S.B. 383 (Chapter 306)

Senate Bill 383 defines commercial mobile radio service and property of an interstate or intercounty nature for the purpose of assessing property taxes. The measure specifies that the properties of an interstate or intercounty nature and of a company engaged in providing commercial mobile radio service must be assessed by the Nevada Tax Commission.

This bill is effective on May 25, 1999.

S.B. 411 (Chapter 601)

Senate Bill 411 clarifies the methods that the Nevada Tax Commission and the county assessors use in determining the taxable value of property. The bill further exempts intangible personal property from taxation, prohibits the value of intangible personal property from being reflected on the value of real or personal property, and prohibits the exemption of attributes of real property. The measure also provides that the taxable value of property may not exceed the cost appropriately depreciated.

Further, the bill directs the standing Legislative Committee to Study the Distribution among Local Governments of Revenue from State and Local Taxes to monitor the implementation of this measure and conduct an interim study regarding the current tax structure of certain centrally or locally assessed businesses. The findings of this study are to be presented to the 2001 Nevada Legislature.

This measure is effective on July 1, 1999, and expires by limitation on June 30, 2004.

S.B. 494 (Chapter 81)

Senate Bill 494 extends, from two years to three years, the interval between studies by the Department of Taxation of the ratio of assessed to taxable value of property in each county. The measure provides that the Nevada Tax Commission must divide the counties into three comparable groups and the department must conduct the study of one group each year. The commission may reallocate the counties among the groups, provided that each county is studied at least once every three years.

S.B. 523 (Chapter 314)

Senate Bill 523 provides that a local government is not required to pay delinquent taxes on certain property transferred to it for use as open-space real property. The provisions of the bill apply to property held in trust by the county treasurer.

This measure is effective on May 25, 1999.

S.J.R. 11 (File No. 86)

Senate Joint Resolution No. 11 proposes to amend the *Constitution of the State of Nevada* to authorize the Nevada Legislature to provide by law for an abatement of the tax upon, or a partial exemption of the assessed value of, a single-family residence occupied by the owner to avoid severe economic hardship to that person.

If approved in identical form by the 2001 Session of the Nevada Legislature, this proposal will be submitted to the voters for final approval or disapproval at the 2002 General Election.

A.B. 95 (Chapter 163)

Assembly Bill 95 authorizes the governing body of a county, city, or town to acquire, improve, operate, and maintain a street beautification project. After creating a district for such a project, and after a public hearing, the governing body must levy annual assessments against benefitted properties in an amount not to exceed the estimated costs. Further, the bill specifies that the basis for the computation of the assessments must be the frontage or another uniform and quantifiable basis. Written objections by the owners of tracts constituting 50 percent of the basis for the computation of assessments preclude the acquisition or improvement of a street beautification project.

A.B. 211 (Chapter 210)

Assembly Bill 211 revises provisions governing the property tax exemption for apprenticeship programs. Property owned is exempt if it is held pursuant to a trust created by federal law or if it is owned by a state or local apprenticeship committee that is operated by a nonprofit organization and approved by the state apprenticeship council pursuant to Nevada law.

This measure is effective on July 1, 1999.

A.B. 423 (Chapter 297)

Assembly Bill 423 exempts property acquired by the American Land Conservancy or the Nevada Land Conservancy from property taxes if the state or appropriate local government has agreed that

the acquisition of the property will be considered. In addition, if the state has agreed to consider the acquisition, the governing body of the county must approve its potential acquisition by the state.

This measure is effective on July 1, 1999.

A.B. 668 (Chapter 540)

Assembly Bill 668 makes various changes relating to the assessment of property for taxation. The bill requires persons claiming exemptions from certain property taxes to make an affidavit before the county assessor or a notary public. The measure also removes the entitlement of widows to certain property tax exemptions if the widow remarries, even if the remarriage is later annulled. The bill requires that any exemption from the tax on real property given to a religious society or corporation must be prorated for the portion of a fiscal year during which the organization owned the property. Further, the bill provides that certain golf courses may be exempt from taxation even though they are used in connection with a business. The measure removes from statute certain penalties for late payment of property taxes on mobile and manufactured homes and allows the county assessor to waive, in certain circumstances, penalties imposed because a property owner submitted an incorrect statement or failed to submit a statement concerning unassessed or under assessed property. The measure also provides that the Department of Motor Vehicles and Public Safety will receive 1 percent of the privilege tax collected by a county assessor, and the county assessor will receive 5 percent of the total tax collected as commissions for services. Finally, the bill changes the reporting requirements concerning special taxes on livestock and authorizes the Department of Agriculture to perform additional duties related to the collection of certain taxes.

The bill is effective on June 30, 1999.

Sales and Use Tax

S.B. 238 (Chapter 80)

Senate Bill 238 clarifies provisions governing the administration of the exemption from the sales and use tax on food for human consumption. The measure amends the statutory provisions of both the Sales and Use Tax (Chapter 372, *Nevada Revised Statutes*) and the Local School Support Tax (Chapter 374, *Nevada Revised Statutes)* by requiring the Department of Taxation to determine the exemption on the basis of whether the food is intended for immediate consumption rather than on the type of establishment where the food is sold.

The bill is effective July 1, 1999.

S.B. 255 (Chapter 28)

Senate Bill 255 revises the provisions governing funding for a railroad grade separation project in Washoe County. The bill ratifies the one-quarter cent sales and use tax increase, which was imposed by the Washoe County Board of Commissioners to finance the railroad grade separation and other infrastructure projects, and clarifies the intent of related legislation enacted by the 1997 Legislature.

The measure also permits Nevada's Department of Taxation, without a contractual agreement with the county, to perform all functions incident to the administration and operation of the railroad project and infrastructure-related taxes. The department is to be compensated for administrative expenses and is required to transfer the net revenue each month to the railroad and infrastructure funds in the county.

Further, the bill clarifies the relationship between the sales tax imposed by Washoe County and the room tax imposed by the city of Reno for the railroad project. Under the current law, to impose the sales tax, matching funds are required. This provision allows the proceeds of the room tax to be used as matching funds.

The measure adds that proceeds of the room tax imposed by the city of Reno may be used to pay direct expenses of the project; prepay principle and interest on notes, bonds, or other obligations issued to fund the project; and service debt. The bill also allows the money from the railroad project fund to be used for those purposes.

This measure is effective on March 30, 1999.

S.B. 424 (Chapter 303)

Senate Bill 424 clarifies provisions governing the treatment of photographer's proofs for purposes of sales and use taxes. The measure specifically amends Chapters 372 and 374 of the *Nevada Revised Statutes* pertaining to the sales and use tax and the local school support tax by providing that proofs furnished to a customer are considered the rendition of a service rather than the sale of tangible personal property.

This measure is effective on July 1, 1999.

A.B. 174 (Chapter 37)

Assembly Bill 174 authorizes the board of county commissioners of Douglas County to impose a local sales tax of up to one-fourth of one percent. The proceeds of the tax are to be used to pay the expenses of the airport, library, services for senior citizens, and recreational facilities. The

tax, which was approved by the voters at the primary election in 1998, may be imposed beginning on July 1, 1999.

This measure is effective on July 1, 1999.

A.B. 207 (Chapter 209)

Assembly Bill 207 adds a new type of educational organization to those that are exempt from sales and use taxes and certain analogous taxes. An organization is exempt from these taxes if it is an educational organization whose sole or primary purpose is to serve as a state or local apprenticeship committee to advance programs of apprenticeship or to sponsor programs of apprenticeship through federal law.

This measure is effective on July 1, 1999.

TRANSPORTATION

S.B. 80 (Chapter 523)

Senate Bill 80 amends the law regarding the 15 mile-per-hour speed limit in school zones and the 25 mile-per-hour speed limit in school crossing zones. The bill provides that the superintendent of each school district or his or her designee, in consultation with multiple parties (including Nevada's Department of Transportation, the governing body of the local government that designated the school zone or school crossing zone, the principal of the school, and the agency that enforces the speed limit), must work together to set the times during which the reduced speed limit is in effect.

Signs designating school zones and school crossing zones must state the times when the reduced speed limit is in effect or that the speed limit is in effect when children are present. Currently, the law limits the times during which the reduced speed limit is in effect to the period from one-half hour before school begins until one-half hour after school is dismissed.

The bill provides the signs now used to designate school zones and school crossing zones need not be changed until they are replaced in the course of normal maintenance.

S.B. 81 (Chapter 233)

Senate Bill 81 amends a statute that imposes double the usual fine on drivers of trucks that exceed legal weight limits during the period from February 1 to May 1. The bill provides that the double fine applies only on certain highways designated by Nevada's Department of Transportation.

In 1997, the Legislature approved a measure to provide that the drivers of trucks that exceed legal weight limits are subject to double the usual fine if their offense occurs between February 1 and May 1. This bill limits the application of that statute to certain sections of highway that the department finds are susceptible to damage.

S.B. 129 (Chapter 238)

Senate Bill 129 establishes staggered terms of office for representatives of local governments who compose certain regional transportation commissions. The regional transportation commissions in a county with a population of 100,000 or more, but less than 400,000, have two members who must serve until December 31 of an even-numbered year and two members who must serve until December 31 of an odd-numbered year. Further, the measure provides that current representatives of such regional transportation commissions serve reduced terms, expiring on December 31, 1999, and that a designated representative whose term of office expires may be selected to succeed himself.

S.B. 146 (Chapter 57)

Senate Bill 146 provides an enhanced penalty for the assault or battery of a taxicab driver. Under the bill, assault of a taxicab driver who is performing his duty is a gross misdemeanor. If a deadly weapon is used, the offense is a category B felony. A battery on a taxicab driver who is performing his duty and who suffers substantial bodily harm is a category B felony if the person charged knew that the victim was a taxicab driver. If no substantial bodily harm occurs, the offense is a gross misdemeanor.

The individuals for whom enhanced penalties are currently provided include peace officers, firemen, correctional officers, judges, school employees, and transit operators.

The provisions of S.B. 146 do not apply to offenses that are committed before October 1, 1999.

S.B. 168 (Chapter 363)

Senate Bill 168 authorizes Nevada's Department of Transportation to include an incentive for early completion in contracts for the construction, improvement, maintenance, or repair of highways.

S.B. 179 (Chapter 240)

Senate Bill 179 requires that skydiving businesses comply with minimum safety requirements established by the United States Parachute Association (USPA), including requirements for training student skydivers and regulations of the Federal Aviation Administration (FAA). The bill requires the Director of Nevada's Department of Transportation to review any changes in the requirements of the USPA and approve or disapprove them. Each skydiving business must maintain a safety handbook and make that book, or a copy of the regulations of the USPA and the FAA, available to its customers. The business must post, in a conspicuous place, a notice stating the requirements with which it must comply, a list of equipment the business must provide to skydivers, and a statement that a customer may report violations to the district attorney or the Attorney General. Operators of skydiving businesses are required to report accidents that result in serious injury or death to the USPA. An operator that willfully violates the requirements of this bill is guilty of a misdemeanor and must have his business license revoked for a period of five years.

S.B. 235 (Chapter 367)

Senate Bill 235 clarifies provisions regarding the use of right turn lanes and bicycle lanes by motor vehicles. The bill provides that if a right turn lane is available, a driver must use it when preparing to make a right turn. It also prohibits a driver of a motor vehicle from entering or traveling through an intersection in a right turn lane or bicycle lane.

S.B. 302 (Chapter 579)

Senate Bill 302 requires that a vehicular gate that is powered by electricity, which is installed on or after March 1, 2000, must comply with the requirements of Underwriters Laboratories, Inc. (UL), Standard for Safety 325.

This measure is effective on March 1, 2000.

S.B. 338 (Chapter 373)

Senate Bill 338 amends the law regarding parking spaces for the handicapped. The measure provides that, in lots with 60 or more spaces, parking spaces that are designed for the use of vehicles with side-loading wheelchair lifts must be used only by vehicles equipped with those lifts. The bill also provides that the striped zone adjacent to these spaces must be marked as a no parking area.

S.B. 349 (Chapter 307)

Senate Bill 349 provides that the Department of Motor Vehicles and Public Safety may impose an administrative fine of $1,000 or $10 per gallon, whichever is greater, on a person who sells or stores dyed (nontaxed) fuel, alters or attempts to alter the strength or composition of the dye, or uses a dyed fuel for a taxable purpose. The bill also requires that a user of special fuel, who has a special fuel license, must obtain and conspicuously display an identifying device on the exterior of his motor vehicle, as well as ensure that his special fuel license is located in his motor vehicle. Further, the bill provides that the department may stop and inspect a motor vehicle, which is using or transporting special fuel, to determine whether all fuel excise taxes are being properly reported and paid. Finally, the bill states that anyone who refuses to stop and allow an authorized agent to inspect his motor vehicle is guilty of a misdemeanor.

This bill is effective on July 1, 1999.

S.B. 351 (Chapter 154)

Senate Bill 351 authorizes the Commissioner of Insurance to issue a limited agent's license to a short-term lessor of passenger vehicles to engage in the solicitation and sale of insurance requested by a lessee. The bill also provides that an employee of the short-term lessor of passenger vehicles is not required to have a limited agent's license if the solicitation and sale of such insurance is done on behalf of and under the supervision of the short-term lessor.

S.B. 381 (Chapter 602)

Senate Bill 381 prohibits the use of unmanned electronic devices to observe or detect moving traffic violations. Specifically, this measure provides that a governmental entity or any of its agents may not use photographic, video, or digital equipment for gathering evidence to be used for the issuance of a traffic citation unless the equipment is held in the hand or installed permanently within a vehicle or facility of a law enforcement agency.

The bill is effective on July 1, 1999.

S.B. 442 (Chapter 381)

Senate Bill 442 amends the law that provides a fine of $25 for exceeding the speed limit by not more than 10 miles per hour during daylight hours on highways where the posted speed limit is 60 miles per hour or more. Currently, the law provides that this limited fine does not apply in counties with a population of 100,000 or more (Clark and Washoe Counties). Senate Bill 442 clarifies that the $25 fine applies in the rural areas of those counties.

This bill is effective on July 1, 1999.

S.B. 558 (Chapter 549)

Senate Bill 558 appropriates $250,000 from the State General Fund to Nevada's Department of Transportation to conduct a study of the feasibility of improving roads and highways in adjoining states that provide access to the State of Nevada. The study must include a review of the construction, improvement, and maintenance of such highways.

The appropriated money may only be used if matching funds are provided by Clark County or received from sources other than the State General Fund. Any remaining balance as of June 30, 2001, reverts to the State General Fund.

This measure is effective on July 1, 1999.

A.B. 188 (Chapter 207)

Assembly Bill 188 revises the grounds upon which the Department of Motor Vehicles and Public Safety (DMV&PS) may deny, suspend, or revoke a person's license to engage in the activity of brokering motor vehicles. These grounds include a material misstatement in the application, evidence of unfitness of the applicant or licensee, failure or refusal by the licensee to pay or otherwise discharge a final judgment rendered against him, and failure of the licensee to maintain

a fixed place of business in Nevada. Finally, this measure allows the Director of the DMV&PS to revoke a license if he determines that the applicant or licensee is not entitled to it.

This measure is effective on May 24, 1999.

A.B. 270 (Chapter 214)

Assembly Bill 270 expands, from three to five members, the size of the Regional Transportation Commission of Carson City. As amended by the bill, the commission would be composed of two representatives of the Board of Supervisors and three representatives from the city at large. The terms of the members are staggered so one representative of the Board of Supervisors and one representative of the city at large serve until December 31 of the next ensuing even-numbered year, and the other three members serve until December 31 of the next ensuing odd-numbered year.

This measure is effective on May 24, 1999.

A.B. 457 (Chapter 336)

Assembly Bill 457 prohibits a person from committing certain acts that constitute aggressive driving. A driver commits an offense of aggressive driving if, during any single, continuous period of driving within the course of one mile, the driver commits a speeding violation and two or more other moving violations, and creates an immediate hazard to another vehicle or person.

A driver may be prosecuted and convicted of an offense of aggressive driving regardless of whether he is prosecuted or convicted for committing any other moving violations. If a driver is found guilty of committing an act of aggressive driving, he is guilty of a misdemeanor. For the first offense committed within two years, the driver is required to attend, at his own expense, a traffic safety course (approved by Nevada's Department of Motor Vehicles and Public Safety), and may also have his driver's license suspended for up to 30 days. For a second or subsequent offense committed within a two-year period, the driver shall have his drivers's license revoked for one year.

This measure is effective on May 28, 1999.

A.B. 492 (Chapter 407)

Assembly Bill 492 makes various changes concerning drivers' training. The measure requires an applicant for a license to operate a driver training school to keep records pertaining to the school at the site of the facility. An applicant also must have at least 100 hours of experience as a licensed behind-the-wheel driver training instructor, if the school he is operating provides this kind of training. In addition, the bill allows a school to offer or allow training of a person whose age

is less than 15 years under certain circumstances. Further, A.B. 492 imposes continuing education requirements upon certain driving instructors and increases the insurance limits that must be maintained by a person operating a driver training school.

A.B. 553 (Chapter 222)

Assembly Bill 553 provides that in any county in which there are two or more governmental entities represented on the regional transportation commission, the governing bodies of these member entities may enter into a written master agreement to expedite the approval process for a street or highway project being undertaken by the regional transportation commission. Before commencing an expedited approval process, the governing bodies of all member entities must approve the master agreement.

A.B. 604 (Chapter 447)

Assembly Bill 604 provides for the creation of road maintenance districts in counties that have populations less than 100,000. The bill specifies the procedures through which two-thirds of the owners of real property within an unincorporated area of a county may petition for creation of a district. It further provides procedures relating to the adoption of an ordinance creating the district, the election of directors, authorities of a district, the apportionment and collection of assessments, hardship exemptions, and possible dissolution of a district.

This measure is effective on July 1, 1999.

A.B. 627 (Chapter 302)

Assembly Bill 627 addresses highway signs and motorist information and deals with two types of on-premise advertising. First, the measure allows billboards to be placed near a highway under limited circumstances. The business seeking to advertise must be located adjacent to an interstate highway, and it must dedicate at least one acre of land for the construction of a public highway over which the sign will be placed. The purpose of the sign must be to identify an establishment located on that property, and the sign must not create a traffic hazard. Second, the measure allows a sign for a business to be built within the "airspace" of a highway when that airspace has been leased by the business from Nevada's Department of Transportation (NDOT). This airspace can be either on a bridge structure over a highway or under a bridge that carries the highway above it. The advertising displayed in this airspace must be located so as not to create a distraction to travelers on the highway.

Assembly Bill 627 also authorizes NDOT, in a county with a population of 100,000 or more, to fix reasonable fees to offset administrative costs for providing public information concerning

commercial attractions and services and to recoup the cost of authorizing trademarks and symbols that identify individual enterprises on the advertisements.

This measure is effective on May 25, 1999.

A.C.R. 3 (File No. 100)

Assembly Concurrent Resolution No. 3 requires the Director of the Department of Transportation to conduct an interim study, in cooperation with certain local governing bodies in Nevada, to determine the feasibility of transferring certain highways owned, controlled or maintained by the state to counties or cities in exchange for certain highways owned, controlled or maintained by counties or cities.

The results of this study will be transmitted to the 71st Session of the Nevada Legislature.

Drivers' Licenses and Vehicle Registration

S.B. 65 (Chapter 96)

Senate Bill 65 requires the Department of Motor Vehicles and Public Safety (DMV&PS) to issue yellow placards to identify vehicles of members of volunteer fire departments and emergency medical technicians associated with those departments. The placards are to be issued without charge, upon the request of the chief of a volunteer fire department. The measure further requires the chief of each volunteer fire department to establish rules regarding the use of the placards and must keep records of the placards that have been issued. When a volunteer ceases to be associated with the department, he must surrender the placard to the chief of the department.

For many years, the DMV&PS has issued yellow placards to members of volunteer fire departments.

S.B. 203 (Chapter 482)

Senate Bill 203 deletes passports issued by foreign governments from the list of documents that a person born outside the United States may present as proof of identity when applying for a driver's license.

S.B. 204 (Chapter 64)

Senate Bill 204 authorizes the Las Vegas Valley Water District to establish a desert preserve around the Big Springs Archeological District in Las Vegas. This preserve is to include exhibits and other features demonstrating the conservation and use of water; the history of southern

Nevada; and the topology, geology, and history of the state. The district may create a board of trustees to supervise the development of the preserve.

The bill also provides for the issuance of special license plates for the support of the preserve. When issued, applicants for the plates will pay an initial fee of $35 for the plate and $25 for the support of the preserve. Each year when the plates are renewed, the applicants will pay a fee of $10 for the renewal and $20 for the support of the preserve. On or before October 1, 2003, the Department of Motor Vehicles and Public Safety must determine and publicly announce the number of applications it has received for these special plates. The special license plate provisions will sunset at that time if fewer than 250 plates have been requested.

S.B. 209 (Chapter 98)

Senate Bill 209 requires motor vehicle dealers and long-term lessors of motor vehicles to provide their customers with a placard that must be used in place of a license plate until the vehicle is registered. The placard must contain the date by which the vehicle must be registered. The measure requires the Department of Motor Vehicles and Public Safety to produce the placards and provide them to the dealers or lessors at cost.

S.B. 267 (Chapter 130)

Senate Bill 267 requires the Department of Motor Vehicles and Public Safety to issue blue license plates, similar to those issued before 1982, to anyone who requests them and pays an additional fee not to exceed $25. The department must deliver the plates within 180 days after receiving the request. The license plates may contain the same numbers and letters as the plates now registered to the person, and the person may keep his old plates after receiving the new blue plates. The bill also repeals provisions enacted in 1997 providing for the remanufacture of existing blue plates.

S.B. 339 (Chapter 277)

Senate Bill 339 authorizes the issuance of special license plates for the support and promotion of agriculture in Nevada. The plates must bear the symbol of the Nevada Future Farmers of America Foundation and the phrase "People Grow Things Here!"

In addition to other registration fees, applicants must pay a special plate fee of $35 and a fee of $25 for the support of agriculture. When the plates are renewed each year, the recipient must pay a special renewal fee of $10 and a fee of $20 for the support of agriculture. The proceeds of the fees for the support of agriculture must be divided equally between the Nevada Future Farmers of America Foundation and a special account for the promotion of agriculture, which the Director of the state's Department of Agriculture may draw upon to make grants to other public agencies to promote agriculture.

This measure also provides for the issuance of special license plates for the support of the natural environment of the Mount Charleston area in Clark County. The fee for these special license plates is $35, and $10 per year thereafter for renewal, plus all other applicable registration and license fees and motor vehicle privilege taxes. In addition to the fees for the license, registration, and privilege taxes, a person who requests a set of these special license plates must pay an additional fee of $25 for the initial issuance and $20 for each year's renewal of the plates. The money raised from these additional fees will be dedicated to financing projects in support of the natural environment of the Mount Charleston area.

This bill is effective on October 1, 1999; however, its amendatory provisions expire by limitation on October 1, 2003, if by that date Nevada's Department of Motor Vehicles and Public Safety has received fewer than 250 applications for the issuance of a license plate pursuant to this measure.

S.B. 379 (Chapter 280)

Senate Bill 379 allows recipients of veterans license plates to add an insigne designating the unit of the armed forces in which the veteran served. The decal on which this insigne is printed must be provided at no charge by the Department of Motor Vehicles and Public Safety.

S.B. 490 (Chapter 134)

Senate Bill 490 creates a revolving account in the motor vehicle fund to pay the cost of issuing special license plates. Twenty-five percent of the fee for issuing these plates must be deposited in this fund. In most cases the fee is $35. If the balance in the fund exceeds $50,000, the excess must be transferred to the State Highway Fund.

This bill is effective on July 1, 1999.

A.B. 59 (Chapter 499)

Assembly Bill 59 provides that a person with a disability may obtain a special license plate and parking sticker to park a motorcycle in a space designated for the handicapped. A special parking sticker issued pursuant to this law must have inscribed on it the international symbol of access, an identification number, a date of expiration, and a seal or other identification from the Department of Motor Vehicles and Public Safety. Further, this measure provides that a temporary parking sticker may be issued to a motorcyclist with a temporary disability, and affixed to the windscreen or any other part of the motorcycle.

Senate Bill 450 also provides for the registration of low-speed vehicles and imposes a registration fee of $33 per year. These vehicles, which are generally powered by electricity, may be operated only on streets where the speed limit is no higher than 35 miles per hour.

The provisions of this bill that apply to handicapped stickers are effective on October 1, 1999. The provisions that apply to low-speed vehicles are effective July 1, 1999.

A.B. 76 (Chapter 498)

Assembly Bill 76 requires that, by January 1, 2001, the Director of the Department of Motor Vehicles and Public Safety (DMV&PS) shall order the redesign and preparation of motor vehicle license plates with colors that are predominantly blue and silver.

Further, this measure provides that DMV&PS may adopt regulations prescribing alternative methods, besides pen and ink, by which a signature may be affixed upon a manufacturer's certificate of origin or a manufacturer's statement of origin. The alternative methods must ensure the authenticity of the signature.

This bill is effective on July 1, 1999.

A.B. 329 (Chapter 328)

Assembly Bill 329 expands the circumstances under which special license plates may be used on motor vehicles loaned by dealers and rebuilders of motor vehicles. This measure requires the Department of Motor Vehicles and Public Safety to provide, by regulation, for the issuance of special license plates and designate the persons who may operate vehicles displaying those plates. These vehicles may be loaned to customers in the course of business; the State of Nevada; the University and Community College System of Nevada; a county, a school district; city, or town; or an organization that is exempt from taxation under Section 501(c)(3) of the *Internal Revenue Code*.

A.B. 342 (Chapter 609)

Assembly Bill 342 appropriates $3,773,076 from the State Highway Fund to the Registration Division of the Department of Motor Vehicles and Public Safety. Of this appropriation, $148,867 is for the manufacture of "blue" license plates, $3,610,140 is for the redesign of existing standard license plates, and $14,069 is for the production of special license plates for eligible interests where applications have exceeded 250 units. Any remaining balance of this appropriation must not be committed for expenditure after June 30, 2001, and reverts to the State Highway Fund as soon as all payments of money committed have been made.

This bill also amends provisions of Chapter 482, "Vehicle Licensing, Registration," of *Nevada Revised Statutes* regarding refurbishment of license plates issued before January 1, 1982, and establishes procedures that must be followed by a person who desires to have regular or

personalized license plates that are substantially in the same color and form as license plates manufactured before January 1, 1982.

This measure is effective on June 9, 1999.

A.B. 410 (Chapter 217)

Assembly Bill 410 repeals the provision that requires an applicant for the issuance or renewal of a driver's license to complete and sign a statement indicating whether the applicant is subject to a court order for child support and whether he is in compliance with the payment of money as ordered by the court.

Testimony indicated that the statement required under the existing law is no longer needed because the Welfare Division and the Department of Motor Vehicles and Public Safety now exchange all necessary information by computer.

This bill is effective on July 1, 1999.

A.B. 678 (Chapter 260)

Assembly Bill 678 authorizes the Department of Motor Vehicles and Public Safety to use digital images on drivers' licenses and identification cards. These photographic images may be created by the use of a computer or digital camera. This measure also clarifies what information must be displayed on the identification cards issued by the department for persons without drivers' licenses.

This bill is effective on January 1, 2000.

A.B. 695 (Chapter 521)

Assembly Bill 695 grants to Joseph E. Dini, Jr., use of special license plate designated "State Assemblyman 1," as a lifetime endowment, regardless of whether he continues to serve in the Nevada Assembly.

This measure honors the many years of outstanding service that Assemblyman Joe Dini, more commonly known as *Mr. Speaker*, has given to the Nevada Legislature and the people of this state. Speaker Dini, who now is in his 33rd year of legislative service, is the longest serving member of the Nevada State Assembly in Nevada history. He was first elected to office in November 1966. Since then, he has held numerous leadership posts, including *Speaker pro Tempore* in 1973, *Majority Floor Leader* in 1975, and *Speaker* for eight regular sessions.

This measure is effective on June 8, 1999.

Driving Under the Influence

S.B. 152 (Chapter 480)

Senate Bill 152 amends the law relating to driving under the influence (DUI) to make technical revisions in the definition of intoxication. The bill clarifies the definition of the phrase and describes the minimum concentration of alcohol in the blood or breath of a person to be considered DUI. Further, the bill inserts a reference to the concentration of alcohol in blood or breath in each section of *Nevada Revised Statutes* that refers to the definition of intoxication.

S.B. 360 (Chapter 578)

Senate Bill 360 revises the penalties for petit larceny and a first offense of driving under the influence (DUI) of alcohol or a controlled substance. The bill deletes the mandatory community service, fines, and imprisonment terms for second and subsequent offenses of petit larceny within a three-year period. In addition, the prohibition on probation and the suspension of the sentence are also deleted.

Finally, the measure changes the mandatory hours of community service for a first offense of DUI from 96 hours to a period of between 48 hours and 96 hours.

S.B. 481 (Chapter 622)

Senate Bill 481 provides that it is unlawful for any person who has a detectable amount of a prohibited substance in his system to drive or be in actual physical control of a vehicle or watercraft. The bill includes a list of prohibited substances, which must be listed in Schedule I or Schedule II when used, but provides an exception if the person using the drug has a valid prescription for its use. The list of prohibited substances includes amphetamine, cocaine, cocaine metabolite, heroin, heroin metabolite, lysergic acid diethylamide (LSD), marijuana, marijuana metabolite, methamphetamine, and phencyclidine (PCP). The bill specifies the minimum amount of each of these prohibited substances that must be present in the blood or urine of a person considered to be in violation of this law.

The penalty for this crime is the same penalty currently imposed for driving a vehicle or watercraft under the influence of a controlled substance.

The remaining changes contained in the bill add this new crime to the existing statutes regarding driving a vehicle or watercraft under the influence of alcohol or a controlled substance.

This bill is effective on June 11, 1999.

A.B. 23 (Chapter 23)

Assembly Bill 23 increases, from $200 to $400, the minimum fine for driving under the influence of alcohol or a controlled substance for the first offense within seven years. The minimum fine for a second offense within seven years is increased from $500 to $750.

A.B. 542 (Chapter 459)

Assembly Bill 542 requires a court to suspend the registration of each motor vehicle owned by a person who has been convicted of a second or subsequent violation of driving under the influence of an intoxicating liquor or controlled substance (DUI) for five days. The measure further requires that the person immediately return the certificate of registration and license plates to the Department of Motor Vehicles and Public Safety. To reinstate the registration, a person must pay the usual $33 registration fee.

This bill also requires a court to provide limited exceptions to suspending the registration of a motor vehicle to avoid undue hardships to a person other than the DUI offender. The court must grant an exception if it determines that a member of the offender's immediate family needs to use the motor vehicle to travel to and from work; to obtain medicine, food, or other health care necessities; or to transport himself or another family member to and from school. The court shall also consider the availability of alternative means of transportation.

This measure further provides that a DUI offender who drives his motor vehicle while the registration is suspended, is guilty of a misdemeanor and shall be imprisoned in the county jail for 60 days to 6 months, or sentenced to 60 days to 6 months of residential confinement and fined between $500 and $1,000. A term of imprisonment may be served intermittently at the discretion of the judge or justice of the peace.

Finally, A.B. 542 requires that an electronic device must be used to supervise a person convicted of a second violation of DUI within seven years if the offender is serving a term of residential confinement in lieu of punishment other than a minimum sentence.

Representatives of Nevada's Department of Transportation and the Attorney General's Office testified that this measure would bring Nevada into compliance with the Transportation Equity Act of the 21st Century.

This bill is effective October 1, 2000.

A.B. 620 (Chapter 228)

Assembly Bill 620 revises provisions concerning the certification of devices used to test the percent of breath alcohol. The bill requires the Committee on Testing for Intoxication to certify devices that it determines are designed and manufactured to be accurate and reliable for the purpose of testing a person's breath to determine the level of intoxication. In addition, the

measure requires the committee to create, maintain, and make available to the public, free of charge, a list of the devices certified by the committee.

Motor Vehicles and Motor Carriers

S.B. 153 (Chapter 276)

Senate Bill 153 defines the term "used vehicle" as it is used in the statute regulating the sale of vehicles that have been driven over 75,000 miles. The new definition excludes vehicles weighing over 14,000 pounds.

The 1997 Legislature enacted a statute requiring used car dealers to inspect vehicles that have been driven 75,000 miles or more, disclose known defects, and in some cases, issue a warranty for the vehicles. This statute is sometimes referred to as the "used car lemon law." Senate Bill 153 will exclude heavy trucks from this law.

S.B. 167 (Chapter 616)

Senate Bill 167 revises the *Nevada Revised Statutes* to confirm the state's participation in the Uniform Program (as described in Title 49 of the *United States Code*) to regulate the transportation of hazardous materials on public highways. The measure authorizes the Director of the Department of Motor Vehicles and Public Safety to adopt necessary regulations and to enter into agreements for administration of the program. The bill also requires motor carriers to register and obtain a permit before transporting hazardous materials on public highways in Nevada. The department may not issue a permit without first determining that the carrier is in compliance with applicable federal and state laws and regulations. The measure provides authority for the Nevada Highway Patrol to investigate radioactive waste motor carriers and to charge the carrier for the cost of the investigation. The department may suspend or revoke a registration or deny an application for registration under certain circumstances, or it may impose civil penalties, the revenue from which is to be deposited in the State Highway Fund.

Under this measure, the calculation of fees for registration of hazardous materials motor carriers is amended and the fees must be deposited into the State Highway Fund. The bill also provides for a direct appropriation from the State Highway Fund to the contingency account for hazardous materials to support the State Emergency Response Commission.

This measure is effective on June 11, 1999.

S.B. 268 (Chapter 66)

Senate Bill 268 provides that the appraisal of an abandoned vehicle by a state agency must be completed within ten business days rather than ten calendar days.

Testimony indicated that, when holidays and long weekends intervene, the department finds it difficult to complete the appraisal of abandoned vehicles before the statutory deadline.

S.B. 300 (Chapter 371)

Senate Bill 300 amends the definitions of abandoned vehicle and junk vehicle in the abandoned vehicle law. This bill clarifies that those definitions apply only to vehicles that the owners or lienholders do not reclaim within 15 days of being notified that the vehicles have been impounded.

S.B. 372 (Chapter 485)

Senate Bill 372 amends the laws regulating the relationship between manufacturers of motor vehicles and franchise dealers. The bill requires the Director of the Department of Motor Vehicles and Public Safety (DMV&PS) to consider the time and effort that a dealer has committed to building his business and real property that has been devoted to the use of the dealership when determining whether a manufacturer has good cause to terminate, refuse to continue, modify, or replace a dealer's franchise. The bill also provides that the desire of a manufacturer or distributor to increase market penetration does not, by itself, constitute good cause to take those actions. Further, when the director evaluates a proposal by a manufacturer to establish an additional dealership, he must consider the economic effect on existing dealers.

Senate Bill 372 also prohibits manufacturers from operating repair facilities in Nevada except to repair their own vehicles or do service work that is required by law. If manufacturers supply a dealer with parts or assembled components, the dealer is entitled to his normal retail markup.

The bill makes it an unfair practice for manufacturers to sell a vehicle to one dealer at a price lower than the price it charges to another dealer, or to sell a vehicle to any other person for a lower price. The same rule applies to parts, except that a manufacturer may sell parts for a lower price to a dealer who is acting as a parts distributor. Manufacturers also are prohibited from allocating vehicles between dealerships in an unfair or unreasonable manner or refusing to deliver new vehicles to a dealer in reasonable quantities and in a reasonable time.

Currently, in many franchise agreements, the manufacturer reserves a right of first refusal if the dealership is sold or transferred. The bill provides that this right may not be exercised if the dealership is being transferred to the dealer's spouse, a member of his family, or a qualified manager. To exercise a right of first refusal, a manufacturer must notify the dealer in writing within 60 days of the time it receives notice of the proposed transfer. Otherwise, the transfer is deemed to be approved. The manufacturer must also pay the dealer the same or greater compensation than he had negotiated with the person who proposed to acquire the dealership and must pay any expenses and attorney's fees that the dealer incurred before the manufacturer exercised its right. The bill forbids the manufacturer to discourage or influence any third person from acquiring the dealership.

Further, the manufacturer may not refuse to consent to the designation of a successor in a dealership because of the results of a customer survey intended to measure the dealer's performance. If a manufacturer refuses a request by a dealer to sell or service another line of vehicles, it must state the reasons for the denial. If the manufacturer fails to approve or deny the request within 90 days, it is considered approved.

Senate Bill 372 also provides that a manufacturer cannot require a dealer to disclose information about his customers if the customers object. The bill requires the Director of DMV&PS to adopt regulations providing for discovery in disputes between manufacturers and franchise dealers and adjusts the timetable for hearing disputes or filing protests.

S.B. 387 (Chapter 317)

Senate Bill 387 amends the statute regarding the lists from which law enforcement agencies select a tow car company to remove a vehicle from the highway. The bill provides that the Nevada Highway Patrol may not remove a company from that list solely on the grounds that it is insured under the same policy of insurance as one other operator in the same geographic area. Within ten days after the effective date of the bill, the Highway Patrol must add to the list any company that was on the list on June 30, 1998, and has been subsequently removed for the reason stated above.

This bill is effective on May 27, 1999.

A.B. 2 (Chapter 39)

Assembly Bill 2 authorizes school district boards of trustees to purchase tickets at reduced rates for the transportation of middle school and high school pupils on public buses. The measure also amends *Nevada Revised Statutes* 706.351 to allow fully regulated common carriers to give reduced rates for transportation either directly to a student or to the board of trustees of a school district on behalf of students, including homeless students. This bill was requested to encourage school districts to seek alternative methods of transporting students to school and to school activities. Testimony indicated that the use of existing public transportation can reduce a district's pupil transportation costs as well as encourage students to attend school and school activities.

This bill is effective on July 1, 1999.

A.B. 236 (Chapter 212)

Assembly Bill 236 is a special measure that authorizes Douglas County to enter into contracts and agreements with public and private entities for the purposes of creating, operating, and dissolving a nonprofit organization to own, operate, and maintain a coordinated transit system in the Lake Tahoe Basin. Further, the bill exempts Douglas County from the provisions of Chapter 332

of *Nevada Revised Statutes*, "Purchasing: Local Governments," for the specific purpose of entering into these contracts and agreements.

This measure is effective on May 24, 1999.

A.B. 258 (Chapter 395)

Assembly Bill 258 revises provisions governing automotive repairs by garages and garagemen. The measure requires that a repair garage display a sign with specific information concerning the repair of motor vehicles. The sign also must include the Nevada Automotive Repair Customer Bill of Rights, which is set forth in the act.

The measure requires that a customer be provided a written estimate for repairs that cost more than $50, unless he signs a waiver of his right to receive the estimate. Further, the bill specifies that a charge may not be made exceeding the estimate by 20 percent or $100, whichever is less, without the customer's consent. An estimate of the cost to diagnose a malfunction must include specific costs for diagnosis, disassembly, and reassembly. A garageman is not required to reassemble a motor vehicle if reassembly would render the vehicle unsafe to operate.

The measure requires the owner of a repair garage to agree to binding arbitration or file a $5,000 bond with the Department of Motor Vehicles and Public Safety (DMV&PS) when applying for a certificate of registration. In lieu of this bond, he may deposit with the department a like amount of money or government bonds, or a savings certificate for an account with an amount equal to the bond. Assembly Bill 258 authorizes the department to revoke or refuse to renew a certificate of registration if the garage owner agrees to binding arbitration but fails to submit to it. The measure further prohibits a garage owner from enforcing a lien on a motor vehicle for the cost of repairs if he fails to obtain or renew a certificate of registration, or if he does not maintain the required bond. The bill makes a violation of the provisions governing garages and garagemen a misdemeanor.

In addition, the certificate of registration issued by the department must include the name of the applicant, the name under which his business will be conducted, the address of the business, and the registration number of the garage.

Sections of the measure extending the expiration date of the Advisory Board on the Repair of Motor Vehicles and requiring the owner of a garage to file a statement agreeing to binding arbitration or filing a $5,000 bond is effective on May 29, 1999. The section of the measure that makes adjustments to the application to operate a garage that is filed with the DMV&PS is effective on July 1, 2001. All other sections of this bill are effective on October 1, 1999.

A.B. 271 (Chapter 396)

Assembly Bill 271 regulates motor vehicle consignment contracts by requiring that certain information be included in these contracts and that certain procedures be followed. Upon entering

into a consignment contract or other form of an agreement to sell a vehicle owned by another person, a consignee shall open and maintain a separate trust account in a federally insured bank or savings and loan association. All money received from a prospective buyer toward the purchase or transfer of interest in a particular vehicle shall be deposited into this trust account, and may not be commingled with funds that are unrelated to the purchase of the consigned vehicle. In addition, money in this trust account shall not be used by the consignee for any purpose that is unrelated to the consignment contract.

The measure specifies that upon the sale or transfer of interest in the vehicle, the consignee shall satisfy all outstanding security interests in the vehicle and satisfy the financial obligations due to the consignor pursuant to the consignment contract. Once any money is exchanged or a transfer of interest in a vehicle has occurred, the consignee has three business days to notify the consignor of this fact.

Assembly Bill 271 prohibits the consignee from operating the vehicle without the written consent of the consignor. It also requires that a consignee maintain a written log for each vehicle upon which he has a consignment contract. Further, the measure establishes that a person who uses the proceeds of a consignment sale for his personal use is guilty of embezzlement and shall be ordered to pay restitution in addition to other penalties specified by Nevada law.

This bill only applies to consignees, who are defined as persons licensed by Nevada's Department of Motor Vehicles and Public Safety to sell or lease vehicles, or other persons who consider themselves to be in the business of selling, leasing, or consigning vehicles.

This bill is effective on May 29, 1999.

A.B. 452 (Chapter 406)

Assembly Bill 452 renames a "certificate of dismantling" as a "salvage title" for the purpose of complying with revised regulations promulgated by the United States Customs Service. The bill also provides that a certificate of ownership of a motor vehicle that has been stolen and recovered must not contain a statement that the mileage on the odometer is not the actual mileage unless the odometer has been tampered with.

This measure is effective on May 29, 1999.

A.B. 458 (Chapter 441)

Assembly Bill 458 authorizes law enforcement agencies to conduct certain inspections for the purpose of locating stolen vehicles. Specifically, the measure allows designated state and local law enforcement agents to inspect the vehicle identification number of a vehicle located in certain commercial establishments. Law enforcement agents may also inspect a parking facility or terminal with the permission of the owner. The bill requires that inspections be done during regular business hours.

Under this law, a person is guilty of a category B felony if he knowingly buys with the intent to resell, disposes of, sells, or transfers more than one motor vehicle or parts from more than one motor vehicle that have an identification number or mark that is defaced, destroyed, or altered to misrepresent the identity or to prevent the identification of the motor vehicle or parts of the motor vehicles. The punishment for this crime is imprisonment for a term of one to ten years, and a fine of up to $60,000. A person who violates this law by knowingly possessing with the intent to sell, transfer, import, or export more than one motor vehicle or parts from more than one vehicle that have an identification number or mark that is defaced, destroyed, or altered to prevent the identification of the vehicle or parts is guilty of a category D felony. The punishment for this crime is a prison term of one to four years, and a fine of up to $30,000.

The provisions of Assembly Bill 458 do not apply to licensed automobile wreckers or salvage pools that in the normal, legal course of business and in good faith, process motor vehicles, nor do the provisions of this measure apply to an owner of, or person authorized to possess, a motor vehicle or part of a motor vehicle.

Further, under this measure, a person is guilty of category D felony if he intentionally defaces, destroys, or alters the identification number or mark of a vehicle without authorization from the Department of Motor Vehicles and Public Safety. The punishment for this crime is imprisonment for a term of one to four years, and a fine of up to $25,000.

Finally, this bill prohibits a building owner or operator from knowingly allowing an illegally obtained motor vehicle, or part of a motor vehicle, to remain on the premises in order to deface, destroy, alter, or sell the vehicle. For this violation, the punishment is imprisonment for a term of one to four years, and a fine of up to $50,000.

A.B. 459 (Chapter 219)

Assembly Bill 459 authorizes a county that has imposed the optional tax on the rental of transient lodging for the benefit of a transportation district, which is located in an area governed by an interstate compact between Nevada and a neighboring state, to use the money collected for improvements to a public transit system. The bill defines the term public transit system as a system designed to facilitate transportation of the general public, including the use of buses or rail vehicles as well as off-street parking and overpass projects.

Testimony indicated that this measure would facilitate construction of a multimodal transit facility in Douglas County at Lake Tahoe.

This measure is effective on July 1, 1999.

A.B. 628 (Chapter 461)

Assembly Bill 628 revises provisions governing public transit systems. The measure provides that, under certain circumstances, a common motor carrier of passengers need not obtain a

certificate of public convenience and necessity if it enters into an agreement with a county, city, or regional transportation commission to provide transportation without regard to fixed routes or schedules. The exemption applies if the carrier is to provide transportation for disabled persons or, in a county with a population of less than 100,000, to other persons who make arrangements one day in advance. The system of public transit must undergo safety inspections by the public entity that operates it or by the Transportation Services Authority (TSA). These systems may transport persons who can board with minimal assistance but may not offer medical service as a part of the transportation. The bill also provides that before a county or city enters into such a contract with a common motor carrier to provide the transportation services, it must determine that there is no other common motor carrier that is authorized and willing to provide the service.

The bill also authorizes local governments to enter into cooperative agreements for the joint use or operation of a system of public transportation and authorizes regional transportation commissions or cities in counties with populations of less than 100,000, to contract for the establishment of systems of public transit that do not operate on fixed routes or schedules and exempts those systems from regulation by the TSA.

This measure is effective on July 1, 1999.

A.B. 677 (Chapter 420)

Assembly Bill 677 provides immunity under certain circumstances to licensed short-term lessors of motor vehicles from any administrative fine or other penalty that may be imposed by the Transportation Services Authority for the unlawful operation of one of their passenger vehicles as a common motor carrier. Immunity occurs when a vehicle is impounded while in the care, custody, or control of a lessee. To prove this fact, a true copy of the written lease or rental agreement may be submitted as evidence. After this condition is satisfied, the impounded vehicle must be returned to the registered owner.

Transportation Fees and Taxes

S.B. 202 (Chapter 63)

Senate Bill 202 provides a method for collecting delinquent taxes, fees, and assessments owed to the Department of Motor Vehicles and Public Safety. Within three years of the time an amount becomes due, the department may file a certificate of delinquency with a county recorder. After this certificate is filed, the department has a lien on all real and personal property of the person who is delinquent. The lien continues for five years unless it is released or discharged and may be extended for another five years by filing a new certificate. In addition, the bill authorizes the department to release all or part of the property from the lien if it determines that the release will not jeopardize its efforts to collect the amount due. These collection powers are parallel to those presently exercised by the Department of Taxation.

The bill also repeals the special fuel users' license exemption for owners of vehicles used to produce motion pictures, to transport property for conventions, shows, exhibitions, sporting events, carnivals, and circuses, or to attend livestock shows or sales. Finally, the measure provides that when a user of special fuel is entitled to a refund for a portion of the tax he has paid, that refund may be credited toward the payment of vehicle privilege taxes or registration fees that he owes the state.

S.B. 287 (Chapter 369)

Senate Bill 287 revises the authority of a board of county commissioners to impose a tax on fuel for jet or turbine-powered aircraft sold, distributed, or used in the county. The bill deletes the requirement that the board receive the approval of the voters before imposing a tax of four cents per gallon on such fuel. Senate Bill 287 includes a preamble stating that the Legislature's intent is to increase the discretion of the board but not to authorize a county to impose unduly burdensome taxes that have a detrimental effect upon the tourism industry.

This bill is effective on July 1, 1999.

S.B. 455 (Chapter 312)

Senate Bill 455, in addition to revising the manner in which the revenue from certain fees for business licenses is calculated, specifies that counties, cities, and other political subdivisions may, under most circumstances, impose a tax or fee on businesses related to fuel and other flammable or combustible liquids.

This measure is effective on May 25, 1999.

A.B. 28 (Chapter 48)

Assembly Bill 28 requires the Department of Motor Vehicles and Public Safety to report to the 71st Session of the Nevada Legislature concerning the collection of special fuel taxes. Specifically, this measure requires that, on or before March 1, 2001, the department must submit a written report regarding the administration and enforcement, during the immediately preceding biennium, of taxes collected on special fuels sold or used for motor vehicles upon the public highways in Nevada.

A.B. 471 (Chapter 196)

Assembly Bill 471 reduces and prospectively eliminates a special motor vehicle privilege tax in Washoe County. This measure provides that further reductions must be made through Fiscal Year 2004-2005 by amounts specified in the bill. It further prohibits the Washoe County

Board of Commissioners from imposing the special privilege tax for any fiscal year after June 30, 2005.

A.B. 584 (Chapter 224)

Assembly Bill 584 transfers responsibility for the collection of the gasoline tax from the Department of Taxation to the Department of Motor Vehicles and Public Safety and moves the point of collection to the terminal rack.

This measure is effective on January 1, 2000, for the purpose of adopting regulations; however, most amendatory provisions and changes in the collection of the tax are not effective until January 1, 2002. The sections regarding trust accounts for special fuel suppliers and dealers are effective on May 24, 1999.

VARIOUS OTHER BILLS

S.B. 31 (Chapter 474)

Senate Bill 31 addresses state holidays and provides that Martin Luther King, Jr.'s, birthday is on January 15, but is to be observed on the third Monday in January; George Washington's birthday is on February 22, but is to be observed on the third Monday in February; and Nevada Day is on October 31, but is to be observed on the last Friday in October. The measure also eliminates the authority of a school district to keep school open on Nevada Day.

Finally, S.B. 31 provides that if a bank elects not to close on a Saturday, Sunday, or legal holiday, which falls on the last day of the calendar year, that day shall be deemed a regular banking day for the purposes of transacting business.

This measure is effective on January 1, 2000, except for the provision regarding bank holidays, which is effective on October 1, 1999.

S.B. 158 (Chapter 34)

Senate Bill 158 revises provisions pertaining to the Nevada Athletics Commission and its jurisdiction over all contests or exhibitions of unarmed combat in Nevada. The measure authorizes the commission to require an applicant for a license to be a contestant, promoter, manager, trainer, or any official to pay the costs associated with issuing the license, including investigative costs and attorney's fees. The commission must refund any money paid by the applicant in excess of the actual costs incurred upon completion of the proceedings. The bill also gives the commission the ability to recover certain costs associated with disciplinary proceedings and reinstatement of a revoked license.

This measure is effective on April 7, 1999.

S.B. 428 (Chapter 450)

Senate Bill 428 exempts a person, who is a resident of the state, is 21 years of age or older, and imports 12 cases of wine or less per year for his own household or personal use, from the state's licensure requirements governing the sale, transport, or importation of intoxicating liquor. This exemption does not apply to suppliers, wholesalers, or retailers acting in their professional capacity.

In addition, the bill requires suppliers who ship liquor into the state under certain circumstances to pay an excise tax, designate an importer, and pay a fee equal to the amount of the fee paid for an importer's license in specific instances. Finally, the Department of Taxation must adopt

regulations governing suppliers, importers, wholesalers, and retailers as necessary to carry out the provisions of this measure

This bill is effective on June 7, 1999.

S.B. 453 (Chapter 105)

Senate Bill 453 ratifies technical corrections to the *Nevada Revised Statutes* and *Statutes of Nevada 1997.*

This measure is effective on May 11, 1999.

S.B. 496 (Chapter 536)

Senate Bill 496 creates the Millennium Scholarship Trust Fund administered by the State Treasurer. The bill authorizes 40 percent of the money received by the state from settlements with tobacco firms and from judgements in a civil action against tobacco companies to be deposited into the fund.

Students must meet the following requirements to receive a scholarship: (1) have been a resident of Nevada for at least two years; (2) have graduated from a public or private high school in the state after May 1, 2000; (3) have maintained at least a 3.0 grade point average in the high school core curriculum; and (4) be enrolled in at least 12 semester credit hours in a university or at least six semester credit hours in a community college. In addition, the Board of Regents must establish eligibility requirements for students who did not graduate from a high school in Nevada but have been state residents for at least two years. The bill further specifies the criteria students must meet to continue a scholarship and the purposes for which scholarship funds may be used. Finally, the measure provides $40 per credit hour for community college students and $80 per credit hour for university students, or the amount needed to pay the cost of attending school not paid from other sources, whichever is less. Students receiving Millennium Scholarships may not receive more than $10,000.

The bill is effective on October 1, 1999.

S.B. 531 (Chapter 283)

Senate Bill 531amends the definition of the term population as it is used in the *Nevada Revised Statutes* (NRS). The bill clarifies that the use of population references in the NRS will apply to tabulations of population from July 1 of the year following the decennial census until June 30 of the year following the next census. Further, the bill defines decennial census date as the first day of April 1980 and every ten years thereafter on which the decennial census is taken pursuant to federal law.

This measure addresses population thresholds as used in the statutes. Population thresholds are currently based on population estimates in the second to last year of a decade. This bill changes the estimation method and, instead, bases population specifically on the decennial census. Further, the measure allows the Legal Division of the Legislative Counsel Bureau to review, after the 2000 census, the several hundred statutes that make reference to population so that appropriate adjustments to those references can be made during the 2001 Session of the Nevada Legislature.

A.B. 55 (Chapter 102)

Assembly Bill 55 makes it a gross misdemeanor to knowingly burn stolen metallic wire. In addition, the bill prohibits junk dealers from purchasing or receiving metallic wire that has been burned for purposes of removing insulation, unless they obtain written evidence identifying the person who delivered the wire and a statement signed by the person who delivered the metallic wire attesting that the wire was lawfully acquired and burned. Junk dealers must retain such written evidence for at least three years.

This bill addresses a growing problem in southern Nevada where metallic wire used in building materials and utility equipment is being stolen and sold after being burned to remove identifying markings. Testimony also indicated that the burning of stolen metallic wire is polluting the environment and starting brush fires.

The provisions of this measure do not apply to offenses committed before October 1, 1999.

A.B. 202 (Chapter 208)

Assembly Bill 202 establishes a procedure by which a professional land surveyor must set one or more reference monuments if a survey monument cannot be set or reset because of steep terrain, water, marsh, or existing structures, or if it would be obliterated as a result of construction or maintenance of a highway under the jurisdiction of Nevada's Department of Transportation.

According to testimony, a large number of survey monuments were set by the United States Geological Survey and other federal land management agencies many years ago. Some of these monuments now lie in locations that are unsafe or that are no longer accessible. This bill allows a land surveyor to replace the original survey monument with one or more "reference" monuments that may be set in safer and more accessible locations.

A.B. 340 (Chapter 52)

Assembly Bill 340 repeals obsolete statutory provisions, passed in the 1800s, relating to married women. The provisions are related to the conveyance of real property, wills and disposition of property, execution of wills, and administration of estates.

This measure is effective on April 27, 1999.

A.B. 350 (Chapter 331)

Assembly Bill 350 provides that a colored reproduction or facsimile of the state seal may be used only if its colors are substantially as depicted in this measure. This is the first color depiction contained within a Nevada legislative measure.

A.B. 467 (Chapter 298)

Assembly Bill 467 requires the Nevada Athletic Commission to keep confidential any information that it receives concerning an applicant for a license pertaining to unarmed combat issued by the commission that is declared confidential by law and that is provided to the commission by another governmental entity. The bill also requires the medical records of an applicant to be kept confidential if the information is not relevant to the commission in determining whether to grant a license to the applicant.

The commission must reveal the confidential information if ordered by a court of competent jurisdiction, requested by the person who is the subject of the information, or if the disclosure is necessary to the administration of the commission's duties. This measure also describes the process to be followed in petitioning a court for this information.

Further, A.B. 467 authorizes the commission to grant limited, restricted, or conditional licenses. The measure also authorizes the commission to take disciplinary actions against persons who fail to comply with any limitation, restriction, or condition placed on his license. Finally, this measure allows the commission to issue subpoenas to require attendance, testimony, books, and papers deemed important to the commission, and it provides that a person who makes a false oath before the commission or a hearing examiner is guilty of a category D felony.

This bill is effective on May 25, 1999.

A.B. 667 (Chapter 259)

Assembly Bill 667 requires all manufacturers of tobacco products sold in Nevada to participate in the settlement that is made between them and this state. The measure states that cigarette smoking presents serious public health problems for residents of Nevada and serious financial problems for the state and taxpayers. Further, the bill describes the "Master Settlement Agreement" and sets forth the criteria by which manufacturers of tobacco products shall settle claims. In addition, the Department of Taxation is required to adopt regulations as are necessary to determine the amount of excise tax that is collected by the state on the cigarettes of each manufacturer of tobacco products for each year. Finally, the measure imposes penalties on manufacturers who fail to adhere to these provisions.

The measure is effective on May 24, 1999.

VETERANS

S.B. 263 (Chapter 483)

Senate Bill 263 changes the name of the Office of Veteran Affairs to the Office of Veterans' Services. The measure also removes the agency from the Office of the Military and creates a separate Office of Veterans' Services. Further, the executive director of the office is authorized to adopt regulations concerning the agency that are needed to carry out the provisions of Chapter 417 of the *Nevada Revised Statutes*.

The bill is effective July 1, 1999.

S.B. 379 (Chapter 280)

Senate Bill 379 allows recipients of veterans' license plates to add an insigne designating the unit of the armed forces in which the veteran served. The decal on which this insigne is printed must be provided at no charge by the Department of Motor Vehicles and Public Safety.

S.C.R. 37 (File No. 78)

Senate Concurrent Resolution No. 37 commends Operation Godspeed for its commitment to patriotism and its support of the veterans of the United States, particularly for the efforts to raise money to purchase equipment and construct facilities at the Southern Nevada Veterans' Memorial Cemetery.

A.B. 94 (Chapter 419)

Assembly Bill 94 creates a combined budget account in the State General Fund for the veterans' cemeteries in northern and southern Nevada. A separate gift account for veterans' cemeteries also is created. In addition, the measure creates a similar veterans' home account and a veterans' home gift account. Gifts of funds or personal property may be restricted to a particular cemetery or nursing home, and the act provides that the commissioner comply with such restrictions. Money remaining in the gift accounts does not revert to the State General Fund, but is carried forward to the fund into the next fiscal year.

This bill is effective on May 29, 1999.

A.B. 530 (Chapter 444)

Assembly Bill 530 changes, from six to eight, the maximum number of times per fiscal year the Nevada Veterans' Services Commission may meet. The bill also provides that the commission may meet in Las Vegas, in Reno, or at any other location if conducted by videoconferencing.

VETOED BILLS

Four bills were vetoed by the Governor. The veto of three measures, Senate Bills 182 and 532 and Assembly Bill 105, were sustained by the 1999 Legislature and receive no further consideration. The remaining bill, Assembly Bill 332, was vetoed after adjournment *sine die* and will be returned to the 2001 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. 182 (Vetoed)

Senate Bill 182 amends the *North Las Vegas City Charter* to revise the method of calculating the water user fee for city beautification projects. The measure provides that the water fee be charged to each housing unit. A housing unit is defined as a single-family dwelling; townhouse, condominium, or cooperative apartment; unit in a multiple-family dwelling or apartment complex; or a mobile home.

The City of North Las Vegas requested this measure in order to impose the water user fee on a "per-unit" basis. Under current law, an entire apartment complex and a single family home are both charged the same per unit fee of 25 cents a month. Funds generated from this revised fee structure are to be earmarked for graffiti removal equipment.

(Veto sustained on May 26, 1999.)

S.B. 532 (Vetoed)

Senate Bill 532 requires the Division of State Parks in the State Department of Conservation and Natural Resources to deposit accumulations of less than $1,000 within ten working days of receipt. If accumulations on any day are $1,000 or more, but less than $10,000, the money must be deposited not later than the following Thursday. If accumulations on any day are $10,000 or more, the money must be deposited by the next banking day.

The measure also clarifies provisions governing the days on which state agencies are required to deposit money belonging to the state.

Testimony indicated that the bill allows flexibility for depositing funds collected at state parks. The division collects fees at more than 20 locations, some of which are remote and produce small weekly amounts. Collections vary greatly depending on location and time of year. Without flexibility, witnesses said the cost of making the deposit could exceed the amount of money deposited.

(Veto sustained on May 30, 1999.)

A.B. 105 (Vetoed)

Assembly Bill 105 authorizes the administrator of the Real Estate Division to establish by regulation fees for the examination of an applicant for a sales agent's license to sell time shares. The bill also provides for the collection of fees related to the accreditation of courses of continuing education for sales agents.

(Veto sustained on April 6, 1999.)

A.B. 332 (Vetoed)

Assembly Bill 332 requires that administrators charged with evaluating a probationary teacher personally observe the teacher's classroom performance for at least one hour during each evaluation period. Such administrators must also personally observe a postprobationary teacher's classroom performance for one hour during each evaluation period. The measure requires that the evaluation of probationary and postprobationary teachers include a description of the actions that will be taken to assist the teacher in correcting any deficiencies reported in the evaluation. Upon request, a reasonable effort must be made to assist the teacher in correcting those deficiencies for which the teacher requests assistance. In addition, the bill requires that an admonition given to a licensed employee must include a description of the action that will be taken to assist the employee in correcting the deficiency. Finally, the measure changes, from February 15 to March 1, the date by which a probationary employee must be advised about the district's potential decision to not reemploy the individual. The bill also limits the requests for supplemental evaluations to probationary employees who receive notice of a potential decision not to reemploy.

(Return to the 2001 Session.)

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SENATE STANDING COMMITTEES

Seventieth Session, 1999

(The Chairman is named first and the Vice Chairman is named second on each committee.)

COMMERCE AND LABOR
Townsend, O'Connell, Rhoads, Amodei, Shaffer, Schneider, Carlton.

FINANCE
Raggio, Rawson, Jacobsen, O'Donnell, Neal, Coffin, Mathews.

GOVERNMENT AFFAIRS
O'Connell, Raggio, O'Donnell, Porter, Neal, Titus, Care.

HUMAN RESOURCES AND FACILITIES
Rawson, Washington, Townsend, Amodei, Mathews, Schneider, Wiener.

JUDICIARY
James, Porter, McGinness, Washington, Titus, Wiener, Care.

LEGISLATIVE AFFAIRS AND OPERATIONS
Porter, James, Raggio, Rawson, Titus, Mathews, Carlton.

NATURAL RESOURCES
Rhoads, Jacobsen, McGinness, James, Shaffer, Coffin, Carlton.

TAXATION
McGinness, Rhoads, Townsend, O'Connell, Neal, Coffin, Schneider.

TRANSPORTATION
O'Donnell, Amodei, Jacobsen, Washington, Shaffer, Wiener, Care.

PRESIDENT PRO TEMPORE
Lawrence E. Jacobsen.

MAJORITY FLOOR LEADER
William J. Raggio.

ASSISTANT MAJORITY FLOOR LEADER
Raymond D. Rawson.

MAJORITY WHIP
Maurice E. Washington.

ASSISTANT MAJORITY WHIP
Mark E. Amodei.

MINORITY FLOOR LEADER
Alice Costandina (Dina) Titus.

ASSISTANT MINORITY FLOOR LEADER
Michael A. Schneider.

MINORITY WHIP
Bernice Mathews.

ASSEMBLY STANDING COMMITTEES

Seventieth Session, 1999

(The Chairman is named first, the Vice Chairman is named second, then members are listed alphabetically by majority and minority party.)

COMMERCE AND LABOR
Buckley, Perkins, Arberry, Dini, Evans, Giunchigliani, Goldwater, Parks, Segerblom, Beers, Berman, Hettrick, Humke, Nolan.

CONSTITUTIONAL AMENDMENTS
Price, Mortenson, Anderson, Leslie, Brower, Gustavson, Von Tobel.

EDUCATION
Williams, Collins, Chowning, de Braga, Koivisto, Manendo, Ohrenschall, Parnell, Angle, Brower, Cegavske, Gustavson.

ELECTIONS, PROCEDURES, AND ETHICS
Giunchigliani, Price, Dini, Leslie, McClain, Perkins, Beers, Tiffany, Von Tobel.

GOVERNMENT AFFAIRS
Bache, Lee, Freeman, Mortenson, Neighbors, Parnell, Segerblom, Thomas, Williams, Berman, Gibbons, Humke, Tiffany, Von Tobel.

HEALTH AND HUMAN SERVICES
Freeman, Koivisto, Buckley, Leslie, Manendo, McClain, Thomas, Williams, Angle, Berman, Gibbons, Von Tobel.

JUDICIARY
Anderson, Manendo, Buckley, Claborn, Collins, Koivisto, Leslie, McClain, Ohrenschall, Angle, Brower, Carpenter, Gustavson, Nolan.

NATURAL RESOURCES, AGRICULTURE, AND MINING
de Braga, Segerblom, Bache, Claborn, Lee, Mortenson, Neighbors, Ohrenschall, Parnell, Carpenter, Hettrick, Humke, Marvel.

TAXATION
Goldwater, Neighbors, Anderson, Arberry, Freeman, Lee, Manendo, Mortenson, Price, Brower, Gibbons, Marvel, Tiffany.

TRANSPORTATION
Chowning, Ohrenschall, Bache, Claborn, Collins, McClain, Parks, Parnell, Thomas, Carpenter, Cegavske, Gustavson, Nolan.

WAYS AND MEANS
Arberry, Evans, Chowning, de Braga, Dini, Giunchigliani, Goldwater, Leslie, Parks, Perkins, Price, Beers, Cegavske, Hettrick, Marvel.

SPEAKER
Joseph E. Dini, Jr.

SPEAKER PRO TEMPORE
Jan Evans.

MAJORITY FLOOR LEADER
Richard D. Perkins.

ASSISTANT MAJORITY FLOOR LEADER
Barbara Buckley.

MAJORITY WHIP
Wendell P.Williams.

MINORITY FLOOR LEADER
Lynn C. Hettrick.

ASSISTANT MINORITY FLOOR LEADER
Barbara Cegavske.

MINORITY WHIP
Dennis Nolan.