





## INTRODUCTION

The 2003 Regular Session of the Nevada Legislature considered 1064 bills—555 from the Assembly and 509 from the Senate. Of this total, 516 bills were approved. The Governor signed 514 bills and did not veto any bills. The two other bills became law without the Governor’s signature pursuant to Article 4, Section 35 of the *Nevada Constitution*. During the 19th Special Session, eight bills were introduced. Of these, only one bill was enacted into State law. During the 20th Special Session, 26 bills were introduced. Of these, 18 bills were enacted into State law.

The *Summary of Legislation* reviews each of the bills and concurrent and joint resolutions passed by the 2003 Regular and the 19th and 20th Special Sessions. These summaries do not constitute legal analyses and are not intended for use by the legal community in place of the actual statutes.

**Unless otherwise noted, the measures passed during the 2003 Regular Session, the 19th Special Session, and the 20th Special Session are effective on October 1, 2003.**

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 legislation or consult the “Table of Contents” and “Subject Index” for reference to legislation enacted within selected major or specific topic areas. For a comprehensive index to all legislative measures considered, please consult the *Index and Tables* for the 72nd Legislative Session.

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## APPROPRIATIONS AND AUTHORIZATIONS

### A.B. 82 (Chapter 66)

Assembly Bill 82 extends the date by which money appropriated to the Newlands Project Water Rights Fund must be expended before reversion to the State General Fund. Originally created in 1999 with an appropriation of \$3.3 million, this bill extends from June 30, 2004, to June 30, 2006, the deadline for expenditure and the date by which water rights must be acquired.

This bill is effective on May 12, 2003.

### A.B. 252 (Chapter 9)

Assembly Bill 252 appropriates from the Fund to Stabilize the Operation of the State Government created by NRS 353.288 to the State General Fund the sum of \$135 million.

This measure is effective on March 26, 2003.

### A.B. 253 (Chapter 49)

Assembly Bill 253 appropriates \$71,750,340 from the State General Fund to the State Distributive School Account for an unanticipated shortfall in money in Fiscal Year 2002-2003.

This measure is effective on May 6, 2003.

### A.B. 254 (Chapter 341)

Assembly Bill 254 appropriates \$586,524 from the State Highway Fund to the Department of Motor Vehicles for certain unanticipated shortfalls in money in Fiscal Year 2003.

This bill is effective on June 9, 2003.

### A.B. 255 (Chapter 262)

Assembly Bill 255 relates to the Department of Human Resources. The bill extends from June 30, 2003, to June 30, 2005, the date on which any remaining balance of the appropriation made during the 2001 Legislative Session to the Department of Human Resources for the Medicaid Management Information System must revert to the State General Fund.

This measure is effective on May 28, 2003.

**A.B. 256 (Chapter 117)**

Assembly Bill 256 makes a supplemental appropriation of \$9,044 for an unanticipated shortfall for Fiscal Year 2001-2002 to the Consumer Affairs Division of the Department of Business and Industry. The purpose of the appropriation is to cover outstanding vendor billings.

The measure is effective on May 19, 2003.

**A.B. 257 (Chapter 379)**

Assembly Bill 257 appropriates \$8,092,456 from the State General Fund to the Contingency Fund to restore and increase to \$12 million the balance in the Contingency Fund attributable to the State General Fund. The bill also appropriates \$1,889,536 from the State Highway Fund to the Contingency Fund to restore to \$2 million the balance in the Contingency Fund attributable to the State Highway Fund.

Assembly Bill 257 further appropriates \$5.8 million from the State General Fund to the Interim Finance Committee to assist school districts in paying for unexpected expenses related to providing health insurance for employees during the 2003-2005 biennium. School districts may request funding from the State Department of Education, which jointly reviews requests with the Budget Division of the State Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau. Recommendations for or against funding are then forwarded to the State Board of Examiners for further consideration and possible recommendation to the Interim Finance Committee. Under the bill, the Interim Finance Committee has final authority to approve the requests.

The bill is effective on July 1, 2003.

**A.B. 441 (Chapter 402)**

Assembly Bill 441 enacts provisions relating to ensuring the security of the State of Nevada and its residents with respect to acts of terrorism and related emergencies. The measure sets forth legislative findings regarding the need to enact legislation protecting the State and its citizens from acts of terrorism. The bill creates the Nevada Commission on Homeland Security, and sets forth the membership, duties, and staff support of the Commission. Furthermore, the measure sets forth an annual reporting requirement for the Commission. The Governor must file a report describing its activities, both public and confidential, with the Legislative Counsel Bureau for transmittal to the Legislature or the Legislative Commission.

In addition, A.B. 441 requires State and local governments to comply with the State plan for compatibility and interoperability of information and communication systems used by response agencies within Nevada. On or after July 1, 2005, State and local governments are prohibited from purchasing such systems unless they comply with the State plan, which must be established by the Nevada Commission on Homeland Security.

Assembly Bill 441 also provides for the confidentiality of certain documents or records, including, among other things, drawings, maps, or plans of security systems and important public buildings and facilities. Further, the bill requires each political subdivision to adopt and maintain a plan to respond to acts of terrorism or related emergencies. In addition, A.B. 441 establishes a plan for the continuation of State and local governmental operations in case of a catastrophic emergency. Utilities are required to conduct vulnerability assessments and prepare emergency response plans to be submitted to the State's Division of Emergency Management.

The measure provides that records and portions of records assembled by the Department of Information Technology that would create a substantial likelihood of threatening the safety of the general public are confidential and not subject to inspection by the general public. These records include: (1) information regarding the infrastructure and security of information systems, including access codes, passwords, and programs; (2) assessments and plans that relate to the vulnerability of an information system; and (3) results from security tests of information systems that may reveal specific vulnerabilities.

The measure requires the Director of the Nevada's Department of Information Technology to maintain a list of each record that he has determined to be confidential. The list must be prepared and maintained so as to indicate the existence of a particular record without revealing its contents. The bill requires the Director, at least once a biennium, to review the list of confidential documents to determine whether a record or records should remain on the list, no longer be deemed confidential, or be considered obsolete.

The bill also increases the criminal penalties for the fraudulent use of, or application for, drivers' licenses and identification cards; and gives the Department of Motor Vehicles the authority to refuse to issue a driver's license or identification card to persons presenting drivers' licenses or other identification documents issued by jurisdictions with less stringent standards than those of Nevada.

Assembly Bill 441 also requires certain governmental entities to place automated external defibrillators in certain buildings and facilities with high pedestrian traffic or those house agencies that serve large numbers of persons. In addition, the bill appropriates \$118,750 in FY 2003-2004 and \$111,069 in FY 2004-2005 from the State General Fund to the Nevada Commission on Homeland Security for the Commission to use in carrying out its duties.

Assembly Bill 441 is effective on July 1, 2003, except the provisions relating to drivers' licenses and identification cards are effective on January 1, 2004. The provisions regarding confidentiality and limited access to certain types of documents expire by limitation on June 30, 2007.

**A.B. 468 (Chapter 38)**

Assembly Bill 468 appropriates \$122,437 from the State General Fund to the Welfare Division of the Department of Human Resources for unanticipated shortfalls in Fiscal Year (FY) 2002-2003 for the Electronic Benefits Transfer Program. The measure also appropriates \$2,761,305 from the State General Fund to the Welfare Division for unanticipated shortfalls in FY 2002-2003 to fund the State's share of caseload requirements.

The bill is effective on May 1, 2003.

**A.B. 469 (Chapter 263)**

Assembly Bill 469 appropriates \$1,113,588 from the State General Fund to the Division of Child and Family Services, Department of Human Resources, for an unanticipated shortfall in money for Fiscal Year 2002-2003.

This measure is effective on May 28, 2003.

**A.B. 470 (Chapter 342)**

Assembly Bill 470 relates to child welfare services. This measure extends from June 30, 2003, the date of reversion of certain unexpended funds from an appropriation made in 2001 for one-time costs associated with the transfer of child welfare services from the Division of Child and Family Services, Department of Human Resources, to Clark and Washoe Counties. In addition, the bill authorizes the continued use of funds appropriated for information systems for Clark County beyond the original reversion date of June 30, 2003. Funds for these purposes must not be committed for expenditure after June 30, 2005, and must revert to the State General Fund as soon as all payments of funds committed have been made.

This measure is effective on June 9, 2003.

**A.B. 471 (Chapter 264)**

Assembly Bill 471 appropriates \$11,678,558 from the State General Fund to the Division of Health Care Financing and Policy, Department of Human Resources, for an unanticipated shortfall in money for Fiscal Year 2002-2003.

This measure is effective on May 28, 2003.

**A.B. 474 (Chapter 483)**

Assembly Bill 474 relates to wild horses. This measure revises provisions governing payment of expenses of the Commission for the Preservation of Wild Horses from money in the Heil Trust Fund for Wild Horses. The bill removes a provision from the law that requires expenses of the Commission to be paid only from interest earned on the deposit or investment of money in the Fund.

This measure is effective on June 11, 2003.

### **A.B. 544 (Chapter 439)**

Assembly Bill 544 establishes for the next biennium the amount to be paid by the State for group insurance and makes appropriations to effect certain increases in the Retired Employees' Group Insurance assessment for certain State agencies. This measure establishes the State contribution levels for group insurance for State employees, officers, and retirees during the 2003-2005 biennium. For State employees, the contribution is increased from \$465.78 per month in the 2002-2003 fiscal year (FY) to \$495.68 per month in FY 2003-2004, and \$558.07 per month in FY 2004-2005. For retired employees, the rate established is a base rate, which may be modified according to the number of years an individual served in State government. The base rate for retirees is increased from \$263.89 per month to \$280.78 per month in FY 2003-2004, and \$316.26 per month in FY 2004-2005.

The bill also addresses increases in the Retired Employees' Group Insurance assessment for certain State agencies. To effect increases of 15.4 percent in FY 2003-2004 and 13.3 percent in FY 2004-2005, A.B. 544 makes certain appropriations to the Interim Finance Committee. The appropriations are intended to meet deficiencies that may be created between the money appropriated by the Legislature and the actual requirements for the assessment. For deficiencies created in the State's departments, commissions, and agencies including the Judicial Branch of State Government, the appropriation from the State General Fund is \$824,391 in FY 2003-2004 and \$806,488 in FY 2004-2005. For deficiencies created in the State Department of Motor Vehicles, the State Department of Public Safety, and the Transportation Services Authority, the appropriation from the State Highway Fund is \$160,868 in FY 2003-2004 and \$161,950 in FY 2004-2005.

The increases effected by A.B. 544 for the University and Community College System of Nevada (UCCSN) are 15.4 percent in each year of the next biennium. For deficiencies created between the money appropriated by the Legislature and the actual requirements for the Retired Employees' Group Insurance assessment of UCCSN's classified personnel, the appropriation from the State General Fund is \$194,060 in FY 2003-2004 and \$187,640 in FY 2004-2005. Appropriations for UCCSN's professional personnel are \$611,835 and \$600,101 in each year, respectively.

Finally, this measure provides that any money remaining at the end of the first fiscal year will be available for the following year.

This bill is effective on July 1, 2003.

### **A.B. 553 (Chapter 327)**

Assembly Bill 553 concerns the State Budget. This measure is the General Appropriations Act to support Nevada State government during the 2003-2005 biennium. This measure makes appropriations from the State General Fund and the State Highway Fund for all State agencies and the University and Community College System of Nevada. Assembly Bill 553

appropriates over \$3.1 billion during the biennium, including approximately \$1.51 billion for Fiscal Year (FY) 2003-2004 and \$1.59 billion for FY 2004-2005.

Except for an appropriation of \$1.6 million from the State General Fund to the Legislative Fund that is effective on June 3, 2003, this measure is effective on July 1, 2003.

**A.B. 555 (Chapter 441)**

Assembly Bill 555 establishes the maximum salaries for State employees in the unclassified service and certain State employees in the classified service, and it makes appropriations to allow the State agencies to fund these salary levels. In addition, the bill makes appropriations to provide State employees with a salary increase of approximately 2 percent in the second year of the biennium, Fiscal Year (FY) 2004-2005.

Assembly Bill 555 appropriates \$197,500 in State General Fund money in FY 2003-2004 and \$14.25 million in FY 2004-2005. The measure appropriates \$1.6 million in State Highway Fund money in FY 2004-2005.

This measure is effective on July 1, 2003.

**S.B. 1 (Chapter 1)**

Senate Bill 1 appropriates \$10 million from the State General Fund to the Legislative Fund. The appropriation funds a portion of the cost of conducting the 2003 Legislative Session.

This bill is effective on February 7, 2003.

**S.B. 243 (Chapter 507)**

Senate Bill 243 appropriates \$30 million from the State General Fund to the Fund to Stabilize the Operation of State Government. In addition, the bill authorizes an additional appropriation from the State General Fund to the Fund to Stabilize the Operation of State Government of up to \$20 million, which is contingent upon projections and estimates of the ending fund balance for Fiscal Year 2005 made by the Economic Forum.

This measure is effective on July 1, 2004.

**S.B. 246 (Chapter 269)**

Senate Bill 246 appropriates \$610,000 from the State General Fund to the Supreme Court of Nevada for an unanticipated shortfall in money for Fiscal Year 2002-2003.

This measure is effective on May 28, 2003.

**S.B. 247 (Chapter 268)**

Senate Bill 247 appropriates \$2.5 million from the State General Fund to the State Claims Account created by *Nevada Revised Statutes* (NRS) 353.097. The bill also appropriates \$215,593 from the State General Fund to the Emergency Account created by NRS 353.263. Finally, S.B. 247 appropriates \$3 million from the State General Fund to the Reserve for Statutory Contingency Account created by NRS 353.264. The purpose of these appropriations is to restore the balances in these accounts.

This measure is effective on May 28, 2003.

**S.B. 263 (Chapter 424)**

Senate Bill 263 provides for a supplemental appropriation of \$41,308 to the State Department of Agriculture to offset costs associated with unexpected increases in expenses.

This bill is effective on June 10, 2003.

**S.B. 396 (Chapter 223)**

Senate Bill 396 appropriates \$38,915 from the State General Fund to the Health Division, Department of Human Resources, for an unanticipated shortfall in money for Fiscal Year 2002-2003.

This measure is effective on May 26, 2003.

**S.B. 407 (Chapter 344)**

Senate Bill 407 makes a supplemental appropriation of \$2,600 to the Western Interstate Commission for Higher Education to fund a shortfall in money for Fiscal Year 2002-2003. The shortfall resulted from the reclassification of a position.

This bill is effective on June 9, 2003.

**S.B. 408 (Chapter 226)**

Senate Bill 408 appropriates \$740,598 from the State General Fund to the Division of Mental Health and Developmental Services, Department of Human Resources, for an unanticipated shortfall in money for Fiscal Year 2002-2003.

This measure is effective on May 26, 2003.

**S.B. 410 (Chapter 227)**

Senate Bill 410 appropriates \$370,000 from the Highway Fund to the Department of Motor Vehicles for unanticipated shortfalls in Fiscal Year 2002-2003, resulting from various increased costs. This supplemental appropriation was not included in the Executive Budget.

This bill is effective on May 26, 2003.

**S.B. 493 (Chapter 265)**

Senate Bill 493 appropriates \$137,000 from the State General Fund to the Office of the Military for an unanticipated shortfall in money for Fiscal Year 2002-2003.

This measure is effective on May 28, 2003.

**S.B. 499 (Chapter 446)**

Senate Bill 499 appropriates \$14,656,066 from the State Highway Fund, and \$1,500,000 from the State General Fund, to the Interim Finance Committee for allocation to State entities for radio system costs, infrastructure upgrades, and user equipment. In addition, the Interim Finance Committee is authorized to expend \$300,000 from forfeiture accounts administered by the State Treasurer for the same purpose.

A State entity may submit a request to the State Board of Examiners for an allocation by the Interim Finance Committee of funds appropriated by this measure. If the Interim Finance Committee after an independent evaluation finds that an allocation should be made, the Committee shall by resolution establish the amount and purpose of the allocation.

Any funds not allocated by June 30, 2005, revert to the State Highway Fund and to the State General Fund, respectively.

This measure is effective on July 1, 2003.

**S.B. 502 (Chapter 430)**

Senate Bill 502 extends the reversion date for certain appropriations authorized in prior legislative sessions. The measure extends from June 30, 2003, to June 30, 2005, the reversion date of an appropriation made in the 1997 Legislative Session for improvements at Fort Churchill State Historic Park, Lake Tahoe Nevada State Park, Spring Valley State Park, and Rye Patch State Recreation Area, and for a master plan for the development and operation of an historic park in Las Vegas. In addition, the bill extends from June 30, 2003, to June 30, 2005, the reversion date of an appropriation made in the 2001 Legislative Session for improvement projects at State parks.

This bill is effective on June 10, 2003.



**S.B. 504 (Chapter 328)**

Senate Bill 504 authorizes State agencies to collect and expend certain sums of money other than money from the State General Fund or the State Highway Fund. The sources of these authorized expenditures include federal funds, gifts, grants, interagency transfers, service fees, and other funds. The bill authorizes expenditures of \$3.8 billion in Fiscal Year (FY) 2003-2004 and \$4 billion in FY 2004-2005.

Except for provisions authorizing expenditures of \$250,000 for the planning and design of a performing arts center in Las Vegas, which are effective on July 1, 2004, this measure is effective on July 1, 2003.

**See also Senate Bill 1 (Chapter 1) of the 19th Special Session.**

**See also Assembly Bill 8 (Chapter 8) of the 20th Special Session.**

**See also Assembly Bill 12 (Chapter 12) of the 20th Special Session.**

**See also Assembly Bill 15 (Chapter 14) of the 20th Special Session.**

**See also Senate Bill 1 (Chapter 1) of the 20th Special Session.**

**See also Senate Bill 7 (Chapter 16) of the 20th Special Session.**

**See also Senate Bill 8 (Chapter 5) of the 20th Special Session.**

**See also Senate Bill 10 (Chapter 18) of the 20th Special Session.**



## CAPITAL IMPROVEMENTS AND PUBLIC WORKS

### A.B. 57 (Chapter 336)

Assembly Bill 57 provides for the adoption of certain seismic standards. The bill requires the State Public Works Board and local governing bodies to adopt regulations containing seismic provisions as published in the International Building Code. In addition, the bill requires the State Public Works Board and the local governing bodies to adopt standards for the investigation of seismic hazards.

The bill is effective on July 1, 2003, for the purposes of the State Public Works Board adopting seismic provisions and standards. It is effective on July 1, 2004, for all other purposes, including the amendment by governing bodies of building codes to include the seismic standards set forth in the International Building Code.

### A.B. 295 (Chapter 406)

Assembly Bill 295 revises procedures for the qualification of bidders for public works projects. This measure requires the governing body of each local government to adopt by ordinance 13 enumerated criteria to be used in determining whether a person is qualified to bid on a public works project. The bill also allows a local government to consider a bidder qualified if the bidder has been deemed qualified by the State Public Works Board, Nevada's Department of Transportation, or another local government. Further, local governments must advertise prior to accepting applications for the qualification of bidders as set forth in the bill. Finally, A.B. 295 allows for the substitution of a subcontractor on a public works project if the local governing body requests the substitution based upon a determination that the subcontractor does not meet the criteria for qualification.

### A.B. 401 (Chapter 361)

Assembly Bill 401 relates to public works. This bill provides that a public body or the Department of Transportation may authorize a private entity to develop, construct, improve, maintain, or operate, or any combination thereof, a transportation facility. A transportation facility includes a road, railroad, bridge, tunnel, overpass, airport, mass transit facility, parking facility for vehicles, or a similar commercial facility used for the support of or the transportation of persons or goods, including, without limitation, any other property that is needed to operate the facility. A transportation facility does not include a toll bridge or toll road.

The measure sets forth certain requirements that must be met by a person who submits a request concerning the development of a transportation facility. The request must include a topographic map, a description of the proposed facility, the projected cost of the facility over its useful life, and a statement setting forth the method by which the operator of the facility proposes to secure property interests required for the facility. Additionally, the request must include information related to current transportation plans of any governmental entity in the jurisdiction in which the facility will be located, a list of required permits and approvals, an

identification and analysis of any costs or benefits associated with the proposed facility, and a statement setting forth financing and operation plans for the facility.

A public body or the Department of Transportation may approve a request or proposal for a transportation facility if it determines that the facility serves a public purpose. These entities are required to charge a reasonable fee to cover the costs of processing and evaluating a request or proposal.

Assembly Bill 401 reduces from \$30 million to \$20 million the threshold used to determine whether a public body may contract with a design-build team for the design and construction of certain public works. The bill also reduces the maximum thresholds applicable to design-build contracts involving public works projects for certain fixed works. These upper thresholds are changed from at least \$5 million but less than \$30 million to at least \$5 million but less than \$20 million. In addition, similar reductions to threshold amounts applicable to the Department are provided in this bill.

This measure is effective on July 1, 2003.

#### **A.B. 425 (Chapter 401)**

Assembly Bill 425 revises provisions regarding public works. This measure provides that any person who bids on a public works contract may, within five business days after the bids are opened, file a notice of protest regarding the awarding of the contract. A person who files a protest must include the specific provisions of law he believes were violated and post a bond or submit other security until the public body has made a determination on the protest. The notice of protest operates as a stay of action and the contract cannot be awarded until a determination is made on the protest. Additionally, a person who makes an unsuccessful bid may not seek judicial intervention until the public body has made a determination on the protest and awarded the contract. If the protest is upheld, the security must be returned to the person who posted it. If the protest is rejected, the public body may make a claim against the bond or other security in an amount equal to the expenses incurred by the public body because of the protest, and return any remaining balance of the security to the person who posted it.

The bill provides that if an emergency action is taken by the authorized representative of a public body to let a contract without complying with normal bidding requirements, he must report the emergency contract to the public body at its next regularly scheduled meeting.

The measure also provides that a public body may require a person who has failed to pay the prevailing wage to pay the costs incurred by the public body for its investigation. In addition, the bill requires the governing body of each local government to adopt by ordinance 13 enumerated criteria to be used in determining whether a person is qualified to bid on a public works project.

Assembly Bill 425 replaces a requirement that bids be advertised in a newspaper of general circulation with a requirement that bids be advertised in a newspaper that is published in the

county where the public work will be performed. If no newspaper is published in the county where the public work will be performed, the advertisement must be published in a newspaper that is printed in Nevada and has general circulation in the county. The bill also deletes provisions that require a public body to maintain a list of licensed contractors for bidding on public works contracts. Finally, A.B. 425 revises provisions governing the naming of subcontractors who will be working on a public works project.

Most sections of this bill are effective on July 1, 2003.

#### **A.B. 432 (Chapter 330)**

Assembly Bill 432 revises provisions concerning contractors and subcontractors on public works. This measure requires that a contractor engaged on a public works project forfeit as a penalty to the public body that awarded the contract not less than \$20 nor more than \$50 for each calendar day for each workman for which the contractor or subcontractor willfully includes inaccurate or incomplete information in a monthly report required to be submitted to the public body. A contractor who violates this provision, and for the same workman has paid less than the designated rate for work done on the contract, must forfeit as a penalty an amount for one or the other violation, but not for both violations.

The bill also requires that a contractor engaged on a public work forfeit as a penalty to the public body not less than \$20 nor more than \$50 for each calendar day that each workman is not reported to the public body by the contractor or any of his subcontractors. The maximum penalty that may be imposed for not reporting a workman is \$1,000 for a first offense and \$5,000 for a subsequent offense. The measure provides that the Labor Commissioner may, for good cause shown, waive or reduce these penalties. The bill further specifies that a contractor may not withhold from a subcontractor sums necessary to cover any penalties withheld from the contractor by a public body if the subcontractor provided to the contractor a copy of the record not later than: (a) ten days after the end of the month; or (b) a date agreed upon by the contractor and the subcontractor.

This measure is effective on June 9, 2003.

#### **A.B. 534 (Chapter 404)**

Assembly Bill 534 revises provisions relating to the State Public Works Board. This measure grants authority to the Manager of the State Public Works Board, when acting in his capacity as Building Official for all buildings and structures on State property, to order a project to stop work based on health and safety reasons or violations of laws, codes, or regulations. Failure to comply with a stop work order is a misdemeanor and may also be punished by the imposition of administrative penalties. The bill also grants authority to bring an action to compel compliance with a stop work order and further provides for judicial review and related matters.

The bill clarifies that the State Public Works Board must return unexpended principal and interest on funds for a capital improvement project deposited by a State entity, provided the funds were not appropriated by the Legislature. For capital improvement projects that have multiple funding sources, the bill sets forth the order in which such funds shall be expended.

With respect to contracts for less than \$10,000, the bill gives authority to the State Public Works Board to issue change orders in an amount not to exceed the original contract price. Bifurcation of a bid, if otherwise appropriate, may be permitted if it is in the best interest of the State. Finally, the bill clarifies the responsibility of the State Public Works Board for all buildings on State property.

The bill is effective on June 10, 2003.

### **S.B. 19 (Chapter 356)**

Senate Bill 19 makes various changes relating to advertising and awarding contracts for smaller public works projects. This bill provides for an expedited process by which the State or local government solicits bids and awards contracts for public works projects valued between \$25,000 and \$100,000. The measure specifies that the State or a local government must solicit bids from at least three properly licensed contractors for such projects and from at least one licensed contractor for projects valued under \$25,000. The bill notes that bids received in response to a solicitation for projects under \$100,000 may be rejected if the State or local government finds that: (1) the quality of the services, materials, equipment, or labor offered does not conform to the approved plan or specifications; (2) the bidder is not responsive or responsible; or (3) the public interest would be served by such a rejection. The measure requires the State or local government to prepare a quarterly report regarding each public works project for which a contract was awarded detailing the name of the contractor to whom the contract was awarded, the amount of the contract, a description of the project, and the names of all contractors from whom bids were solicited.

Senate Bill 19 also requires that if the State or local government proposes to perform on its own a public works job costing more than \$25,000 but less than \$100,000, it must prepare and sign, before the work on the project is commenced, an attestation regarding the decision to perform the project in-house. This attestation must set forth the estimated cost of the project, a rationale as to why the entity chose to perform the project in-house, and a statement that the project will adhere to the same quality standards as would be required if the project were contracted out. The bill also expands the definition of local government in Chapter 338 of the *Nevada Revised Statutes* to include a person who has been designated by a local government to serve as its authorized representative in developing and awarding contracts for public works projects.

### **S.B. 491 (Chapter 375)**

Senate Bill 491 revises provisions regarding bidding on contracts for public works. This bill provides that each subcontractor whose name is required to be included in a bid must, in order to be eligible to provide labor or a portion of the work or improvement to a contractor, be qualified under the criteria set forth in administrative regulations established by the State Public Works Board. This regulatory criteria for subcontractors must be substantially identical to the criteria used to qualify contractors. The measure notes that a subcontractor shall be presumed to be qualified, unless the Board has received information determined to be sufficient and verifiable that indicates the subcontractor does not meet the criteria established by Board regulations. If the State Public Works Board finds that a subcontractor does not meet the qualification requirements, the Board shall require a subcontractor to submit to the Board an application for qualification. After receiving the application, the Board must determine whether the subcontractor meets the qualifications. If the subcontractor does not meet the specified criteria, he may be disqualified from participating in the public works project.

The measure also extends the time frame for hearings requested by a bidder whose application for bid has been denied. The measure notes that, in the case of such a denial by the State Public Works Board, the applicant has the burden to prove that he is qualified to bid on or be a subcontractor for the public work. The time frame provided to the Board for notifying an applicant of a decision on a matter is extended in the bill from 5 to 15 days after the Board issues a decision. If the Board disqualifies a subcontractor, a bidding contractor may provide an acceptable replacement subcontractor before the contract is awarded.

Senate Bill 491 specifies that, as part of the criteria to determine whether to accept a particular bid, the State Public Works Board may consider the truthfulness and completeness of the bid application.

The bill also clarifies that a prime contractor who is a member of a design-build team must be qualified to bid pursuant to Nevada law. Proposals for design-build projects that are advertised in a newspaper must contain a statement setting forth that the prime contractor must be qualified before submitting a preliminary proposal. Finally, if one or more finalists for a design-build contract are disqualified or withdraw, the public body may select a design-build team from the remaining finalists if at least two finalists remain.

This measure is effective on June 9, 2003.

### **S.B. 507 (Chapter 512)**

Senate Bill 507 concerns State capital improvement projects. This measure provides for the implementation of the 2003-2005 Capital Improvement Program (CIP), and includes funding for projects in the amount of \$218.5 million. The program will be funded primarily through the issuance of \$150.1 million in State general obligation bonds. The bill also provides for the reallocation of approximately \$4 million from previous CIP programs, and includes \$1.3 million in federal funds, \$25.7 million in donations, and other funding for projects

approved for the University and Community College System of Nevada (UCCSN). In addition, the measure appropriates approximately \$16.7 million from the State Highway Fund for building projects of the Department of Motor Vehicles (DMV) and the Department of Public Safety.

As in the past, many of the approved programs involve UCCSN projects and other significant building programs. Major construction projects include the following:

- \$32.2 million for the construction of a 150-bed psychiatric hospital at the campus of Southern Nevada Adult Mental Health Services in Las Vegas. The facility will include 120 acute-care beds and a 30-bed psychiatric emergency services unit.
- For higher education:
  1. \$60.3 million to construct a new Science, Engineering and Technology Complex on the campus of the University of Nevada, Las Vegas. The University will provide \$25 million toward the project, and proceeds from general obligation bonds will be used to fund the remaining \$35.3 million;
  2. \$20.2 million for the construction of a new Health Sciences Building on the West Charleston campus of the Community College of Southern Nevada;
  3. \$5 million for the purchase of 23 acres of land for women's athletic fields at the University of Nevada, Reno; and
  4. \$2.1 million (\$200,000 in UCCSN funds) to construct an addition to, and complete unfinished portions of, the Maxey Science Center at the Reno Campus of the Desert Research Institute.
- For the DMV:
  1. \$9.6 million in State Highway Fund money to fund a new DMV Field Services Office in North Las Vegas; and
  2. \$4.4 million in highway funds to acquire 15 acres of property in the south Reno area for a future DMV office.
- \$3.1 million for the lease-purchase of a State office building in Carson City for the Department of Conservation and Natural Resources; and
- \$571,175 for the advanced planning and design of a new State emergency operations center in Carson City for the Division of Emergency Management. Because federal grant money may be available for a portion of the building costs, the Legislature set aside additional money in the Interim Finance Committee's contingency fund to serve as matching funds for the construction if the federal grant is received.



Senate Bill 507 also provides approximately \$16.8 million for various maintenance projects for existing State facilities; approximately \$3.3 million for studies, advance planning and design projects; and approximately \$7.7 million for statewide projects, including roofing repairs, repaving projects, and asbestos removal.

This measure includes a 16-cent property tax levy for debt service in each year of the 2003-2005 biennium. This represents a one-cent increase in the tax levies approved in the previous biennia. In addition to this one-cent levy, the bill includes another one-cent property tax levy that must be used exclusively for the repayment of bonded indebtedness issued as a result of the approval of Question 1 on the November 2002 statewide ballot. The approval of Question 1 requires that \$200 million in bonds be issued to protect, preserve, and obtain the benefits of the property and natural resources of this State. Both of these tax levies (total of two cents) are not subject to the \$3.64 local government property tax cap.

This measure is effective on June 12, 2003.



## COMMERCE

### A.B. 93 (Chapter 12)

Assembly Bill 93 makes changes to the provisions governing electronic mail that includes an advertisement. This bill revises Nevada's laws imposing liability for sending certain types of electronic mail. Under the measure, a person sending an advertisement by electronic mail may be liable to the recipient for civil damages unless the electronic mail item includes the abbreviation "ADV" or the word "advertisement" as the first word of the subject line.

In addition, A.B. 93 increases the amount of actual damages from \$10 to \$50 per item of electronic mail. Finally, the bill specifies if a person is liable to a recipient for civil damages, additional damages of \$500 per item of electronic mail and attorneys' fees may also be awarded if the person acts to conceal his identity, mislead the recipient regarding the content of the message, ignore or avoid requests from the recipient to decline additional electronic mail items, or obtain the recipient's electronic mail address through unauthorized methods.

### A.B. 232 (Chapter 464)

Assembly Bill 232 relates to telephone solicitation. This bill requires the Attorney General to establish and maintain a registry of telephone numbers of persons who do not wish to receive unsolicited calls from telephone solicitors. The Attorney General may contract for the establishment and maintenance of the registry.

The measure prohibits a telephone solicitor from making an unsolicited telephone call for the sale of goods or services to a telephone number included in the registry, except in certain circumstances. Making an unsolicited telephone call in violation of the provisions of A.B. 232 is a deceptive trade practice. The bill also makes it a deceptive trade practice to place an unsolicited telephone call that does not allow a service to identify the caller. Furthermore, automated dialing calls are prohibited between 8 p.m. and 9 a.m.

The bill also authorizes the Attorney General to forward the names in the registry to a federal agency that establishes a single national database of telephone numbers of persons who do not want to receive unsolicited telephone calls for goods or services. The national database will then constitute the registry for purposes of the bill.

Charitable organizations, political organizations, and religious organizations are not subject to the provisions of this bill. In addition, a call is not an unsolicited call if a person expressly requested or expressly gave permission for the call to be made, or had a business relationship and a call is made solely to verify the termination of the business relationship. Nor is a call unsolicited if a person has a delinquent obligation for which payment or performance is due and the call is made either to collect the payment or obtain performance, or to extend credit to allow the person to make the payment.

Additionally, the prohibition does not apply if there is a pre-existing business relationship between the caller and the subscriber and the caller complies with the Act. A pre-existing business relationship is defined as one based on the customer's purchase, rental, or lease of the telemarketer's goods or services, or a financial transaction between the two, within the 18-month period immediately preceding the call.

Furthermore, at least annually, a telemarketer subject to the pre-existing business relationship exemption must provide a written notice to each existing customer advising them they may elect to be placed on the telemarketer's internal do-not-call list and that the customer may contact either the Attorney General or the telemarketer's customer service department for further information. The notice must include current contact information for both the Attorney General and the customer service department.

The registry is to be published at least semiannually and must be purged every three years. Information in the registry other than telephone numbers must not be published or released and may only be used by the Attorney General to administer the registry program. The Attorney General may charge a fee not to exceed \$1,000 annually to each telephone solicitor. These fees are to be deposited into a Registry Fund created by this bill. In addition, the bill increases the cap on the permissible balance in the Attorney General's Special Fund. The cap is raised from \$250,000 to \$500,000. The measure also authorizes money in this fund to be used for expenses related to the do-not-call list. Additionally, the bill establishes corrective procedures and penalties for violations of its provisions.

Finally, the bill amends A.B. 343, a measure enacted earlier in the 2003 Legislative Session to allow sellers of travel the alternative of using trust accounts or posting security.

This measure is effective on June 10, 2003, for the purposes of adopting regulations and entering into contracts, or otherwise preparing to carry out the provisions of this bill. It is effective on October 1, 2003, for the purposes of the Attorney General receiving and accepting requests to include telephone numbers in the registry, and on December 1, 2003, for the purpose of publishing the first list of telephone numbers in the registry. The bill is effective on January 1, 2004, for all other purposes.

#### **A.B. 369 (Chapter 503)**

Assembly Bill 369 makes various changes relating to trade practices. This measure provides that a supplier of farm equipment must repurchase the equipment from the inventory of a dealer to whom it was sold upon termination of a dealer agreement. The supplier must pay a dealer an amount that is based upon whether the inventory consists of new and undamaged equipment, used equipment, new and undamaged superceded parts, computers and software that the supplier required the dealer to purchase within the previous five years, specialized repair tools, or inventory used in demonstrations.

The bill also provides that a supplier cannot terminate, fail to renew, or substantially change the terms of a dealer agreement without good cause. Additionally, a supplier cannot terminate

or refuse to renew a dealer agreement based solely on the failure of a dealer to obtain a required share of the market unless the supplier has, for at least one year, provided assistance to the dealer in achieving the required market share. A supplier may, for good cause, terminate a dealer agreement if he provides a 180-day written notice to the dealer and gives the dealer an opportunity to correct any deficiencies that are set forth in the notice. A supplier who fails to repurchase equipment according to the provisions of this bill is liable for:

- An amount equal to 100 percent of the net price of the inventory plus interest;
- Any shipping charges paid by the dealer; and
- Attorney's fees and court costs.

Further, A.B. 369 places restrictions on certain actions by suppliers. For example, a supplier cannot require a dealer to accept delivery of equipment, parts, or accessories that the dealer has not ordered unless those items are required for the safe use of inventory provided by the supplier. Also, a supplier cannot condition the sale of equipment to a dealer upon the purchase of unnecessary additional goods or services, or prohibit a dealer from purchasing equipment from another supplier.

Finally, this bill requires that a supplier who authorizes a dealer to perform work under a warranty must reimburse a dealer who authorizes a warranty claim for that work. A supplier must approve or deny a warranty claim within 30 days after receiving the claim, and must pay an approved warranty claim within 30 days after approving the claim.

#### **S.B. 206 (Chapter 427)**

Senate Bill 206 relates to liens. This bill prohibits the prospective waiver of a claimant's rights under a mechanics' or materialmen's lien. The bill also contains provisions to confirm, clarify, standardize, and expedite: (1) the procedures and forms required for a waiver and release upon payment; (2) the procedures for recording a notice of lien and a surety bond to release a lien; and (3) the proceedings to adjudicate a lien.

#### **S.B. 314 (Chapter 454)**

Senate Bill 314 relates to taxation and electronic commerce. This bill requires the Nevada Department of Taxation to collect and compile primary and supplementary data concerning electronic commerce conducted in Nevada. Primary data includes the number of retailers domiciled in this State who are engaged in electronic commerce, gross retail sales of those retailers, an estimate of the number and total value of electronic commercial transactions being conducted by those retailers, and an estimate of the sales and use tax revenues that are not being collected because electronic commercial transactions are conducted outside the State. Supplementary data includes information concerning electronic commerce available from various federal agencies and State data centers.

Finally, S.B. 314 requires that the Department submit a report to the Director of the Legislative Counsel Bureau on or before February 1, 2005, for transmittal to the 73rd Session of the Legislature.

This measure is effective on July 1, 2003.

#### **S.B. 422 (Chapter 228)**

Senate Bill 422 revises certain provisions relating to operation of service stations by refiners. This measure removes certain obsolete language regarding the operation of service stations by refiners. The bill also authorizes a refiner to temporarily commence the direct operation of a service station that the refiner otherwise would be prohibited from operating. The temporary period cannot exceed 180 days. Further, one of two conditions must be met:

- The retailer has either voluntarily terminated the franchise or agreed not to renew it; or
- The franchise has been terminated by the refiner pursuant to NRS 597.270 through 597.470.

#### **S.B. 437 (Chapter 231)**

Senate Bill 437 makes various changes relating to contractors and projects involving residential pools and spas. This measure prohibits a person from acting as a paid consultant, adviser, assistant or aide to an owner/builder who is repairing, restoring, improving or constructing a residential pool or spa unless that person holds an appropriate license to perform such work for a fee.

The bill also allows contractors to own stocks or other securities issued by certain firms involved in financing or bonding pool or spa projects. A contractor may make such an investment if the securities are offered openly to the public through a securities exchange and the contractor does not have a controlling interest in the firm issuing the securities.

The bill is effective on May 26, 2003.

### **Corporations, Partnerships, and Other Business Associations**

#### **S.B. 55 (Chapter 389)**

Senate Bill 55 relates to the statutory provisions governing trusts. The measure specifies that a corporate trustee may directly or indirectly sell certain property for a trust from or to itself; a director, officer or employee of the trustee; or a relative employer, partner, or other business associate of the trustee. Senate Bill 55 specifies the trustee may only sell the property in this manner if authorized by the trust instrument or consented to by all beneficiaries of the trust.

### **S.B. 65 (Chapter 60)**

Senate Bill 65 allows the formation of certain professional corporations. The bill allows psychologists, clinical social workers, psychiatric nurses, and marriage and family therapists to form professional corporations among themselves.

### **S.B. 124 (Chapter 180)**

Senate Bill 124 relates to corporate reporting. This bill requires the filing of a statement with the Secretary of State by a corporation that holds 25 percent or more of the market share within this State and has had, during the preceding 5-year period, a total of five or more investigations of trade practices that resulted in the corporation being fined, penalized, or forced to divest holdings. The bill specifies that the statement must include: the jurisdiction of the investigation; a summary of the investigation; whether the investigation resulted in criminal or civil litigation and a copy of all pleadings; and a summary of the final outcome of the investigation.

In addition, this measure requires a corporation to file an annual statement with the Secretary of State, which declares whether the corporation is a publicly traded company. Further, the Secretary of State must include on its Web site the Central Index Key of all publicly traded corporations, and describe the manner in which a member of the public may obtain information on each corporation from the Securities and Exchange Commission.

### **S.B. 350 (Chapter 62)**

Senate Bill 350 authorizes a dentist licensed in Nevada who holds medical degree, but is not licensed as a medical doctor, to identify himself as a doctor of medicine and use the letters "M.D." or any other appropriate abbreviations providing he also clearly identifies himself as a practitioner of dentistry.

This measure is effective on May 12, 2003.

### **S.B. 436 (Chapter 485)**

Senate Bill 436 makes various changes to provisions pertaining to business. This bill, which has 267 sections, makes technical revisions to various chapters of the *Nevada Revised Statutes* (NRS) governing businesses in Nevada and their management and operation. The revisions include permitting electronic records to be used throughout Title 7 of NRS: (1) providing for reinstatement of a corporation after its charter has been forfeited; (2) clarifying provisions relating to an "interested stockholder"; and (3) allowing conversion of domestic entities into different types of entities only.

See also Senate Bill 2 (Chapter 4) of the 20th Special Session.

## **Economic Development**

### **S.B. 174 (Chapter 279)**

Senate Bill 174 makes various changes concerning the powers and duties of Nevada's Commission on Economic Development. This measure deletes provisions requiring Nevada's Commission on Economic Development to publish pamphlets and prepare an industrial directory and replaces them with provisions requiring the Commission to disseminate, in any medium, informational material designed to promote community and economic development in Nevada. While current law requires the Commission to identify sources of financing to assist businesses in locating to Nevada, S.B. 174 specifies that the Commission must also identify financing sources to help local governments promote the expansion of existing businesses and industries.

The bill authorizes the Commission to assist local agencies in planning and preparing projects for communities and financing those projects with community development block grants. Finally, S.B. 174 clarifies the coordination and assistance the Commission provides to cities, counties, and local and regional organizations to include economic, along with industrial development.

This measure is effective on July 1, 2003.

### **S.B. 496 (Chapter 432)**

Senate Bill 496 relates to economic development. The bill provides that funds received by the Commission on Economic Development for an employee training program that are not committed for expenditure on or before June 30 of a fiscal year revert to the State General Fund. However, in calculating the uncommitted balance, any funds that are attributable to a gift, grant, donation, or contribution must be deemed to have been committed for expenditure before any money that is attributable to a legislative appropriation. In addition, any funds that are attributable to a gift, grant, donation, or contribution must be excluded from the calculation of the uncommitted remaining balance if necessary to comply with the terms of the gift, grant, donation, or contribution.

This measure is effective on July 1, 2003.

## **Financial Institutions and Procedures**

### **A.B. 284 (Chapter 465)**

Assembly Bill 284 prohibits unfair lending practices for home loans. The bill prohibits, as unfair lending practices, certain acts by lenders of home loans. These acts are:

- Requiring a borrower to provide property insurance on home improvements in an amount that exceeds the reasonable replacement value of the improvements;



- Knowingly or intentionally making a home loan based solely upon the borrower's equity in the property and without determining that the borrower has the ability to repay the loan from other assets;
- Financing a prepayment fee or penalty in connection with the refinancing of a loan owned by the lender or an affiliate of the lender; and
- Financing, in connection with a home loan, any credit insurance.

A lender who engages in unfair lending practices is guilty of a misdemeanor, and is liable to the borrower for three times the amount of any actual damages sustained. Also, the borrower may recover any costs and reasonable attorney's fees associated with bringing an action to enforce the liability. However, the measure allows a lender, who is the subject of an action claiming unfair lending practice, to sell the home loan and recover damages and costs if the lender did not originate the home loan and willfully engage in any unfair lending practice.

The measure grants to the Attorney General primary jurisdiction to investigate and prosecute violations of this law. In addition, a local governmental entity is prohibited from regulating unfair lending practices that are addressed in the bill.

Assembly Bill 284 also prohibits the sale of real property by a trustee if the trust agreement becomes effective on or after October 1, 2003, and if, on the date the trust agreement is made, it is subject to the provisions of the federal Homeownership and Equity Protection Act of 1994; however, a trustee may not exercise a power of sale unless the trustee, not less than 60 days prior to the date of the sale, serves upon the grantor a notice informing the person that he may lose his home. This prohibition does not prevent a judicial foreclosure.

#### **A.B. 490 (Chapter 516)**

Assembly Bill 490 relates to mortgage investments. This measure creates a self-funded Division of Mortgage Lending within the Department of Business and Industry. The bill also provides for the licensure of mortgage agents and requires that mortgage agents be associated with only one mortgage broker at a time. Further, the bill revises provisions governing continuing education requirements for mortgage brokers and mortgage agents.

The measure provides that a spokesperson for a mortgage broker is jointly and severally liable with the mortgage broker for damages caused by the mortgage broker by fraud, embezzlement, misappropriation of property, or certain other actions if the spokesperson knew or should have known of these actions. The spokesperson is also jointly and severally liable if in advertising for the mortgage broker he knew or should have known that his conduct was likely to deceive, defraud, or harm the public, or that he was disseminating material that was false or misleading.

The bill increases from five to ten the number of hours of continuing education that must be completed annually by each licensed mortgage broker or licensed mortgage agent. Also, A.B. 490 eliminates an exemption to the licensure requirements that previously applied to a mortgage broker, mortgage agent, or mortgage company whose principle activity is lending money on real property that is secured by a mortgage, and who is approved by the Federal National Mortgage Association, the federal Department of Housing and Urban Development, and the federal Department of Veterans Affairs.

Additionally, the bill provides that a business licensed and regulated by Chapter 645E (“Mortgage Companies”) of *Nevada Revised Statutes* be referred to as a mortgage banker instead of a mortgage company. Finally, A.B. 490 provides that a division, office, authority, commission, board, or other entity of the Department of Business and Industry may provide for the conduct of business electronically.

Most of the provisions of this bill are effective on June 12, 2003, for the purpose of adopting regulations, appointing Board members, and performing other preparatory administrative tasks necessary to carry out the provisions of this measure. Many of these provisions are effective on July 1, 2003, for all other purposes. Most of the provisions of the bill concerning licensure and regulation of mortgage agents are effective on July 1, 2004.

#### **S.B. 196 (Chapter 355)**

Senate Bill 196 enacts the Uniform Prudent Investor Act and the Uniform Principal and Income Act. The Uniform Prudent Investor Act, as contained in S.B. 196, removes many of the common law restrictions upon the fiduciary duties of trustees administering trusts. The act allows fiduciaries to utilize modern portfolio theory to guide investment decisions, with the fiduciary’s performance measured by the performance of the whole portfolio, and not upon the performance of each investment singly. Further, the Act allows the fiduciary to delegate investment decisions to qualified and supervised agents, and also requires sophisticated risk-return analysis to guide investment decisions.

The bill also contains the Uniform Principal and Income Act, which designates procedures for trustees administering trusts and personal representatives administering estates. The Act allows for the allocation of assets to principal and income, and governs their proper distribution to beneficiaries, heirs, and devisees.

The Uniform Prudent Investor Act has been adopted by 37 other states, and was introduced this session in Montana and Texas, in addition to Nevada. The Uniform Principal and Income Act has been enacted in 29 other states, and was introduced by 5 other states, in addition to Nevada, in 2003.

**See also Assembly Bill 10 (Chapter 10) of the 20th Special Session.**

## **Professions and Occupations (see also Health Care)**

### **A.B. 21 (Chapter 302)**

Assembly Bill 21 makes changes related to Oriental medicine. The measure revises the qualifications for members of the State Board of Oriental Medicine. The measure specifies that three of the members must be licensed by the Board and be engaged in the practice of Oriental medicine in Nevada. These board members must have been engaged in the practice of Oriental medicine in this State for at least three years prior to their appointments to the Board. In addition, these board members must have been residents of Nevada for at least one year preceding their appointments to the Board.

The bill also specifies that the other two members of the Board must not have a financial interest in facilities or schools of Oriental medicine, must be citizens of the United States, and must have been residents of Nevada for at least one year preceding their appointments to the Board. One of these two board members must be a physician licensed by the Board of Medical Examiners.

In addition, A.B. 21 specifies certain subjects that must be included in the practical examination for a license to practice Oriental medicine. Finally, the bill allows the State Board of Oriental Medicine to establish by regulation additional subject areas to be included in the practical examination, and methods for the administration of the practical examination.

### **A.B. 22 (Chapter 10)**

Assembly Bill 22 revises requirements for licensure of nurses. Assembly Bill 22 clarifies that students who graduate from a nursing program which has been approved by Nevada's State Board of Nursing, but is still in the process of obtaining accreditation, will be considered by the Board as graduating from an accredited school of nursing.

This measure is effective on March 26, 2003.

### **A.B. 146 (Chapter 369)**

Assembly Bill 146 makes various changes to provisions governing the State Board of Professional Engineers and Land Surveyors.

The bill requires the State Board of Professional Engineers and Land Surveyors to submit a report by February 1 of each year to the Director of the Legislative Counsel Bureau for distribution to all members of the Senate and Assembly Standing Committees on Commerce and Labor. Each report must contain the following information from the previous year:

- The number of persons who relied upon the provisions of Chapter 625 of the *Nevada Revised Statutes* relating to education to qualify for the issuance of a license, the results of their examinations, and whether or not the Board issued them licenses;

- A description of the facts and circumstances whereby Board discretion was used in the decision regarding whether to allow a person to take the examination for a license or to issue a license to the applicant; and
- The number and types of complaints, if any, received by the Board regarding its procedures for application and licensure.

The bill also reconstitutes the Board. Currently the Board is comprised of six engineers and one land surveyor. The bill changes the configuration to four engineers, two land surveyors, and one public member.

Additionally, the bill prohibits the Board from preventing an applicant from taking the licensure examination solely because the Board failed to review his application before examination. If the Board prohibits an applicant from taking the examination for licensure in violation of this provision, the Board shall hold or cause to be held an examination for the applicant within 30 days after the violation occurs.

Furthermore, the bill includes a provision requiring the Board, upon request, to provide its authorized design to any retailer or manufacturer of stamps, and allows a professional engineer or land surveyor to obtain his stamp from any retailer or manufacturer of stamps.

Lastly, the bill requires a person using a scanner for the purpose of construction management or monitoring to be certified by the International Conference of Building Officials or a successor organization. A person using a scanner for such a purpose does not have to be licensed as a professional engineer or land surveyor. A scanner, as defined in the bill, is a device that uses laser technology to capture the digital shape of physical objects through laser triangulation.

This bill is effective on June 9, 2003.

#### **A.B. 190 (Chapter 380)**

Assembly Bill 190 makes various changes related to contractors. This measure provides that the intentional submission of false information concerning payroll in a report relating to a public works contract constitutes constructional fraud. In addition, the bill clarifies that the Executive Officer of the State Contractors' Board may seek a cease and desist order against a person who commences work as a contractor without an active contractor's license of the proper classification.

The measure allows the Board to suspend a contractor's license for the same length of time that the Labor Commissioner has prohibited the licensee from being awarded a public works contract. Also, A.B. 190 clarifies that any fraudulent or deceitful act, including misrepresentation or omission of a material fact on the part of a contractor, constitutes a cause for disciplinary action. Failure to file a certified payroll report, or submitting false

information on a prequalification application or a certified payroll report required for a public works contract, also constitute causes for disciplinary action.

Finally, the bill revises the circumstances in which the Labor Commissioner shall notify the Board when three substantiated claims for wages have been filed against a contractor. Under the bill, a substantiated claim means a claim for wages by an employee after providing notice and opportunity for a hearing.

#### **A.B. 220 (Chapter 337)**

Assembly Bill 220 makes various changes to provisions governing contractors. This measure requires contractors who have been engaged in residential construction in Nevada for less than two years, or who have had disciplinary proceedings initiated against them by the State Contractors' Board, to supply certain financial information to the Board. Based on that information, the Board may require such contractors to utilize construction control accounts for payment of upgrades if that would be in the public's interest. The Board may also set an aggregate limit on the monetary amount of all contracts such a contractor can undertake at any one time.

Additionally, the measure specifies that the complaint or other documents filed by the Board to initiate disciplinary action, and all other documents and information considered by the Board when determining whether to impose discipline, are public records.

The bill authorizes the Board to require a criminal investigator employed by the Board to conduct a background investigation of an applicant for employment with the Board, and to investigate any alleged occurrences of constructional fraud. Additionally, A.B. 220 deletes the authority of the Board to forward a complaint to another public or private agency if the Board is unable to resolve the complaint after exhausting all reasonable remedies.

Assembly Bill 220 revises provisions concerning the assessment charged for the Residential Recovery Fund by authorizing the Board to reduce the amount of the assessment rather than suspending it when the balance in the account reaches 150 percent of the largest balance in the account during the previous fiscal year.

The measure authorizes a district court, in a proceeding for a judicial review of a final decision of the Board, to dismiss an agency or person from the proceeding if the agency or person was not a party to the administrative proceeding for which the judicial review was filed. Moreover, the bill expands the circumstances under which a criminal investigator employed by the Board may exercise the powers of a peace officer.

Finally, the bill makes it a Class E felony to willfully divert funds in excess of \$1,000 that should have been used to pay for labor or materials. If the amount diverted is less than \$1,000, the act is a gross misdemeanor.

This measure is effective on June 9, 2003.

### **A.B. 231 (Chapter 130)**

Assembly Bill 231 requires the State Board of Podiatry to issue limited licenses to practice. This bill requires the State Board of Podiatry to issue limited licenses to practice podiatry under certain circumstances. A person is entitled to be granted a limited license if he meets certain requirements, including having been a licensed and practicing podiatrist in another state or the District of Columbia for at least 25 years. A person who is issued a limited license must practice only under the direct supervision of a podiatric physician who is properly licensed in Nevada and who does not hold a limited license.

Nevada currently allows limited licenses to practice in other health care disciplines, including physicians pursuant to Chapter 630 of *Nevada Revised Statutes* (NRS), homeopathic physicians pursuant to Chapter 630A of NRS, and dentists pursuant to Chapter 631 of NRS.

This act is effective on May 20, 2003.

### **A.B. 275 (Chapter 84)**

Assembly Bill 275 relates to dispensing opticians. The measure eliminates the authority of a dispensing optician to perform an initial fitting of contact lenses. An “initial fitting” is defined as measuring the health, integrity, and refractive error of the eye to determine whether contact lenses may be approved for use by a patient.

### **A.B. 343 (Chapter 325)**

Assembly Bill 343 makes various changes related to sellers of travel. This measure creates, within the Division of Consumer Affairs, a Recovery Fund for customers of sellers of travel. Money in the Fund must be used to pay a claim made by a person who: (1) is damaged by the failure of a seller of travel to provide travel services or vacation certificates; or (2) is damaged by a deceptive trade practice committed by a seller of travel. The bill provides that an award from the Fund may not exceed \$10,000. Additionally, the total amount of recovery from the Fund, based on claims made against any single seller of travel, cannot exceed \$200,000, and for any single action of a seller of travel, cannot exceed 20 percent of the balance of the Fund. A seller of travel must provide a notice to each customer indicating that the customer may, under certain circumstances, be entitled to recovery from the Fund. A seller of travel who fails to provide such a notice is subject a fine for each violation. The bill also requires that any advertisement of a seller of travel must prominently display the registration number from the seller’s certificate of registration.

The bill requires that a seller of travel maintain a trust account for money received from a customer for the purchase of travel services. A seller of travel must deposit money received from a customer into the account within two business days after receiving it, and may pay out of the account money needed to complete a purchase of travel services.

In addition, A.B. 343 revises the definition of “seller of travel” to include a business entity, and to exclude motor clubs and certain persons who contract with a seller of travel to sell

travel services on behalf of the seller of travel. Finally, the measure repeals a requirement that a seller of travel provide security in the form of a bond, a letter of credit, or a certificate of deposit, and establishes a procedure for the return of any security previously deposited with the Division. In lieu of the repealed security requirement, each seller of travel must pay an annual fee of \$100 for deposit into the Recovery Fund.

This measure is effective on June 2, 2003, for purposes of adopting regulations, and October 1, 2003, for all other purposes. A consumer may not, however, file a complaint with the Division before January 1, 2004.

#### **A.B. 349 (Chapter 120)**

Assembly Bill 349 makes various changes concerning older Nevadans. The first portion of the bill permits the Nevada Silver Haired Legislative Forum to hold unlimited hearings between legislative sessions instead of the current limit of four meetings per interim. The measure further allows the Forum to establish committees that may meet as often as necessary.

The second part of the bill requires the Board of Medical Examiners and the State Board of Nursing to encourage certain licensees to obtain continuing education in geriatrics and gerontology. Licensees who treat or care for persons who are more than 60 years of age must be encouraged by these boards to receive the training. Finally, the measure specifies the topics that qualify as continuing education in the specified specialty areas of geriatrics and gerontology.

The measure is effective on July 1, 2003.

#### **A.B. 420 (Chapter 123)**

Assembly Bill 420 relates to secondhand dealers. This measure provides that a county or city must, by ordinance, require the licensing of a person to engage in the business of secondhand dealer. The ordinance must require an applicant for a license to submit with his application a complete set of fingerprints, which will be forwarded to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation. In addition, a county or city may not issue a license to an applicant who has been convicted of, or entered a plea of guilty or nolo contendere to, a felony involving moral turpitude or related to the qualifications, functions, or duties of a secondhand dealer.

The county or city may establish a license fee and a fee to cover the cost of investigating an applicant. An additional fee may be established to process the fingerprints of the applicant. The measure provides that the county or city may impose fines for certain violations committed by a secondhand dealer. The fine for a first offense may not exceed \$500. The fine for a second offense may not exceed \$1,000. For a third offense, the county or city must revoke the secondhand dealer's license and may impose a fine not to exceed \$2,000.

In addition, A.B. 420 allows a peace officer or investigator who is involved in an investigation or prosecution of criminal activity to place a written hold on any property in the possession of a secondhand dealer that is related or allegedly related to the criminal activity. A secondhand dealer may not remove or otherwise dispose of property in his possession if a hold has been placed on that property until the investigation or prosecution has concluded, or when the hold is no longer necessary, whichever occurs sooner.

#### **A.B. 452 (Chapter 359)**

Assembly Bill 452 relates to dispensing opticians. This measure allows for a limited license for a person who is deemed to hold an active, inactive, or delinquent limited license as a dispensing optician on February 1, 2004. A person practicing ophthalmic dispensing pursuant to a limited license is subject to the provisions of Chapter 637 of the *Nevada Revised Statutes* (NRS), but is not authorized to sell, furnish, or fit contact lenses.

The bill allows the Board of Dispensing Opticians to investigate complaints concerning a person who performs services as a dispensing optician without a proper license. If the Board determines a person is engaging in an unlicensed activity, it may issue a cease and desist order. If a person does not comply with a cease and desist order within 30 days, the Board may, after notice and an opportunity for a hearing, impose an administrative fine of up to \$10,000.

Additionally, the Board may impose an administrative fine against a person who is not licensed pursuant to NRS Chapter 637, if:

- The person violates any provision of NRS 637.125 (employment of apprentice dispensing opticians and other assistants) or any regulation adopted by the Board to carry out the provision of that section; or
- The person employs a dispensing optician, apprentice dispensing optician, or other person, and that employee violates any provision of NRS 637.125 or any regulation adopted by the Board to carry out the provisions of that section.

The Board may impose administrative fines against a person for each separate violation of NRS 637.125. In the first administrative proceeding brought against the person, the Board may impose a fine of not more than \$1,000 for each separate violation. In the second and any subsequent proceedings, the Board may impose a fine of not more than \$5,000 for each separate violation.

The bill also amends NRS 637.125 by specifying that a person may not employ another person to perform the services of a dispensing optician unless the other person is licensed by the Board as a dispensing optician or is a supervised apprentice dispensing optician. An unlicensed person may be employed to assist in consulting on optical fashions, but he may not perform the services of a dispensing optician.



The bill also provides that ophthalmic dispensing by an employee of a licensed physician, surgeon, or optometrist is not prohibited as long as the employee is under the direct supervision of, and acts as an assistant to, the physician, surgeon, or optometrist. Additionally, A.B. 452 clarifies that a licensed pharmacist may dispense prepackaged contact lenses.

Furthermore, the bill specifies the following additional criteria an applicant must meet in order to qualify for examination and licensure as a dispensing optician:

- Successful completion of a course of instruction on the fitting of contact lenses;
- Completion of at least 100 hours of supervised training and experience in the fitting of and filling of prescriptions for contact lenses;
- Passage of the Contact Lens Registry Examination of the National Committee of Contact Lens Examiners; and
- Passage of the Board's practical examination on the fitting of and filling of prescriptions for contact lenses.

Moreover, the bill requires the Board to adopt regulations to carry out the provisions of the bill, as well as regulations pertaining to the apprenticeship program for dispensing opticians. The bill allows for the renewal of a license of an apprentice dispensing optician not more than four times.

Finally, the bill increases initial license fees from \$250 to \$500, and increases continuing education requirements from 36 hours every three years to 14 hours each year. Seven of the 14 hours must be related to contact lenses.

The provisions of A.B. 452 related to limited licenses, licensure examination, increases in fees, issuance of licenses, and continuing education are effective on February 1, 2004. All other provisions are effective on June 9, 2003.

#### **A.B. 489 (Chapter 89)**

Assembly Bill 489 revises provisions relating to the practice of dental hygiene. The measure authorizes the Board of Dental Examiners to issue a temporary license to practice dental hygiene, without requiring a practical examination, to a person who has a license to practice in another state or territory of the United States, or the District of Columbia, and who meets certain other requirements. The person must have practiced in that other jurisdiction for at least five years immediately preceding the date that he applied for a temporary license. Additionally, he must not have had his license revoked or suspended, must not have been denied a license to practice in Nevada, another state or territory, or the District of Columbia, and must not be involved in a pending disciplinary action concerning his license to practice dental hygiene. A person who is issued a temporary license may apply for a permanent license

if he has held the temporary license for at least two years and has not been involved in any disciplinary action.

The bill also creates a Committee on Dental Hygiene for the purpose of making recommendations to the Board concerning the practice of dental hygiene and licensing of dental hygienists.

Finally, A.B. 489 expands the Board of Dental Examiners from 10 members to 11 members. The additional member must be a practicing dental hygienist. The bill also changes the geographic representation of the three members of the Board who are dental hygienists, requiring that one member be from Carson City, Douglas County, or Washoe County; one member be from Clark County; and one member be from any county in Nevada.

#### **S.B. 27 (Chapter 173)**

Senate Bill 27 provides for regulation of athletic trainers. The bill establishes a new occupational board called the Board of Athletic Trainers. The bill defines the terms associated with the profession and establishes criteria for the licensure of athletic trainers.

The bill also requires the Board to identify personal trainers and establish a registry of the names and addresses of these individuals to provide notice of public hearings held by the Board. On or before January 1, 2004, the Board must hold five hearings for the purposes of establishing recommendations concerning the regulation of personal trainers and other fitness instructors in this State. Recommendations must be submitted to the 73rd Session of the Nevada Legislature on or before January 15, 2005.

#### **S.B. 65 (Chapter 60)**

Senate Bill 65 allows the formation of certain professional corporations. The bill allows psychologists, clinical social workers, psychiatric nurses, and marriage and family therapists to form professional corporations among themselves.

#### **S.B. 83 (Chapter 202)**

Senate Bill 83 expands circumstances under which registered nurses are authorized to dispense dangerous drugs. The bill authorizes a registered nurse providing mental health services in a rural mental health clinic to dispense certain prescription drugs. Further, the measure authorizes the State Board of Pharmacy to adopt regulations establishing protocols related to this matter.

The bill is effective on May 26, 2003.

#### **S.B. 173 (Chapter 364)**

Senate Bill 173 exempts certain licensing boards from the State Budget Act. The bill specifies that provisions regarding State financial administration do not apply to the Private Investigators

Licensing Board governed under Chapter 648 of the *Nevada Revised Statutes* (NRS), and the Board for Liquefied Petroleum Gas governed by Chapter 590 of the NRS.

This measure is effective on July 1, 2003.

### **S.B. 248 (Chapter 207)**

Senate Bill 248 revises certain provisions relating to alcohol and drug abuse counselors. The bill moves the jurisdiction of detoxification technicians from the Bureau of Alcohol and Drug Abuse to the Board of Examiners for Alcohol and Drug Abuse Counselors, authorizes the Board to adopt regulations for the certification of such technicians, and repeals the appropriate sections of Chapter 486 of *Nevada Revised Statutes*.

The bill also allows the Board to enter into an inter-local agreement with an Indian tribe to provide members of the tribe training in the practice of counseling alcohol and drug abusers and to assist those persons in obtaining licenses and certificates as alcohol and drug abuse counselors. Additionally, S.B. 248 allows the Board to waive the educational requirements for a certified alcohol and drug abuse counselor if the applicant is operating under a grant from the Federal government related to the Indian Self-Determination and Education Act or the Reauthorization of the Indian Health Care Act to provide services to federally registered Native Americans. Persons operating under such grants are already subject to the rules and regulations of the Indian Health Service.

The bill also allows the Board to waive any requirement for the renewal of a certificate upon good cause. Finally, S.B. 248 establishes other provisions concerning the administrative duties of the Board.

This bill is effective on July 1, 2003.

### **S.B. 250 (Chapter 508)**

Senate Bill 250 revises various provisions relating to regulated businesses and professions. This measure enacts certain provisions concerning the disclosure of information pertaining to regulated businesses and professions. For example, the bill provides that confidential personal medical information or records of a patient may not be disclosed to the public by a regulatory body. The bill also provides that proceedings to determine whether to commence disciplinary action against a licensee are not subject to Nevada's Open Meeting Law unless the licensee requests that the proceedings be subject to the Open Meeting Law. However, if a regulatory body determines that disciplinary action should be initiated, the disciplinary proceeding must be conducted pursuant to the Open Meeting Law.

The bill also limits the use of private reprimands by a regulatory body, and prohibits a regulatory body from entering into a consent or settlement agreement concerning an alleged violation of a statute or regulation without first discussing and approving the agreement in a public meeting. Any such agreement is a public record, unless the agreement provides that the

licensee enter a diversionary program for the treatment of alcohol, chemical, or substance abuse dependency. In addition, S.B. 250 authorizes a regulatory body to recover reasonable attorneys' fees and costs incurred during certain disciplinary proceedings. The measure specifies that the complaint or other documents filed by a board to initiate disciplinary action and all other documents and information considered by a board when determining whether to impose discipline are public records. The bill also makes various changes concerning unprofessional conduct by chiropractic physicians.

Senate Bill 250 makes various changes concerning the operation of the Board of Medical Examiners. Among other provisions, the bill requires the Board to employ a person to serve as its Chief Administrative Officer and provides that all employees of the Board serve at its pleasure. Further, S.B. 250 prohibits the Board from adopting any regulation prohibiting a practitioner from collaborating or consulting with another provider of health care.

Additionally, the bill requires an applicant for licensure as a physician to submit certain information to the Board regarding malpractice claims, disciplinary actions in other jurisdictions, and complaints filed against the applicant with a hospital, clinic, or medical facility. A physician also must report to the Board certain information regarding malpractice actions brought against the physician within 45 days after the physician receives notice of the action. A physician who fails to notify the Board in a timely manner may be fined an amount up to \$5,000. If there has been a settlement or judgment against a physician involving a claim for malpractice, the Board must conduct an investigation to determine whether to impose disciplinary action against the physician. Similar provisions are applicable to osteopathic medicine applicants and licensees.

Furthermore, S.B. 250 requires the Legislative Commission to cause to be performed a performance audit of the Board of Medical Examiners. The audit must commence prior to October 1, 2003. Additional audits must be conducted every eight years with a written report submitted to the Commission. The bill requires the Board to pay the cost of each of these audits.

The measure also amends laws regarding professional liability insurance and malpractice. The bill directs courts to construe liberally in favor of imposing sanctions regarding statutory provisions that give the courts authority to discipline attorneys for certain misconduct. These sanctions are designed to deter frivolous or vexatious claims or defenses.

Senate Bill 250 requires an insurer that offers a claims-made policy to certain medical practitioners to also offer an extended reporting endorsement without a time limit for reporting a claim. The insurer also must make certain disclosures to a practitioner regarding the premiums for such a policy.

Finally, the bill requires an insurer to provide a premium reduction for certain medical practitioners who implement a qualified risk management system. Insurers also are required to

provide the Commissioner of Insurance with certain information each year regarding loss prevention and loss control programs.

This bill is effective on June 12, 2003, for the purpose of adopting regulations and on July 1, 2003, for all other purposes.

### **S.B. 281 (Chapter 210)**

Senate Bill 281 revises provisions relating to osteopathic physicians. The bill requires each applicant for license to practice osteopathic medicine, or to be an osteopathic physician's assistant, to submit a complete set of fingerprints with the application for purposes of a Federal Bureau of Investigation background check. Persons applying for temporary or special licenses are not required to submit fingerprints. A provisional license may be issued pending receipt of the background check, if the State Board of Osteopathic Medicine determines the applicant is otherwise qualified. The Board shall revoke a provisional license if, upon receipt of the background check, it determines the applicant:

- Is involved in a disciplinary action related to licensure;
- Has been convicted of a felony; or
- Is subject to a warrant for arrest issued by a competent jurisdiction.

Senate Bill 281 also allows the Board to disseminate any information or records relating to an investigation resulting in a dismissed complaint to: (1) any other licensing board; (2) a national association of registered boards; (3) an agency of the Federal Government or of the State; (4) the Attorney General; or (5) any law enforcement agency.

Further, the bill increases the number of members on the State Board of Osteopathic Medicine from five to seven, adding another licensed member and another public member. Senate Bill 281 also adds physicians licensed under *Nevada Revised Statutes* (NRS) Chapter 633 (Doctors of Osteopathy/D.O.s) to provisions that currently apply to physicians licensed under NRS Chapter 630 (Medical Doctors/M.D.s). These provisions include adding D.O.s to the designation of whom the Governor may appoint to be a member on the Task Force on Prostate Cancer, and allowing D.O.s to serve as medical directors of managed care organizations.

### **S.B. 283 (Chapter 211)**

Senate Bill 283 revises requirements for the issuance of a limited license to practice dentistry or dental hygiene. The bill deletes the provision requiring a person applying for a limited license to have a license to practice dentistry or dental hygiene issued pursuant to the laws of another state or the District of Columbia, at the time of his application.

This measure is effective on May 26, 2003.

### **S.B. 310 (Chapter 213)**

Senate Bill 310 makes various changes relating to certain occupational boards and commissions. This measure amends general provisions governing professions, occupations, and businesses. The bill provides that regulatory boards may not, under most circumstances, hire or contract with persons who are immediate relatives of members of the board or its licensees.

The bill amends the laws on each professional regulatory board, ensuring the member on the board that is a representative of the general public is not licensed, registered, or certified by the regulatory body. Additionally, the person may not be the spouse, parent, or child, by blood, marriage, or adoption, of a person licensed by the board.

The bill requires each board governing health professionals to contain one member who has resided in the State for at least five years and who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured, or unable to afford health care.

Finally, the bill requires each board or commission with revenues less than \$50,000 for any fiscal year, to prepare a balance sheet for that fiscal year on a form provided by the Legislative Auditor. Boards or Commissions with revenues greater than \$50,000 must engage the services of a certified public accountant to complete their required audit. The bill also contains additional provisions clarifying the auditing process for Boards and Commissions.

### **S.B. 323 (Chapter 240)**

Senate Bill 323 revises provisions governing funeral directors, embalmers, and operators of cemeteries and crematories. The bill changes the name of the Board to the Nevada State Funeral Board. The bill also removes term limits for Board members.

The bill clarifies that when an agency or officer elects to take an action or pursue a remedy pursuant to Chapter 642, that election is not exclusive. The bill also allows the Board, with reasonable cause, to issue a cease and desist order to any person violating or threatening to violate any regulation adopted by the Board. Additionally, the Board may, with probable cause, revoke or immediately suspend a license, permit, or certificate pending an investigation hearing for a period of not more than 60 days. Except in the instance of immediate suspension or revocation, a person may seek judicial review of any final decision made by the Board pertaining to a contested case.

The bill defines and establishes caps for fees the Board collects. The bill also allows the Board to provide a temporary license, certification, or permit under certain circumstances. Finally, the bill contains various technical revisions related to embalming apprentices, licensees, fees collected by the Board, and regulations the Board may adopt.

This measure is effective on July 1, 2003.

### **S.B. 351 (Chapter 277)**

Senate Bill 351 concerns persons who counsel problem gamblers. The measure changes the name of the Board of Examiners for Alcohol and Drug Abuse Counselors to the Board of Examiners for Alcohol, Drug and Gambling Counselors. The bill provides for the certification by the Board of a person to act as a problem gambling counselor or a problem gambling counselor intern. The bill defines the necessary experience and educational requirements for a person to obtain such certification. The bill also sets caps for fees pertaining to these new certificates, and includes technical provisions pertaining to the new certificates. The bill also expands the Board from five to seven members and authorizes it to adopt regulations pertaining to the practice of counseling problem gamblers.

Provisions relating to the adoption of regulations are effective on May 28, 2003, with most other provisions of the bill effective on January 1, 2004.

### **S.B. 372 (Chapter 418)**

Senate Bill 372 revises provisions relating to cosmetology. The bill prohibits the Board of Cosmetology from including on any license or certificate for public display issued on or after June 1, 2003, the residential address of the holder, or any other personal information relating to the holder, except the name of the holder and the number of the license or certificate.

Senate Bill 372 also reduces from three years to one year the period during which a person must practice as a full-time licensed cosmetologist, aesthetician, or manicurist to qualify for the issuance of a provisional license as an instructor. The measure provides that a person who receives an initial instructor's license within six months prior to the next renewal is not required to take certain advanced training coursework. Further, the requirement for advanced training coursework is reduced for an instructor who becomes initially licensed more than six months but less than one year prior to the next renewal.

The bill also allows operators of cosmetological establishments to lease space to be used by a health care provider when a cosmetologist also uses that space at a different time. A provider of health care who leases space at a cosmetological establishment remains subject to the laws and regulations that are applicable to his business or profession.

Also, S.B. 372 clarifies that a cosmetological operator may lease space to or employ a barber. A barber who leases a space at a cosmetological establishment, or is employed by a cosmetological operator, is under the jurisdiction of the State Barbers' Health and Sanitation Board. The measure also removes certain restrictions on serving food or beverages in a cosmetological establishment.

Further, S.B. 372 modifies the length of the school term for schools of cosmetology and removes a restriction on a student working more than five days out of every seven days. The bill allows the Board to authorize a school of cosmetology to offer any course, in addition to courses that are included in any curriculum required for licensure as a cosmetologist.

Provisions related to licensure are effective on June 10, 2003. Provisions pertaining to cosmetological establishments are effective on July 1, 2003.

### **S.B. 427 (Chapter 229)**

Senate Bill 427 makes various changes relating to veterinarians. The bill changes the definition of a “veterinary technician” by stipulating that such technicians be licensed by the Nevada State Board of Veterinary Medical Examiners, and possess formal training. Additionally, veterinary technicians must pass the State Board examination and the Veterinary Technician National Examination, or any other approved examination approved by the Board.

The bill also requires a Board member to be a graduate of a veterinary college that is accredited by the American Veterinary Medical Association. The bill requires a quorum in order to conduct the business of the Board, and actions taken by the Board to be approved by at least a majority of the members present. Additionally, the bill removes residential addresses from licenses issued by the Board.

The bill requires applicants for veterinary licensure to have graduated from a school of veterinary medicine that is accredited by the Council on Education of the American Veterinary Medical Association. If the applicant did not graduate from such a school, the applicant must have received an educational certificate issued by the Educational Commission for Foreign Veterinary Graduates of the American Veterinary Medical Association, or an organization approved by the Board if the Commission ceases to exist. Additionally, the Board may refuse to issue a license if the Board determines that an applicant has committed an act that would be grounds for disciplinary action if the applicant were a licensee. The bill removes the requirement that applications for licensure renewal must be notarized.

Senate Bill 427 deletes the stipulation that a written complaint must be verified in order to be filed with the Board. The bill also deletes the provision requiring the investigator of a complaint to notify the person being investigated by telephone or certified mail. Furthermore, the bill requires the investigator of a complaint to submit a written report of his findings and recommendations to the Board. If the Board determines there is not sufficient evidence against a licensee, the Board shall dismiss the complaint and send a written notice to that effect to the person who filed the complaint, as well as to the licensee. Additionally, the Board may enter into a settlement agreement with a licensee who has committed an act the Board determines is grounds for disciplinary action. The licensee and the president of the Board must sign the settlement agreement, and written notice must be sent to the person who filed the complaint. The complaint and the settlement agreement are public records.

If the Board does not enter into a settlement agreement with the licensee, the Board shall cause an accusation to be filed against the licensee that includes a written accusation of the charges alleged, along with the statutes and regulations the licenses allegedly violated. The Board must also fix a time and place for a hearing and notify the licensee at least 30 days before the date of the hearing. This notification must include a copy of the accusation and any disciplinary action the Board may impose.



The bill also changes the burden of proof for disciplinary action or refusal to issue a license from “satisfactory proof” to “a preponderance of the evidence.” Additionally, the bill defines “actual injury” as any type of injury, abuse or mistreatment, whether or not the injury, abuse, or mistreatment results in the substantial or permanent physical harm or death of an animal. Finally, the bill allows proof of actual injury to be established by the testimony and opinion of a witness who is not an expert witness, if proof of actual injury is an issue.

## **Telecommunications**

### **S.B. 10 (Chapter 237)**

Senate Bill 10 prohibits certain regulations concerning the use of telephonic devices by persons operating motor vehicles. This measure prohibits an agency, board, commission or political subdivision of the State from regulating the use of a telephonic device by a person operating a motor vehicle. The same prohibition is applicable to any agency, board, commission or governing body of a local government.

The bill defines “telephonic device” as a cellular phone, satellite phone, portable phone, or any similar electronic hand-held device that is designed to communicate with another person.

This measure is effective on July 1, 2003.

### **S.B. 400 (Chapter 479)**

Senate Bill 400 makes various changes relating to telecommunications service and broadband service. The measure defines various terms, including the following:

- “PAR carrier” is defined to mean an incumbent local exchange carrier regulated under a plan of alternative regulation approved by the Public Utilities Commission of Nevada;
- “Telecommunication” is defined to mean the transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information sent and received, regardless of the facilities used; and
- “Telecommunication service” is defined to mean the offering of telecommunication for a fee directly to the public, or such classes of users as to be effectively available directly to the public, regardless of the facilities used.

The bill prohibits a PAR carrier from engaging in any anticompetitive act or practice or from unreasonably discriminating among similarly situated customers when the PAR carrier is exercising flexibility in prices or terms of service.

Furthermore, S.B. 400 does not limit or modify the authority of the Commission from:

- Considering any revenues, costs, and expenses a public utility derives from providing broadband service if the Commission is determining the rates of the utility under a general rate application;
- Acting on a consumer or provider complaint relating to broadband service;
- Including any appropriate gross operating revenue that a public utility derives from broadband service when the Commission calculates gross operating revenue for purposes of collecting the annual mill tax assessment; or
- Determining the rates, terms, and conditions of intrastate special access services.

For these purposes, “broadband service” is defined to mean any two-way service that transmits information at a rate that is generally not less than 200 kilobits per second in at least one direction.

Moreover, the bill defines a “public utility” to include any telephone company that provides a telecommunication service to the public, but only with regard to those operations which consist of providing service to the public. The definition also includes any radio or broadcasting company or instrumentality that provides a common or contract service.

Senate Bill 400 authorizes the Commission to include in the regulations applicable to a plan of alternative regulation a provision that allows an incumbent local exchange carrier to select the duration of the plan. However, the plan may not be for less than three years or more than five. These provisions do not however apply to plans approved by the Commission before the effective date of the Act.

Additionally, the bill authorizes a PAR carrier to file a request with the Commission for approval or change of any schedule of volume or duration discounts for telecommunications service for an offering made to all or any class of business customers. The Commission may conduct a hearing relating to the request but it must be held within 45 days after the request is filed. The request shall be deemed approved if it is not disapproved within 60 days after filing.

The bill also establishes procedures by which a PAR carrier may become an electing PAR carrier. An electing PAR carrier may not increase any rate for a basic network service during the term of the plan unless the rate is reclassified or offered pursuant to specified provisions of existing State law. An electing PAR carrier may terminate its plan at any time by filing a notice with the Commission but it must then file a general rate application within 180 days after the termination is effective.

The bill provides that if an electing PAR carrier does not terminate its plan earlier, the plan terminates at the end of five years unless the carrier files a written request to continue the plan with the Commission. The request must be accompanied by a report containing a summary of the carrier's operations for the immediately preceding five fiscal years. Within 180 days of the request, the Commission must conduct a review of the request and the report. In the review, the Commission must determine whether the existing rates for basic network services are just and reasonable and then either approve or deny the request.

Senate Bill 400 authorizes a PAR carrier to exercise flexibility in the pricing, the terms, or both the pricing and terms of:

- Any competitive or discretionary service;
- Any package of services, which may include both regulated and unregulated services and products; and
- Any tariffed service in a contract with an individual customer if the PAR carrier needs flexibility to respond to competition for business customers.

The Commission may not specify a maximum rate for any competitive, discretionary, or packaged services provided by a PAR carrier.

Finally, the bill requires a PAR carrier to give the Commission 20 days notice if it intends to exercise flexibility in pricing or terms and pricing. The notice must contain specified information and the prices for flexible services may not be lower than certain price floors.

The bill is effective on June 11, 2003.

### **S.B. 426 (Chapter 329)**

Senate Bill 426 establishes statewide procedures for approval of applications for placement or construction of facilities for personal wireless communications. This measure sets forth legislative findings and declarations concerning the Wireless Communications and Public Safety Act of 1999 regarding State encouragement of efforts to facilitate development of reliable personal wireless service networks as a means of promoting public safety. The bill defines "land use authority" to mean governmental agencies authorized by law to take action on applications to construct facilities for personal wireless services.

Senate Bill 426 requires that a land use authority must establish procedures and standards for approval of an application to construct personal wireless service facilities. The bill authorizes administrative staff to review and approve applications if:

- The applicant complies with certain procedures established by the land use authority; and

- The personal wireless facility meets certain standards established by the land use authority.

Finally, a land use authority that denies or places conditions on an application must issue a written decision. The decision must contain specific findings based upon substantial evidence before it regarding why the application was denied or conditionally granted. A person who brings an action against a land use authority must include the findings as part of the record in any action brought pursuant to *Nevada Revised Statutes 278.0233*.

This bill is effective on July 1, 2003.

## CONSTITUTIONAL AMENDMENTS

### A.J.R. 11 (File No. 85)

Assembly Joint Resolution No. 11 proposes to amend the *Constitution of the State of Nevada* to provide that the Board of Regents of the University and Community College System of Nevada consists of 9 members, as opposed to the current 13 members provided by law. One member must be elected from each of Nevada's congressional districts (currently three), and the Governor must appoint the remainder of the members (currently six). Not more than two-thirds of the members of the Board of Regents may be of the same political party.

Finally, A.J.R. 11 provides that the Legislature and Governor arrange for the staggered terms of the elected and appointed members, respectively, so that an equal number of terms, as nearly as possible, expire every two years. After his or her initial term, each member of the Board of Regents serves a four-year term instead of the current term of six years.

If approved in identical form during the 2005 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2006 General Election. If approved by the voters, the resolution is effective on January 1, 2008, for the purposes of nominating and electing members, and on January 5, 2009, for all other purposes.

### A.J.R. 13 (File No. 74)

Assembly Joint Resolution No. 13 proposes to amend the *Constitution of the State of Nevada* to allow the Nevada Legislature to call itself into a special session. This measure provides that a special session of the Legislature may be convened, on extraordinary occasions, by a petition signed by two-thirds of the members of each House of the Legislature. This resolution specifies that during a special session, the Legislature may only consider matters for which it was called into session. Finally, A.J.R. 13 limits special sessions called by the Legislature or the Governor to 20 calendar days.

If approved in identical form during the 2005 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2006 General Election.

### S.J.R. 5 (File No. 40)

Senate Joint Resolution No. 5 seeks to amend the *Nevada Constitution* to allow the Legislature to create a Court of Appeals. The measure specifies that the Court of Appeals must consist of three or more judges, as provided by law. In addition, the measure provides for the election and staggered terms of office of the initial appellate court judges. After the initial terms, the judges must 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.

The resolution also authorizes 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. The resolution provides for the times of holding the Court of Appeals and remedies for removing and disciplining a justice of the Court of Appeals in the same manner as other courts of the State. Finally, the resolution requires that the Legislature provide for the speedy publication of decisions of the Supreme Court and the Court of Appeals.

If passed in identical form during the 2005 Session of the Legislature, this measure will go before the voters for final approval or disapproval at the 2006 General Election.

#### **S.J.R. 11 (File No. 87)**

Senate Joint Resolution No. 11 proposes a constitutional amendment pertaining to legislative compensation and postage allowances. This resolution proposes to amend the *Nevada Constitution* to provide that members of the Nevada Legislature are paid for each day of service during regular and special sessions. Additionally, S.J.R. 11 proposes another amendment that provides for reasonable allowances to members of the Nevada Legislature for expenses incurred for postage, express charges, newspapers, telecommunications, and stationery.

If approved in identical form during the 2005 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2006 General Election.

#### **A.J.R. 3—71st Session (File No. 70)**

Assembly Joint Resolution No. 3 of the 71st Session proposes to amend the *Constitution of the State of Nevada* to revise or repeal certain antiquated provisions. Currently, the *Nevada Constitution* provides that no “idiot or insane person” shall be entitled to vote. This measure proposes to delete this language and replace it with “person adjudicated mentally incompetent, unless restored to legal capacity.”

Additionally, A.J.R. 3 of the 71st Session proposes to repeal Section 34 of Article 4, pertaining to the election of United States Senators by both houses of the Legislature in joint convention. This section of the constitution was nullified in 1913 with the adoption of the 17th Amendment to the *United States Constitution*, which provides for the direct, popular election of Senators.

This measure was approved in identical form during both the 2001 and 2003 Sessions of the Nevada Legislature. The proposal will be submitted to the voters for final approval or disapproval at the General Election in 2004.

## COURTS AND JUDICIAL PROCEDURES

### A.B. 29 (Chapter 268)

Assembly Bill 29 makes various changes concerning administrative assessments, funding for certain court programs, and bail forfeitures. The measure imposes a \$7 administrative assessment on persons convicted of a misdemeanor to fund specialty court programs. Assembly Bill 29 defines “specialty court programs” as programs to facilitate testing, treatment and oversight of persons within the court’s jurisdiction who the court has determined suffer from a mental illness or abuse alcohol or drugs.

The money collected from the assessment by city and county treasurers must be deposited with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator. Prior to January 1 of each odd-numbered year, the Court Administrator must prepare and submit to the Legislative Counsel Bureau a report concerning the distribution of the money deposited into the special account, the status of any specialty court programs to which money was allocated, and any other relevant information.

Assembly Bill 29 also increases by \$10 the existing administrative assessments imposed when a person pleads guilty or is found guilty of a misdemeanor. Further, the bill establishes procedures under which the Office of Court Administrator is notified of orders for bail forfeitures for defendants charged with gross misdemeanors or felonies. Upon the request of the Office of Court Administrator, after a certain period of time has elapsed, the court is required to enter a default judgment and commence execution proceedings.

The measure is effective on July 1, 2003.

### A.B. 40 (Chapter 376)

Assembly Bill 40 extends the period of limitation for commencing certain civil actions. The measure provides that if an action is commenced within the applicable period of limitations and that action is subsequently dismissed because the court lacked jurisdiction over the action’s subject matter, the action may be restarted in the appropriate court. The action must be restarted within either the applicable period of limitation or 90 days after its dismissal.

Assembly Bill 40 also specifies that the action may only be restarted one time if it is filed under the 90-day exception, and it must be filed within five years after the original action was started. Additionally, if an action is started again, any findings of fact or conclusions of law entered by the court that dismissed the action are binding in the action that is recommenced.

This measure is effective on October 1, 2003. The provisions of the bill apply to any action pending on that date, or that is filed on or after that date.

**A.B. 81 (Chapter 462)**

Assembly Bill 81 revises remedies available in certain actions related to intellectual property. The bill authorizes a court of competent jurisdiction to award costs and reasonable attorneys' fees to an owner of intellectual property who prevails in an action to enjoin the manufacture, use, display, or sale of counterfeits or imitations. The measure also provides that if the defendant's actions are found to be intentional in the unauthorized use of an owner's intellectual property, the court shall award treble damages.

**A.B. 100 (Chapter 160)**

Assembly Bill 100 revises the jurisdiction of the justice court. The bill increases, from \$7,500 to \$10,000, the monetary limit of the jurisdiction of justices' courts and provides a \$175 filing fee for actions over \$7,500.

In addition, the measure requires the Nevada Supreme Court to adopt rules to provide for the establishment of a mandatory short trial program for civil cases filed in the justices' courts. The short trial program is intended to limit the length of the trial by reducing discovery, having juries of not more than six persons, and limiting the time for each party to present his case.

This bill is effective on January 1, 2005.

**A.B. 133 (Chapter 47)**

Assembly Bill 133 revises the provision governing the duties that may be performed by masters in district courts. The bill provides that if the board of county commissioners has authorized the appointment of masters for criminal proceedings in a district court, the local rules of practice adopted by a judicial district may authorize a chief judge of the district court to appoint masters to perform duties approved by the Nevada Supreme Court.

The measure is effective on July 1, 2003.

**A.B. 156 (Chapter 284)**

Assembly Bill 156 revises criminal procedures relating to certain types of pleas. The measure abolishes the plea of "guilty but mentally ill" and reinstates the plea of not guilty by reason of insanity. Under the reinstated plea, the defense has the burden of proving insanity by a preponderance of the evidence.

Assembly Bill 156 also provides a procedure for committing a person who is acquitted by reason of insanity to a mental facility if a court finds there is clear and convincing evidence the person is mentally ill. If the person is found to be mentally ill, he must be committed to the custody of the Administrator of the Division of Mental Health and Developmental Services until he is discharged in accordance with the law.



In addition, A.B. 156 requires that persons who provide reports or evaluations to the court concerning the competency of a defendant to stand trial, or receive pronouncement of judgment, be certified by the Division of Mental Health and Developmental Services of the Department of Human Resources. The measure also requires the Division to adopt regulations concerning the certification of such persons, fees for certification, and the requirements for continuing education and renewal.

This bill is effective on July 1, 2003.

#### **A.B. 166 (Chapter 304)**

Assembly Bill 166 makes various changes concerning the transfer of a right to receive payments pursuant to structured settlements. The measure provides that an agreement to transfer the right to receive payments under a structured settlement is only valid and enforceable if it is approved by a district court. The party seeking to acquire the right to the payments must petition the court for approval, and the court must approve the transfer if it determines that the transfer is in the payee's best interest. Further, the bill requires that the payee has been advised in writing to seek independent advice and has received or knowingly waived such advice.

Further, A.B. 166 sets forth related procedures concerning the notice that must be provided to certain parties and individuals prior to a hearing on the petition, the required disclosures that must be provided to the court with the proposed agreement, and applicable definitions.

#### **A.B. 248 (Chapter 73)**

Assembly Bill 248 revises the City Charter of North Las Vegas by changing the term of office of Municipal Judges from four to six years. The bill adds a requirement that the salaries of Municipal Judges shall be uniform and further provides that salaries for Municipal Judges may be increased by the city council during the judges' terms of office.

The bill is effective on October 1, 2003; however, the six-year term does not apply to any judge elected or appointed prior to October 1, 2003.

#### **S.B. 43 (Chapter 198)**

Senate Bill 43 relates to child witness testimony. This bill adopts the Uniform Child Witness Testimony by Alternative Methods Act, as proposed by the Uniform Law Commissioners. The measure provides procedures for taking the testimony of children in criminal or civil proceedings, and permits a child, for good cause, to testify outside the courtroom and not in the immediate presence of a defendant.

#### **S.B. 73 (Chapter 255)**

Senate Bill 73 makes various changes to the provisions governing juries. This bill repeals current exemptions from service as grand or trial jurors for: federal and State officers, judges,

justices of the peace, attorneys, elected county officers, police officers, railroad employees, correctional officers, physicians, optometrists, and dentists. The bill also provides that jury commissioners shall not select individuals for jury service who actually served on a jury in the previous year.

In addition, the bill removes the \$9 fee for daily attendance as a juror, and instead provides a fee of \$40 after the second day of jury selection for each day that the juror is in attendance. Finally, the measure eliminates the current travel reimbursement for persons summoned for jury service, of 20 cents for each mile driven, and provides for a reimbursement of 36.5 cents if the person is required to drive 65 miles or more from his home to the place of trial. Finally, the bill increases the distance in which a person summoned for jury service is entitled to receive an allowance for lodging, from the current 60 miles to 65 miles.

Persons who remain exempt from service as grand or trial jurors include certain elderly citizens, employees of the Legislature or Legislative Counsel Bureau during a legislative session, and victims of domestic violence and sexual assault who are allowed to maintain a fictitious address.

#### **S.B. 87 (Chapter 40)**

Senate Bill 87 relates to the operating hours of courts of law. This bill amends *Nevada Revised Statutes* 1.130 to authorize a court to receive telephone calls and issue temporary orders on a Sunday or on a legal holiday.

This measure is effective on May 1, 2003.

#### **S.B. 88 (Chapter 52)**

Senate Bill 88 relates to the circumstances under which a district judge may transfer certain civil actions to justice court. This bill amends Chapter 3 of *Nevada Revised Statutes* by adding a new section authorizing a district judge to transfer certain types of civil cases to justice court upon his determination that the sum claimed in the civil case, exclusive of interest, does not exceed \$7,500.

The bill also amends Chapter 4 of *Nevada Revised Statutes* (NRS) by adding a new section that provides that an action so transferred shall not be deemed a new action by the justice court and a filing fee shall not be required of a party to the action as a result of the transfer.

Lastly, the bill amends NRS 4.370 by adding a new subsection (r) that identifies civil actions so transferred from district court as a type of case over which the justice court has original jurisdiction.

This bill is effective on May 6, 2003.

### **S.B. 89 (Chapter 203)**

Senate Bill 89 relates to the determination of competency of a defendant to stand trial. The bill amends *Nevada Revised Statutes* (NRS) 178.405 to allow a determination of competency to be made at any time before trial, or at the time of sentencing, if doubt arises as to the competency of the defendant.

This bill also specifies that the court that orders an examination of the defendant with regard to competency must receive the report of the examination. An exception is provided in cases in which the justice court orders the examination of a defendant charged with a gross misdemeanor or a felony. In such cases, the district court must receive the report. The court that receives the report must make the finding of competency or incompetency.

The bill is effective on July 1, 2003.

### **S.B. 106 (Chapter 373)**

Senate Bill 106 relates to court fees. This bill imposes an additional \$30 filing fee in multi-party civil actions. The \$30 fee applies to each additional plaintiff when filed, each additional defendant when answered, and each additional plaintiff named when the complaint is amended.

The distribution of fees collected under this measure is:

- \$8 to local district courts for technology;
- \$7 to defray the costs of providing legal services for the indigent (\$5) and elderly (\$2);
- \$10 to the Office of Court Administrator for statewide technology projects; and
- \$5 to the retired judges duty fund.

In addition, the bill adds a \$50 court automation fee for any appeal or special proceeding before the Supreme Court. The money from this fee is to be credited to a special account in the State General Fund and used for technological purposes in the Supreme Court.

This measure is effective on July 1, 2003.

### **S.B. 179 (Chapter 349)**

Senate Bill 179 makes various changes related to mental health. The measure clarifies the period that a person may be detained for the medical evaluation required prior to an emergency admission to a mental health facility. The bill specifies that the examination and transfer of the patient during the medical evaluation process must be done in accordance with State and federal laws prohibiting patient “dumping.” The bill also authorizes courts making competency determinations concerning allegedly mentally ill defendants to consider evidence about the administration of certain medications. Such treatment must be administered to allow

a defendant to gain competency to stand trial or receive a judgment in a criminal action or proceeding. If a court finds a defendant to be dangerous to himself or to society and orders the defendant committed to a secure facility, the measure adds the requirement that the commitment be necessary for a determination of the person's ability to receive treatment toward competency. The court also may order the involuntary administration of medication to the defendant in such instances. Finally, the measure redefines mental illness in the mental health statutes to make it consistent with the existing definition in the criminal code.

The bill is effective on June 9, 2003.

#### **S.B. 395 (Chapter 63)**

Senate Bill 395 revises provisions governing court reporters. The bill allows the Certified Court Reporters' Board of Nevada to fine or place on probation any court reporter not in compliance with Board statutes or regulations. The bill also deletes the word "repeatedly" related to failure to transcribe and file in a timely manner stenographic notes of a proceeding. Additionally, the bill makes technical changes to language in provisions governing court reporters.

This measure is effective on July 1, 2003.

#### **S.B. 494 (Chapter 272)**

Senate Bill 494 relates to writs of prohibition. This measure authorizes a district court to issue a writ of prohibition when there is no plain, speedy, and adequate remedy at law.

Testimony indicated that this measure was necessary to conform NRS 34.330 to the provisions of Article 6, Section 6 of the *Nevada Constitution*, which provides that a district court is permitted to issue writs of prohibition.

Generally, a writ of prohibition may be issued by a higher court to prevent or prohibit a lower court from acting in a matter on which it does not have jurisdiction. The purpose of such a writ is to prevent a court from exercising a power not authorized by law when there is no adequate remedy by appeal or otherwise. Writs of prohibition are rare and only used in cases of extreme necessity.

This bill is effective on May 28, 2003.

#### **S.J.R. 5 (File No. 40)**

Senate Joint Resolution No. 5 seeks to amend the *Nevada Constitution* to allow the Legislature to create a Court of Appeals. The measure specifies that the Court of Appeals must consist of three or more judges, as provided by law. In addition, the measure provides for the election and staggered terms of office of the initial appellate court judges. After the initial terms, the judges must 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.

The resolution also authorizes 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. The resolution provides for the times of holding the Court of Appeals and remedies for removing and disciplining a justice of the Court of Appeals in the same manner as other courts of the State. Finally, the resolution requires that the Legislature provide for the speedy publication of decisions of the Supreme Court and the Court of Appeals.

If passed in identical form during the 2005 Session of the Legislature, this measure will go before the voters for final approval or disapproval at the 2006 General Election.

## **General Court Procedures**

### **S.B. 107 (Chapter 92)**

Senate Bill 107 relates to administrative assessments. This measure expands, from 25 to 50 years, the time limitation in which justice or municipal courts may impose an administrative assessment for the provision of court facilities.

This act is effective on May 15, 2003.

### **S.B. 207 (Chapter 409)**

Senate Bill 207 makes various changes concerning wills and estates. This bill creates a new deed that allows an owner of an interest in real property to convey his interest during his lifetime to one or more grantees, which becomes effective upon his death. In addition, this measure empowers a court to disqualify an executor, or suspend the powers of a personal representative, on the basis of conflict of interest. A court is also authorized to award treble damages in an action by a personal representative to recover estate property. This bill also increases, from \$50,000 to \$75,000, the amount that constitutes a small estate exempt from administration, and provides an order of priority for payment of estate debts. It also authorizes a personal representative to enter into contracts with an agent or broker to secure a buyer for personal property owned by the estate.



## **CRIMINAL JUSTICE**

(See also Courts)

### **A.B. 16 (Chapter 335)**

Assembly Bill 16 provides for genetic marker analysis of evidence related to the conviction of offenders sentenced to death. The measure authorizes a person sentenced to death to file a postconviction petition requesting a genetic marker analysis of evidence relating to the investigation or prosecution of the crime for which he was convicted. Assembly Bill 16 requires the court to determine which person or agency has possession or custody of the evidence and shall require each person or agency in possession to preserve and inventory the evidence and provide copies of the inventory to the petitioner, prosecuting attorney, and the court. The court must hold a hearing on the petition and order a genetic marker analysis if it finds a reasonable possibility exists that the petitioner would not have been prosecuted or convicted if the results of the analysis had been obtained. In addition, before ordering the analysis, the court must also find that the evidence to be analyzed exists and that it was not previously subjected to similar analysis.

If the results of the testing are favorable to the petitioner, the petitioner may bring a motion for a new trial based on the newly discovered evidence, and the time for filing the motion is not applicable. Further, if the judge grants the petition requesting the analysis, but the results will not be available before the date of execution, the judge must stay the execution.

This measure is effective on June 9, 2003.

### **A.B. 17 (Chapter 64)**

Assembly Bill 17 makes various changes concerning the defense in cases involving first-degree murder. The bill raises from \$75 to \$125 the hourly rate for attorneys appointed in cases in which the death penalty is sought, and from \$75 to \$100 per hour in all other cases where counsel is appointed. The measure also raises the maximum legal fee from \$12,000 to \$20,000 in cases involving felonies punishable by death or life in prison with or without the possibility of parole. Finally, A.B. 17 provides that if the court appoints an attorney, other than the public defender, to represent a defendant accused of murder when the death penalty is sought, the court must appoint a team composed of two attorneys and any other person deemed necessary by the court.

### **A.B. 55 (Chapter 447)**

Assembly Bill 55 makes various changes concerning the rights of ex-felons. The measure requires the court to order that a biological specimen be obtained from defendants convicted of failing to register with a local law enforcement agency after being required to do so because of an earlier conviction for a felony in any other state that would qualify as a felony in Nevada. These provisions apply to defendants after being convicted in Nevada, or elsewhere, of any offense that would constitute a category A, B or C felony, abuse or neglect of an older person, a second or subsequent offense for stalking, or an attempt or conspiracy to commit any of these

offenses. In addition, a biological specimen must be obtained from defendants convicted of failing to register with a local law enforcement agency after being convicted of a crime against a child or of certain sexual offenses.

The biological specimens so obtained are used to determine the genetic markers of the specimen. Assembly Bill 55 also prohibits the court from ordering a biological specimen from a defendant who had previously provided such a specimen, unless the court determines it is necessary.

In addition, this measure immediately restores the right to vote and the right to serve on a civil jury after a person is honorably discharged from probation or parole, pardoned, or released from prison upon expiration of his sentence. The bill further restores the right to hold office after four years and the right to serve as a juror in a criminal action six years after the date of the honorable discharge, pardon, or release from prison.

However, the measure provides that the rights are not automatically restored if the person has previously been convicted of a category A felony, a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim, or any offense that would constitute one of these types of felonies if committed as of the date of discharge, pardon, or release. Additionally, a person who has been convicted two or more times of a felony, unless the convictions arose out of the same act, may not have his rights restored. These individuals may petition a court for an order granting restoration of their civil rights. Further, a person who has been honorably discharged from probation or parole, pardoned, or released from prison in this State or another state may present official documents or a court order as proof that his civil rights have been restored.

Assembly Bill 55 also specifies that a person convicted of a felony is not eligible to serve as a sheriff, constable, or category I, II, or III peace officer, regardless of whether his civil rights have been restored.

Further, the bill revises the requirement for a person convicted of a felony to register with law enforcement to specify that only persons convicted of two or more felonies are required to register. Assembly Bill 55 also prohibits law enforcement agencies from requiring a convicted person to carry a registration card. Finally, the bill revises various statutes governing licensure for professions and occupations to specify that only felony convictions relating to that profession or occupation may be considered in licensure and disciplinary proceedings.

The measure is effective on July 1, 2003.

#### **A.B. 155 (Chapter 463)**

Assembly Bill 155 makes various changes concerning records of criminal history. The measure specifies that the Central Repository for Nevada Records of Criminal History must receive a person's complete set of fingerprints from the agency or political subdivision requesting a criminal history in order to request any information from the Federal Bureau of



Investigation. The measure clarifies that only the Central Repository for Nevada Records of Criminal History: may receive fingerprints from an agency of the State or any political subdivision for submission to the Federal Bureau of Investigation; may submit those fingerprints to the Federal Bureau of Investigation; and may receive a report from the Federal Bureau of Investigation based on the submission of those fingerprints. The bill also revises various provisions throughout the *Nevada Revised Statutes* to make them consistent with this requirement.

Further, this bill allows the Central Repository for Nevada Records of Criminal History to conduct investigations and disseminate information concerning applicants for employment and employees of private schools. The measure also specifies that an employer who fails to request information concerning the criminal history of a volunteer is not civilly liable to a child served by the employer for certain offenses committed by the volunteer.

Assembly Bill 155 further expands the list of offenses for which information may be disseminated to certain employers by the Repository to include felony convictions within the immediately preceding seven years; acts committed outside the State that would constitute a sexual offense or a felony; and aiding, abetting, attempting, or conspiring such an act in this State or another state.

This measure is effective on June 10, 2003.

#### **A.B. 246 (Chapter 116)**

Assembly Bill 246 establishes a Center for Analysis of Crime Statistics. The measure establishes the Center for Analysis of Crime Statistics within the Department of Criminal Justice at the University of Nevada, Las Vegas. Further, the bill authorizes the Center to apply for grants; accept gifts, grants or donations; and use any such funds to aid the Center in carrying out its duties and functions.

Finally, the Legislature specifies its intent that the University and Community College System of Nevada not request general fund appropriations to support the operational costs of the Center and that gifts, grants or donations accepted by the Center be used to support its operation.

The measure is effective on May 19, 2003.

#### **A.B. 448 (Chapter 170)**

Assembly Bill 448 revises certain provisions governing arrests. The bill clarifies that a law enforcement officer has the authority to make an arrest with or without a warrant for a violation of a temporary or extended order for protection against domestic violence. Such an arrest is authorized regardless of whether the violation occurs in the officer's presence.

The measure is effective on May 22, 2003.

**A.B. 549 (Chapter 415)**

Assembly Bill 549 revises provisions relating to the use of proceeds from forfeited property. This measure revises provisions in Chapter 179 (“Special Proceedings of a Criminal Nature; Sealing Records of Criminal Proceedings; Rewards; Forms”) of the *Nevada Revised Statutes* to allow proceeds from forfeited property to be used to pay for operating expenses of a joint task force on narcotics otherwise funded by a federal, State, or private grant or donation. The bill provides that “joint task force on narcotics” means a task force on narcotics operated by the Department of Public Safety in conjunction with local or federal law enforcement agencies.

This measure is effective on June 10, 2003.

**S.B. 72 (Chapter 176)**

Senate Bill 72 addresses the amount of wages paid to inmates in conservation camps. This measure authorizes the State Forester Firewarden in the Division of Forestry to determine the amount of wages that must be paid to inmates serving in conservation camps.

This bill is effective on July 1, 2003.

**S.B. 300 (Chapter 58)**

Senate Bill 300 relates to cybercrime. The bill seeks to bring Nevada in line with the Electronic Communications Privacy Act (ECPA). This bill limits to the actual cost, the fee that may be charged by a provider of Internet service for providing information pursuant to a subpoena. In addition, the bill changes the definition of obscene materials to the term “harmful to minors,” for purposes of the crime of luring a child through the use of a computer, system, or network. Lastly, the measure adds the crime of luring a child through the use of a computer, system, or network, to the list of items for which school employees may be terminated.

This measure is effective on July 1, 2003.

**S.B. 317 (Chapter 259)**

Senate Bill 317 relates to education for incarcerated persons. This bill requires the Department of Education to adopt regulations that coordinate a statewide program for educational services provided to incarcerated persons within the Department of Corrections. The statewide program may include courses for: a high school diploma; basic literacy; English as a second language; general educational development; life skills; occupational education; and postsecondary education.

The measure also creates a Fund for Programs for Education for Incarcerated Persons, to be administered and distributed by the State Board of Education. Further, the bill authorizes a school district to operate a program of education for incarcerated persons in any facility or institution operated by the Department of Corrections. Lastly, the measure provides that an

incarcerated person who completes any program approved by the Director of the Department of Corrections may receive additional credit days for the reduction of his sentence.

Finally, S.B. 317 revises the provisions governing the manner in which prisoners may be released from jail when the jail becomes overcrowded. The bill specifies that the chief judge may enter an order to the sheriff granting authority to release prisoners, and revises the criteria to provide that a prisoner is eligible for release only if he has served at least 75 percent of his sentence, is not serving a sentence for a crime involving an act of violence or a crime for which a mandatory sentence is required, and does not pose a danger to the community.

This measure is effective on July 1, 2003.

## **Correctional Procedures and Facilities**

### **A.B. 103 (Chapter 128)**

Assembly Bill 103 revises certain provisions relating to the Department of Corrections. The measure eliminates the requirement that the Director of the Department of Corrections return a certified copy of a judgment of conviction to the county clerk. Assembly Bill 103 also requires the Director to submit a list each month to the county clerks that includes the name of the offenders released or discharged from prison in the prior month. The list must also include the case number of each offense for which the offender was released or discharged.

The measure is effective on July 1, 2003.

### **S.B. 90 (Chapter 238)**

Senate Bill 90 authorizes certain governmental entities to share certain records in their possession concerning defendants and offenders. The bill authorizes the Division of Mental Health and Developmental Services of the Department of Human Resources to access records of the Department of Corrections for the purpose of evaluating or treating a defendant whose competency to stand trial the Division has been called upon to determine.

The bill further authorizes the Department of Corrections to access records of the Division for the purpose of evaluating, caring for, or treating an offender who previously was in the custody of or received treatment from the Division.

This bill is effective on May 27, 2003.

### **S.B. 94 (Chapter 283)**

Senate Bill 94 provides for the medical treatment of allegedly mentally ill persons and certain persons under the influence of a controlled substance. The measure provides for the medical treatment and care of an allegedly mentally ill person in a hospital for emergency services and care or another appropriate medical facility in the event the person does not need emergency services or care. The bill also requires the Division of Mental Health and Developmental

Services to adopt regulations defining emergency services or care, and further prescribe the appropriate type of medical facility that provides medical care for this group of patients.

Finally, the bill authorizes a peace officer to deliver certain persons in his custody to a secure detoxification unit or other appropriate medical facility if emergency treatment appears to be needed. The individuals affected by these provisions are those who are in a public place and are unlawfully under the influence of a controlled substance or are in a condition that jeopardizes their own health or safety, or that of those around them. The act further provides a mechanism for such individuals to be returned into custody upon discharge from the detoxification unit or other medical facility.

The bill is effective on May 28, 2003.

#### **S.B. 264 (Chapter 426)**

Senate Bill 264 relates to corrections. This measure allows the Department of Corrections to establish a correctional re-entry program for prisoners and parolees to be released into the community. Under the measure, the Director of the Department of Corrections may, after consulting with the Division of Parole and Probation, determine whether an offender is suitable for the program. Further, the Director is required to adopt, by regulation, standards concerning which offenders are suitable for the program.

Further, this bill expands provisions relating to compassionate release to allow seriously ill offenders who do not pose a threat to the safety of the public to be released from incarceration to the custody of the Division of Parole and Probation.

Lastly, the measure clarifies that the Director of the Department of Corrections may authorize work release, in which an inmate may be granted the privilege of leaving secure custody during necessary and reasonable hours to work or obtain education. The provisions also authorize the Director to contract with a private person, nonprofit organization, or the governing bodies of political subdivisions for quartering the participants of the program.

#### **S.B. 299 (Chapter 212)**

Senate Bill 299 relates to prisoner escapes. This bill prohibits a prisoner from manufacturing or possessing any item that may be used for the purpose of escaping or attempting to escape from lawful custody or confinement. However, the prohibition does not apply to a prisoner who has received authorization to be in possession of such item from the warden, sheriff, administrator, or other person responsible for administering the prison. The measure makes such a violation a category B felony.

This measure is effective on May 26, 2003.

## **Crime and Punishment**

### **A.B. 10 (Chapter 4)**

Assembly Bill 10 repeals antiquated provisions concerning certain crimes. The bill repeals the prohibition against refusing to relinquish a party line immediately when a person has been informed that the line is needed for an emergency call. In addition, A.B. 10 repeals prohibitions against pasturing livestock in a cemetery and shearing sheep within a city or town. Lastly, the bill expands the definition of public telephone, for purposes of this section, to include those available to the public through the deposit of a coin, currency or other monetary instrument or through the use of a calling card, credit card or debit card.

### **A.B. 13 (Chapter 366)**

Assembly Bill 13 eliminates the panel of judges in certain penalty hearings in which the death penalty is sought. This measure eliminates the use of a three-judge panel to decide the sentence of a person who pleads guilty to first-degree murder and for whom the death penalty is sought. In lieu of the panel, the trial judge must impanel a jury to conduct the penalty hearing. Assembly Bill 13 also eliminates the use of a three-judge panel when a person is found guilty of first-degree murder at trial and the death penalty is sought, but the trial jury is unable to reach a unanimous decision on the sentence. In both situations, when the jury is unable to reach a unanimous decision, the bill requires the judge to enter a sentence of life without the possibility of parole.

Assembly Bill 13 also requires each district attorney to submit an annual report to the Nevada Supreme Court with detailed information on cases filed during the prior calendar year that included a charge for murder or voluntary manslaughter. Information that must be provided in the report includes the age, gender, and race of the defendant and the victim; whether or not the prosecutor filed a notice of intent to seek the death penalty; and the final disposition of the case. The Supreme Court must submit a report of the information received to the Legislature by March 1 of each odd-numbered year.

The measure is effective on June 9, 2003.

### **A.B. 15 (Chapter 137)**

Assembly Bill 15 prohibits a sentence of death for a person who is mentally retarded. In cases in which the death penalty is sought, A.B. 15 authorizes a defendant charged with first-degree murder to file a pretrial motion declaring that he is mentally retarded. Procedures are established under which the court must hold a hearing to determine whether the defendant is mentally retarded, as defined under the bill. Based upon the evidence presented at the hearing, if the court determines that the defendant is mentally retarded, the court must make a finding in the record and strike the notice of intent to seek the death penalty. Such a finding may be appealed to the Nevada Supreme Court.

The same procedures apply if a defendant upon whom a sentence of death is previously imposed files a motion to set aside the penalty on the grounds of mental retardation. If the court determines the defendant is mentally retarded, it must set aside the sentence of death and order a new penalty hearing. Such a determination may be appealed by either party to the Nevada Supreme Court.

Finally, for these purposes the bill defines “mentally retarded” as “significant subaverage general intellectual functioning which exists concurrently with deficits in adaptive behavior and manifested during the developmental period.”

### **A.B. 33 (Chapter 11)**

Assembly Bill 33 provides an additional penalty for manufacturing methamphetamines in certain circumstances. The bill provides that a person who is convicted of manufacturing a controlled substance in certain locations, in the presence of a minor or in a manner which creates a great risk of death or substantial bodily harm to another person, must be punished by imprisonment for a term equal to and in addition to the prison term required for the underlying crime. The prohibited locations include any place within 500 feet of a residence, business, place of worship, school, university, playground, public park, swimming pool, or youth recreational center.

### **A.B. 53 (Chapter 23)**

Assembly Bill 53 enhances the penalty for assault or battery upon certain providers of health care. The measure provides that a person who commits an assault or battery upon a provider of health care is subject to an enhanced penalty. Assembly Bill 53 defines a “provider of health care” to include physicians, physician assistants, nurses, ambulance attendants, social workers, emergency medical technicians, and other professions listed in the measure.

### **A.B. 73 (Chapter 422)**

Assembly Bill 73 revises provisions concerning certain crimes committed against older persons. The bill lowers, from 65 to 60 years, the age of a victim that is used as the threshold for imposing an enhanced penalty for committing certain crimes against the elderly. The reduced age is also used in determining the applicability of the habitually fraudulent felon statute and certain crimes against the elderly involving telephone solicitation and deceptive trade practices.

In addition, A.B. 73 lowers the penalty for a first offense of abuse of an older person from a felony to a gross misdemeanor. Finally, the measure requires restitution for crimes involving the abuse, neglect, exploitation, or isolation of an older person.

### **A.B. 107 (Chapter 290)**

Assembly Bill 107 provides an additional penalty for committing certain crimes in violation of a temporary or extended order for protection. The bill specifies that a person who commits a felony in violation of certain orders for protection must be punished by a term of imprisonment equal to and in addition to the term prescribed by statute for the crime committed. If the crime committed is punishable as a category A felony or category B felony, the person shall additionally be punished by imprisonment in State prison from one to five years. The additional sentence must run concurrently or consecutively with the sentence for the crime committed. The measure also deletes existing penalties for violent physical acts in violation of a temporary or extended protective order.

In addition, A.B. 107 prohibits the court from granting probation or a suspended sentence to a person convicted of attempted murder or battery involving the use of a weapon or resulting in substantial bodily harm if the additional sentence for committing a felony in violation of a protection order is imposed.

### **A.B. 140 (Chapter 29)**

Assembly Bill 140 provides a penalty for certain acts related to industrial insurance. This measure establishes a misdemeanor penalty for a person who knowingly fails to comply with an order to cease all business operations issued by the Administrator of the Division of Industrial Relations for failure to maintain or provide industrial insurance. This criminal penalty is in addition to any civil penalty or remedy provided by law.

### **A.B. 189 (Chapter 36)**

Assembly Bill 189 makes various changes concerning false imprisonment. The bill imposes a greater penalty for false imprisonment committed by using a person as a shield or to avoid arrest. A person convicted of such false imprisonment is guilty of a category B felony and must be punished by a minimum prison term of not less than 1 year and a maximum term of not more than 15 years.

The measure is effective on May 1, 2003.

### **A.B. 250 (Chapter 470)**

Assembly Bill 250 makes various changes regarding certain acts related to terrorism. The measure sets forth legislative findings and declarations concerning terrorist events and the intent of the Legislature to strengthen the State's laws to provide protection from acts of terrorism while protecting the constitutional rights of residents. Assembly Bill 250 defines an act of terrorism as the use or attempted use of sabotage, coercion, or violence intended to cause great bodily harm or death to more than one person by certain means or to cause substantial destruction, contamination, or impairment of buildings, infrastructure, communications, transportation, utilities, services, natural resources, or the environment. The measure clarifies that "coercion" does not include an act of civil disobedience.

The bill provides that any person who commits a felony with the intent to commit, cause, aid, further, or conceal an act of terrorism must be punished by a prison term equal to, and in addition to, the term for the underlying crime. If such a felony results in death or substantial bodily harm, in lieu of the additional term of imprisonment, the felony is deemed to be a category A felony punishable by life in prison with or without the possibility of parole or for a definite term of 50 years.

Assembly Bill 250 also provides that first-degree murder includes murder committed in the perpetration or attempted perpetration of an act of terrorism. The bill further specifies that knowingly or intentionally committing or concealing an act of terrorism; assisting another person to commit an act of terrorism; or providing “material support” (which the measure defines as any financial, logistical, informational, or other support or assistance intended to further an act of terrorism) to commit an act of terrorism or to aid a terrorist is a category A felony. Prosecution of such crimes may be commenced at any time. Assembly Bill 250 also authorizes forfeiture of personal property used as an instrumentality in crimes involving acts of terrorism.

Assembly Bill 250 expands existing prohibitions concerning the development and possession of biological agents and other toxins to include other lethal, chemical, or radioactive agents. The penalty for such crimes is increased if the crime results in substantial bodily harm or death.

The bill also requires resort hotels to adopt and maintain emergency response plans that must be filed with local fire departments, law enforcement agencies, and the Division of Emergency Management of the Department of Public Safety. In addition, the measure requires emergency medical technicians, physicians, nurses, and dentists to complete a course of instruction concerning the medical consequences of acts of terrorism that involve the use of a weapon of mass destruction.

This measure is effective on July 1, 2003, for the purposes of adopting regulations regarding the course of education for health care personnel. The section of A.B. 250 requiring resort hotels to adopt emergency response plans is effective on October 1, 2003. The remaining sections of the bill are effective on June 10, 2003.

#### **A.B. 299 (Chapter 74)**

Assembly Bill 299 establishes certain duties of a driver. This measure requires a driver who approaches an authorized emergency vehicle that is stopped and using flashing lights to decrease the speed of his vehicle to one that is reasonable and less than the posted speed limit when no peace officer is directing traffic. Further, the driver must proceed with caution, be prepared to stop, and, if possible and safe, move into a lane that is not adjacent to the lane in which the emergency vehicle is stopped. A driver who violates these provisions is guilty of a misdemeanor.



**A.B. 302 (Chapter 33)**

Assembly Bill 302 repeals *Nevada Revised Statutes* 453.323 which provides a penalty for the unlawful sale of an imitation controlled substance.

The bill is effective on April 30, 2003.

**A.B. 335 (Chapter 75)**

Assembly Bill 335 increases the penalty for evading a peace officer under certain circumstances. The measure provides that a driver who willfully fails or refuses to bring his vehicle to a stop or otherwise flees a peace officer is guilty of a category B felony if his actions are the proximate cause of death or substantial bodily harm to any person other than himself. The penalty for this crime is a minimum term of imprisonment of 2 years and a maximum term of 15 years.

**A.B. 443 (Chapter 168)**

Assembly Bill 443 provides an additional penalty for selling or providing certain controlled substances in specified circumstances. The bill provides that a defendant convicted of selling or providing certain controlled substances must be punished by a term of imprisonment equal to and in addition to the prison term imposed for the underlying crime. This enhanced penalty only applies if the use of the controlled substance results in death or substantial bodily harm, the defendant was in the victim's presence when the adverse reaction occurred, and the defendant failed to render or to seek necessary medical assistance in a timely manner.

**A.B. 444 (Chapter 492)**

Assembly Bill 444 changes certain traffic laws. This measure allows the Department of Transportation to equip its snow removal vehicles and other vehicles, which perform construction, maintenance, or repair of highways, with tail lamps that emit nonflashing blue lights.

This bill also requires a district attorney to prosecute, unless good cause exists not to prosecute, violations that occur in his jurisdiction when a driver of a vehicle fails or refuses to comply with any signal of an authorized flagman in a highway construction area and the violation results in injury to any person performing highway maintenance or construction. In addition, if such a violation occurs and results in injury to any person performing highway maintenance or construction, or damage to property of not less than \$1,000, the driver shall be punished by a fine of \$1,000 to \$2,000, and ordered to perform 120 hours of community service. This measure expands the definition of an authorized flagman to include certain government and private employees.

Assembly Bill 444 extends the provision regarding double penalties to other traffic offenses committed in construction zones, including disobeying traffic control devices, driving in the wrong lane, illegal passing, illegal turns, aggressive driving, driving under the influence, and

driving with the windshield obscured. Further, a double penalty would apply not only when workers are present but also when they are not present but the highway is under construction and its condition is such as would aggravate the hazards of traffic violations. In addition, this measure revises the law requiring the posting of signs before the beginning of construction zones to reflect the provisions of this bill and to require that the signs read "DOUBLE PENALTIES IN WORK ZONES."

This measure adds stations for passengers of public mass transportation, including monorails, to the current provision that exempts certain passenger benches and shelters from particular prohibitions against outdoor commercial advertising. Additionally, the measure requires revenue received from the approved advertising be used for the repayment of certain bonds issued by the State of Nevada.

Finally, the measure prohibits passengers who are under 18 years of age from riding in the cargo space of a vehicle when the vehicle is traveling on any paved highway in all counties in the State. Existing law only applies to counties with populations of 100,000 or more.

#### **S.B. 105 (Chapter 204)**

Senate Bill 105 relates to the crime of graffiti. The bill establishes property values for purposes of determining the appropriate criminal penalty for graffiti offenses. The measure makes it a misdemeanor where the graffiti damage to the property is valued at less than \$250; a gross misdemeanor where the value is \$250 or more but less than \$5,000; and a category E felony where the value is \$5,000 or more or where the damage impairs public communication, transportation, or police or fire protection. The bill also allows for the aggregation of the value of the property damaged or destroyed by graffiti, if a person commits the offenses pursuant to a scheme or continuing course of conduct.

The bill also makes a technical change to the provisions related to parental responsibility for graffiti offenses, by raising the age limit, from under 17 to under 18, to conform with the remainder of the statute.

This measure is effective on July 1, 2003.

#### **S.B. 199 (Chapter 256)**

Senate Bill 199 relates to firearms. This bill prohibits, and makes it a category B felony, to sell or otherwise transfer a firearm to another person who is under indictment or has been convicted of a felony, is a fugitive from justice, has been adjudicated mentally ill, or is illegally in the United States. The measure also makes it a category C felony to intentionally change, alter, remove, or obliterate the serial number of any firearm, and makes it a category D felony to knowingly possess a firearm where the serial number has been changed, altered, removed, or obliterated.

Further, the bill criminalizes the act of manufacturing, importing, keeping, or offering for sale a machine gun or silencer and criminalizes possession of a nunchaku or trefoil with the intent to harm another person. Senate Bill 199 also makes it a category B felony for a fugitive, or an unlawful user of a controlled substance to be in possession or have in his custody or control a firearm, and makes it a category D felony for a person who has been adjudicated mentally ill or committed to a mental health facility or is illegally or unlawfully in the U.S. to possess or have under his custody or control any firearm.

The measure also authorizes a sheriff to issue a permit to a business to manufacture, keep or expose for sale switchblade knives in certain circumstances. Finally, S.B. 199 clarifies that a “switchblade knife,” as defined in statute, does not include a knife which has a blade that is held in place by a spring if the blade does not have any type of automatic release.

### **S.B. 231 (Chapter 473)**

Senate Bill 231 relates to service animals. The measure prohibits a person from allowing an animal he owns, harbors, or controls to kill or injure a service animal or service animal in training. Further, the measure prohibits a person from endangering or causing injury to a person who has a disability and is accompanied by a service animal or service animal in training. The offense is punishable as a misdemeanor. In addition to the criminal penalties, the bill also provides for civil liability and restitution for all damages resulting from the criminal activity. Lastly, the bill amends the definition of service animal to mean an animal that has been trained to assist or accommodate a person with a disability.

### **S.B. 297 (Chapter 257)**

Senate Bill 297 relates to identity theft. This bill prohibits the use of a scanning device or reencoder to access, read, obtain, memorize, or store information encoded on the magnetic strip or stripe of a payment card, without the permission of the authorized user and with the intent to defraud the authorized user or the issuer of the payment card. A person who violates this section is guilty of a category B felony and shall be ordered to pay restitution. The bill also prohibits the possession of a scanning device or reencoder with the intent to use such device for an unlawful purpose. A person who violates this provision is guilty of a category C felony.

In addition, this measure prohibits a public officer or public employee from knowingly obtaining any personal identifying information of another person and using that information to harm that other person or for any unlawful action. This offense is punishable as a category B felony. Further, a public officer or public employee who obtains and possesses, sells, or transfers personal identifying information for the purpose of establishing a false status is guilty of a category C felony.

Lastly, this measure prohibits a business that accepts credit and debit cards from printing the expiration date or more than the last five digits of the account number on any receipt that is electronically printed.

### **S.B. 315 (Chapter 215)**

Senate Bill 315 relates to cigarette vending machines. This bill provides that a cigarette vending machine may only be placed in a public area where persons under 21 years of age are prohibited from loitering.

### **S.B. 394 (Chapter 261)**

Senate Bill 394 revises certain provisions relating to crimes. This bill adds the luring of mentally ill persons to the existing crime of luring a child, through the use of a computer system or network, with the intent to engage in sexual conduct. A person who violates this provision, is guilty of a category B felony. The bill also replaces the term “obscene material” with the term “material harmful to minors.” In addition, the bill enhances the penalties to make it also a category B felony to engage in these activities without the use of a computer, system or network.

Further, the measure eliminates the crime of annoying or molesting a minor and substitutes new crimes of unlawful contact with a child and unlawful contact with a mentally ill person. A person who commits either of these crimes is guilty of a gross misdemeanor for the first offense, and for the second and each subsequent offense, a category B felony.

Finally, this measure makes changes concerning the possession of controlled substances, and provides that it is unlawful to knowingly or intentionally manufacture, or possess with the intent to manufacture, a controlled substance other than marijuana. The bill also identifies those chemicals for determining a violation of this provision.

Testimony indicated that this measure was introduced in response to two recent Nevada Supreme Court cases which held that certain criminal provisions were unconstitutionally vague.

This measure is effective on May 28, 2003.

## **Juvenile Crime and Delinquency**

### **A.B. 60 (Chapter 287)**

Assembly Bill 60 revises certain procedures involving the certification of a child as an adult in criminal proceedings. The bill provides an exception to mandatory certification of a child as an adult offender if the child is developmentally or mentally incompetent to understand the court proceedings or aid his attorney. The measure also specifies that a decision to deny certification of a child as an adult in a criminal decision is a final judgment from which an appeal may be taken.

### **S.B. 57 (Chapter 18)**

Senate Bill 57 relates to restitution for juveniles. This bill allows for a child to participate in a program of restitution through work, even if the child has previously committed an unlawful act involving the use or threatened use of force or violence, if the probation officer or a court determines that the child would benefit from the program.

In addition, this measure provides that 50 percent of the wages a child earns through a program of restitution through work must be deducted to pay restitution if the child secures employment on his own without assistance of the program. However, if the child secures work through the program 60 percent of the child's wages must go to pay restitution.

### **S.B. 197 (Chapter 206)**

Senate Bill 197 relates to juvenile justice. This measure reorganizes Nevada's juvenile justice laws by repealing the existing provisions of *Nevada Revised Statutes* (NRS) Chapters 62, 210, 214, and a portion of 213, and re-codifying these provisions in Title 5 of the NRS.

The major provisions of this bill are effective on January 1, 2004.

### **S.B. 286 (Chapter 57)**

Senate Bill 286 relates to juvenile sex offenders. This bill provides that a residential, group, or institutional treatment or rehabilitation program for juvenile sex offenders in this State may not accept a juvenile sex offender from another state, unless the other state first requests, through interstate compact provisions, that the child be provided courtesy supervision while the child is in a program in this State.

## **Parole and Probation**

### **A.B. 95 (Chapter 159)**

Assembly Bill 95 makes various changes to the provision pertaining to the authority and discretion of a court to suspend a sentence and grant probation in certain cases. The measure revises the penalty for a person convicted of a category E felony to provide that probation is not mandatory if the person had previously been assigned to a treatment program and failed to successfully complete the program. In addition, the measure specifies that probation is not mandatory if the person was serving a term of parole at the time the crime was committed or the person had previously had his parole revoked.

### **A.B. 105 (Chapter 46)**

Assembly Bill 105 provides additional credits against the sentence of a parolee under certain circumstances. The measure authorizes a parolee to earn ten days of credit each month against his sentence of imprisonment for diligence in labor or study. A parolee may also earn the same amount of credit if he pays the required supervision fees and restitution. As with credits

earned while in prison, the credits a parolee may earn under the bill apply to the individual's prison term, not his time on parole.

The bill is effective on January 1, 2004.

### **S.B. 232 (Chapter 56)**

Senate Bill 232 relates to the State Board of Parole Commissioners. This bill authorizes the Chairman of the State Board of Parole Commissioners (the Board) to appoint a person to serve as Secretary of the Board of Pardons Commissioners, and provides for the selection criteria and the duties of the Secretary. In addition, the bill provides that if the Board finds that based on a new criminal charge, there is probable cause to keep a paroled prisoner incarcerated, the Board may consider the forfeiture of credits and time that must be served under the original sentence. The Board may immediately consider the prisoner's case under these parameters or defer consideration until 60 days after his return to the custody of the Department of Corrections following the final adjudication of the new criminal charge.

## **Sexual Offenses**

### **A.B. 78 (Chapter 461)**

Assembly Bill 78 revises the penalty for certain sexual offenses committed against children and prohibits the suspension of a sentence or the granting of probation to a person convicted of lewdness with a child. The measure provides that a person convicted of sexual assault against a child or lewdness with a child under the age of 16 years, who has been previously convicted of sexual assault, lewdness with a child, or a sexual offense, as defined by the bill, is guilty of a category A felony. The penalty for this offense is life in prison without the possibility of parole.

Assembly Bill 78 also revises the sentence for the crime of lewdness with a child. As an alternative to the existing penalty of life in prison with the possibility of parole after 10 years, the bill provides that a person convicted of this crime may be punished by a definite term of 20 years with the possibility of parole after 2 years. Assembly Bill 78 also prohibits the court from granting a person convicted of lewdness with a child a suspended sentence or probation.

In addition, this measure requires that Nevada's Department of Public Safety shall provide, through an Internet website or other electronic means of communication, a registry of sex offenders and offenders convicted of a crime against a child from information provided by the Central Repository for Nevada Records of Criminal History. The measure makes the registry a free service to the public, revises the type of information a requester must provide to the Central Repository when making an inquiry, requires the Repository to provide certain explanations about the statewide registry to each requester, and authorizes the Repository to disclose information about an offender listed in the registry according to the level of notification assigned to the offender.

### **S.B. 394 (Chapter 261)**

Senate Bill 394 revises certain provisions relating to crimes. This bill adds the luring of mentally ill persons to the existing crime of luring a child, through the use of a computer system or network, with the intent to engage in sexual conduct. A person who violates this provision, is guilty of a category B felony. The bill also replaces the term “obscene material” with the term “material harmful to minors.” In addition, the bill enhances the penalties to make it also a category B felony to engage in these activities without the use of a computer, system or network.

Further, the measure eliminates the crime of annoying or molesting a minor and substitutes new crimes of unlawful contact with a child and unlawful contact with a mentally ill person. A person who commits either of these crimes is guilty of a gross misdemeanor for the first offense, and for the second and each subsequent offense, a category B felony.

Finally, this measure makes changes concerning the possession of controlled substances, and provides that it is unlawful to knowingly or intentionally manufacture, or possess with the intent to manufacture, a controlled substance other than marijuana. The bill also identifies those chemicals for determining a violation of this provision.

Testimony indicated that this measure was introduced in response to two recent Nevada Supreme Court cases which held that certain criminal provisions were unconstitutionally vague.

This measure is effective on May 28, 2003.

### **S.B. 397 (Chapter 99)**

Senate Bill 397 relates to sex offenders. This bill requires a person convicted of a sexual offense or a crime against a child to notify local law enforcement agencies if he expects to be or becomes a student or a worker at an institution of higher education. The bill also establishes related provisions concerning campus police departments, immunity for certain persons, and conditions of parole and probation.

This measure is effective on May 15, 2003.

## **Victims of Crime**

### **A.B. 126 (Chapter 78)**

Assembly Bill 126 revises the definition of “exploitation” for provisions relating to older or vulnerable persons. The bill expands the definition of “exploitation” that applies to crimes involving the abuse of older persons and to provisions concerning civil liability for exploiting an older or vulnerable person. The revised definition includes acts to convert the money, assets, or property of the older person with the intention of permanently depriving him of their ownership, use, benefit, or possession.

**A.B. 336 (Chapter 163)**

Assembly Bill 336 revises the provisions regarding notification of certain victims of crime if the defendant is released before or during trial. The measure specifies that a request from a victim for notice when a defendant is released from custody before or during the trial may be made in writing or by telephone through an automated or computerized system of notification, if such a system is available. Assembly Bill 336 also clarifies that such notification must also be provided if the defendant is released pending trial or subject to electronic supervision.

The measure is effective on July 1, 2003.



## EDUCATION

### A.B. 52 (Chapter 65)

Assembly Bill 52 provides for the issuance of standard high school diplomas to veterans of the Armed Forces who served in certain military conflicts. The measure provides that persons who left high school before graduating to serve in the Armed Forces of the United States during World War II, the Korean War, or the Vietnam Era may request a standard high school diploma from a local school district. The veteran must have received an honorable discharge upon leaving military service. A veteran who holds a general educational development credential may also request a diploma. Further, the family of a deceased veteran may request the diploma in the name of the veteran.

Finally, the bill requires Nevada's State Board of Education and the Office of Veterans' Services to jointly establish guidelines for the issuance of these diplomas.

This measure is effective on May 12, 2003.

### A.B. 138 (Chapter 79)

Assembly Bill 138 regulates pupils' use of electronic communication devices. The bill requires the boards of trustees of school districts to adopt a policy concerning pupils' use of pagers, cellular telephones, or similar devices on school property or at school-sponsored activities. The bill repeals a section of State law that currently prohibits a pupil from carrying or possessing such devices on school property unless he receives written authorization from the school administrator. The policy to be adopted must prescribe appropriate disciplinary measures for violations and must be included in the written rules of behavior. The measure provides that the board of trustees shall adopt such policies by September 1, 2003.

This measure is effective on July 1, 2003.

### A.B. 218 (Chapter 500)

Assembly Bill 218 revises the provisions governing the temporary alternative placement of disruptive pupils. The measure requires the principal of each public school in Nevada to develop, review, revise, and adopt the school discipline plan with the input of parents, teachers, educational personnel, and support personnel from the school. The plan must then be made available for public inspection by October 1 of each year. The school district superintendent is required to report to the board of trustees of the district a compilation of the school plans throughout the district and the names of principals who are not in compliance with the filing deadline. The Superintendent of Public Instruction is required to report the compliance of schools and school districts to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Education.

This measure is effective on July 1, 2003.

**A.B. 510 (Chapter 171)**

Assembly Bill 510 revises provisions relating to preparation for certain examinations. The measure requires the State Board of Education to prescribe a course of study designed to assist pupils to pass the high school proficiency examination. Further, the bill provides that school district boards of trustees may offer the prescribed course as an elective.

Finally, the bill provides that, in the informational pamphlet concerning the high school proficiency examination, the Nevada Department of Education shall recommend courses of study to prepare for college entrance examinations.

This measure is effective on July 1, 2003, for the purpose of adopting regulations and for updating the informational pamphlet. The bill is effective on January 1, 2004, for all other purposes.

**S.B. 34 (Chapter 411)**

Senate Bill 34 revises certain provisions concerning the promotion of pupils in public schools. This measure clarifies an apparent conflict between two existing sections of the *Nevada Revised Statutes*. The bill specifies that no pupil may be retained more than one time in the same grade unless the subsequent grade is in high school.

This measure is effective on July 1, 2003.

**S.B. 36 (Chapter 174)**

Senate Bill 36 authorizes regional training programs for the professional development of teachers and administrators by providing them with access to information concerning issues related to suicide among pupils. The measure authorizes a Regional Training Program for the Professional Development of Teachers and Administrators to facilitate and coordinate access to information, for educational purposes only, by teachers and administrators concerning issues related to suicide among pupils. Furthermore, S.B. 36 provides that a teacher or administrator receiving or having access to such information does not have any additional duty otherwise required in their course of employment.

The bill is effective on July 1, 2003.

**S.B. 50 (Chapter 200)**

Senate Bill 50 relates to smoking restrictions. This bill authorizes a school district to adopt more stringent restrictions than State law currently provides on the smoking, use, sale, distribution, marketing, display, or promotion of tobacco or tobacco products. In addition, the measure revises, from 2010 to 2007, the date by which certain grocery stores must install ventilation systems to alleviate tobacco smoke.

### **S.B. 59 (Chapter 489)**

Senate Bill 59 revises provisions governing alternative schedules of school districts. The measure authorizes the board of trustees of a school district to apply to the Superintendent for Public Instruction for authorization to offer an alternative schedule to the traditional 180-day school year. The program of instruction for the alternative schedule must be equal to or greater than the number of minutes of instruction provided under the traditional 180-day schedule.

Further, the measure makes available alternative scheduling in any school district in a county with a population less than 100,000. In any school district in a county with a population of 100,000 or more, the school district may not apply for the alternative schedule unless the school fits the definition of rural or remote portion of the county, as promulgated by the State Board of Education.

The measure provides that any alternative schedule must be developed in accordance with the provisions of Chapter 288 of the *Nevada Revised Statutes*.

Finally, the measure requires the board of trustees of a school district adopting an alternative schedule under the bill to submit a report to the Superintendent of Public Instruction concerning the impact of the program, and further requires the Superintendent to submit any such reports to the 2005 Legislature.

The bill is effective on July 1, 2003.

### **S.B. 68 (Chapter 147)**

Senate Bill 68 revises the provisions governing the terms of members of the Commission on Educational Technology and the Council to Establish Academic Standards for Public Schools. The measure allows members on both the Commission on Educational Technology and the Council to Establish Academic Standards for Public Schools to serve past the expiration of their terms until a reappointment is made. In addition, the bill provides for staggered terms for members of the Commission on Educational Technology. Finally, the terms for members of the Commission are changed to calendar years rather than fiscal years.

The bill is effective on July 1, 2003.

### **S.B. 150 (Chapter 184)**

Senate Bill 150 authorizes a school district to sell or lease certain real property for less than the appraised value under certain circumstances. The measure provides a mechanism for the board of trustees of a school district to dispose of real property to the highest bidder, if that bid is below the appraised value. The bill provides that if the board does not receive bids at or above the appraised value at an initial meeting, it may amend its resolution to sell the property at a second meeting of the board. This process may be repeated one additional time if no qualified bids are received. If no such bids are received at a third meeting, the board is authorized to

accept the highest of the bids received at the final meeting, even if that bid is below the appraised value of the property.

The bill is effective on May 22, 2003.

**S.B. 210 (Chapter 453)**

Senate Bill 210 makes various changes to State programs for the professional development of educators. The measure provides the Regional Professional Development Programs (RPDPs) with authorization to enter into statewide partnerships and to allocate a portion of their budgets for the purpose of providing matching funds to permit the receipt of grant funds and to otherwise permit the receipt of grant funds from State, federal, or other sources, donations, or gifts. Further, the bill provides for the same compensation of statewide Coordinating Council members for travel and per diem expenses as is provided to state officers and employees generally, for attendance at Council meetings and while otherwise engaged in the work of the Coordinating Council. The expenses will be paid from the budgets of the respective RPDPs. Senate Bill 210 also incorporates the Nevada Early Literacy Intervention Program into the responsibilities of the RPDPs. The teaching methods and goals for that program are specified. Finally, the measure increases from eight to nine, the number of members of the Council, adding a representative to the Council appointed by the President of the Nevada State Education Association.

The bill is effective on July 1, 2003.

**S.B. 253 (Chapter 253)**

Senate Bill 253 revises provisions governing school attendance required to obtain credit or to be promoted to the next grade. The measure provides that a student must be in attendance for a minimum number of days in order to obtain credit for that class or grade. The provisions allowing for unlimited absences due to physical or mental inability to attend school are deleted. The bill also specifies that, before a pupil is denied credit or promotion, the principal shall provide written notice to the parent or guardian of the pupil, who may request a review of the absences. Based upon the review, the pupil shall receive credit toward attendance if the parent or guardian provides evidence that the pupil was physically or mentally unable to attend and the pupil has completed course work requirements. A pupil or his parent or guardian has the right to appeal a decision to their school district board of trustees.

The bill is effective on July 1, 2003.

**S.B. 456 (Chapter 374)**

Senate Bill 456 revises various provisions of the Uniform Athletes' Agents Act. The measure amends the Uniform Athletes' Agents Act to provide the Office of the Secretary of State with authority for certain administrative actions and hearings processes. The measure specifies the authority of the Office to conduct investigations and clarifies responsibilities for prosecution under the act as a whole. The bill also provides the Office with the authority to bring

administrative actions against persons for minor violations of the Uniform Athletes' Agents Act, including cease and desist orders and censure. Also authorized are more serious sanctions, including suspension or revocation of registration and administrative fines up to \$25,000. In addition, the measure provides for the right to a hearing concerning these potential actions and for certain limitations on sanctions. The Office is authorized to recover the costs of these proceedings.

Senate Bill 456 also provides for administrative hearings, specifies authority to administer oaths, issue subpoenas, take evidence, and provides a mechanism for enforcing subpoenas. In addition, the act specifies that documents used in an investigation are confidential unless the matter is forwarded for prosecution. Disclosure of other information to another governmental agency may be made under specified circumstances. The bill clarifies that required records may be maintained in any form of data storage as long as they can be made available upon request within 30 days. The criminal penalties for violations are expanded to include the intermediate administrative procedures contained within the bill. Finally, the measure provides for the adoption of regulations by the Secretary of State specific to the provisions of the Act.

#### **S.B. 503 (Chapter 471)**

Senate Bill 503 revises provisions concerning home schooled children and Millennium Scholarships. This measure requires that school districts allow home schooled children to participate in interscholastic activities and events in accordance with rules adopted by the Nevada Interscholastic Activities Association (NIAA). The Association must consult home school advisory councils about regulations that affect such participation. The bill prohibits a private school or public school district from prescribing more restrictive rules for home schooled children than the NIAA prescribes.

Senate Bill 503 also revises the eligibility requirements for receipt of a Millennium Scholarship. These new requirements reduce, from eight to six years, the length of time following graduation from high school during which a student may apply for the scholarship. The measure raises the grade point average (GPA), on a 4.0 grading scale, a student must maintain while in high school to be eligible for the scholarship. Specifically, a student in the graduating classes of 2003 or 2004 must have maintained at least a 3.0 GPA, while students graduating in 2005 or 2006 must have maintained at least a 3.1 GPA, and students graduating in 2007 or later must maintain at least a 3.25 GPA. The measure also requires the Board of Regents of the University and Community College System of Nevada to set forth the courses in which a high school student must earn the minimum GPA averages, and may set forth other criteria for students who have been on active duty serving in the Armed Forces of the United States. The bill also raises, from 2.0 to 2.6, the GPA a student graduating from high school after May 1, 2003, must maintain at an eligible institution in Nevada.

This measure is effective on July 1, 2003.

### **S.C.R. 12 (File No. 61)**

Senate Concurrent Resolution No. 12 encourages school administrators, teachers, and other educational personnel involved in prekindergarten through 12th grade to promote nutrition and physical fitness in schools. The measure reviews national statistics concerning the high numbers of obese children and the significant increase in the obesity rate of children and adolescents over the last decade. Further, the resolution reviews the health consequences related to obesity, including the increased risk of heart disease and high blood pressure, asthma, and diabetes. The measure makes note of the link between obesity in youth and emotional and psychosocial problems. In addition, the resolution states the benefits of exercise and good nutrition, and identifies barriers within our society to making appropriate choices. The measure also specifies the benefits of promoting healthy nutritional choices and physical activity within the public school system. Finally, the resolution encourages school districts, schools, and educational personnel to actively promote proper levels of nutrition and physical activity, and that related policies, programs, and standards be reviewed and revised accordingly.

See also Senate Bill 1 (Chapter 1) of the 19th Special Session.

See also Assembly Bill 9 (Chapter 9) of the 20th Special Session.

## **Higher Education**

### **A.B. 148 (Chapter 442)**

Assembly Bill 148 requires the Legislative Auditor to conduct an audit of the University and Community College System of Nevada (UCCSN) and the Board of Regents. The audit must include analysis of: (1) capital construction projects; (2) athletic programs; (3) administrative costs; (4) host accounts; (5) the validity and reliability of enrollment data; (6) policies and procedures regarding investment income; (7) contract and bidding procedures; and (8) statewide programs.

The bill requires the Legislative Auditor to present a written audit report to the Legislative Commission's Audit Subcommittee not later than February 7, 2005. Finally, the bill provides that the UCCSN must transfer \$90,000 from its budget to the Legislative Counsel Bureau to cover the cost of conducting the audit. Any unspent money must revert to the UCCSN.

This measure is effective on July 1, 2003.

### **A.B. 353 (Chapter 405)**

Assembly Bill 353 revises the student information policies of the Board of Regents. This measure requires the University of Nevada Board of Regents to provide for the informed consent of students regarding the use of their personally identifiable information by the institutions of the University and Community College System of Nevada (UCCSN), including

the university foundations. The Board of Regents must distinguish between commercial and noncommercial uses of directory information, as defined by the Federal Family Educational Rights and Privacy Act.

This measure is effective on July 1, 2003.

**A.B. 507 (Chapter 235)**

Assembly Bill 507 revises the transfer of certain higher education credits. This bill requires that, within the University and Community College System of Nevada, the universities and the State college must apply toward the major or minor of a baccalaureate degree all credits in courses leading to associate's degrees earned at a community college. The bill clarifies that the community college coursework includes credits earned toward a degree of associate in applied science.

This measure is effective on July 1, 2003.

**S.B. 62 (Chapter 175)**

Senate Bill 62 provides certain students in Nevada's universities and colleges with access to electronic versions of instructional material. The preamble of the bill expresses the policy of the State to meet the needs of students with disabilities and that it serves this purpose if all textbooks and instructional materials used in higher education are made available in a comprehensible format for students with print access disabilities. The measure requires that an institution of the University and Community College System of Nevada (UCCSN) provide to a student with a "print access disability" an electronic version of instructional material in the timeliest manner practical after receiving a written request from a student. Further, the bill requires that a UCCSN institution that receives a request for "non-printed material" must ensure the availability and adequacy of the instructional material. If a non-printed version is not currently available at the institution requested or at another UCCSN institution, it must contact the publisher and request such a version. If the publisher has a "non-print" version of the instructional material, the publisher must provide it to the institution for distribution to the student. If the publisher is unable to provide a non-printed version of the instructional material, the institution must then create and provide to the student a non-print version in the timeliest manner practicable.

**S.B. 159 (Chapter 185)**

Senate Bill 159 deletes the authority of the Western Interstate Commission on Higher Education (WICHE) to adopt certain regulations. The measure deletes the section of the *Nevada Revised Statutes* specific to the creation of a special program for physician assistants under WICHE. The act also specifies that the commissioners referenced in the statutes are the three State WICHE commissioners from Nevada.

The bill is effective on July 1, 2003.

### **S.B. 413 (Chapter 299)**

Senate Bill 413 relates to the University and Community College System of Nevada (UCCSN). This bill increases the maximum amount of revenue bonds that can be issued by the University of Nevada, Las Vegas (UNLV), and the University of Nevada, Reno (UNR). The bill increases the revenue bond limit for UNLV from \$106.5 million to \$199 million. The limit for UNR is increased from \$110.5 million to \$176 million. In addition, the measure expands the definition of pledged revenues to include income or moneys derived from the operation of any buildings, structures, or other facilities of the UCCSN or the Board of Regents.

This measure is effective on May 29, 2003.

### **S.B. 415 (Chapter 428)**

Senate Bill 415 relates to taxes on estates. This measure removes certain restrictions on the use of money in the Estate Tax Account in the Endowment Fund of the University and Community College System of Nevada. The bill also provides that the Board of Regents of the System may, upon approval by the Nevada Legislature or its Interim Finance Committee, expend any money in the Estate Tax Account. Further, this measure requires the Board to transfer money on a monthly basis from the Estate Tax Account to the State General Fund in an amount up to the level of expenditures approved in the final budget of the System for the applicable fiscal year.

This bill is effective on June 10, 2003.

## **Personnel Governance**

### **A.B. 175 (Chapter 35)**

Assembly Bill 175 provides for the temporary replacement of a member of a school district board of trustees who enters active military service. The measure provides that if a vacancy occurs in a school district board of trustees because a member of the board has entered into active military service, the board may appoint a person to serve as a temporary replacement. The member who is entering military service may participate in the selection of his temporary replacement, but must not receive compensation during his absence.

Assembly Bill 175 provides that the temporary replacement fully assumes all rights, responsibilities, and compensation due a member. The appointed member shall serve until the return of the elected member on leave or for the remainder of the unexpired term, whichever occurs first.

The measure is effective on May 1, 2003.



### **S.B. 28 (Chapter 51)**

Senate Bill 28 provides that certain money set aside for group insurance for officers and employees of school districts must not be used for other purposes. Senate Bill 28 specifies that if the governing body of a school district provides group insurance or has any other self-funded insurance plan to cover officers and employees, the money deposited by the participants must be held in a trust fund for the benefit of those paying into the group insurance program. The money must only be used for the purposes of funding and supporting the group insurance plan, must not be loaned to the school district or any other governmental agency, and must not be invested to purchase obligations of the school district. The measure clarifies, however, that the money may be invested in a reasonable and prudent manner. Finally, the bill specifies that income and interest earned on the money must be deposited in the trust fund to benefit the group insurance plan participants.

This measure is effective on May 6, 2003.

### **S.B. 460 (Chapter 459)**

Senate Bill 460 revises provisions governing licensed employees of school districts. The measure provides that the employment of a licensed teacher must be suspended or terminated for failure to maintain a license in force. The act also sets forth administrative procedures and protections for teachers who are suspended under these requirements. Specifically, when an employee's license lapses, the employee must receive a "notice of suspension" from the school district and be suspended without pay until the license is cleared, or the time period provided to address the matter elapses. The time period provided by the bill is 90 days. The time period may be longer if the person is granted an extension or waiver by the Nevada Department of Education, the Commission on Professional Standards in Education, or the school district superintendent or his designee.

Additionally, within 15 days after the notice of suspension, the employee may request a hearing. The measure provides that the district superintendent or designee shall then convene a hearing, and the employee may present evidence and may be represented by counsel or any other person. The hearing officer may extend the time beyond the 90-day period to allow the person to resolve the licensing issue. Once the period expires (whether it is the 90 days or the extended time), if the person is able to reinstate the license, he or she shall be reinstated to the position the person held at the time of suspension. If the period lapses without the license being restored or renewed, their employment is terminated as of that date. Finally, the bill revises the definition of "immorality" applicable to licensed employees of a school district to include the commission of certain drug-related offenses and sexual conduct or attempted sexual conduct with a pupil.

The bill is effective on June 10, 2003.

## **School Facilities**

### **A.B. 240 (Chapter 378)**

Assembly Bill 240 relates to the use of general obligations by school district boards of trustees. The bill repeals the July 1, 2003, expiration on the use of general obligation bonds by boards of trustees to purchase instructional equipment, school furniture, or transportation equipment. The bill provides a new expiration date of July 1, 2007. The bill requires a board of trustees to report to the Nevada Department of Education annually on the purpose for which the bond proceeds were used in the preceding year.

The measure is effective on June 9, 2003.

### **A.B. 396 (Chapter 318)**

Assembly Bill 396 requires the Clark County School District to continue its pilot program for the replacement of certain schools. This measure authorizes the Clark County School District to use an amount not to exceed \$230,000,000 from the Fund for Capital Projects to reconstruct or replace at least ten existing schools within the district. The schools selected must include at least one middle school and at least one high school.

On or before January 10, 2005, the bill requires the Board of Trustees of the Clark County School District to submit an interim report to the Director of the Legislative Counsel Bureau for transmittal to the 73rd Session regarding the pilot program to replace schools. Further, the bill encourages the Board of Trustees of the Clark County School District to construct and renovate schools using innovative designs and energy conservation methods.

Finally, A.B. 396 encourages other school districts in Nevada to establish plans to reconstruct older buildings.

This measure is effective on July 1, 2003.

### **A.B. 407 (Chapter 88)**

Assembly Bill 407 authorizes a school district to allow the general public to use school libraries. The measure provides that a board of trustees of a school district may open school libraries to holders of library cards during non-school hours. The board may enter into cooperative agreements with other county public libraries for personnel and resources. Further, the bill allows the board to use school libraries to enhance certain community outreach efforts.

The bill also provides that the board of trustees may seek funding from other sources to allow public use of school libraries. Operating expenses must be provided out of school district funds, and are not eligible for reimbursement.

This measure is effective on July 1, 2003.

**A.B. 509 (Chapter 399)**

Assembly Bill 509 revises procedures concerning the closure of a school or changing its use. This measure revises the provisions governing the review of decisions by a school district board of trustees to close or change the use of a particular school. The bill deletes existing provisions that allow an aggrieved person to require that the State Board of Education conduct a hearing in the county in which the school is located after appeals to the local board have been exhausted. Further, the act specifies that once a local school board of trustees has reconsidered its previous decision, the determination made upon reconsideration is considered the final decision, subject to judicial review as provided by law.

This measure is effective on July 1, 2003.



## ELECTIONS

### A.B. 114 (Chapter 377)

Assembly Bill 114 revises provisions relating to sheriffs and constables. The measure requires a candidate for sheriff or constable to be at least 21 years of age and to be a qualified elector.

### A.B. 233 (Chapter 131)

Assembly Bill 233 makes changes concerning primary city elections and general city elections. The measure authorizes the governing body of a general law city to adopt ordinances requiring primary city elections and general city elections to be held on the same dates as statewide primary and general elections. If such ordinances are adopted, A.B. 233 provides that the term of office for any elected official may not be shortened.

### A.B. 235 (Chapter 132)

Assembly Bill 235 enacts a Voters' Bill of Rights. The measure establishes various rights of voters in the State of Nevada. Among others, these rights include: (1) receiving and casting a ballot that clearly identifies candidates and accurately records the voter's preference; (2) having questions concerning voting procedures answered; (3) voting without being intimidated; (4) returning a spoiled ballot and receiving another in its place; (5) receiving instruction on the use of voting equipment; and (6) having complaints about elections resolved fairly, accurately, and efficiently.

Additionally, A.B. 235 requires the Secretary of State and county and city clerks to post the Voters' Bill of Rights in at least 12-point type at each polling place and to make them available to the public. Finally, the Secretary of State's Office is required to post the Voters' Bill of Rights on its Internet Web site.

### A.B. 293 (Chapter 309)

Assembly Bill 293 concerns ballot questions. This measure requires the appointment of two committees to prepare arguments concerning a ballot question that is a constitutional amendment or statewide measure proposed by initiative or referendum. One committee must prepare arguments supporting the proposal, and the other committee must develop arguments in opposition. The Secretary of State is required to appoint three persons to each committee. If the Secretary of State is unable to appoint three persons who are willing to serve, he must appoint at least one person to each committee. In determining appointments to the committee, the Secretary of State shall consider persons who have expressed interest in serving on the committee.

Additionally, A.B. 293 stipulates that members of these committees may not serve simultaneously on the committee that favors and the committee that opposes the proposal. Further, members serve without compensation. Each committee shall elect a chairman and

may seek comments from the general public while preparing the argument and rebuttal for the ballot question.

Also, the bill requires the Secretary of State to establish the maximum length of the arguments and rebuttals and the date by which they must be submitted to his office. After receiving the argument and rebuttal, the Secretary of State may consult with organizations with expertise in the field to which the ballot question pertains, and he shall reject any statement he believes is libelous or factually inaccurate. The committee that prepared the statement may appeal the rejection to the Attorney General, and the Attorney General shall review the statement and issue a decision not later than three business days after the appeal was made.

Assembly Bill 293 also provides for the appointment of committees to prepare arguments advocating and opposing a ballot question if the question is placed on the ballot by a school district, public library, metropolitan police committee on fiscal affairs, or water district in a county whose population is 40,000 or more or in a city whose population is 10,000 or more. Additionally, the measure requires these entities to provide an explanation of the ballot question to the county or city clerk 30 days earlier than the current deadline to allow additional time for the committees preparing arguments advocating and opposing a ballot question to meet. Assembly Bill 293 further provides that arguments and rebuttals prepared for statewide initiative and referendum questions as well as all county and city ballot questions must address, among other things, the fiscal, environmental, public health, safety, and welfare impacts of the initiative, referendum, or ballot question.

This measure also allows county and city clerks to establish and maintain a list of persons who have expressed an interest in serving on a committee to prepare arguments advocating and opposing a ballot question. The clerks may ask the people on the list to recommend other people to prepare the ballot arguments, or the clerks may appoint people from this list to prepare arguments on ballot questions after exercising due diligence to locate persons who favor or oppose a ballot question.

Finally, if the Legislature rejects a statewide measure proposed by initiative, and submits a different measure on the same subject to be placed on the ballot with the initiative, A.B. 293 requires the Legal, Research, and Fiscal Analysis Divisions of the Legislative Counsel Bureau to prepare rebuttals to each argument for and against the proposal. The Legislative Commission must review, revise if necessary, and approve such arguments and rebuttals.

#### **A.B. 344 (Chapter 136)**

Assembly Bill 344 concerns filling a vacancy in the office of Representative in Congress. This measure provides that the Governor, within seven days of a vacancy, issue an election proclamation calling for a special election to fill a vacancy in the office of Representative in Congress. The bill requires the election to occur as soon as practicable, on a Tuesday, and not more than 180 days after the issuance of the proclamation. If a vacancy is caused by a catastrophe, the same provisions apply, except the special election must be held within 90 days

of the proclamation. The measure defines a “catastrophe” as a natural or man-made event that causes, by death or disappearance, a vacancy in at least one-fourth of the total number of offices in the House of Representatives, or at least one-half of the representatives from the State of Nevada.

Assembly Bill 344 also allows a special election to be consolidated with a statewide or local election that is scheduled within 90 days after the issuance of the proclamation. Finally, in regards to the filing deadlines for a declaration or acceptance of candidacy, the measure requires that a sufficient amount of time be allowed for mailing election ballots.

This bill is effective on May 21, 2003.

#### **A.B. 375 (Chapter 135)**

Assembly Bill 375 makes technical changes to certain election districts. This measure makes minor changes to the districts of certain members of the Legislature, the State Board of Education, and the Board of Regents. The bill makes boundary revisions that will reduce the need for many mail-only precincts in Clark County, Washoe County, and Carson City. The changes only affect precincts where 50 persons or less reside.

#### **A.B. 526 (Chapter 310)**

Assembly Bill 526 concerns contests of elections. This measure authorizes a contestant in a general election contest for the office of Assemblyman or Senator to amend the statement of contest with the Secretary of State on or before December 15 of the year immediately preceding a regular legislative session. Additionally, both the contestant and the apparent election winner, referred to as the defendant, must provide the Secretary of State with a list of witnesses to be presented at the hearing of the contest.

Assembly Bill 526 also clarifies that the contestant and defendant may take the deposition of any witness and investigate issues relating to the contest. At the hearing of the contest, each party may present any relevant depositions and other evidence obtained during the investigation, including information obtained after the date for filing an amended statement of contest. Evidence gathered after that date may not be included in an amended statement.

Finally, this measure provides that the house in which a contest was tried or was to be tried shall determine the remedy, if any, to be awarded to a party. The remedy may include costs incurred by a party in connection with the contest.

#### **S.B. 123 (Chapter 179)**

Senate Bill 123 revises provisions regarding the prohibition of government expenditures in support or opposition to a candidate or ballot question. This bill prohibits public officers and employees from requesting or otherwise causing State and local governments to make expenditures to support or oppose ballot questions or candidates. The measure repeals *Nevada Revised Statutes* (NRS) 293.725, which prohibits the government of this State or a

political subdivision from making an expenditure that supports or opposes a ballot question or candidate, and shifts this prohibition into Chapter 281 of the NRS regarding public officers and employees.

The bill explains that a governmental expense in support of a candidate includes one that is made for the creation or dissemination of a pamphlet, publication, or television advertisement that prominently features the activities of the current public officer. The bill provides that such expenditures cannot be made from the time the current public officer declares his or her candidacy until after the date of the general election. Several exceptions to these provisions are provided in the measure, including if the pamphlet, brochure, or television programming is made available to the general public on a regular basis and merely describes the functions of the candidate's public office or the government entity which employs the candidate. Further, the bill explains that these government expenditure provisions do not apply if the pamphlet, brochure, or television advertisement serves to carry out the duties of the government entity or the public officer who is a candidate. Finally, the measure provides an exception for televised public forums relating to ballot questions.

#### **S.B. 262 (Chapter 386)**

Senate Bill 262 concerns the posting and transmittal of election results. This bill requires an election officer, or other person who prepares an abstract of votes for an election, to transmit a copy of the abstract to each public library within the jurisdiction of that election officer. The transmittal must be on paper or through electronic means. In lieu of this transmittal, the election officer may post the abstract on the public Internet Web site maintained for his or her office. The measure requires the abstract to be transmitted to the public library or posted to the Web site within 30 days after it is prepared.

#### **S.B. 309 (Chapter 387)**

Senate Bill 309 makes various changes concerning support for participatory democracy. The measure declares that the Legislature supports the goal that by the 2008 General Election, 75 percent of all eligible voters will be registered to vote and 70 percent of those eligible voters will vote in the General Election. The bill creates the Advisory Committee on Participatory Democracy consisting of ten members, including the Secretary of State and nine other members appointed by the Secretary of State. The bill provides that the Secretary of State shall, when appointing members to the Committee, consider political, geographical, and demographical factors. Further, the Secretary of State must select a Chair for the Committee from its membership and designate an employee from his staff to serve as secretary for the Committee. The Chair of the Committee shall appoint a Vice Chairman. Furthermore, the measure allows the Committee to establish a panel to assist the Committee in its duties. The panel may consist of representatives of various organizations committed to improving participatory democracy, including, without limitation, youths involved with committees established to improve the teaching of principles of participatory democracy at schools, colleges, and universities in Nevada.



The bill creates a Special Account for the Support of the Advisory Committee in the State General Fund and specifies that the Committee members serve without compensation, but may receive per diem and travel expenses if money is available in the Special Account. The Secretary of State may apply for any available grants and accept gifts, donations, and grants to support the Committee. The Advisory Committee on Participatory Democracy must assist and advise the Secretary of State and other national, state, and local entities in projects to encourage participatory democracy. This Advisory Committee also replaces the Committee now appointed by the Director of the Department of Cultural Affairs to advise him on the Repository for Records Concerning Programs, Activities and Events Related to the Participation of Citizens in the Development of Public Policy and the Improvement of the Operation of Government.

In addition, the bill requires each local school district, with the help of the State Board of Education and the Board of Regents, to prepare a report for the 73rd Session of the Nevada Legislature evaluating the efforts made in teaching civics, comparing the achievement of Nevada students in developing an understanding of participatory democracy, and setting forth recommendations concerning how these principles can be better taught in schools and universities.

#### **S.B. 417 (Chapter 22)**

Senate Bill 417 creates the “Election Fund” to receive money pursuant to the Help America Vote Act of 2002. Senate Bill 417 creates the “Election Fund” as a special revenue fund in the State Treasury to be administered by the Secretary of State. The measure specifies that all money received pursuant to the federal Help America Vote Act of 2002 (HAVA) must be deposited in this fund and is appropriated to the Secretary of State.

The bill further provides that interest and income earned may be credited to the fund. Any balance of the money that was received pursuant to HAVA remaining at the end of a fiscal year does not revert and must be carried forward to the next fiscal year for continuous availability. The measure declares that the Secretary of State may only expend or disburse the money in accordance with HAVA and receive and disburse money via electronic transfer. The bill also authorizes the Secretary of State to expend not more than \$5 million from the Election Fund for the purposes of implementing Title 1 of HAVA. Finally, S.B. 417 requires the Secretary of State to transmit a report to the Interim Finance Committee, upon the expenditure of money as authorized, which provides a detailed accounting of the manner in which the money was expended.

This measure is effective on April 25, 2003.

#### **S.B. 449 (Chapter 486)**

Senate Bill 449 makes various changes concerning ballot questions. The measure provides that advisory questions for all voters of the State must be placed in consecutive order on the statewide ballot immediately following any other questions on the ballot. Advisory questions for voters of special districts or political subdivisions must also be placed on the ballot

following all other ballot questions. The measure limits the placement of advisory questions on the ballot to the governing body of a city or county. If the advisory question proposes a bond, tax, fee or expense, a fiscal note must be prepared by governing body. Current law stipulates that a copy of the question and arguments for and against must be provided.

The measure provides that in order to place an advisory question on the ballot at a general election, the governing body of a county or city must adopt a resolution that sets forth: (1) the ballot question, in language clearly indicating that the question is advisory; (2) an explanation of the question; (3) arguments for and against the advisory question; and (4) a fiscal note that describes any anticipated financial effects on State and local government and taxpayers. If the advisory question seeks advice on whether bonds should be issued, the fiscal note must include information required by law for the applicable type of bond. If the advisory question seeks advice on whether a limitation upon revenue from property taxes should be exceeded, the fiscal note must include any information that is required by law to be included on the sample ballot.

The measure sets forth several requirements for fiscal notes on advisory questions that ask whether a tax other than a property tax should be levied, if a fee should be imposed, or whether a local government should incur an expense. The fiscal notes for such questions must: (1) identify the average annual cost that is expected to be incurred by the affected taxpayers if the tax, fee, or expense is levied or approved; (2) specify the period over which the tax, fee, or expense is proposed; (3) if the advisory question is related to taxation, state whether revenue bonds are to be sold as part of the tax levy; and (4) specify whether additional expenses are expected to pay for the operation or maintenance of any program or service to be provided from the proceeds of the tax or fee. The bill further provides that a sample ballot for the general election must clearly indicate in the title of the question whether the question is advisory in nature. In addition, the measure requires the Committee on Local Government Finance to prepare sample ballot questions to demonstrate examples of the manner in which fiscal notes should be prepared.

The bill provides that committees must be appointed to prepare arguments for and against local ballot questions for a county whose population is 40,000 or more. Existing law provides for the appointment of such committees in counties with populations of 100,000 or more. Finally, the bill specifies that cities with populations over 10,000 must appoint committees to prepare arguments for and against local ballot questions. Existing law provides for the appointment of such committee in cities with populations of 60,000 or more.

## **Campaign Practices**

### **A.B. 528 (Chapter 311)**

Assembly Bill 528 concerns elections and campaign finance. This measure makes numerous changes to Nevada's election and campaign finance laws. Assembly Bill 528 specifies that in computing any time period in Nevada's election laws, Saturdays, Sundays, legal holidays, and

holidays proclaimed by the Governor must be counted unless specifically excluded or unless the period is measured by working days.

Additionally, A.B. 528 provides a deadline for requiring a deceased candidate's name to appear on the ballot for a primary election and the procedure for counting any votes cast for such candidate.

Further, the bill provides that minor parties may obtain a list of registered voters at no charge, as currently provided to major parties. The measure also provides that when representatives of any state or county central committee of a major political party or any executive committee of a minor political party receive without charge a list of registered persons, those representatives shall not use the list for any purpose not related to the election or sell the list for compensation or other valuable consideration.

The measure further clarifies that a person who files a notice of intent to circulate a petition for recall is, for the purposes of filing appropriate campaign disclosure reports, a "committee for the recall of a public officer." The bill also requires a candidate who is not elected to file his disposition report with the filing officer with whom he filed his declaration or acceptance of candidacy, rather than the Secretary of State.

Further, the measure specifies that a newspaper, radio broadcasting station, outdoor advertising company, television broadcasting station, or other person or group that accepts, broadcasts, disseminates, prints, or publishes political advertising must make available for inspection information concerning the cost of such advertisements within three days after receiving a request for such information.

Assembly Bill 528 reduces the maximum penalty for late filings of campaign reports from \$5,000 to \$100 for a public officer who is not entitled to receive compensation for his office and for a candidate for such office who received no contributions and made no expenditures.

Finally, the bill makes technical changes concerning: (1) petition circulators; (2) information posted at polling places; (3) independent candidates; (4) refunds of certain filing fees; (5) the date of the canvass; (6) mailings of sample ballots; and (7) election matters in certain city charters.

This bill is effective on May 29, 2003.

#### **A.B. 529 (Chapter 476)**

Assembly Bill 529 concerns reporting campaign contributions and expenditures. This measure requires the Secretary of State, with the advice and consent of the Legislative Commission, to design a single form to be used for all reports of campaign contributions and expenses or expenditures. The bill also reduces the number of contribution and expenditure reports that candidates and public officials must file, and changes the dates for filing such reports. The measure clarifies that contributions of \$100 or less do not have to be reported individually.

Further, A.B. 529 eliminates the requirement to report campaign expenses and expenditures that have been contracted for but not paid during a reporting period.

Additionally, the bill clarifies that a candidate may use unspent campaign contributions in a subsequent election, regardless of whether he is a candidate for a different office in his next election. If a candidate dies, his campaign funds must be disposed of in the same manner as for candidates who are not elected.

The measure specifies that campaign contribution and expense forms may be submitted via regular mail, certified mail, facsimile, electronic means, or delivered personally. The bill also requires candidates for public office to file statements of financial disclosure with the Secretary of State instead of the Commission on Ethics. This bill also stipulates that financial disclosure statements only have to be filed by: (1) candidates who would be entitled to receive \$6,000 or more in compensation in the office they are seeking; or (2) appointed officials who receive \$6,000 or more in compensation. The measure requires the Secretary of State to prescribe regulations addressing the submission of the Statement of Financial Disclosure in his office.

The measure changes the fee schedule for civil penalties for late filings of the statement of financial disclosure. The bill also removes the ability of the Commission to reduce fines, but allows the Secretary of State to waive a civil penalty for good cause shown.

Finally, A.B. 529 repeals two sections of the statutes regarding contributions in excess of \$10,000 and the disposition of unspent contributions.

This bill is effective on January 1, 2004.

## **Elections Procedures**

### **A.B. 125 (Chapter 303)**

Assembly Bill 125 makes various changes concerning elections. The measure changes from the third Monday in May to the second Friday after the first Monday in May the date for filing as a candidate for a partisan office and for submitting a local ballot question for the primary election. The bill authorizes a minor political party to amend its filed list of candidates through the end of the candidate filing period. The measure also provides for the electronic filing and storage of voted ballots, and provides that certain voting records will be printed only in the event of an election contest or recount.

Assembly Bill 125 further authorizes a county or city clerk, if he determines it best serves the needs of the voters, to designate centralized voting locations for certain elderly or disabled voters. Additionally, the measure provides that a candidate be declared elected and no election may be held for a member of a town board when there is only one candidate who has filed for the position.

Finally, the bill makes minor changes concerning absentee voting, acceptable ballot types for absentee and early voting, post-election certification, recounts, and voter registration.

#### **A.B. 285 (Chapter 134)**

Assembly Bill 285 concerns declarations or acceptances of candidacy. This measure requires a declaration or acceptance of candidacy to include a statement that the declarant is a qualified elector and, if ever convicted of a felony, that his civil rights have been fully restored. Additionally, A.B. 285 prohibits a filing officer from accepting a declaration or acceptance of candidacy if the candidate does not present certain identification. Acceptable identification includes a valid driver's license or identification card issued by a governmental agency containing a photograph of the candidate and the candidate's address, or a current utility bill, bank statement, paycheck, or document issued by a governmental entity indicating the candidate's name and address.

Assembly Bill 285 also allows a filing officer to conduct an investigation into the qualifications of a candidate if the filing officer receives credible evidence that the candidate is a felon who has not had his civil rights restored. The measure requires the filing officer to transmit any credible evidence and findings from the investigation to the Attorney General, district attorney, or city attorney, depending on the jurisdiction, as a challenge of the candidate. If it is determined by a court of competent jurisdiction that a candidate has been convicted of a felony and has not had his civil rights restored, and the ballots are already printed, A.B. 285 requires the filing officer to post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office.

#### **A.B. 421 (Chapter 166)**

Assembly Bill 421 concerns certain nonpartisan candidates. This measure requires that the name of an unopposed, nonpartisan candidate initially be placed on the primary election ballot instead of the general election ballot. If that candidate receives one or more votes at the primary election, he must be declared elected to office, and his name must not go on the general election ballot. If he does not receive at least one vote at the primary election, his name must be placed on the ballot for the general election. The provisions of this bill do not apply to the office of justice of the Supreme Court.

#### **A.B. 528 (Chapter 311)**

Assembly Bill 528 concerns elections and campaign finance. This measure makes numerous changes to Nevada's election and campaign finance laws. Assembly Bill 528 specifies that in computing any time period in Nevada's election laws, Saturdays, Sundays, legal holidays, and holidays proclaimed by the Governor must be counted unless specifically excluded or unless the period is measured by working days.

Additionally, A.B. 528 provides a deadline for requiring a deceased candidate's name to appear on the ballot for a primary election and the procedure for counting any votes cast for such candidate.

Further, the bill provides that minor parties may obtain a list of registered voters at no charge, as currently provided to major parties. The measure also provides that when representatives of any state or county central committee of a major political party or any executive committee of a minor political party receive without charge a list of registered persons, those representatives shall not use the list for any purpose not related to the election or sell the list for compensation or other valuable consideration.

The measure further clarifies that a person who files a notice of intent to circulate a petition for recall is, for the purposes of filing appropriate campaign disclosure reports, a "committee for the recall of a public officer." The bill also requires a candidate who is not elected to file his disposition report with the filing officer with whom he filed his declaration or acceptance of candidacy, rather than the Secretary of State.

Further, the measure specifies that a newspaper, radio broadcasting station, outdoor advertising company, television broadcasting station, or other person or group that accepts, broadcasts, disseminates, prints, or publishes political advertising must make available for inspection information concerning the cost of such advertisements within three days after receiving a request for such information.

Assembly Bill 528 reduces the maximum penalty for late filings of campaign reports from \$5,000 to \$100 for a public officer who is not entitled to receive compensation for his office and for a candidate for such office who received no contributions and made no expenditures.

Finally, the bill makes technical changes concerning: (1) petition circulators; (2) information posted at polling places; (3) independent candidates; (4) refunds of certain filing fees; (5) the date of the canvass; (6) mailings of sample ballots; and (7) election matters in certain city charters.

This bill is effective on May 29, 2003.

#### **A.B. 541 (Chapter 312)**

Assembly Bill 541 concerns elections. This measure provides that if two or more candidates have the same or similar surnames that could cause confusion, the incumbent's name will be listed first and in bold print. The bill provides that if neither of the candidates is an incumbent, the middle names or initials of the candidates must be included on the ballot.

This measure also requires that when the Legislature rejects a statewide initiative and proposes an alternative, each ballot and sample ballot must contain the statement, "The following questions are alternative approaches to the same issue and only one approach may be enacted

into law. Please vote for only one.” Further, the measure proposed by the Legislature must be listed on the ballot before the measure proposed by initiative.

Assembly Bill 541 also extends the period of voter registration by ten days for electors who register to vote in person at the office of the county or city clerk.

Finally, this measure revises the period during which a candidate may accept or lobbyist may offer monetary contributions before and after a Special Session. If the commencement of a Special Session is more than 15 days after the Governor issues the proclamation, monetary contributions cannot be exchanged beginning 15 days before a Special Session. If the commencement of a Special Session is 15 or fewer days after the Governor issues the proclamation, monetary contributions cannot be made beginning the day after the proclamation is issued.

### **S.B. 453 (Chapter 382)**

Senate Bill 453 makes various changes concerning elections. This bill sets forth provisions in Chapter 293 of the *Nevada Revised Statutes* (NRS) to ensure consistency with the Help America Vote Act of 2002. The measure requires the Secretary of State to establish and keep a statewide voter registration list, which may be maintained on the Internet. Among other things, the list must: (1) be uniform, centralized, and interactive; (2) serve as the single method for storing and managing the official registration list; (3) contain the name and registration information of every legally registered voter in this State; (4) be coordinated with the appropriate databases of other state and local agencies; and (5) be electronically accessible to each state and local election official in this State at all times. The measure provides that each county and city clerk and voter registrar shall electronically submit to the statewide voter registration list all information related to voter registration. Further, the bill requires the Secretary of State to enter into a cooperative agreement with the Department of Motor Vehicles (DMV) to match information in the statewide voter registration database with the DMV’s database to verify the accuracy of an application to register to vote. The DMV is also required to enter into an agreement with the Social Security Administration to verify this information.

The measure requires the clerk of a county or city that uses paper ballots or punch cards to provide a voter education program specific to that voting system. The education program must include information concerning the effect of overvoting and the procedures for correcting a vote on a ballot. Additionally, S.B. 453 makes changes concerning voting systems and voting system standards. Specifically, the measure requires each voting system to: (1) permit a voter to verify whom they have voted for and make changes to their vote in a private and independent manner; (2) protect and preserve the privacy, secrecy, and independence of each ballot; (3) produce a permanent paper record with manual audit capacity that is the official record for a recount; (4) be accessible to disabled persons; (5) provide alternative language accessibility pursuant to the Voting Rights Act of 1965; and (6) meet or exceed standards for voting equipment set forth by the Federal Elections Commission (FEC) and comply with error rate standards established by the FEC.

Senate Bill 453 also allows a voter to cast a provisional ballot for a candidate for federal office under certain circumstances. A voter must be allowed to cast such a provisional ballot if he: (1) declares his eligibility to vote but his name does not appear on the rolls; (2) registered to vote by mail and is a first-time voter and did not bring the appropriate identification to the polls; or (3) declares he is entitled to vote after the close of the polls due to a court order. Before a person may cast a provisional ballot, he must complete a form prescribed by the Secretary of State that specifies the voter's name and reason for casting the provisional ballot and sign a statement affirming that he is a registered voter and eligible to vote. The measure sets forth additional requirements pertaining to the contents of the form and highlights the manner in which a provisional ballot is obtained, how a provisional vote is cast, and the method by which it is counted. In addition, the bill requires the Secretary of State to establish a toll-free telephone number or an Internet website to inform a voter who casts a provisional ballot if his vote was counted and, if not counted, the reason why it was not counted.

The measure requires the Secretary of State and each county and city clerk or voter registrar to ensure that a copy of the appropriate sample ballot as well as detailed voting instructions and information are posted at each polling place. The Secretary of State must also make available information regarding voter registration, absentee balloting, and other information pertaining to voting by Armed Forces personnel and overseas voters.

Senate Bill 453 also makes various changes regarding voter registration. The measure clarifies that a first-time voter who registers to vote by mail after January 1, 2003, must show identification when casting his ballot. In addition, the bill extends, from 30 days prior to the date of the election to 20 days prior to the election, the time period during which a qualified elector may register to vote. During the final ten days of this period, beginning on the fifth Sunday before the election and ending on the third Tuesday before the election, the elector must register to vote in-person at the office of the county clerk or voter registrar. The measure requires the voter registration application to include statements asking the applicant if he is a citizen of the United States and if he will be at least 18 years of age on or before the election. The form must also include a statement instructing the applicant not to complete the form if he answers "no" to either of these questions. If the voter fails to answer the citizenship question, his application may not be rejected and he must be afforded the opportunity to correct the omission at the time he appears to vote in person at the polling place. Finally, the measure further sets forth the instances whereby the county clerk shall cancel the registration of a voter.

The sections of the measure which exempt the application of provisions in the NRS requiring a specified source of revenue for expenses relating to this bill as well as provisions granting a waiver from competitive bidding for the statewide voter registration system are effective on June 9, 2003. The provisions requiring the development of a statewide voter registration system are also effective on June 9, 2003, for the purposes of awarding contracts for the system. However these provisions are effective on January 1, 2006, if the State of Nevada receives a waiver from the Federal Government for the development of the system and on January 1, 2004, for all other purposes. Meanwhile, portions of the bill regarding voter registration by mail and the procedures for canceling the registration of a voter are effective on



July 1, 2003. The provisions of the measure addressing the accessibility of voting systems for the disabled are effective on January 1, 2006. The remaining portions of the measure are effective on January 1, 2004.



## ETHICS

### A.B. 551 (Chapter 440)

Assembly Bill 551 relates to the Commission on Ethics. This bill requires each city and county with a population over 10,000 to pay an assessment for costs incurred by the Commission on Ethics. The amount of assessment to be paid by each city and county will be determined by the Executive Director of the Commission in consultation with the Budget Division and the Fiscal Analysis Division of the Legislative Counsel Bureau.

This measure is effective on July 1, 2003.

### S.B. 147 (Chapter 501)

Senate Bill 147 makes various changes relating to Nevada's Commission on Ethics. The bill requires each State, county, and city election officer, as well as the Director of the Legislative Counsel Bureau, to annually submit a list of each public officer who is required to file a statement of financial disclosure with the Commission on Ethics and the Secretary of State. In addition, the Secretary of State and each county and city clerk must electronically submit to the Commission, and each county and city clerk must submit electronically to the Secretary of State, a list of each candidate who filed for elective office. The measure also stipulates that financial disclosure statements only have to be filed by: (1) candidates who would be entitled to receive \$6,000 or more in compensation in the office they are seeking; or (2) appointed officials who receive \$6,000 or more in compensation.

The bill allows the Commission to provide ethics in government training at little or no cost by making optional a "reasonable charge" to cover the cost of such training. The measure also provides that the failure of a public officer or employee to cooperate in an ethics investigation shall be deemed a waiver by the public officer or employee of the statutory time frames for processing an ethics complaint.

Senate Bill 147 adds language to clarify that a public officer or employee shall not use his or her position to secure or grant unwarranted privileges to a person who has a commitment in a private capacity to the interests of the public officer or employee. The bill requires first-party and third-party opinion requests to be submitted on a form prescribed by the Commission and deletes language that requires a person submitting a third-party opinion request (an ethics complaint) to sign a statement which affirms the information submitted is true and is not submitted with a vexatious purpose. Further, the bill allows a public officer or employee who is the subject of an ethics complaint to waive the time limits set for the Commission to determine whether there is just and sufficient cause for an investigation. Time limits for the Commission to hold a hearing and render an opinion on the complaint may also be waived by the public officer or employee.

The measure changes the fee schedule for civil penalties for late filings of the statement of financial disclosure. The bill also removes the ability of the Commission to reduce fines but

retains its ability to waive a civil penalty for good cause shown. Finally, the measure repeals provisions governing the use of false or misleading statements in order to induce the Commission on Ethics to render an opinion.

This measure is effective on June 11, 2003.

## FAMILY TOPICS

### A.B. 25 (Chapter 155)

Assembly Bill 25 concerns child welfare services. The measure authorizes an employee of a child welfare services agency to provide maintenance and special services to a child under certain circumstances. The bill allows State and county child welfare employees to become foster parents for children in State or county custody, as long as that child is not on the person's caseload and has not been on their caseload within the past three years.

The bill is effective on July 1, 2003.

### A.B. 27 (Chapter 15)

Assembly Bill 27 revises the method for adjusting the presumptive maximum amount of child support that may be owed by a noncustodial parent. The bill deletes the requirement that the income ranges used in establishing the presumptive maximum amount of child support be adjusted annually based upon the Consumer Price Index.

The measure is effective on March 27, 2003.

### A.B. 101 (Chapter 14)

Assembly Bill 101 revises certain provisions governing trusts. The measure provides that if a person gets divorced or has his marriage annulled, every devise, beneficial interest or designation to serve as trustee that was legally given to the trustee's former spouse in a revocable inter vivos trust is revoked. An exception to the revocation is provided if the court orders such an exception in the divorce or annulment proceedings, or if the court approves a property or separation agreement under which the former spouse retains the devise, beneficial interest or designation.

### A.B. 201 (Chapter 32)

Assembly Bill 201 revises provisions relating to the awards of money from the Children's Trust Account. The measure removes the requirement that the Committee for Protection of Children make awards on an annual basis. Further, the bill specifies that such awards must not exceed a period of three years.

### A.B. 322 (Chapter 41)

Assembly Bill 322 establishes the Statewide Alert System for the Safe Return of Abducted Children and a committee appointed by the Governor and the Nevada Broadcasters Association to oversee the System. The Committee must also set forth the System's components; supervise associated training; monitor and evaluate activations of the System; and conduct periodic tests.

Law enforcement agencies choosing to participate in the system must adopt written policies concerning its activation and submit copies of the policy to the Children's Advocate for

Missing or Exploited Children within the Office of the Attorney General. Participating law enforcement agencies may only activate the System to broadcast an emergency bulletin on behalf of a child if the agency confirms the child has been abducted and is in danger of serious physical harm or death. The agency must also have sufficient descriptive information about the child and the suspected abductor to warrant immediate broadcast of that information before activating the System.

Finally, A.B. 322 provides immunity from civil liability to broadcasters and persons entering into certain agreements with the Committee to establish or maintain an Internet Web site for the System.

The section of A.B. 322 creating the Committee is effective on May 6, 2003. The appointments to the Committee must be made on or before July 1, 2003. The remaining sections of the bill are effective on July 1, 2003.

### A.B. 365 (Chapter 322)

Assembly Bill 365 makes various changes regarding guardianships. The measure revises various duties, qualifications, and the authority of guardians appointed by the court. In addition, new procedures are established for: (1) guardianships involving appraisals; (2) alleged conversion of assets; (3) the sale of various types of property and disposition of the proceeds; and (4) rights of lien holders.

Assembly Bill 365 also clarifies who has standing to bring a petition for the removal of a guardian and establishes related procedures for removing a guardian and appointing a successor guardian. The bill also authorizes the court to appoint a person to represent a ward as a guardian ad litem and sets forth the duties of such a guardian. Assembly Bill 365 also imposes additional requirements to provide identifying information on the proposed ward and the proposed guardian in petitions and documents filed with the court, and revises various notice requirements.

Further, the measure establishes an order of preference for the appointment of relatives as guardians and revises the provisions regarding the mandatory filings of accounts by guardians. Assembly Bill 365 also requires the guardian to petition the court for an order authorizing the guardian to make changes in the ward's last will and testament or to make various changes concerning the designation of beneficiaries in wills, trusts, bank accounts, and other similar types of assets.

Lastly, the measure sets forth the rationale for determining the reasonable compensation for a guardian's services and any other professional services employed by the guardian. In determining whether compensation is reasonable, the court may consider: (1) the nature of the guardianship; (2) the type, duration and complexity of the services required; and (3) any other relevant factors. In addition, the measure specifies that in the absence of an order shifting the responsibility of the payment of compensation and expenses, the payment of compensation and expenses must be paid from the estate of the ward. In evaluating the ability of a ward to pay

such compensation and expenses, the court may consider: (1) the nature, extent and liquidity of the ward's assets; (2) the disposable net income of the ward; (3) any foreseeable expenses; and (4) any other factors that are relevant to the duties of the guardian.

### **S.B. 48 (Chapter 199)**

Senate Bill 48 relates to child custody jurisdiction and enforcement. This bill adopts the revisions of the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). The measure generally provides a framework for procedural and jurisdictional matters related to child custody hearings, including a revised definition of "home state." For purposes of determining jurisdiction, the bill defines the home state as the state where a child lived with a parent or a person acting as a parent for at least six consecutive months immediately before the commencement of a child custody proceeding.

In addition, the bill makes allowances for testimony of witnesses who live out of state, emergency jurisdiction, enforcement of child custody orders, service of process, provides for attorney fees, allows for a district attorney or the Attorney General to take lawful action to locate and return a child or enforce a child custody determination.

### **S.B. 55 (Chapter 389)**

Senate Bill 55 relates to the statutory provisions governing trusts. The measure specifies that a corporate trustee may directly or indirectly sell certain property for a trust from or to itself; a director, officer or employee of the trustee; or a relative employer, partner, or other business associate of the trustee. Senate Bill 55 specifies the trustee may only sell the property in this manner if authorized by the trust instrument or consented to by all beneficiaries of the trust.

## **Child Support**

### **A.B. 117 (Chapter 161)**

Assembly Bill 117 makes various changes concerning child support payments. The bill clarifies the circumstances in which a court may find good cause for postponing the otherwise mandatory order for immediate withholding of income for payment of child support. A finding that the immediate withholding of income may not be in the best interests of the child may be based upon evidence that the obligor has not been in arrears and is willing and able to pay the amount ordered. Such a finding may also be based upon evidence that the obligor was unaware he was the child's parent during the time in which the arrearage accrued and that he is willing and able to pay the ordered amount.

### **A.B. 160 (Chapter 321)**

Assembly Bill 160 makes various changes to provide protection to certain persons. This measure requires the court to order an assignment of income to a party who obtains an extended order for protection that includes an order to pay child support. An exception is provided if the court finds good cause for the postponement of the assignment based upon a

written finding that the immediate assignment would not be in the best interests of the child. The Welfare Division, in consultation with the Office of the Court Administrator, must develop the procedures and forms to allow a person to whom an assignment is ordered to be made to enforce the assignment in an expeditious and safe manner.

Additionally, the bill provides procedures for service of an order of assignment of income, if the current address where the adverse party resides is unknown and the law enforcement agency has made at least two attempts to personally serve the party at his current place of employment. In such cases, the bill authorizes service to be made at the current place of employment on the manager of the department of human resources or another similar person. In addition, the measure provides that an employer is immune from civil liability for any act or omission with respect to accepting service of documents if the employer acts in good faith.

Assembly Bill 160 also provides an exemption from the requirement to publish notice of a change of name for any person who can prove to the court that the publication would place his personal safety at risk. Finally, the bill creates a legal privilege for communications that take place between victims of domestic violence or sexual assault and a victim's advocate.

#### **A.B. 475 (Chapter 280)**

Assembly Bill 475 makes various changes concerning obligations of support for children. The measure requires a parent who has been ordered by a court to provide health insurance for his child to provide written proof to the enforcing authority that he has enrolled his child in a plan of health insurance. If the parent fails to provide such proof, the enforcing authority must mail a notice to the parent's employer or labor organization requiring enrollment in the health insurance plan. The Welfare Division of the Department of Human Resources is required to adopt regulations prescribing the content of the notice and procedures for providing notice that comply with federal law.

Assembly Bill 475 establishes time frames for providing notice of the required enrollment to the administrator of the plan that supplies the applicable health insurance coverage, and for the administrator to provide the response form to the enforcing authority. In addition, the measure requires premiums for the child's coverage to be deducted from the parent's wages and provides the parent with procedures to contest the withholding. Finally, the bill provides that an employer, labor organization, or enforcing authority that complies with a notice to enroll may not be held liable in any civil action. However, an employer or labor organization that refuses to enroll a child in a health insurance plan may be held liable for punitive damages and certain medical expenses.

Assembly Bill 475 is requested to bring Nevada law into compliance with the federally-mandated National Medical Support Notice, which is intended to provide a standardized means of communication between State child support enforcement agencies, employers, and administrators of group health plans regarding the medical support obligations of noncustodial parents. Failure to comply with the requirements may result in loss of



federal funding for the State's child support and Temporary Assistance to Needy Families (TANF) programs.

This measure is effective on July 1, 2003.

#### **S.B. 186 (Chapter 205)**

Senate Bill 186 relates to child support. This measure imposes a new fee of \$2 upon a person who has an obligation for child support each time payment for support is withheld from his income. An employer who receives a notice to withhold income shall deduct the fee from the income being withheld and forward it to the State Treasurer. The monies are to be placed in a separate account to be administered pursuant to the regulations of the State Welfare Administrator, and the account is to be distributed among each enforcing authority pursuant to State regulation.

This measure is effective on July 1, 2003.

#### **S.B. 269 (Chapter 96)**

Senate Bill 269 relates to alimony and child support. This bill provides that a change of 20 percent or more in the gross monthly income of a person who is ordered to pay alimony or child support shall constitute changed circumstances and require a court review for the modification of such payments.

### **Domestic Violence and Child Abuse**

#### **A.B. 132 (Chapter 514)**

Assembly Bill 132 revises certain provisions governing hearings involving the abuse or neglect of children. The measure specifies that protective custody hearings involving allegations of child abuse or neglect are closed to the public. Adjudicatory hearings, disposition hearings, and all other related hearings are presumptively closed, except in judicial districts that include a county whose population is 400,000 or more. In these judicial districts, disposition hearings that are not conducted immediately following the adjudicatory hearing and all other subsequent hearings are presumptively open, but may be closed if the judge determines such closure is in the best interests of the child.

Further, A.B. 132 requires the Court Administrator to collect information from the clerks of the district courts concerning the effect of the legislation on the children involved in the proceedings, the operation of the child welfare system, and any other issue on which the Legislative Committee on Children, Youth and Families requests information. The Court Administrator must provide a written report compiling the information to the Committee and to the Director of the Legislative Counsel Bureau for transmittal to the 2003 Legislature.

### **A.B. 160 (Chapter 321)**

Assembly Bill 160 makes various changes to provide protection to certain persons. This measure requires the court to order an assignment of income to a party who obtains an extended order for protection that includes an order to pay child support. An exception is provided if the court finds good cause for the postponement of the assignment based upon a written finding that the immediate assignment would not be in the best interests of the child. The Welfare Division, in consultation with the Office of the Court Administrator, must develop the procedures and forms to allow a person to whom an assignment is ordered to be made to enforce the assignment in an expeditious and safe manner.

Additionally, the bill provides procedures for service of an order of assignment of income, if the current address where the adverse party resides is unknown and the law enforcement agency has made at least two attempts to personally serve the party at his current place of employment. In such cases, the bill authorizes service to be made at the current place of employment on the manager of the department of human resources or another similar person. In addition, the measure provides that an employer is immune from civil liability for any act or omission with respect to accepting service of documents if the employer acts in good faith.

Assembly Bill 160 also provides an exemption from the requirement to publish notice of a change of name for any person who can prove to the court that the publication would place his personal safety at risk. Finally, the bill creates a legal privilege for communications that take place between victims of domestic violence or sexual assault and a victim's advocate.

### **A.B. 273 (Chapter 103)**

Assembly Bill 273 establishes procedures for permanently placing an abused or neglected child with a guardian. The measure establishes procedures under which a petition may be filed to appoint a guardian for a child who is the victim of abuse or neglect, if the plan for permanent placement of the child includes a request for a guardian. A petition may not be filed before the court has determined the child is in need of protection. In addition, the petition must include the same information required for petitions filed under the State's existing guardianship laws set forth in Chapter 159 of *Nevada Revised Statutes* (NRS). The bill also requires the petition to contain a statement explaining why the appointment of a guardian, rather than adoption of the child or return of the child to the parent, is in the child's best interests.

Assembly Bill 273 authorizes the court to appoint a person as guardian if it finds that the proposed guardian is suitable and complies with the requirements of Chapter 159 of NRS, including the qualification standards. An exception is provided to allow a court to appoint a guardian for a period of not more than six months who does not satisfy the residency requirements if the court determines the appointment is necessary to facilitate the permanent placement of the child. Further, the court must also find that the child consents to the guardianship if the child is 14 years of age or older.

A guardian appointed under the provisions of A.B. 273 has the powers, duties, and limitations of guardians appointed under Chapter 159 of NRS. If a guardian is appointed, the court must retain jurisdiction to enforce, modify, or terminate the guardianship until the child reaches 18 years of age. Finally, A.B. 273 requires the court to issue an order directing the agency that provides child welfare services to file a report and make recommendations in response to changes proposed with regard to the guardianship.

#### **A.B. 331 (Chapter 144)**

Assembly Bill 331 makes various changes regarding temporary and extended orders for protection. The measure authorizes the parent or guardian of a child to petition the court for a temporary or extended order for protection. The parent or guardian may request such an order against a person, who is 18 years of age or older, and who is reasonably believed to have committed or to be committing a crime involving nonaccidental physical or mental injury to the child, or sexual abuse or exploitation of the child. Assembly Bill 331 also provides that justice courts have jurisdiction to issue these types of orders.

If such an order is issued, the court may direct the person to stay away from specified locations and refrain from contacting, intimidating, or threatening the child and other persons named by the court. Similar conditions may be imposed in a temporary or extended order issued against a defendant who is released from custody before trial, or after being found guilty during the trial, and who is charged with committing one of the specified crimes against the child.

The temporary order may be granted with or without notice to the adverse party and is valid for no more than 30 days, as fixed by the court. The temporary order may remain in effect if a petition for an extended order is filed within the 30 days. With two days notice, the adverse party may appear and move for dissolution or modification of the temporary order. A violation of a temporary order is a gross misdemeanor.

An extended order may be granted only after notice to the adverse party and a hearing on the petition. If issued, the extended order expires within the time fixed by the court, which must not exceed one year. Violation of an extended order is a category C felony.

Any court order must be in writing and personally served upon the person to whom it is directed, with warnings that any violation subjects the person to immediate arrest. The court issuing the order must transmit a copy to all law enforcement agencies within its jurisdiction.

#### **S.B. 224 (Chapter 95)**

Senate Bill 224 relates to domestic violence. This bill provides for the designation of an attendant in any civil action involving a victim of domestic violence, and broadens the allowable use of an attendant in criminal actions to include acts which constitute domestic violence under NRS 33.018. The measure allows the use of an attendant to provide moral and emotional support for victims of domestic violence during any proceeding.

### **S.B. 383 (Chapter 221)**

Senate Bill 383 makes various changes concerning the reporting of child abuse. The measure adds adult employees of entities that provide organized activities for children to the list of persons required to report suspected instances of child abuse or neglect.

The bill is effective on July 1, 2003.

## **Foster Care**

### **A.B. 378 (Chapter 121)**

Assembly Bill 378 concerns criminal history checks by child welfare agencies. The measure allows a foster care licensing agency to conduct a preliminary check of the criminal history records of persons who are 18 years of age or older and who are living in a potential foster home in which the agency wishes to make an emergency placement of a child. Further, an agency that provides child welfare services is authorized to conduct these checks when the agency wishes to place a child in a home in an emergency situation. The measure establishes the procedures that must be followed when a check is conducted and authorizes the Division of Child and Family Services to adopt regulations to carry out the provisions of the bill.

The bill is effective on July 1, 2003.

### **A.B. 470 (Chapter 342)**

Assembly Bill 470 relates to child welfare services. This measure extends from June 30, 2003, the date of reversion of certain unexpended funds from an appropriation made in 2001 for one-time costs associated with the transfer of child welfare services from the Division of Child and Family Services, Department of Human Resources, to Clark and Washoe Counties. In addition, the bill authorizes the continued use of funds appropriated for information systems for Clark County beyond the original reversion date of June 30, 2003. Funds for these purposes must not be committed for expenditure after June 30, 2005, and must revert to the State General Fund as soon as all payments of funds committed have been made.

This measure is effective on June 9, 2003.

## GAMING

### **S.B. 3 (Chapter 504)**

Senate Bill 3 revises certain provisions related to gaming. This bill requires the Gaming Control Board to allocate one twenty-fifth of the percentage fees exceeding \$134,000 per calendar month collected from gross gaming revenue from off-track pari-mutuel wagering to the counties with a population of less than 100,000 in which on-track pari-mutuel wagering is conducted.

Further, this measure requires the Gaming Control Board to allocate 5 percent of the annual percentage fees exceeding \$5,036,938 collected from gross gaming revenue from off-track pari-mutuel wagering to the counties with a population of less than 100,000 in which on-track pari-mutuel wagering is conducted. The Gaming Control Board must calculate the amount of money to be allocated to the respective county treasurers, and direct the State Treasurer to transfer the money to the respective county treasurers. The money received by the county treasurers must be deposited in the county general fund, and used to augment any stakes, purses or rewards which are offered with respect to horse races conducted in that county by a state fair association, agricultural society or county fair and recreation board.

The bill also authorizes the Nevada Gaming Commission to adopt regulations to exempt certain bets, rebates, refunds, payoffs or bonuses if it deems the exemption is in the best interest of the State and to licensed gaming, provided they are not directly or indirectly deductible from gross revenue. Finally, S.B. 3 clarifies that off-track pari-mutuel wagers are not prohibited from places outside the United States in which wagering is legal, and authorizes the Commission to prescribe permitted communications technology and border control technology so that a person cannot place a wager with a race book in Nevada from a location where placing such a wager is illegal.

The measure is effective on July 1, 2003.

### **S.B. 134 (Chapter 181)**

Senate Bill 134 repeals a provision relating to gaming. This bill repeals *Nevada Revised Statutes* (NRS) 463.3669, which currently prohibits the assignment of periodic payments of gaming winnings.

This measure is effective on May 22, 2003.

### **S.B. 266 (Chapter 208)**

Senate Bill 266 concerns various provisions pertaining to gaming. This bill revises the definition of a "gaming salon" by removing the word "international," and requires the State Gaming Control Board to make available to the public summary information concerning gross revenues reported by gaming licensees.

**S.B. 351 (Chapter 277)**

Senate Bill 351 concerns persons who counsel problem gamblers. The measure changes the name of the Board of Examiners for Alcohol and Drug Abuse Counselors to the Board of Examiners for Alcohol, Drug and Gambling Counselors. The bill provides for the certification by the Board of a person to act as a problem gambling counselor or a problem gambling counselor intern. The bill defines the necessary experience and educational requirements for a person to obtain such certification. The bill also sets caps for fees pertaining to these new certificates, and includes technical provisions pertaining to the new certificates. The bill also expands the Board from five to seven members and authorizes it to adopt regulations pertaining to the practice of counseling problem gamblers.

Provisions relating to the adoption of regulations are effective on May 28, 2003, with most other provisions of the bill effective on January 1, 2004.

**See also Senate Bill 3 (Chapter 2) of the 20th Special Session.**

## HEALTH CARE AND HUMAN SERVICES

### A.B. 51 (Chapter 156)

Assembly Bill 51 revises provisions concerning anatomical gifts. The measure specifies that a hospital, physician, coroner, local health officer, enucleator, technician, or other person who acts in accordance with the statutes governing anatomical gifts may not request or require the consent or concurrence of any person after the donor's death to carry out the anatomical gift. The same provisions apply to persons who are aware of the symbol or indication on a donor's driver's license or identification card indicating the person is an organ donor. Current law defines an anatomical gift as a donation, upon or after one's death, of all or part of a human body. Finally, the bill authorizes a symbol on a driver's license indicating the Department of Motor Vehicles (DMV) has obtained a signed authorization that the person wishes to be an organ donor. Current law requires the signed authorization to be on the license itself.

### A.B. 137 (Chapter 20)

Assembly Bill 137 amends reporting requirements for the Office for Consumer Health Assistance. The bill requires an annual report concerning the Bureau for Hospital Patients within the Office for Consumer Health Assistance to be submitted to the Director of the Legislative Counsel Bureau for distribution to the appropriate legislative committees. Previously, the Bureau for Hospital Patients report was submitted quarterly to the Legislative Committee on Health Care.

The bill is effective on April 1, 2003.

### A.B. 315 (Chapter 234)

Assembly Bill 315 concerns the analysis of cancer data. The measure requires the State Health Officer or a qualified person designated by the Administrator of the Health Division of Nevada's Department of Human Resources to analyze information reported to the Division concerning cancer. The bill provides that the intent of the analysis is to determine whether any trends exist in the incidence of cancer in a particular area or population. The measure further sets forth the responsibilities of the State Health Officer or a qualified person designated to perform the analysis if the analysis illustrates that a trend exists in the incidence of cancer.

The measure is effective on July 1, 2003.

### A.B. 349 (Chapter 120)

Assembly Bill 349 makes various changes concerning older Nevadans. The first portion of the bill permits the Nevada Silver Haired Legislative Forum to hold unlimited hearings between legislative sessions instead of the current limit of four meetings per interim. The measure further allows the Forum to establish committees that may meet as often as necessary.

The second part of the bill requires the Board of Medical Examiners and the State Board of Nursing to encourage certain licensees to obtain continuing education in geriatrics and gerontology. Licensees who treat or care for persons who are more than 60 years of age must be encouraged by these boards to receive the training. Finally, the measure specifies the topics that qualify as continuing education in the specified specialty areas of geriatrics and gerontology.

The measure is effective on July 1, 2003.

#### **A.B. 381 (Chapter 164)**

Assembly Bill 381 revises provisions governing multidisciplinary teams to review the death of a child. The measure revises provisions governing multidisciplinary teams to review selected cases of death of children under the age of 18 in Nevada. The bill establishes the purpose of the teams, specifies their membership, and identifies the information that teams are authorized to access. The bill also stipulates the process for handling reports and recommendations of teams and establishes other committees, the purpose of which is to analyze data produced by the teams.

The measure further clarifies the situations under which a team must be formed by a child welfare services agency and specifies the time in which a review must be conducted. Finally, the bill creates a fund for use in the administration of certain aspects of the multidisciplinary team reviews. The proceeds of the fund are derived from a \$1 fee assessed on certified copies of death records.

This measure is effective on July 1, 2003.

#### **A.B. 395 (Chapter 450)**

Assembly Bill 395 provides for the assessment of a fee on certain long-term care facilities. The measure requires licensed facilities for intermediate care and facilities for skilled nursing to pay a fee assessed by the Division of Health Care Financing and Policy of the State's Department of Human Resources. The following types of facilities are exempt from the fee: (1) a facility for intermediate care that limits its care and treatment to those persons who are mentally retarded or who have conditions related to mental retardation; (2) a facility for intermediate care that is owned or operated by the State of Nevada or any of its political subdivisions; and (3) a facility for skilled nursing that is owned or operated by the State of Nevada or any of its political subdivisions. The bill sets forth the methods for determining the fee, requires the Division to calculate the fee based on the methodology, and specifies the period by which the fee must be paid. Further, the measure establishes the responsibilities of nursing facilities concerning reports that enable the Division to establish the fee and allows the Division to establish administrative penalties for the late payment of fees.

Additionally, the bill creates the Fund to Increase the Quality of Nursing Care and sets forth the use of proceeds in the Fund and the allowable expenditures from the Fund. All money



received by the Division pursuant to this bill must be deposited in the State Treasury for credit to this Fund. Finally, the measure allows the Administrator of the Division to adopt regulations as are necessary for administering the provisions of the bill.

Requirements to adopt regulations and the required reporting information by facilities are effective on June 10, 2003. For all other purposes, including the assessment of fees by the Division, the effective date is July 1, 2003.

#### **A.B. 497 (Chapter 104)**

Assembly Bill 497 relates to licensed childcare facilities. The measure exempts a licensed childcare facility from meeting commercial construction standards and commercial equipment requirements that are applicable to food establishments, as long as any food the facility serves meets certain requirements. If food served by the facility is potentially hazardous, the food must be commercially prepared and precooked or be pasteurized. Under the provisions of this bill, a childcare facility is still subject to inspection and other requirements under Chapter 446 of the *Nevada Revised Statutes* (“Food Establishments”).

This measure is effective on July 1, 2003.

#### **A.B. 550 (Chapter 423)**

Assembly Bill 550 increases certain fees collected by the State Registrar of Vital Statistics. This measure increases the fees associated with issuing copies of birth and death certificates. The fee remitted to the State Registrar by a person or governmental entity that issues copies of certificates is raised to \$7 for a birth certificate, and a new fee of \$1 is added for a death certificate. The fees charged by the State Registrar to issue a certified copy of a record of birth or death are increased by \$2.

#### **S.B. 24 (Chapter 250)**

Senate Bill 24 provides for access by certain persons to the health care records of deceased persons. The bill allows the personal representative of the estate of a deceased patient, and the parent or guardian of a deceased patient who died before reaching the age of majority, access to the health care records of that patient. In addition, the measure authorizes a medical laboratory to report the results of a patient’s examination to a health care provider if the patient has been referred to that provider.

The section of the bill pertaining to personal representatives accessing health care records is effective on October 1, 2003. The remaining sections are effective on May 27, 2003.

#### **S.B. 32 (Chapter 7)**

Senate Bill 32 makes various changes to the Task Force for the Fund for a Healthy Nevada. The measure specifies that the funding allocation process followed by the Task Force may be by grant or by contract. Further, the bill changes the requirement that the Task Force conduct

an annual competitive round of grants, specifying instead that the process must be conducted at least on a biennial basis.

The measure is effective on July 1, 2003.

#### **S.B. 49 (Chapter 437)**

Senate Bill 49 concerns suicide prevention. This measure creates a Statewide Program for Suicide Prevention within the office of the Director of the Department of Human Resources (DHR). The program must create public awareness of suicide prevention issues, build community networks, and carry out suicide prevention training programs for law enforcement personnel, health care providers, school employees, and others who have contact with persons at risk of suicide.

The bill requires the Director of DHR to employ a Coordinator of the Statewide Program for Suicide Prevention, and it sets forth the qualifications for the position. Furthermore, the measure establishes the duties and responsibilities of the Coordinator, including, among other things, the employment of a person to act as a suicide prevention trainer and networking facilitator for Southern Nevada. The bill also provides the qualifications and duties of this employee, who must be based in a county whose population is 400,000 or more.

Senate Bill 49 requires the Director of DHR to submit a copy of the Statewide Program for Suicide Prevention and a status report on the program to the Governor and the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, on or before January 3, 2005.

This bill is effective on July 1, 2003.

#### **S.B. 50 (Chapter 200)**

Senate Bill 50 relates to smoking restrictions. This bill authorizes a school district to adopt more stringent restrictions than State law currently provides on the smoking, use, sale, distribution, marketing, display, or promotion of tobacco or tobacco products. In addition, the measure revises, from 2010 to 2007, the date by which certain grocery stores must install ventilation systems to alleviate tobacco smoke.

#### **S.B. 82 (Chapter 384)**

Senate Bill 82 makes various changes concerning certain public health laws. This measure amends Chapters 439 and 441A of *Nevada Revised Statutes*, which currently authorize certain agencies and officers of the State and local governments to quarantine and isolate persons with communicable diseases in certain circumstances. The bill specifically authorizes these agencies and officers to quarantine, isolate, or treat a group of persons if necessary. Procedures are established for both voluntary and involuntary court-ordered isolation or quarantine. A person who is so detained is allowed to call family members as soon as possible, is allowed to possess cellular telephones and other communication devices, and if he is unconscious or otherwise unable to communicate because of mental or physical incapacity, a health authority, medical

facility, or a court is required to notify his spouse or legal guardian by telephone or certified mail of the person's involuntary isolation or quarantine.

Additionally, the measure specifies due process protections for persons who are quarantined or isolated and requires a health authority to provide a person who is isolated or quarantined with a document informing him of his rights when he is detained. The bill specifies that a court, when considering the rights and desires of the person to be isolated or quarantined, must also include in that review the right to refuse treatment; the right to communicate electronically; the right to an attorney, family, and friends; a person's beliefs and religion; and the right to challenge orders in court. A person retains the right to testify on one's own behalf if it can be done without endangering others. Further, the measure provides for the right of a person to seek immediate injunction or other court intervention to challenge his or her detention, and the bill allows a court to consider the potential period of infection or incubation of a disease when renewing an order for involuntary isolation or quarantine.

Finally, the State Board of Health is required to develop a syndromic reporting and active surveillance system to monitor public health in this State. Under the provisions of the act, the syndromic reporting and active surveillance system shall be implemented during certain major events or when determined appropriate and necessary by the district health officer in a district or his designee, or if none, the State Health Officer or his designee. The State Board of Health is further required to adopt regulations to carry out the system.

The bill is effective on July 1, 2003.

#### **S.B. 96 (Chapter 53)**

Senate Bill 96 removes certain mobile units from the requirement of being regulated as a medical facility. The measure excludes certain motor vehicles from regulation as a medical facility by the Health Division if those units are operated by a medical facility and accredited by the national Joint Commission on Accreditation of Healthcare Organizations or by the American Osteopathic Association. The bill also excludes such vehicles operated by federally funded health facilities in medically underserved areas.

The bill is effective on July 1, 2003.

#### **S.B. 164 (Chapter 429)**

Senate Bill 164 relates to persons with disabilities. This measure creates the Office of Disability Services within the Department of Human Resources. The bill requires the Office to serve as the agency for persons to obtain information concerning any service or program available to persons with disabilities in Nevada. In addition, the measure requires the Office to coordinate services and programs available to persons with disabilities among State and local governmental agencies. Further, S.B. 164 imposes a surcharge on telephone access lines, including personal wireless access lines, to cover the costs of administering a program to provide telecommunication devices to persons with impaired speech or hearing.

This measure is effective on July 1, 2003.

### **S.B. 287 (Chapter 254)**

Senate Bill 287 establishes the Arthritis Prevention and Control Program. The measure provides that, within the limits of available funding, the Health Division shall establish the Arthritis Prevention and Control Program and related advisory committee. The program is designed to increase public awareness and educate persons concerning the causes, risk factors, treatment options, and other information related to this condition. The program must be established in accordance with related national plans and public health guidelines. The bill also provides that the Administrator of the Health Division may appoint an advisory committee for the program, consisting of members representing persons with arthritis, health care providers and professionals, medical experts, health education experts, and representatives of national arthritis and other health organizations. In addition, the measure provides for the election of a Chair, specifies that the advisory committee must meet at least quarterly, and that members are to serve without compensation, but may receive the standard per diem allowance.

Further, if funding is available, the bill specifies the components of the Health Division program, including a database of related information, educational materials, and resources for education and training. The Division must also work to increase awareness of arthritis among public health professionals and agencies and to coordinate programs and services. The Division must also conduct an assessment of available services and public awareness related to this matter. The Division also may enter into contracts to carry out the program. Finally, the agency is authorized to accept related gifts, grants, or donations, in addition to any funds appropriated for the program, and must account for the funds separately within the State General Fund.

The bill is effective on July 1, 2003.

### **S.B. 307 (Chapter 258)**

Senate Bill 307 requires the posting of warning signs in certain food establishments and merges two advisory boards. The measure requires each food establishment serving alcoholic beverages by the drink for consumption on the premises to post at least one warning sign in a conspicuous location about the dangers of consuming such beverages during pregnancy. A women's restroom qualifies as a conspicuous location. Further, each sign must be at least 8.5 x 11 inches in size and its contents, which must be in both English and Spanish, are prescribed in the bill. In addition, the Health Division is authorized to provide by regulation for alternative wording for a warning sign, and may accept certain donations of signs for posting in accordance with the provisions of the bill.

The act also shifts the duties of the Advisory Subcommittee on Fetal Alcohol Syndrome to the Advisory Board on Maternal and Child Health. These duties include identifying effective methods of preventing fetal alcohol syndrome; preventing the drinking of alcohol during pregnancy; and developing related health awareness programs for the public and for physician training programs. The sections of statute concerning the Subcommittee, including its membership, duties, and reporting requirements are deleted.

**S.B. 352 (Chapter 417)**

Senate Bill 352 relates to public health. The bill designates the Nevada Cancer Institute as the official cancer institute of the State of Nevada.

This measure is effective on June 10, 2003.

**S.B. 459 (Chapter 510)**

Senate Bill 459 revises the income limit for senior citizens to qualify for the Senior Rx Program. The measure removes the requirement that a senior citizen purchase a health insurance policy to be eligible for the Senior Rx program; instead the individual must be eligible for such a policy. The bill also establishes separate maximum income levels for individuals and for married couples to qualify for this program, and indexes future increases in these caps against the Consumer Price Index. The maximum income limit for married couples is established at \$28,660, compared to the existing \$21,500 for individuals. Under current law, the individual cap applies to both single persons and to married couples. Additionally, the measure extends current income waiver authority for hardship situations to persons currently involved in the program; under current law, these provisions apply only to new enrollees. Finally, the bill deletes language requiring the Department of Human Resources to enter into contracts for prescription drug coverage, and instead authorizes such contracts.

This measure is effective on July 1, 2003.

**A.C.R. 9 (File No. 28)**

Assembly Concurrent Resolution No. 9 designates March 24, 2003, as Suicide Prevention Day in Nevada. This resolution urges all Nevadans to address the problem of suicide in this State by providing education regarding suicide prevention and by furnishing support for the surviving family and friends of suicide victims. By designating March 24, 2003, as Suicide Prevention Day, the Nevada Legislature expresses its commitment to creating a greater public awareness of the seriousness of the problem of suicide in this State.

**S.C.R. 3 (File No. 29)**

Senate Concurrent Resolution No. 3 recommends that each city and county in Nevada form a coalition of agencies and service providers to address suicide prevention, education, response, and treatment (adapted to community resources and needs), with the goals of reducing suicides in each community and providing survivor support. The resolution provides statistical information about Nevada's suicide rate, makes note of the Surgeon General's report *National Strategy of Suicide Prevention*, and identifies community-based programs as effective methods of addressing prevention and support efforts.

#### **S.C.R. 4 (File No. 30)**

Senate Concurrent Resolution No. 4 urges the Clark County Health District to plan and coordinate a public information campaign relating to suicide prevention and to expand injury prevention efforts in Clark County.

The measure provides, by a resolution to the Clark County Health District and its Board of Health, that the District:

- Plan and coordinate a public information campaign on suicide prevention; and
- Expand community injury prevention efforts and increase the corresponding financial commitment.

The resolution notes Nevada's high suicide rate and statistics for Clark County. Further, the measure notes the public health role of the Clark County Health District and identifies the need for a coordinated public awareness campaign.

#### **S.C.R. 5 (File No. 31)**

Senate Concurrent Resolution No. 5 urges agencies in Clark County to cooperate in the establishment of a coordinated, comprehensive plan for suicide prevention for the communities within the County.

The measure urges both governmental and nongovernmental agencies in Clark County to cooperate in establishing a Clark County suicide prevention program to provide effective and diverse suicide prevention programs for its communities. Funding for these programs should include a combination of government (federal, State, and local) and nongovernmental money. The proposed suicide prevention program would include the following:

- Evidence-based programs to reduce risk factors and enhance protective factors for suicidal behavior across the life span of individuals;
- Distribution of awareness and educational materials to reduce the stigma associated with suicide;
- A 24-hour suicide hotline accredited or certified by a nationally recognized organization in the field of suicide prevention;
- Service referral for at-risk individuals;
- Development of a Clark County Resource Directory and/or Internet Web site for suicide prevention and survivor assistance;

- Effective and accessible suicide intervention training for gatekeepers and first responders, including school district personnel;
- Media education and guideline distribution; and
- Suicide survivor services.

**S.C.R. 6 (File No. 11)**

Senate Concurrent Resolution No. 6 honors Nevadans for Antibiotic Awareness for its work on preventing the abuse of antibiotics. This resolution endorses the mission and activities of Nevadans for Antibiotic Awareness in its efforts to educate the public and health care providers in this State about the harm that results from the abuse of antibiotics. In addition, the measure commends the efforts of Nevadans for Antibiotic Awareness noting the organization's effectiveness in decreasing the use of common antibiotics by outpatients in Nevada and its recognition by the Centers for Disease Control as having one of the best programs in the United States addressing the abuse of antibiotics and the development of antibiotic-resistance bacteria.

**S.C.R. 11 (File No. 59)**

Senate Concurrent Resolution No. 11 urges the Department of Human Resources to establish a statewide information and referral system for health, welfare, human, and social services. The measure makes note of the importance of providing access to information about Nevada's human service providers to Nevada residents, including the elderly; children; the disabled; the mentally ill; indigent and homeless persons; and others. The resolution also provides information concerning the national "2-1-1" dialing system that provides a centralized, comprehensive method to access information and provides referrals to human services programs. Finally, the measure calls upon the Nevada Department of Human Resources to establish such a system statewide.

**S.C.R. 15 (File No. 62)**

Senate Concurrent Resolution No. 15 encourages the Department of Human Resources to study the problem of alcohol and drug abuse by teenagers and young adults while driving motor vehicles. The measure focuses upon two separate groups: first, the problems of alcohol and drug use in underage individuals; and second, alcohol and drug abuse in youth aged 21 to 25, while driving. The resolution cites various state and national sources identifying the scope of the problem, and the numbers of deaths and injuries as a result of these activities. The measure urges the Department of Human Resources to conduct a study of the matter, specifies the scope of such a review, and encourages the participation of various groups that work to prevent problem behaviors. Finally, should the study be conducted, the measure specifies that the State's strategies for alcohol and drug abuse incorporate new research and science-based strategies for the underage group that sends a consistent, "No Use" message, versus a mixed message that might be interpreted as condoning use. These strategies also should include the problems associated with youth aged 21 to 25 operating motor vehicles.

### **S.C.R. 18 (File No. 23)**

Senate Concurrent Resolution No. 18 recognizes the Health Division of the Department of Human Resources for its efforts in heightening awareness and facilitating research concerning sepsis. Sepsis with acute organ dysfunction, commonly referred to as severe sepsis, is the leading cause of death in patients in noncoronary intensive care units, with mortality rates generally ranging from 28 percent to 50 percent.

See also **Assembly Bill 11 (Chapter 11)** of the 20th Special Session.

## **Health Care Professions**

### **A.B. 21 (Chapter 302)**

Assembly Bill 21 makes changes related to Oriental medicine. The measure revises the qualifications for members of the State Board of Oriental Medicine. The measure specifies that three of the members must be licensed by the Board and be engaged in the practice of Oriental medicine in Nevada. These board members must have been engaged in the practice of Oriental medicine in this State for at least three years prior to their appointments to the Board. In addition, these board members must have been residents of Nevada for at least one year preceding their appointments to the Board.

The bill also specifies that the other two members of the Board must not have a financial interest in facilities or schools of Oriental medicine, must be citizens of the United States, and must have been residents of Nevada for at least one year preceding their appointments to the Board. One of these two board members must be a physician licensed by the Board of Medical Examiners.

In addition, A.B. 21 specifies certain subjects that must be included in the practical examination for a license to practice Oriental medicine. Finally, the bill allows the State Board of Oriental Medicine to establish by regulation additional subject areas to be included in the practical examination, and methods for the administration of the practical examination.

### **A.B. 22 (Chapter 10)**

Assembly Bill 22 revises requirements for licensure of nurses. Assembly Bill 22 clarifies that students who graduate from a nursing program which has been approved by Nevada's State Board of Nursing, but is still in the process of obtaining accreditation, will be considered by the Board as graduating from an accredited school of nursing.

This measure is effective on March 26, 2003.

### **A.B. 231 (Chapter 130)**

Assembly Bill 231 requires the State Board of Podiatry to issue limited licenses to practice. This bill requires the State Board of Podiatry to issue limited licenses to practice podiatry



under certain circumstances. A person is entitled to be granted a limited license if he meets certain requirements, including having been a licensed and practicing podiatrist in another state or the District of Columbia for at least 25 years. A person who is issued a limited license must practice only under the direct supervision of a podiatric physician who is properly licensed in Nevada and who does not hold a limited license.

Nevada currently allows limited licenses to practice in other health care disciplines, including physicians pursuant to Chapter 630 of *Nevada Revised Statutes* (NRS), homeopathic physicians pursuant to Chapter 630A of NRS, and dentists pursuant to Chapter 631 of NRS.

This act is effective on May 20, 2003.

#### **A.B. 275 (Chapter 84)**

Assembly Bill 275 relates to dispensing opticians. The measure eliminates the authority of a dispensing optician to perform an initial fitting of contact lenses. An “initial fitting” is defined as measuring the health, integrity, and refractive error of the eye to determine whether contact lenses may be approved for use by a patient.

#### **A.B. 452 (Chapter 359)**

Assembly Bill 452 relates to dispensing opticians. This measure allows for a limited license for a person who is deemed to hold an active, inactive, or delinquent limited license as a dispensing optician on February 1, 2004. A person practicing ophthalmic dispensing pursuant to a limited license is subject to the provisions of Chapter 637 of the *Nevada Revised Statutes* (NRS), but is not authorized to sell, furnish, or fit contact lenses.

The bill allows the Board of Dispensing Opticians to investigate complaints concerning a person who performs services as a dispensing optician without a proper license. If the Board determines a person is engaging in an unlicensed activity, it may issue a cease and desist order. If a person does not comply with a cease and desist order within 30 days, the Board may, after notice and an opportunity for a hearing, impose an administrative fine of up to \$10,000.

Additionally, the Board may impose an administrative fine against a person who is not licensed pursuant to NRS Chapter 637, if:

- The person violates any provision of NRS 637.125 (employment of apprentice dispensing opticians and other assistants) or any regulation adopted by the Board to carry out the provision of that section; or
- The person employs a dispensing optician, apprentice dispensing optician, or other person, and that employee violates any provision of NRS 637.125 or any regulation adopted by the Board to carry out the provisions of that section.

The Board may impose administrative fines against a person for each separate violation of NRS 637.125. In the first administrative proceeding brought against the person, the Board may impose a fine of not more than \$1,000 for each separate violation. In the second and any subsequent proceedings, the Board may impose a fine of not more than \$5,000 for each separate violation.

The bill also amends NRS 637.125 by specifying that a person may not employ another person to perform the services of a dispensing optician unless the other person is licensed by the Board as a dispensing optician or is a supervised apprentice dispensing optician. An unlicensed person may be employed to assist in consulting on optical fashions, but he may not perform the services of a dispensing optician.

The bill also provides that ophthalmic dispensing by an employee of a licensed physician, surgeon, or optometrist is not prohibited as long as the employee is under the direct supervision of, and acts as an assistant to, the physician, surgeon, or optometrist. Additionally, A.B. 452 clarifies that a licensed pharmacist may dispense prepackaged contact lenses.

Furthermore, the bill specifies the following additional criteria an applicant must meet in order to qualify for examination and licensure as a dispensing optician:

- Successful completion of a course of instruction on the fitting of contact lenses;
- Completion of at least 100 hours of supervised training and experience in the fitting of and filling of prescriptions for contact lenses;
- Passage of the Contact Lens Registry Examination of the National Committee of Contact Lens Examiners; and
- Passage of the Board's practical examination on the fitting of and filling of prescriptions for contact lenses.

Moreover, the bill requires the Board to adopt regulations to carry out the provisions of the bill, as well as regulations pertaining to the apprenticeship program for dispensing opticians. The bill allows for the renewal of a license of an apprentice dispensing optician not more than four times.

Finally, the bill increases initial license fees from \$250 to \$500, and increases continuing education requirements from 36 hours every three years to 14 hours each year. Seven of the 14 hours must be related to contact lenses.

The provisions of A.B. 452 related to limited licenses, licensure examination, increases in fees, issuance of licenses, and continuing education are effective on February 1, 2004. All other provisions are effective on June 9, 2003.

### **A.B. 489 (Chapter 89)**

Assembly Bill 489 revises provisions relating to the practice of dental hygiene. The measure authorizes the Board of Dental Examiners to issue a temporary license to practice dental hygiene, without requiring a practical examination, to a person who has a license to practice in another state or territory of the United States, or the District of Columbia, and who meets certain other requirements. The person must have practiced in that other jurisdiction for at least five years immediately preceding the date that he applied for a temporary license. Additionally, he must not have had his license revoked or suspended, must not have been denied a license to practice in Nevada, another state or territory, or the District of Columbia, and must not be involved in a pending disciplinary action concerning his license to practice dental hygiene. A person who is issued a temporary license may apply for a permanent license if he has held the temporary license for at least two years and has not been involved in any disciplinary action.

The bill also creates a Committee on Dental Hygiene for the purpose of making recommendations to the Board concerning the practice of dental hygiene and licensing of dental hygienists.

Finally, A.B. 489 expands the Board of Dental Examiners from 10 members to 11 members. The additional member must be a practicing dental hygienist. The bill also changes the geographic representation of the three members of the Board who are dental hygienists, requiring that one member be from Carson City, Douglas County, or Washoe County; one member be from Clark County; and one member be from any county in Nevada.

### **S.B. 83 (Chapter 202)**

Senate Bill 83 expands circumstances under which registered nurses are authorized to dispense dangerous drugs. The bill authorizes a registered nurse providing mental health services in a rural mental health clinic to dispense certain prescription drugs. Further, the measure authorizes the State Board of Pharmacy to adopt regulations establishing protocols related to this matter.

The bill is effective on May 26, 2003.

### **S.B. 281 (Chapter 210)**

Senate Bill 281 revises provisions relating to osteopathic physicians. The bill requires each applicant for license to practice osteopathic medicine, or to be an osteopathic physician's assistant, to submit a complete set of fingerprints with the application for purposes of a Federal Bureau of Investigation background check. Persons applying for temporary or special licenses are not required to submit fingerprints. A provisional license may be issued pending receipt of the background check, if the State Board of Osteopathic Medicine determines the applicant is otherwise qualified. The Board shall revoke a provisional license if, upon receipt of the background check, it determines the applicant:

- Is involved in a disciplinary action related to licensure;

- Has been convicted of a felony; or
- Is subject to a warrant for arrest issued by a competent jurisdiction.

Senate Bill 281 also allows the Board to disseminate any information or records relating to an investigation resulting in a dismissed complaint to: (1) any other licensing board; (2) a national association of registered boards; (3) an agency of the Federal Government or of the State; (4) the Attorney General; or (5) any law enforcement agency.

Further, the bill increases the number of members on the State Board of Osteopathic Medicine from five to seven, adding another licensed member and another public member. Senate Bill 281 also adds physicians licensed under *Nevada Revised Statutes* (NRS) Chapter 633 (Doctors of Osteopathy/D.O.s) to provisions that currently apply to physicians licensed under NRS Chapter 630 (Medical Doctors/M.D.s). These provisions include adding D.O.s to the designation of whom the Governor may appoint to be a member on the Task Force on Prostate Cancer, and allowing D.O.s to serve as medical directors of managed care organizations.

#### **S.B. 283 (Chapter 211)**

Senate Bill 283 revises requirements for the issuance of a limited license to practice dentistry or dental hygiene. The bill deletes the provision requiring a person applying for a limited license to have a license to practice dentistry or dental hygiene issued pursuant to the laws of another state or the District of Columbia, at the time of his application.

This measure is effective on May 26, 2003.

#### **S.B. 332 (Chapter 334)**

Senate Bill 332 revises the qualifications of the State Health Officer, and makes various changes relating to licensure of physicians. The State Health Officer may be licensed as a physician or as an administrative physician. The term “administrative physician,” for the purposes of the bill, is defined as a physician who is licensed to act in an administrative capacity only and who is an employee or an independent contractor to a State agency. The act further provides for the licensing of administrative physicians.

The bill allows the Governor to declare that a state of critical medical need exists for a particular medical specialty in one or more geographic areas in the State. Such a declaration would allow the Board of Medical Examiners to waive education and training requirements under certain circumstances.

Further, the bill requires that the Board maintain a Web site on the Internet, including application and license renewal forms and questions that are frequently asked concerning processes of the Board and answers to those questions.

The bill also provides that a physician's certification by an American Board of Medical Specialties may substitute for requirements of certain other state and national examinations. In addition, the measure revises the manner in which postgraduate training may be sequenced in accredited dental and medical combined degree programs. The current 36-month training requirement is retained, but only 24 months of such training must occur after the medical portion of the degree is granted. Finally, the measure clarifies restrictions on the use of the title "M.D.," allowing its use under certain conditions by those who have earned the degree but are not licensed to practice medicine.

The bill is effective on June 9, 2003.

### **S.B. 350 (Chapter 62)**

Senate Bill 350 authorizes a dentist licensed in Nevada who holds medical degree, but is not licensed as a medical doctor, to identify himself as a doctor of medicine and use the letters "M.D." or any other appropriate abbreviations providing he also clearly identifies himself as a practitioner of dentistry.

This measure is effective on May 12, 2003.

### **S.B. 425 (Chapter 392)**

Senate Bill 425 makes various changes related to pharmacy. This measure makes technical revisions related to the Board of Pharmacy. In addition, the bill requires "pharmacy technicians" and "pharmacy technicians in training" to be registered with the Board, and repeals provisions that require "supportive personnel" to be registered with the Board. The measure establishes a maximum fee of \$50 for the initial registration and for the biennial registration renewal of pharmacy technicians and pharmacy technicians in training.

Additionally, the bill increases the maximum fee for the biennial renewal of a license for a pharmaceutical manufacturer or wholesaler from \$400 to \$500. The measure also defines the manner in which wholesalers may make sales to other wholesalers. Additionally, the bill allows the Board to copy, and remove for copying, records kept by wholesalers, and allows for license suspension and disciplinary action if a wholesaler refuses to permit the inspection of required records.

The bill allows certain peace officers to access records of prescriptions to investigate alleged crime reports made by an employee of the pharmacy where the crime was committed, or to carry out a search warrant or subpoena issued pursuant to a court order. The bill also allows the development of written guidelines and protocols in collaboration with a practitioner, which are intended for a patient in a licensed medical facility, to authorize a pharmacist to order and use the findings of laboratory tests and examinations. Finally, the bill allows students to handle drugs and controlled substances in the course of their training, under the supervision of a person licensed or registered to handle such medications.

## **Health Care Services and Facilities**

### **A.B. 313 (Chapter 410)**

Assembly Bill 313 directs the Legislative Committee on Health Care to appoint a subcommittee to conduct an interim study concerning staffing matters associated with Nevada's health care delivery system. The bill requires that the study include certain established methodologies and models and sets forth other requirements of the study, including a review of staffing for hospitals and other health care facilities, related record keeping practices, recruitment and retention policies, and recommendations for staffing. Further, the subcommittee is required to collaborate with a statewide advisory group consisting of members from higher education, along with certain health care associations and interest groups. Finally, the act requires the study to be completed on or before June 1, 2004. The findings of the study must be reported to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission and 73rd Legislative Session.

### **A.B. 323 (Chapter 162)**

Assembly Bill 323 concerns long-term care for individuals with dementia. The measure requires the State Board of Health to establish minimum continuing education requirements concerning the care of persons with any form of dementia, including, without limitation, Alzheimer's disease. Administrators of certain long-term care facilities must ensure that employees who are licensed or certified to provide care in the facilities comply with the requirements for continuing education.

Further, the measure prohibits renewal of the licenses of administrators who do not comply with the provisions of the bill, and penalties are established for facilities in violation. Such penalties may include suspension or revocation of a facility's license, a prohibition on the admittance of new residents or other sanctions concerning the occupancy of a facility, or a monetary fine.

Finally, the bill requires the Department of Human Resources to develop a plan for increasing the number of beds in Nevada that are used to provide long-term care to persons with any form of dementia. In addition, the measure specifies the issues that must be addressed in the plan.

The bill is effective on July 1, 2003.

### **A.B. 326 (Chapter 340)**

Assembly Bill 326 concerns the regulation of certain residential facilities for groups. The measure requires the State Board of Health to adopt separate regulations governing the licensing and operation of residential facilities for groups that provide assisted living services. Additionally, the bill prohibits such facilities from claiming that they provide "assisted living services" unless certain designated criteria are met.

### **A.B. 402 (Chapter 248)**

Assembly Bill 402 relates to the approval of certain medical helicopters and the construction of health facilities in counties with a population less than 100,000. The measure revises provisions concerning the State's "Certificate of Need" process by exempting from the approval process a project for the construction of a hospital in certain unincorporated towns. The project is exempt if the population of the town is more than 24,000, no other hospital exists in the town, no other hospital has been approved for construction or qualified for an exemption, and the town is at least a 45-minute drive from the nearest licensed center for the treatment of trauma.

Further, the measure requires approval by the State Health Officer before a person may operate a new medical helicopter service within 150 miles from the base of an existing service. The bill specifies certain criteria that the new service must meet, including evidence of need, financial stability, and impact upon the cost of patient transportation. Further the act enumerates certain review criteria for the State Health Officer to follow in making his decision. These provisions apply retroactively to medical helicopters that did not provide such services on or before December 31, 2002.

Provisions pertaining to medical helicopters are effective on May 27, 2003. The remaining sections concerning health facilities are effective on July 1, 2003.

### **S.B. 84 (Chapter 91)**

Senate Bill 84 revises provisions relating to surety bonds and other obligations required of certain facilities that provide care for elderly persons. The bill transfers the responsibility of filing and administering surety bonds by facilities providing care for the elderly from the Aging Services Division to the Health Division. Further, the measure exempts all facilities operated or maintained by the State of Nevada from filing surety bonds. Finally the act reduces the amount required for each class of bond by 50 percent.

The measure is effective on July 1, 2003.

### **S.B. 386 (Chapter 333)**

Senate Bill 386 revises provisions concerning the visitation rights of patients of certain health care facilities and the disposition of the body of a deceased person. The measure expands the rights of adult patients in health care facilities to designate any person for visitation rights at that facility. The bill also specifies that an individual over 18 years of age may designate any person to make anatomical gifts or order the burial or cremation of the individual's remains upon death. If not designated previously by the decedent, other persons who may make such decisions are certain members of the family of the deceased and a person who held the primary domicile of the decedent in joint tenancy with the decedent at the time of death. The content of the forms associated with these decisions is prescribed. The measure also specifies that a person so designated is first in priority of those authorized to make these decisions. Further, the measure revises the list of persons who can authorize anatomical gifts and orders for burial

or cremation to make the sequence of persons identical and the wording the same for these sections of statute.

The measure is effective on July 1, 2003.

### **S.B. 412 (Chapter 100)**

Senate Bill 412 authorizes the State Board of Health to allow or require installment payments of licensing fees for medical and other related facilities. This measure authorizes the State Board of Health to adopt regulations that would allow or require facilities to pay required licensing fees on an installment basis. The act further authorizes the board to establish the amounts and dates for these payments.

The bill is effective on July 1, 2003.

## **Medicaid**

### **A.B. 445 (Chapter 169)**

Assembly Bill 445 makes various change related to Medicaid. The measure transfers certain duties related to the State Medicaid Estate Recovery Program from the Welfare Division to the Director of the Department of Human Resources. In response to certain federal requirements, the bill also repeals *Nevada Revised Statutes* (NRS) 422.2725, enacted with the passage of S.B. 370 by the 1999 Legislature. The intent of NRS 422.2725 was to allow individuals with income above the Medicaid standard, up to \$200,000, to protect their income and become eligible for Medicaid if that individual had purchased a long-term care insurance policy three years prior to becoming eligible. Finally, the act amends the definition of undivided estate to conform with the Medicaid State Plan and exempts the Medicaid Estate Recovery process from Nevada's homestead provisions.

The section of the measure deleting the current law requiring inclusion of certain senior citizens within the State Medicaid Plan is effective on May 22, 2003. The remainder of the measure is effective on July 1, 2003.

### **A.B. 482 (Chapter 475)**

Assembly Bill 482 relates to payments for treatment of Medicaid, indigent, and low-income patients. This measure revises provisions governing the payment of hospitals for treating a disproportionate share of Medicaid patients, indigent, and low-income patients. Assembly Bill 482 includes definitions of "disproportionate share payment," "total revenue," "uncompensated care costs," and "uncompensated care percentage." The bill also deletes certain other definitions. In a county whose population is 100,000 or more, the measure requires a state or local government responsible for a public hospital, or the county for private hospitals, to transfer a certain percentage of disproportionate share payments to the Division of Health Care Financing and Policy. As to the State Plan for Medicaid, the bill requires that the Plan provide for the payment of the maximum amount of disproportionate share payments



under Federal law and sets forth the required disproportionate share payments based on the population of the county. Base payments are also required to be included in the State Plan for Medicaid, and the bill sets forth the base payments for certain hospitals in Nevada. Further, the bill makes provision for adjusting disproportionate share payments in the event Federal funding is less than \$76 million.

The Division of Health Care Financing and Policy is required to adopt regulations relating to the calculation of the uncompensated care percentage for hospitals, including the procedures and methodology used and any required documentation and reporting. The bill also requires the Division to report to the Interim Finance Committee quarterly regarding payments to certain hospitals for indigent patient treatment.

The bill is effective on June 11, 2003, for the purpose of adopting regulations necessary to carry out the act, and on July 1, 2003, for all other purposes.

#### **A.B. 504 (Chapter 320)**

Assembly Bill 504 requires the director of the Department of Human Resources to apply for a Medicaid waiver to extend coverage for prescription drugs and pharmaceutical services to certain persons age 65 and older who are eligible for Medicare. Additionally, the measure authorizes the director of the Department to request a waiver to extend prescription drug coverage to persons who are disabled and who are eligible for Medicare. A program established pursuant to the measure is limited to persons whose income is not more than 200 percent of the federal poverty level. If the Medicaid waiver is approved, the bill allows the Department to contract with a pharmacy benefit manager to administer the program. To fund the program, 2.5 percent of the existing Fund for Healthy Nevada will be allocated for this purpose, reducing the amount allotted for persons with disabilities from 10 percent to 7.5 percent. The Department must report on a quarterly basis to the Interim Finance Committee and the Legislative Committee on Health Care on the status of the waiver and, if approved, the implementation of the program.

The provisions affecting the fund allocation from the Fund for a Healthy Nevada take effect on July 1, 2004; the remaining provisions take effect on October 1, 2003.

## **Mental Health**

#### **S.B. 83 (Chapter 202)**

Senate Bill 83 expands circumstances under which registered nurses are authorized to dispense dangerous drugs. The bill authorizes a registered nurse providing mental health services in a rural mental health clinic to dispense certain prescription drugs. Further, the measure authorizes the State Board of Pharmacy to adopt regulations establishing protocols related to this matter.

The bill is effective on May 26, 2003.

### **S.B. 94 (Chapter 283)**

Senate Bill 94 provides for the medical treatment of allegedly mentally ill persons and certain persons under the influence of a controlled substance. The measure provides for the medical treatment and care of an allegedly mentally ill person in a hospital for emergency services and care or another appropriate medical facility in the event the person does not need emergency services or care. The bill also requires the Division of Mental Health and Developmental Services to adopt regulations defining emergency services or care, and further prescribe the appropriate type of medical facility that provides medical care for this group of patients.

Finally, the bill authorizes a peace officer to deliver certain persons in his custody to a secure detoxification unit or other appropriate medical facility if emergency treatment appears to be needed. The individuals affected by these provisions are those who are in a public place and are unlawfully under the influence of a controlled substance or are in a condition that jeopardizes their own health or safety, or that of those around them. The act further provides a mechanism for such individuals to be returned into custody upon discharge from the detoxification unit or other medical facility.

The bill is effective on May 28, 2003.

### **S.B. 133 (Chapter 61)**

Senate Bill 133 allows the Board of Medical Examiners to issue a restricted license to a person who intends to only practice medicine in this State as a psychiatrist in a mental health center of the Division of Mental Health and Developmental Services of the Department of Human Resources. A person receiving such a restricted license may only practice medicine under the direct supervision of a psychiatrist who holds an unrestricted license to practice medicine in Nevada. A person applying for such a restricted license is not required to take or pass a written examination related to his qualifications, but must meet all other requirements for an unrestricted license. The Division must notify the Board if a person holding a restricted license ceases to practice in such a setting, and the license expires immediately upon notification. The Board may renew or modify a restricted license, unless the license has automatically expired or has been revoked. The Board may also revoke a restricted license at any time.

The bill is effective on July 1, 2003.

### **S.B. 179 (Chapter 349)**

Senate Bill 179 makes various changes related to mental health. The measure clarifies the period that a person may be detained for the medical evaluation required prior to an emergency admission to a mental health facility. The bill specifies that the examination and transfer of the patient during the medical evaluation process must be done in accordance with State and federal laws prohibiting patient “dumping.” The bill also authorizes courts making competency determinations concerning allegedly mentally ill defendants to consider evidence about the administration of certain medications. Such treatment must be administered to allow

a defendant to gain competency to stand trial or receive a judgment in a criminal action or proceeding. If a court finds a defendant to be dangerous to himself or to society and orders the defendant committed to a secure facility, the measure adds the requirement that the commitment be necessary for a determination of the person's ability to receive treatment toward competency. The court also may order the involuntary administration of medication to the defendant in such instances. Finally, the measure redefines mental illness in the mental health statutes to make it consistent with the existing definition in the criminal code.

The bill is effective on June 9, 2003.

## **Prescriptions and Pharmaceuticals**

### **A.B. 119 (Chapter 69)**

Assembly Bill 119 relates to prescription drugs. The measure prohibits a pharmacist from specifying an expiration date on a label of a prescribed drug or medicine that is earlier than the expiration date specified by the manufacturer of the drug or medication on the original label.

This measure is effective on July 1, 2003.

### **A.B. 236 (Chapter 285)**

Assembly Bill 236 directs the Office for Consumer Health Assistance to assist consumers in gaining information regarding certain prescription drug programs. The measure requires the Director of the Governor's Office for Consumer Health Assistance to provide information to and applications for prescription drug programs for consumers without insurance coverage for prescription drugs or pharmaceutical services. The Director of the Office is authorized to apply for and use any grants, gifts, or donations to aid the Office in carrying out these duties. The bill defines "prescription drug program" to mean a program sponsored or conducted by a manufacturer of prescription drugs at no charge, or a program offered by the State of Nevada or a political subdivision of this State.

### **A.B. 384 (Chapter 247)**

Assembly Bill 384 concerns prescription drug programs administered by the Department of Human Resources (DHR). The measure requires the DHR to develop a preferred drug list and to establish provisions for prior authorization of certain prescription drugs by programs administered in the Department, and list certain drugs that must be excluded from restrictions imposed by the bill. The DHR is required to manage the use by the Medicaid program of step therapy and prior authorization for prescription drugs. The bill establishes a Pharmacy and Therapeutics Committee to review the drugs that should be on the preferred drug list or excluded from restrictions. Further, the measure specifies the committee's membership, outlines its duties, and requires the Governor to make committee appointments. The bill also establishes a Drug Use Review Board in accordance with federal law and establishes its role and responsibilities in advising the DHR with regard to developing or revising step therapy protocols and prior authorization policies.

Additionally, the bill creates an advisory committee that is made up of consumer representatives and has the purpose of advising the Pharmacy and Therapeutics Committee and the Drug Use Review Board about prescription drugs that are used by senior citizens, persons who are mentally ill, or persons who are disabled. The measure further requires the DHR to amend the State Plan for Medicaid to implement the provisions in the bill. The DHR is required to report its progress concerning the State Plan amendment to the Interim Finance Committee and to the Legislative Committee on Health Care.

This measure is effective on May 27, 2003, for the purposes of adopting regulations and on July 1, 2003, for all other purposes.

#### **A.B. 504 (Chapter 320)**

Assembly Bill 504 requires the director of the Department of Human Resources to apply for a Medicaid waiver to extend coverage for prescription drugs and pharmaceutical services to certain persons age 65 and older who are eligible for Medicare. Additionally, the measure authorizes the director of the Department to request a waiver to extend prescription drug coverage to persons who are disabled and who are eligible for Medicare. A program established pursuant to the measure is limited to persons whose income is not more than 200 percent of the federal poverty level. If the Medicaid waiver is approved, the bill allows the Department to contract with a pharmacy benefit manager to administer the program. To fund the program, 2.5 percent of the existing Fund for Healthy Nevada will be allocated for this purpose, reducing the amount allotted for persons with disabilities from 10 percent to 7.5 percent. The Department must report on a quarterly basis to the Interim Finance Committee and the Legislative Committee on Health Care on the status of the waiver and, if approved, the implementation of the program.

The provisions affecting the fund allocation from the Fund for a Healthy Nevada take effect on July 1, 2004; the remaining provisions take effect on October 1, 2003.

#### **S.B. 277 (Chapter 97)**

Senate Bill 277 addresses the purchase of prescription drugs, pharmaceutical services, and medical supplies by certain State agencies. The measure requires a using agency, which includes agencies of the Executive Branch and, for purposes of this bill, the University and Community College System of Nevada, to purchase prescription drugs, pharmaceutical services, or medical supplies only through the Purchasing Division of Nevada's Department of Administration. The measure provides, however, that a using agency may buy these items and services from an entity other than the Purchasing Division if the agency can obtain the *best value* for the items and services from the other entity and the Division is unable to match or exceed the best value in a timely manner. If the using agency does purchase prescription drugs, pharmaceutical services, or medical supplies from another entity, the bill requires the using agency to report to the Division, within ten days after the initial purchase, the price of the items or services and the contact information of the entity that sold the items.

This measure is effective on July 1, 2003.

### **S.B. 327 (Chapter 260)**

Senate Bill 327 provides for the reuse of certain prescription drugs. The measure establishes procedures for the reuse of certain prescription drugs that are dispensed to, but not used by, patients in mental health facilities, facilities for skilled nursing, or facilities for intermediate care. The measure requires that these institutions adopt appropriate procedures and guidelines to provide safeguards against inappropriate transfers or diversions and tampering. Returned drugs must be in sealed unit dose packages or in bottles sealed by the manufacturer. In addition, the act specifies procedures for transferring and reissuing the drug. Schedule II drugs (narcotics) are not subject to reuse or to the other related provisions under this measure.

The provisions of the bill also apply to offenders incarcerated in an institution or facility operated by Nevada's Department of Corrections but require additional safeguards to be adopted. Further, drugs returned to a correctional institution's pharmacy under these provisions may only be redispensed once, and must also be reissued within that same institution. The State Board of Pharmacy must adopt regulations associated with this act and must prepare an annual report concerning drugs that are returned or transferred to pharmacies and subsequently reissued, in accordance with this act.

The measure takes effect on July 1, 2003, for the purposes of adopting relevant policies and regulations. The operational portions of the program take effect on October 1, 2003.

### **S.B. 337 (Chapter 98)**

Senate Bill 337 revises certain provisions with regard to dispensing or distributing drugs via the Internet. The measure prohibits Internet pharmacies from filling prescriptions if the drug has not been lawfully imported into the United States or if the prescription was not delivered to the patient in accordance with applicable State and federal laws and regulations. Violations are punishable as a category C felony under the *Nevada Revised Statutes*. If the drug is a Class I substance, a violator may be charged with a category B felony. The measure also clarifies that a person may fill or refill a prescription using the Internet within the time the prescription is considered valid.

The bill is effective on July 1, 2003.

### **S.B. 387 (Chapter 222)**

Senate Bill 387 revises provisions relating to drugs and prescriptions. The bill requires the Board of Medical Examiners and the State Board of Pharmacy to place the following items on their Internet Web sites:

- A general description of the basic elements of the *Compliance Program Guidance for Pharmaceutical Manufacturers* that is published by the Office of the Inspector General of the United States Department of Health and Human Services;

- A general description of the process for reporting unlawful or unethical conduct by pharmaceutical manufacturers to the Office of Inspector General; and
- A current telephone number for the Office of Inspector General.

The bill requires a pharmacist to dispense a generic drug in substitution for another drug if the generic is less expensive, biologically equivalent, has the same active ingredient or ingredients of the same strength, and is of the same generic type as the drug prescribed. At present, pharmacists are required to make this substitution only if the drug is being paid for by a government agency. If there is more than one drug available for substitution, the pharmacist must dispense the least expensive. The pharmacist is required to inform the person presenting the prescription prior to the substitution, advising him he may refuse to accept the substitution unless the pharmacist is being paid for the drug by a governmental agency. If a person refuses the substitution and the pharmacist is not being paid for the drug by a governmental agency, the pharmacist shall dispense the drug by brand name.

Additionally, the bill allows a practitioner to indicate orally or by handwriting the words “Dispense as Written” on the form for the prescription, indicating that the pharmacist must fill the prescription exactly as prescribed rather than making a substitution. Prescriptions that are electronically transmitted from a computer may indicate “Dispense as Written” without handwriting the words. Prescriptions transmitted via facsimile, however, must have the words “Dispense as Written” handwritten and not pre-printed.

The provisions of the bill do not apply to:

- Prescription drugs dispensed to any inpatient of a hospital by an inpatient pharmacy associated with that hospital;
- Prescription drugs dispensed by mail order or other common carrier by an Internet pharmacy; or
- Prescription drugs being dispensed to a person if the substitution would make the transaction ineligible for reimbursement by a third party or would violate the terms of a health plan that maintains a mandatory exclusive or closed formulary for its coverage of prescription drugs.

### **S.B. 425 (Chapter 392)**

Senate Bill 425 makes various changes related to pharmacy. This measure makes technical revisions related to the Board of Pharmacy. In addition, the bill requires “pharmacy technicians” and “pharmacy technicians in training” to be registered with the Board, and repeals provisions that require “supportive personnel” to be registered with the Board. The measure establishes a maximum fee of \$50 for the initial registration and for the biennial registration renewal of pharmacy technicians and pharmacy technicians in training.

Additionally, the bill increases the maximum fee for the biennial renewal of a license for a pharmaceutical manufacturer or wholesaler from \$400 to \$500. The measure also defines the manner in which wholesalers may make sales to other wholesalers. Additionally, the bill allows the Board to copy, and remove for copying, records kept by wholesalers, and allows for license suspension and disciplinary action if a wholesaler refuses to permit the inspection of required records.

The bill allows certain peace officers to access records of prescriptions to investigate alleged crime reports made by an employee of the pharmacy where the crime was committed, or to carry out a search warrant or subpoena issued pursuant to a court order. The bill also allows the development of written guidelines and protocols in collaboration with a practitioner, which are intended for a patient in a licensed medical facility, to authorize a pharmacist to order and use the findings of laboratory tests and examinations. Finally, the bill allows students to handle drugs and controlled substances in the course of their training, under the supervision of a person licensed or registered to handle such medications.

#### **S.C.R. 6 (File No. 11)**

Senate Concurrent Resolution No. 6 honors Nevadans for Antibiotic Awareness for its work on preventing the abuse of antibiotics. This resolution endorses the mission and activities of Nevadans for Antibiotic Awareness in its efforts to educate the public and health care providers in this State about the harm that results from the abuse of antibiotics. In addition, the measure commends the efforts of Nevadans for Antibiotic Awareness noting the organization's effectiveness in decreasing the use of common antibiotics by outpatients in Nevada and its recognition by the Centers for Disease Control as having one of the best programs in the United States addressing the abuse of antibiotics and the development of antibiotic-resistance bacteria.

## **Welfare**

#### **A.B. 501 (Chapter 125)**

Assembly Bill 501 makes various changes concerning public assistance. The bill changes the designated number of required meetings and changes the noticing procedures for the State Welfare Board. The bill also revises the provisions governing the subpoena authority of the State Welfare Administrator concerning witnesses to eligibility proceedings for public assistance. Additionally, the measure makes technical changes to the responsibilities of the Division of Health Care Financing and Policy, the Welfare Division, and the Director's Office of the Department of Human Resources concerning Medicaid Fraud and the Temporary Assistance for Needy Families Program (TANF). These changes "clean up" the statutes governing the transfer of responsibilities in the Department between the two Divisions.

Other key aspects of the bill include:

- Changing the requirements for reviewing a plan for personal responsibility pursuant to the TANF program by deleting the requirement for a six-month review and allowing the Welfare Division to conduct periodic reviews;
- Specifying that a head of household cannot be exempt from the TANF provisions concerning job training if the exemption violates a requirement of federal law or a condition to the receipt of federal money; and
- Removing statutory language concerning penalties for noncompliance with a person's plan for personal responsibility and requiring the Welfare Division to adopt regulations establishing a schedule of progressive penalties for noncompliance.

Finally, concerning the "Kinship Care" Program, the measure makes changes concerning the personal and criminal history of qualifying relatives. The bill repeals the requirement that an applicant submit fingerprints and certain criminal record information. A court in its legal guardianship proceedings currently collects this information. Further, the bill specifies that the definition of "qualifying relative" is that used by the *Code of Federal Regulations* and repeals the current definition, which is specified at *Nevada Revised Statutes* (NRS) 422.391.

This measure is effective on May 19, 2003, for adopting regulations and on October 1, 2003, for all other purposes.



## HOUSING, DEVELOPMENT, AND REAL ESTATE

### A.B. 284 (Chapter 465)

Assembly Bill 284 prohibits unfair lending practices for home loans. The bill prohibits, as unfair lending practices, certain acts by lenders of home loans. These acts are:

- Requiring a borrower to provide property insurance on home improvements in an amount that exceeds the reasonable replacement value of the improvements;
- Knowingly or intentionally making a home loan based solely upon the borrower's equity in the property and without determining that the borrower has the ability to repay the loan from other assets;
- Financing a prepayment fee or penalty in connection with the refinancing of a loan owned by the lender or an affiliate of the lender; and
- Financing, in connection with a home loan, any credit insurance.

A lender who engages in unfair lending practices is guilty of a misdemeanor, and is liable to the borrower for three times the amount of any actual damages sustained. Also, the borrower may recover any costs and reasonable attorney's fees associated with bringing an action to enforce the liability. However, the measure allows a lender, who is the subject of an action claiming unfair lending practice, to sell the home loan and recover damages and costs if the lender did not originate the home loan and willfully engage in any unfair lending practice.

The measure grants to the Attorney General primary jurisdiction to investigate and prosecute violations of this law. In addition, a local governmental entity is prohibited from regulating unfair lending practices that are addressed in the bill.

Assembly Bill 284 also prohibits the sale of real property by a trustee if the trust agreement becomes effective on or after October 1, 2003, and if, on the date the trust agreement is made, it is subject to the provisions of the federal Homeownership and Equity Protection Act of 1994; however, a trustee may not exercise a power of sale unless the trustee, not less than 60 days prior to the date of the sale, serves upon the grantor a notice informing the person that he may lose his home. This prohibition does not prevent a judicial foreclosure.

### S.B. 13 (Chapter 148)

Senate Bill 13 relates to landlord tenant matters. This measure amends *Nevada Revised Statutes* 118A.260 by adding "or within 60 miles of where" the premises is located to the existing requirement that a landlord disclose to the tenant, in writing at or before the commencement of the tenancy, an emergency telephone number at which a responsible person who resides in the county may be contacted.

### **S.B. 70 (Chapter 201)**

Senate Bill 70 relates to property exempt from execution. This bill increases the amount of the homestead exemption from \$125,000 to \$200,000. Senate Bill 70 also expands the property exempt from execution to include: (1) payments for public assistance from local governmental entities; (2) disability, illness or unemployment benefits; (3) payments received as compensation for a personal injury, wrongful death, or loss of future earnings; and (4) restitution for a criminal act.

Further, the bill increases the amount of the exemption for a vehicle from \$4,500 to \$15,000, and for household goods from \$3,000 to \$15,000.

### **S.B. 100 (Chapter 385)**

Senate Bill 100 makes various changes to provisions governing common-interest communities (CICs). The measure addresses various issues relating to common-interest communities, otherwise known as homeowner's associations. Senate Bill 100 creates a five-member Commission for Common-Interest Communities to investigate violations and collect data regarding the number and kind of CICs, lending market conditions, violations of CIC statutes, and the number of foreclosures. When a person aggrieved by the action of a CIC files an affidavit with the Real Estate Division, the Ombudsman and the Division may act on the affidavit to either resolve the underlying dispute or determine if good cause exists to file a formal complaint with the Commission. Procedures are also established for Commission hearings on the complaints filed, and the Commissioner has the authority to adopt regulations and delegate certain of its powers to hearing panels. Finally, the Commission must develop and promote educational guidelines for conducting CIC elections, meetings, and enforcing governing documents through liens, fines, and penalties.

Further, S.B. 100 authorizes a unit's owner to display the flag of the United States in a manner consistent with the Federal Flag Code and permits a CIC to impose certain reasonable restrictions on displaying the flag. Board members, officers, and community managers are prohibited from soliciting or accepting any compensation or gratuity that would improperly influence them or result in a conflict of interest. Certain limits are imposed on the amount of interest charged on past due fines and the costs of collecting such fines. The bill provides that terms for board members must be staggered and prohibits a person from serving as a board member or officer of a CIC if the person is related to someone who serves as a community manager for that CIC, with certain exceptions.

Finally, S.B. 100 requires the CIC to take minutes at each meeting of unit owners and at each board meeting, and to make records of the CIC available to members upon written request.

The section requiring the appointment of the members of the Commission for Common-Interest Communities is effective on July 1, 2003. The sections relating to the authority of the Commission to conduct hearings become effective on January 1, 2004, except for the related

provisions authorizing the adoption of regulations, which become effective on October 1, 2003. The remainder of the bill is effective on October 1, 2003.

### **S.B. 128 (Chapter 55)**

Senate Bill 128 relates to landlord and tenant matters. This bill allows a tenant who has been unlawfully removed or excluded from a rented dwelling unit, or whose essential services have been willfully interrupted by the landlord, to recover immediate possession of the premises by filing a verified complaint for expedited relief. The verified complaint must be filed within five judicial days after the unlawful act by the landlord, and the court shall hold a hearing within three judicial days thereafter.

The court may then order the landlord to restore the premises or services, or both, to the tenant, may award damages, and may enjoin the landlord from certain actions and may hold the landlord in contempt. Finally, the measure provides that that all costs and fees must be deferred until final disposition of the case, and costs and fees shall be charged against the party that does not prevail.

### **S.B. 136 (Chapter 390)**

Senate Bill 136 revises provisions governing assessment of penalties by common-interest communities. This measure requires a unit's owner to adhere to a schedule required by an association for the completion of the design, commencement, completion of construction, or issuance of a permit for a unit or an improvement to a unit. The bill authorizes an association to impose and enforce a construction penalty if an owner fails to adhere to the schedule. To be enforceable, the schedule and the maximum amount of the penalty must be contained in the declaration, another document recorded before the owner acquired title or a contract between the association and the owner. The owner must also be given notice of the alleged violation and informed of a right to a hearing on the violation.

The bill also provides that an executive board of an association may impose a fine or take other authorized action against a tenant or guest of a unit's owner, and may hold a unit's owner jointly and severally liable for a fine against a tenant or guest, if the governing documents so provide. The board may not impose such a fine unless:

- Not less than 30 days before the violation, the person to be fined has been provided with written notice of the applicable provisions of the governing documents;
- Within a reasonable time after the violation, the person to be fined has been given a written notice specifying the details of the violation, the amount of the fine, and the date, time and location for a hearing; and
- The person to be fined has been given a reasonable opportunity to contest the violation at the hearing.

The board must hold a hearing before it can impose a fine unless the person to be fined pays the fine, waives the right to a hearing in writing, or fails to appear after proper notice of the hearing. Additionally, the measure authorizes the board to appoint a committee of not less than three members to conduct hearings on violations, if the governing documents so provide. Finally, the bill only establishes minimum procedural requirements for imposing fines and does not preempt provisions of the governing documents that provide greater procedural protections.

#### **S.B. 204 (Chapter 252)**

Senate Bill 204 relates to disclosures of information deemed material to the purchase, lease, or rental of real property, manufactured homes, mobile homes and commercial coaches. This bill requires an owner of real property used as a methamphetamine laboratory to disclose that fact to a buyer, lessee, or tenant unless the owner has had the property remediated or declared safe for habitation by a governmental entity. A person selling or leasing a manufactured home, mobile home, or commercial coach must provide the same disclosure, unless the transaction involves a person related within the third degree of consanguinity. An additional exemption from the disclosure requirement is provided for a person who is a dealer of manufactured homes, mobile homes, or commercial coaches and it is the first sale or transfer of the item.

The measure expands the purview of *Nevada Revised Statutes* 40.770 to include transactions concerning leases and rental agreements, and provides immunity for failure to disclose any fact of which the owner, or an agent, had no actual knowledge.

#### **S.B. 241 (Chapter 362)**

Senate Bill 241 makes various changes concerning constructional defects. The measure establishes procedures and time lines under which notice of constructional defects is provided to contractors, who are then required to notify the appropriate subcontractors, suppliers, and design professionals. The bill provides a right to inspect the defect. If the contractor, subcontractor, supplier, or design professional elects to repair the defect, he must be given a reasonable opportunity to do so under the conditions set forth in S.B. 241, which include performing the repairs in compliance with generally accepted standards of care in the industry. Procedures are established to allow inspection and repair of common constructional defects to residences or appurtenances within a single development.

Before commencing an action for a constructional defect, the claimant must provide notice to the contractor of the defect and allow an inspection and a reasonable opportunity for repair. If the claimant has not complied with these requirements, the court must dismiss the action. The bill also allows disputes concerning matters affecting or relating to a constructional defect to be submitted to the State Contractors' Board. The decision of the board is not binding and is not admissible in any judicial or administrative proceeding.

Finally, the bill authorizes a judge presiding over a claim for a constructional defect to order a representative of a party's insurer to attend a settlement conference. The court may sanction

an insurer who fails to attend, who attends but is substantially unprepared to participate, or who fails to participate in good faith.

This measure is effective on August 1, 2003. The provisions authorizing the State Contractors' Board to adopt regulations regarding issues submitted for their review pursuant to Section 12 are effective on June 9, 2003.

### **S.B. 359 (Chapter 472)**

Senate Bill 359 concerns the display the flag of the United States. This measure limits the authority of governing bodies to prohibit displays of the United States flag by property owners. A governing body may impose reasonable restrictions as to the time, place, and manner of displays of the flag if it determines such restrictions are necessary to protect public health, safety or welfare. The bill also provides that a restriction, covenant, or similar condition in a contract or deed that prohibits a display of the United States flag is void and unenforceable. Further, the measure prevents associations in a common-interest community or landlords from prohibiting displays of the United States flag. However, such entities may impose reasonable restrictions on the placement and manner of display. Landlords must include information regarding a tenant's right to display the United States flag in any rental agreement and may not retaliate against a tenant for exercising his right to display the flag.

Senate Bill 359 also stipulates that a local government employer shall not prohibit or restrict an employee from engaging in the display of the United States flag on the person of the employee, in the workplace, or on a vehicle owned by the local government employer that is operated by the employee in the course of performing his or her duties.

The bill defines what constitutes a legitimate display of the United States flag. Depictions of the flag made of balloons, flora, lights, paving, roofing, siding, or similar materials are specifically excluded from the definition. The provisions of the bill do not apply to a flag display for commercial advertising. If an action is commenced to enforce the provisions of the bill, the prevailing party is entitled to fees and costs. In addition, all displays of the United States flag must be in compliance with Title 4, Chapter 1, of the *United States Code*.

Senate Bill 359 further provides that an existing provision in any ordinance, regulation, policy, contract, document, governing document, rental agreement, or lease, that is contrary to the provisions of the bill, is void and unenforceable on the effective date of the act. The bill requires governing bodies, executive boards of common-interest communities, landlords, and local government employers to review and appropriately amend ordinances, policies, and rental or lease agreements to ensure compliance with the provisions of the measure on or before October 1, 2003. The terms of existing rental agreements or leases must be brought into conformance with the provisions of the bill upon renewal of the agreement or lease and, until existing rental agreements and leases are brought into conformance, a landlord must provide notice to his tenants of their right to display the flag or post such notice in a conspicuous place on the property.

The bill is effective on June 11, 2003.

### **S.B. 424 (Chapter 242)**

Senate Bill 424 revises provisions relating to the membership of redevelopment agencies. The bill provides an alternative to the appointment of five resident electors of the community to serve as members of a redevelopment agency. The measure stipulates that at the time a legislative body establishes a redevelopment agency, it may appoint not more than 11 members to the agency. The members must be resident electors of the community, members of the legislative body, or a combination thereof. The bill also allows such appointments to take place after the creation of the redevelopment agency if the legislative body so chooses. According to the bill, the first resident electors appointed to the agency must serve staggered terms. Their successors then serve for a period of four years. Finally, the measure provides that members of the agency shall hold office until a successor is appointed and qualified, and vacancies on the redevelopment agency must be filled for the unexpired term.

This measure is effective on July 1, 2003.

## **Manufactured Homes and Mobile Home Parks**

### **A.B. 212 (Chapter 273)**

Assembly Bill 212 revises certain provisions concerning manufactured housing. The bill provides for an increase in the licensing fees of salesmen of manufactured housing and of responsible managing employees. In addition, it specifies that a licensed person, as described in the bill, cannot recover any damages from the Account for Education and Recovery Relating to Manufactured Housing relating to a transaction in which he was involved as the licensee.

The measure also requires a purchaser who commences an action against a manufactured housing licensee to serve a copy of the complaint upon the Administrator of the Manufactured Housing Division within 30 days.

The bill is effective on May 28, 2003.

### **A.B. 230 (Chapter 313)**

Assembly Bill 230 revises provisions relating to certain mobile home parks. The bill requires that the board of directors of a mobile home park owned or leased by a nonprofit organization must consist of one-third of the members elected by the residents, one-third appointed by the governing body of the local government, and one-third appointed by the nonprofit organization owning or leasing the park. Corporate cooperative mobile home parks are exempt from these requirements because the residents own or control the mobile home park.

In addition, the bill exempts certain mobile home parks from the requirement of providing direct water service to each lot by installing an individual water meter. Parks constructed after October 1, 1995, are exempt if they are operated by a public housing authority or a nonprofit corporation. These exempt parks are also authorized to expand if they can do so using their existing master water meter.

The measure is effective on July 1, 2003.

### **A.B. 245 (Chapter 133)**

Assembly Bill 245 revises provisions relating to mobile home parks. This measure limits conditions that may be placed on the conversion of a mobile home park to individual mobile home lots. As conditions of conversion, a governing body, board, or commission may not require changes to existing lot sizes, densities, setbacks, and similar restrictions but may impose reasonable conditions related to health and safety.

The bill extends the period of time that an offer to sell a mobile home lot must be kept open for the tenant and also extends the period of time during which the landlord cannot offer the lot for sale to another person on more favorable terms. Finally, the bill clarifies that notices related to a land use application or an offer to sell do not constitute a notice of termination of the tenancy.

### **A.B. 262 (Chapter 102)**

Assembly Bill 262 revises provisions related to manufactured housing. In counties whose population is less than 400,000, A.B. 262 provides authority for the Division of Manufactured Housing to enforce and inspect factory-built or manufactured housing if the local enforcement agency fails or refuses to enforce and inspect within ten days after receiving an inspection request. The bill further provides authority for the Division to issue a certificate of occupancy and to adopt regulations, which may include the establishment of fees. The Division is also authorized to expand the subclasses of servicemen that may be licensed for the installation and repair of mobile, factory-built, or manufactured homes.

The bill sets forth the provisions under which mobile, manufactured, or factory-built homes that are permanently affixed to the land may be converted to real property for property tax purposes if the land is under lease to the owner and the home is financed in accordance with certain federal programs or similar programs.

Finally, the bill permits a dealer of manufactured housing to enter into written agreements with licensed service providers to perform work for the sale, installation, and occupancy of the home, provided the dealer is properly licensed. Dealers are also required to make certain disclosures to the buyer.

The bill is effective on July 1, 2003.

### **A.B. 498 (Chapter 403)**

Assembly Bill 498 revises provisions concerning manufactured home parks. The bill requires the landlord of a manufactured home park to post a notice advising tenants that information concerning their rights under State law is available from the Manufactured Housing Division. Further, the landlord must give such information in writing to each new tenant. The bill also allows an applicant for residency in a manufactured home park 72 hours to review the rental agreement. This review period, however, does not limit the landlord from accepting another tenant for the space. The measure revises interest calculation on deposits required and held by

the landlord. The bill also specifies the landlord must inform a tenant who is moving a new manufactured home into a park that the home must be installed by a licensed installer. The bill requires that the landlord must post or provide each tenant with the office hours or the landlord's availability at the park, and post a notice advising tenants of contact information for the Manufactured Housing Division. In addition, the bill specifies that the landlord can require a security deposit for the tenant's use of the park's community facilities.

In the event of a landlord either closing or converting an existing manufactured home park to an approved use by the appropriate zoning board, the measure provides that the landlord must incur certain associated costs. Further, the bill amends provisions regarding written agreements between a landlord and a tenant, including the notice a landlord must give a tenant for termination of a rental or lease agreement if a nuisance as defined by statute has occurred, or the tenant has habitually failed to pay rent.

This measure is effective on July 1, 2003.

## **Real Estate and Development**

### **A.B. 427 (Chapter 124)**

Assembly Bill 427 revises provisions related to land use permits. This measure further limits the conditions that may be imposed on parcel maps for offsite access, street alignment, surfacing and width, water quality, water supply, and sewer service, to those that are necessary and consistent with nearby existing land uses and where the anticipated land uses are based upon adopted ordinances and plans. The bill also prohibits a local government from requiring an owner to dedicate land as a condition to receive a building permit, unless previously required by a discretionary approval of the governing body or an ordinance that applies to a broad class of landowners.

The bill is effective on July 1, 2003.

### **S.B. 78 (Chapter 383)**

Senate Bill 78 makes various changes regarding assistance to finance housing. The bill authorizes the Housing Division of Nevada's Department of Business and Industry to issue letters of credit to finance the acquisition, construction, development, rehabilitation, or refinancing of residential housing. Such letters of credit may be issued if, at the time of issuance, the Division has a credit rating within one of the three highest rating categories of a nationally recognized credit rating agency. The measure also extends the bonding authority limit of the Division from \$2 billion to \$5 billion.

In addition, the bill permits the Division to develop, purchase, or acquire information systems that it deems necessary for the exercise of its powers and utilize any consulting or support services for such systems. The measure also adds the Division to the list of agencies that may



negotiate and set forth agreements with Nevada's Department of Information Technology for the development of information systems.

Finally, S.B. 78 extends from July 1, 2003, to July 1, 2009, the sunset provision in S.B. 552 of the 2001 Legislative Session concerning the Division's granting and purchasing authority and its general powers.

This measure is effective on July 1, 2003.

### **S.B. 139 (Chapter 182)**

Senate Bill 139 makes various changes to provisions governing certain real estate practices. The bill defines "property management agreement" as a written contract between a client and a broker in which the broker agrees to accept valuable consideration from the client or another person for providing property management for the client. The bill clarifies that a "brokerage agreement" does not include a "property management agreement." The bill also makes technical changes related to the use of these terms.

Additionally, the bill adds provisions concerning what information must be included in a property management agreement. Agreements must include renewal and cancellation provisions if applicable.

### **S.B. 354 (Chapter 398)**

Senate Bill 354 revises provisions regarding temporary and final subdivision maps. The bill requires a final subdivision map that is filed with a governing body or a planning commission to include, for each lot of a subdivision, any roads or easements of access that the owner of the lot intends to offer for dedication. The map must also show existing or proposed easements for public utilities within the subdivision as well as any easements for community antenna television within the franchise area of a community antenna television company. Further, the measure requires the final map to contain a certificate signed and acknowledged by the owner of the land granting any permanent easement for the installation of community antenna television cable, along with a statement approving such easement signed by the television company. The bill also adds provisions providing that both tentative and final subdivision maps filed with a governing body or planning commission by a person who is proposing a subdivision must show any easements for community antenna television within the franchise area of a community antenna television company.

Finally, the measure clarifies that a person who proposes a subdivision of land may be relieved of the requirement to dedicate such easements if he demonstrates that there is not an essential nexus to the public purpose for the dedication and the dedication is not roughly proportional in nature and extent to the impact of the proposed development.

### **S.B. 428 (Chapter 243)**

Senate Bill 428 makes various changes regarding certain State agencies that regulate real estate practices and professions. Senate Bill 428 is an omnibus measure covering various provisions regarding certain State agencies that regulate real estate practices and professions. The bill makes changes to various provisions of *Nevada Revised Statutes* that apply to the Real Estate Division, the Commission of Appraisers of Real Estate, and the Real Estate Commission more consistent. Pertinent portions of the bill include:

- The investigation and discipline of certain persons and circumstances;
- Maximum allowable fees for certain services, permits, and licenses;
- The adoption of regulations related to electronic business; and
- Background checks on certain applicants.

The measure is effective on July 1, 2003.

## INSURANCE

### A.B. 320 (Chapter 497)

Assembly Bill 320 revises various statutes relating to medical malpractice, insurance, and health care coverage. The measure prohibits health insurers, health maintenance organizations and similar groups from charging fees for including providers on panels. The bill also requires disclosure of payment schedules under contracts between health care providers and such groups, upon request, and specifies the conditions under which contracts may be modified. In addition, the measure requires the Commissioner of Insurance to develop a single, standardized form to be used for information related to the credentials of health care providers.

Assembly Bill 320 further requires continuing coverage for patients in certain circumstances when a provider's contract is terminated. The bill also prohibits an insurer from including in a filing any component directly or indirectly related to imprudent capital and financial losses and losses resulting from criminal activity. Further, the measure expands the scope of deceptive trade practices to include the application of unfair trade practice laws to managed care.

In addition, A.B. 320 requires an insurance company to disclose certain underwriting decisions, including providing its insureds evidence of their base rate, and any reasons for charging in excess of the base rate. Finally, A.B. 320 requires insurers to provide 120 days notice, before an insurance company cancels, terminates, or fails to renew a policy of professional liability insurance, to the Commissioner of Insurance and to a practitioner if the practitioner is practicing in one or more of the essential medical specialties designated by the Commissioner. Further, the Commissioner may require the insurance company to delay its action for a period of not more than 60 days if there are not replacement policies readily available.

This measure is largely effective on October 1, 2003. For purposes of developing a form described in Section 40.3, the bill is effective on July 1, 2004.

### A.B. 453 (Chapter 495)

Assembly Bill 453 is an omnibus bill that amends provisions governing insurance in numerous broad areas.

- Federal Oversight — The bill expands the authority of the Commissioner of Insurance to enter into cooperative agreements and to share certain information with other governmental entities, and to adopt regulations to comply with federal laws.
- External Review Organizations — The measure authorizes the Commissioner of Insurance to examine the accounts and records of any external review organization as defined in Section 19 of A.B. 79.

- NAIC Assessment — The bill increases from \$15 to \$30 the maximum assessment the Commissioner may charge an insurance company for Nevada’s membership and participation in the National Association of Insurance Commissioners (NAIC).
- Medical Malpractice Closed Claim Reports — The measure expands the definition of “closed claim reports” to include reports of claims against all sectors of the medical community, not just physicians and surgeons. The bill extends the definition to also include homeopathic physicians, dentists, nurses, osteopathic physicians, chiropractic physicians, practitioners of Oriental medicine, podiatrists, optometrists, dispensing opticians, hearing aid specialists, audiologists and speech pathologists, pharmacists, physical therapists, hospitals and other health care facilities, and any related corporate entity. In addition, A.B. 453 imposes a fine for willful or repeated failure to file closed claims reports, including payment of an administrative fine of not more than \$1,000 for each day of the violation or failure to comply, up to a maximum fine of \$50,000. An insurer who fails or refuses to comply with an order issued by the Commissioner is also subject to suspension or revocation of his certificate of authority to transact insurance in Nevada.
- Alternative Risk Mechanisms and Markets — The bill makes technical changes to provisions in the law concerning surplus lines insurers, unauthorized insurers, essential insurance associations, captive insurers, and risk purchasing groups. For example:
  1. The bill increases from \$5 million to \$15 million the minimum surplus as to policyholders an insurer must have to be eligible to accept surplus lines risks.
  2. A criminal penalty is imposed upon any insurance producer who knowingly represents or aids an unauthorized insurer. A first violation is a category C felony. Subsequent violations are subject to category B felony penalties.
  3. An essential insurance association may be terminated by conversion to a mutual insurer or a reciprocal insurer.
  4. The definition of an association captive is clarified to conform to the federal Product Liability Risk Retention Act of 1981.
  5. A purchasing group is required to pay a \$100 fee for initial registration and renewal.
- Accreditation — A.B. 453 requires insurers to prepare financial statements according to NAIC instructions and procedures, and makes various changes concerning accreditation requirements for reinsurers. Additionally, licensure is required of an insurance intermediary, such as a broker or manager for a domestic insurer or reinsurer. Further, the bill requires that the valuation of bonds and securities by an insurer be consistent with the methods of the Security Valuations Office of the NAIC, and

removes current provisions that restrict investments to assets of corporations organized under laws of the United States, Canada, or Mexico. The bill extends the Commissioner's authority to determine market effect in Nevada of an acquisition or change of control of an authorized insurer. The Commissioner may not approve an acquisition or merger of a domestic insurer if such an acquisition is found to be harmful or prejudicial to the public. The bill also allows the Commissioner to impose a fine of up to \$10,000 for a violation of the Holding Company Act.

- Licenseses — The bill prohibits the Commissioner from issuing a certificate of registration to a third-party administrator (TPA) that is financially unsound. It also requires that the annual report filed with the Commissioner by a TPA must be verified by at least two officers of the TPA. The report must include an audited financial statement, except in certain limited circumstances involving small TPAs, and the identity of all persons with whom the TPA contracted for services during the preceding fiscal year.

Additionally, the measure exempts from requirements for licensure as a producer any person who does not sell, solicit, or negotiate insurance, and requires that a business organization seeking to be licensed as a producer must designate a natural person who is licensed as a producer and who is affiliated with the organization. Also, a producer may keep records in electronic format as long as the records are complete and retained in a manner that is open to examination by the Commissioner.

The bill subjects insurance consultants to the general authority of the Commissioner. A fine of not more than \$1,000 may be imposed on a person who acts as a consultant without a license.

Further, A.B. 453 prohibits a bail agent from transferring collateral to any person other than the bail agent or the surety insurer, and prohibits removal of collateral from Nevada. Additionally, the bill requires that collateral be returned promptly after it has been determined that the obligation has been discharged and the fees owed to the bail agent have been paid.

- The Insurance Contract — The measure eliminates the requirement for sureties to file rates and forms with the Commissioner. Also, if an insurer fails to provide notice of renewal within 60 days before an insurance policy expires, the insurer must renew the policy on the same terms as the expiring policy.
- Workers' Compensation — The bill requires that any plan for the payment of dividends by a workers' compensation insurer must be filed with and approved by the Commissioner before any dividends may be paid. Also, A.B. 453 enables the Commissioner to allow a self-insured employer to remain certified during bankruptcy proceedings as long as the employer demonstrates that it will pay all claims for compensation. The measure provides that any plan for additional assessments by an

association of self-insured public or private employers must be filed with and approved by the Commissioner.

The bill also limits the circumstances under which an insurer may cancel an industrial insurance policy that has been in effect for at least 70 days or that has been renewed. Such policies may not be cancelled before the expiration of the agreed term or one year, whichever occurs first. Exceptions are provided if certain specified events occur, such as non-payment of premium or failure to report payroll.

- Liquidation of Insurers — The bill makes various changes to provisions concerning liquidation of insurers, including adding a definition of “affiliate,” removing the \$100 deductible on claims for unearned premiums, and allowing the Commissioner, as receiver for an insolvent insurer, to file a claim with a guaranty association for unearned premiums on behalf of all insureds.
- Underinsured Motorist Coverage — Furthermore, the bill provides that if an insured person suffers damages subject to the limitation of liability provided to State and local governments under Nevada law, that person may recover from his insurer, up to the limits of his own underinsured motorist coverage, any amount of damages for bodily injury that exceed that limitation of liability.
- Study of Insurance Function Consolidation — The bill requires the Executive Branch to conduct a study of the feasibility and potential benefits of consolidating the Insurance Division and the Division of Industrial Relations. The results of the study must be reported to certain members of the Legislature no later than October 1, 2004.
- Miscellaneous Provisions — Additionally, the measure makes certain changes to annuity contracts in respect to when and how they may be terminated and paid out. Moreover, the bill excludes annual home service agreements on household appliances and systems from the definition of “insurance for home protection,” if the agreement principally provides for repair due to normal wear and tear. The bill also authorizes mutual insurance companies to establish employee incentive compensation programs.

Provisions addressing external review organizations and requiring a study of consolidating the Insurance Division and the Division of Industrial Relations are effective on June 11, 2003. Sections dealing with contracts of annuity are effective on July 1, 2003, for the purposes of adopting regulations. All other provisions of the bill are effective on October 1, 2003.

### **S.B. 11 (Chapter 3)**

Senate Bill 11 revises provisions governing extraordinary dividends or distributions of certain insurers. The bill changes the definition of extraordinary dividends or distributions for insurance holding company systems by precluding consideration of unrealized capital gains in the calculation of net gain from operations of the insurer or net income.

The measure is effective on March 5, 2003.

### **S.B. 122 (Chapter 178)**

Senate Bill 122 makes various changes regarding malpractice insurance and actions. This measure provides that the Insurance Commissioner may not exempt an insurer from certain portions of the insurance statutes with regard to malpractice coverage if a medical practitioner breaches a professional duty to a patient.

The bill also excludes certain imprudent capital and financial losses as well as losses that result from certain criminal activity when considering requests for medical liability premium increases.

Additionally, the Insurance Commissioner may allow any interested person or entity to intervene in a rate case involving medical liability insurance but may limit the scope and extent of that participation for certain interveners. If a person is not otherwise authorized to be a party, the person is entitled to provide testimony if, not later than two days before the hearing, the person files a written statement with the Commissioner containing the person's name and title, their interest, and a brief summary of the purpose of the testimony the person will offer at the hearing.

Furthermore, the measure clarifies that the requirements for an extended reporting endorsement pertain to claims-made policies only.

The bill also prohibits an insurer from setting different premium rates for different obstetricians based solely on the number of babies delivered. An insurer may only base premium differentials on the number of babies delivered if the insurer bases the difference on actuarial and loss experience data and obtains the Insurance Commissioner's approval.

Moreover, S.B. 122 requires the Commissioner to determine on or before April 1 of each year whether there are medical specialties in this State which are essential as a matter of public policy and which must be protected from certain adverse actions relating to professional liability insurance that may impair the availability of those specialties to residents. If an insurer of one of these specialists intends to cancel or not renew a policy, the insurer must give the insured 120 days notice of non-renewal or termination. This time period can be extended an additional 60 days by the Insurance Commissioner.

Additionally, the bill requires the Insurance Commissioner to conduct a study of the effects of tort reform on the malpractice insurance market. Furthermore, the bill requires the Insurance Commissioner to collect trend and pricing data to determine whether under pricing is occurring.

The measure also provides that certain terms of a malpractice settlement must not be made confidential. Specifically, the names of the parties, the date of the incidents giving rise to the action, the nature of the claim, and the effective date of the agreement must not be confidential.

Finally, the bill requires an insurer to advise its policyholder of certain rights if the insurance carrier refuses to accept an offer to settle within policy limits.

The bill is effective on May 22, 2003, for purposes of adopting regulations and on October 1, 2003, for all other purposes.

### **S.B. 319 (Chapter 455)**

Senate Bill 319 makes various changes to provisions regulating insurance. This measure requires one member of the Board of Directors of the Nevada Life and Health Insurance Guaranty Association and one member of the Board of Directors of the Nevada Insurance Guaranty Association to be an officer of a domestic insurer, if practicable. The bill also authorizes the use of either an original signature, facsimile signature, or electronic signature for certain purposes.

Furthermore, the measure authorizes the Department of Administration to hold workers' compensation hearings in Carson City or Las Vegas, and upon agreement of one or more of the parties, to pay all additional costs directly related to conducting a hearing at an alternative location, which may be any place of convenience to the parties, at the discretion of the Department. Additionally, the measure requires the Division of Insurance to pay interest on any refunds of assessments used to fund certain governmental activities.

The bill also places restrictions on the use of credit information as a basis for making certain decisions concerning policies of personal lines insurance, which primarily are based on the Model Act Regarding the Use of Credit Information in Personal Insurance, which was recently adopted by the National Conference of Insurance Legislators. Moreover, a consumer reporting agency is prohibited from providing or selling data or lists that include any information that in whole or in part was submitted in conjunction with certain insurance transactions.

Finally, the bill requires the Commissioner of Insurance, on or before December 31, 2004, to prepare and submit a report to the Governor and the Legislature. The report must address:

- The operation of Sections 2 through 15, inclusive, of the bill;
- The efficacy, necessity, and desirability of using credit information in making decisions related to insurance;
- The impacts upon the residents of Nevada from the continued use of credit information in making decisions related to insurance; and
- Any additional consumer protections identified by the Commissioner for consideration by the Nevada Legislature.

Certain provisions concerning membership on boards and the study by the Commissioner of Insurance are effective on October 1, 2003. Other provisions are effective on July 1, 2004.



### **S.B. 378 (Chapter 220)**

Senate Bill 378 relates to insurance policies of common-interest communities. This bill provides that for insurance policies issued to common-interest communities, the insurer issuing the policy may not cancel or refuse to renew the policy until 30 days after a notice has been mailed to the association and to any person to whom a certificate or memorandum of insurance has previously been issued.

## **Automobile Insurance**

### **A.B. 177 (Chapter 31)**

Assembly Bill 177 makes various changes concerning registration of motor vehicles and special plates, placards, and stickers issued to certain disabled persons.

This bill eliminates the requirement that vehicle owners provide evidence of insurance when applying for a vehicle registration. Instead, the measure requires the owner to sign a declaration stating that the required insurance is in force at the time of the application and will remain in force for the registration period.

This measure also provides that within 30 days after changing names or place of residence, the owner of a registered vehicle must notify the Department of Motor Vehicles (DMV). At present, a registrant must notify the Department within ten days, only after changing his or her place of residence.

Under the provisions of this bill, vehicle owners may elect to retain their current smog check and vehicle registration when they replace lost, stolen, or damaged plates.

Finally, this measure provides that the DMV may issue disabled placards to organizations that transport people with disabilities. Also, a special parking placard may be issued by the DMV to a person with a permanent disability for a ten-year period, and to a person with disability of moderate duration for a two-year period.

The provisions regarding the replacement of lost, stolen, or damaged plates are effective on July 1, 2003; the provisions regarding changes of name and proof of insurance are effective on October 1, 2003; and, the provisions regarding parking placards for disabled persons are effective on January 1, 2004.

### **A.B. 367 (Chapter 87)**

Assembly Bill 367 makes changes relating to the repair of motor vehicles. This bill expands the definition of a rebuilt vehicle to include a vehicle for which the “roof assembly” and “complete front inner structure for a unibody” have been replaced. This measure also allows an insured or a claimant under an insurance policy to select a licensed body shop for repairs to a motor vehicle. An insurer must notify the insured or claimant of this right when the insurer is first contacted concerning a claim for damage to a motor vehicle. Further, this bill provides

that an insurer is not required to pay more than the reasonable rate for repairs to a motor vehicle.

### **S.B. 322 (Chapter 216)**

Senate Bill 322 revises certain provisions related to the self-insurance of taxicabs regulated by the Taxicab Authority. This measure removes the provision that allows taxicabs regulated by the Taxicab Authority to self-insure for only the first \$50,000, combined single limit, per accident, of the coverage required under the insurance provisions governing such taxicabs. The bill allows such taxicabs to self-insure for the full amount of the insurance coverage required for taxicabs regulated by the Taxicab Authority.

This measure is effective on May 26, 2003.

## **Health Insurance**

### **A.B. 249 (Chapter 494)**

Assembly Bill 249 revises provisions related to the Public Employees' Benefits Program. This bill requires notice from the Public Employees' Retirement System to the Public Employees' Benefits Program (Program) of any change in payment status of a benefit recipient that affects eligibility for the Program. The measure also requires a participating public agency to give notice to the Program of any change in the status of an employee affecting eligibility. Further, the bill makes an agency liable for payment of the premium or contribution not paid as a result of its failure to provide timely notice.

The bill also revises a number of provisions to clarify the persons included within the Program and provides further definition of certain terms, such as "participating local governmental agency," "participating state agency," and "participating public agency." The bill deletes the provision that requires evidence of good health from certain retired persons as a condition of enrollment in the Program. Further, the measure allows claims for a preexisting condition if the person has not received advice or treatment for six months following enrollment. Notice must be given of any change in the contribution charged for participation and the term "calendar year" is changed to "plan year." The bill also clarifies provisions relating to deductions from salaries and wages related to the Program.

Assembly Bill 249 eliminates the open enrollment that has been offered biennially. The bill clarifies that the State subsidy for premiums applies to all retired persons participating in the Program, but the amount of the subsidy is based upon the length of State service. The measure also provides for the continuation of the members of the Board of the Program from the private sector with certain designated experience, as appointed by the Governor.

The bill is effective on July 1, 2003, except as to the limitation of the State subsidy to years of State service and the elimination of the biennial open enrollment, which are effective on July 1, 2004.

### **A.B. 263 (Chapter 8)**

Assembly Bill 263 relates to the Public Employees' Benefits Program. Assembly Bill 263 reduces from 60 to 30 the number of days of notice that participants in the Public Employees' Benefits Program must be given before being required to select or change a policy of health insurance that will result in a change in premiums or coverage.

This measure is effective on March 13, 2003.

### **A.B. 286 (Chapter 493)**

Assembly Bill 286 revises provisions relating to health coverage under the Public Employees' Benefits Program. The bill removes the requirement that a retired local government officer or employee who joins the Public Employees' Benefits Program (Program) upon retirement must pay all costs of health insurance coverage and clarifies that a participating local government retiree is only responsible for the portion of the costs not paid for by the State or local government employer. The bill requires a local government employer to pay the same portion of the cost for coverage of its retirees as the State pays for State retirees.

In establishing actuarial data for the purpose of establishing rates and coverage, the bill provides that the claims experience of active and retired State officers and employees shall be commingled. In setting rates and coverage for other participants, the claims experience of active and retired officers and employees of non-state entities shall be commingled. The bill clarifies that the amount deducted from an employee's compensation is based upon the amount of the premium or contribution. The bill removes the discretion of the insurer to approve or disapprove a request for reinstatement under the Program or the local government's group insurance program. Further, the last local government employer of a retired officer or employee who reinstates insurance (excluding life insurance) is required to commingle the claims experience of such retired persons with the other persons in that program for the purpose of establishing rates and coverage.

Finally, for participants who joined the Program upon retirement, the bill provides a period of open enrollment from September 1, 2003, to January 31, 2004, to join the coverage of the last local government employer if the participant assumes the costs of the coverage not covered by the local government employer. The claims experience of persons enrolling in a local government's insurance program shall be commingled with the other participants in that program for the purpose of establishing rates and coverage.

The provision in the bill for open enrollment is effective on July 1, 2003, and the remainder of the bill is effective on October 1, 2003.

### **A.B. 502 (Chapter 515)**

Assembly Bill 502 relates to insurance coverage for medical treatment provided in a clinical trial or study. This bill requires that policies of health insurance and health plans issued by

health maintenance organizations (HMOs) or by managed care organizations (MCOs) provide coverage for medical treatment provided in a clinical trial or study. Coverage must be provided for Phase II, Phase III, or Phase IV clinical trials or studies for the treatment of cancer or chronic fatigue syndrome.

The clinical trial or study must be approved by:

- An agency of the National Institutes of Health;
- A cooperative group;
- The Food and Drug Administration as an application for a new investigational drug;
- The United States Department of Veterans Affairs; or
- The United States Department of Defense.

A provider of health care who has the experience and training to provide the treatment in a capable manner must give medical treatment. The clinical trial must be conducted in Nevada. Before participating in a clinical trial, the patient must sign a consent form acknowledging the risks associated with the clinical trial.

Coverage for medical treatment related to the clinical trial or study is required if the particular medical treatment is not provided by the sponsor of the clinical trial or study free of charge to the provider. Such coverage is limited to:

- Any drug or device that is approved for sale by the Food and Drug Administration without regard to whether the approved drug or device has been approved for use in the medical treatment of the policyholder or subscriber; and
- The initial consultation to determine whether the patient is eligible to participate in the clinical trial.

The following services are also covered if a provider with whom the insurer has contracted for such services provides them:

- Costs of reasonably necessary health care services arising out of the treatment provided in the clinical trial to the extent that those health care services would otherwise be covered under a health insurance policy; and
- Health care services required for the clinically appropriate monitoring of the patient during the clinical trial.

If the insurer has not contracted for the provision of such services, the insurer shall pay the provider the rate of reimbursement that is paid to other providers with whom the insurer has contracted for similar services and the provider shall accept that rate of reimbursement as payment in full.

However, coverage for medical treatment does not include:

- Any portion of the clinical trial that is customarily paid for by a government or a biotechnical, pharmaceutical, or medical industry;
- Coverage for a drug or device that is paid for by the manufacturer, distributor, or provider of the drug or device;
- Health care services that are specifically excluded from coverage under the patient's health insurance policy;
- Health care services that are customarily provided free of charge by the sponsors of the clinical trial;
- Extraneous expenses related to participation in the clinical trial, such as housing, travel, and related expenses;
- Expenses incurred by a person who accompanies a patient during a clinical trial;
- Any item or service that is provided solely to satisfy data analysis needs that are not directly related to the patient's clinical management; or
- Any costs for the management of research relating to the clinical trial or study.

The bill provides that an insurer, HMO, or MCO that delivers or issues a policy required by this bill is immune from liability for injuries or adverse outcomes arising out of the patient's participation in a clinical trial or study.

A health maintenance organization or MCO that provides health care services through managed care to recipients of Medicaid under the State plan for Medicaid is exempt from the provisions of this bill.

This measure is effective on January 1, 2004.

### **S.B. 28 (Chapter 51)**

Senate Bill 28 provides that certain money set aside for group insurance for officers and employees of school districts must not be used for other purposes. Senate Bill 28 specifies that if the governing body of a school district provides group insurance or has any other self-funded insurance plan to cover officers and employees, the money deposited by the participants must

be held in a trust fund for the benefit of those paying into the group insurance program. The money must only be used for the purposes of funding and supporting the group insurance plan, must not be loaned to the school district or any other governmental agency, and must not be invested to purchase obligations of the school district. The measure clarifies, however, that the money may be invested in a reasonable and prudent manner. Finally, the bill specifies that income and interest earned on the money must be deposited in the trust fund to benefit the group insurance plan participants.

This measure is effective on May 6, 2003.

### **S.B. 183 (Chapter 251)**

Senate Bill 183 requires certain policies of health insurance and health care plans to provide coverage for colorectal cancer screening under certain circumstances. The bill pertains to policies of health insurance, group health insurance, health care plans issued by health maintenance organizations, and health care plans issued by managed care organizations that currently provide coverage for the treatment of colorectal cancer. The bill requires that such policies also provide coverage for colorectal cancer screenings in accordance with guidelines published by the American Cancer Society, or guidelines published by nationally recognized professional organizations that include current or prevailing supportive scientific data. This requirement also applies to health maintenance organizations that provide health care services through managed care under the State Plan for Medicaid.

Additionally, the bill requires the governing body of any county, school district, municipal corporation, political subdivision, public corporation, or other public agency of the State of Nevada that provides health insurance through a plan of self-insurance, to provide coverage for colorectal cancer screenings in accordance with the same guidelines.

## **Managed Care**

### **A.B. 79 (Chapter 138)**

Assembly Bill 79 provides for external review of certain determinations made by managed care organizations and health maintenance organizations.

Assembly Bill 79 allows an insured person to obtain an external review of a final adverse determination made by a managed care organization (MCO) or a health maintenance organization (HMO). An adverse determination is a decision to deny a health care service on the basis that the service either is not medically necessary or appropriate or is experimental or investigational. The bill also requires an external review organization to be certified by the Commissioner of Insurance before conducting an external review of a final adverse determination. Each MCO and HMO must establish a system for conducting external reviews.

The bill specifies the circumstances under which a request for an external review can be made, including that the amount required to be paid for the provided health care service must be at

least \$500 and the request must be made within 60 days after receiving a notice of the final adverse determination. The Office for Consumer Health Assistance is required to assign a request for external review on a rotating basis from a list of external review organizations that have been certified by the Commissioner. The external review organization is required to approve, modify, or reverse a final adverse determination within 15 days after it receives the information required to make that determination. Also, A.B. 79 provides that an MCO shall approve or deny a request for an external review in an expedited manner in cases where the life or health of an insured person may be jeopardized by a delay in making such a decision.

A decision of an external review organization in favor of an insured person is final and binding upon the managed care organization. An external review organization is not liable in a civil action for damages relating to a determination made by the external review organization if the determination is made in good faith and without gross negligence. The cost of conducting an external review must be paid by the managed care organization that made the final adverse determination.

This measure is effective on May 21, 2003, for the purposes of adopting regulations and certifying external review organizations; on January 1, 2004, for the purposes of filing notice of and approving any material modifications to operations of HMOs; and on July 1, 2004, for all other purposes.

## **Workers' Compensation**

### **A.B. 140 (Chapter 29)**

Assembly Bill 140 provides a penalty for certain acts related to industrial insurance. This measure establishes a misdemeanor penalty for a person who knowingly fails to comply with an order to cease all business operations issued by the Administrator of the Division of Industrial Relations for failure to maintain or provide industrial insurance. This criminal penalty is in addition to any civil penalty or remedy provided by law.

### **A.B. 168 (Chapter 305)**

Assembly Bill 168 revises provision relating to industrial insurance. The bill revises various provisions that govern the Nevada Industrial Insurance Act. The measure requires managed care organizations to offer an adequate choice of health care providers.

Additionally, the measure requires the Division of Industrial Relations to adopt and implement regulations incorporating the Fifth Edition of the American Medical Association's *Guides to the Evaluation of Permanent Impairment* on or before August 1, 2003. All permanent partial disability ratings performed on or after October 1, 2003, must conform to the Fifth Edition. Thereafter, the Division must adopt and implement regulations incorporating the most recent edition of the Guides within 18 months after any new edition is published. No factors other than physical impairment may be considered when calculating a rating pursuant to the Guides.

Further, the bill revises provisions concerning an employer's offer to an injured employee for temporary, light-duty employment, the eligibility of an injured worker for compensation or vocational rehabilitation, and an injured employee's right to receive a benefit penalty in addition to lump-sum compensation.

The measure also creates a process for appealing decisions regarding administrative fines separate from the process for appealing decisions regarding benefit penalties. The measure specifies that allowable appeals must be taken to an Appeals Officer rather than directly to the District Court. The deadlines in the appeal processes are revised allowing for more time to complete an investigation and respond to written requests, and less time for a person to request a hearing. The bill changes the appeal periods for benefit penalty proceedings and conforms them to similar appeal periods for other proceedings. In addition, the measure revises provisions relating to the imposition of an administrative fine by the Administrator of the Division of Industrial Relations.

Lastly, this bill repeals Section 616D.280 of the *Nevada Revised Statutes*, which relates to employee injury caused by the absence of a safety device.

Portions of the bill relating to adopting regulations are effective on May 29, 2003. Other provisions are effective on October 1, 2003.

#### **A.B. 185 (Chapter 293)**

Assembly Bill 185 revises provisions relating to industrial insurance. The bill excludes certain sports officials from the definition of "employee" in the Nevada Industrial Insurance Act (Chapters 616A through 616D and Chapter 617 of the *Nevada Revised Statutes*). The term "sports official" includes an umpire, referee, judge, scorekeeper, timekeeper, or other person who is a neutral participant in a sporting event.

The bill also provides that an officer or manager of a corporation or company who owns the business and receives pay for services performed, may elect to reject industrial insurance coverage for himself.

The bill is effective on July 1, 2003.

#### **A.B. 206 (Chapter 72)**

Assembly Bill 206 revises the provisions relating to industrial insurance. This bill allows an injured employee who received a lump sum award for a permanent partial disability (PPD), and who subsequently is determined to be permanently and totally disabled, the option to pay back the award in a lump sum. If the employee does not opt for repaying the PPD award in a lump sum, the employee's insurer will deduct no more than 10 percent of the rate of compensation for the PPD award until the amount of the actual lump sum is fully repaid. Further, the insurer must recalculate the amount of the lump sum required to be repaid by the



employee. If it is determined by the insurer that the employee has paid a sum greater than the actual amount of the lump sum award, the insurer will refund that amount to the employee.

This bill is effective on July 1, 2003.

**A.B. 294 (Chapter 233)**

Assembly Bill 294 makes certain changes related to industrial insurance. This bill prohibits an insurer from placing a restrictive endorsement upon a check for permanent total disability benefits. The measure authorizes restrictive endorsements on checks for other industrial insurance benefits if the endorsement is clear and accurate, and if the conditions and restrictions are authorized under the provisions of Industrial Insurance law.

The bill is effective on July 1, 2003.

**A.B. 438 (Chapter 77)**

Assembly Bill 438 revises certain provisions relating to industrial insurance. This bill provides a periodic cost of living increase in disability payments for certain injured workers who become permanently and totally disabled. Specifically, a worker or his dependent is entitled to receive a cost of living increase of 2.3 percent annually for any injury or disability occurring on or after January 1, 2004.

The bill is effective on January 1, 2004.

**A.B. 451 (Chapter 316)**

Assembly Bill 451 clarifies certain provisions relating to occupational diseases under the Nevada Industrial Insurance Act. The bill clarifies the provision regarding cancer as an occupational disease of firefighters (*Nevada Revised Statutes* 617.453) by outlining specific types of cancer for which a full-time salaried firefighter, having demonstrated that the firefighter was exposed to certain carcinogens while in the course of employment, may receive industrial insurance benefits.

**S.B. 168 (Chapter 393)**

Senate Bill 168 revises provisions governing industrial insurance. The measure defines "medical facility" to mean a hospital, clinic or other facility that provides treatment to an employee who is injured by an accident or contracts an occupational disease. The bill also clarifies that the confidentiality provisions of the Industrial Insurance Act do not prohibit the Division of Industrial Relations or its Administrator from releasing nonproprietary information relating to an uninsured employer or proof of industrial insurance.

Additionally, the measure provides that a physician or chiropractor who has a duty to file a claim for compensation may delegate the duty to a medical facility. The delegation must be in writing and be signed by the practitioner and an authorized representative of the medical

facility. The Administrator may fine a physician, chiropractor or a medical facility that has been delegated the duty of filing a claim if the claim is not filed as required by statute.

The bill is effective on July 1, 2003.

### **S.B. 193 (Chapter 452)**

Senate Bill 193 clarifies coverage of industrial insurance for members of the Nevada Legislature and certain employees of school districts. The measure provides that a member of the Nevada Legislature shall be deemed to be acting in the course and scope of employment as a Legislator if, at the time of an injury, he was performing any act or engaging in any function reasonably related to his legislative office or public service as a Legislator. A Legislator is not required to have been receiving remuneration from the State for performing the act or engaging in the function at the time of injury.

The bill specifies that a Legislator is deemed to be acting in the course of employment while attending, as a Legislator, a function, event, seminar, conference, hearing, meeting, or gathering of a public body at the federal, State, or local level for purposes relating to law, policy, or issues of public concern.

Furthermore, a Legislator is deemed to be acting in the course of employment as a Legislator while attending, as a Legislator, a public or private event, seminar, conference, hearing, meeting, or gathering for purposes relating to law, policy or issues of public concern, or while meeting with constituents or other persons for such purposes.

Senate Bill 193 also provides that any injuries sustained by an employee of a school district while engaging in an athletic or social event shall be deemed to have arisen out of and in the course of employment, whether or not the employee receives remuneration for participation in the event if:

- The event was sponsored by the school district or was an extracurricular activity sponsored or organized by a student organization for an educational, recreational, or charitable purpose, and the event was reasonably related to the employee's job;
- The employee participated in the event at the request of or with the concurrence of supervisory personnel, whether the request or concurrence was oral or written; and
- The employee participated to enable the event to take place or to ensure the safety and well being of students.

The bill is effective on June 10, 2003.

### S.B. 320 (Chapter 395)

Senate Bill 320 makes various changes to provisions governing industrial insurance. The bill authorizes the Commissioner of Insurance to adopt regulations to establish a system of external review for workers' compensation. The Commissioner may adopt regulations setting forth procedures that an external review organization must follow. The regulations established must provide that both parties agree to the submission of a matter to the external review, neither party can be ordered to submit to the review, the result of the review is non-binding and further, that the insurer must pay for the review.

In addition, the bill provides that a request for a hearing must not be scheduled until the request contains the following information:

- The name of the claimant, the employer, and the insurer or third party administrator;
- The number of the claim; and
- A copy of the letter of determination being appealed, or if such a copy is unavailable, the date of the determination and the issues stated in the determination.

Most sections pertaining to adopting regulations are effective on June 9, 2003. All other provisions are effective on October 1, 2003.



## LABOR AND MANAGEMENT

### A.B. 143 (Chapter 140)

Assembly Bill 143 makes various changes to labor laws and the powers and duties of the Labor Commissioner.

Assembly Bill 143 authorizes the Labor Commissioner to impose administrative penalties of up to \$5,000 for certain violations of the labor laws and regulations, and directs that all money collected by the Labor Commissioner as an administrative penalty be deposited in the State General Fund.

The bill grants to the Labor Commissioner authority to take action against a person he believes is violating or has violated a labor law or regulation, whether or not a claim or complaint has been made. However, before the Labor Commissioner can enforce an administrative penalty against a person, he must provide that person with notice and an opportunity for a hearing.

Also, A.B. 143 prohibits an employer from changing the regular payday or the place of payment without providing advance written notice to his employee. In addition, the bill prohibits an employer from paying an employee a lower wage than the amount earned by the employee when the work was performed, and prohibits an employer from decreasing the wage of an employee without providing advance written notice to the employee.

This measure is effective on May 21, 2003.

### A.B. 190 (Chapter 380)

Assembly Bill 190 makes various changes related to contractors. This measure provides that the intentional submission of false information concerning payroll in a report relating to a public works contract constitutes constructional fraud. In addition, the bill clarifies that the Executive Officer of the State Contractors' Board may seek a cease and desist order against a person who commences work as a contractor without an active contractor's license of the proper classification.

The measure allows the Board to suspend a contractor's license for the same length of time that the Labor Commissioner has prohibited the licensee from being awarded a public works contract. Also, A.B. 190 clarifies that any fraudulent or deceitful act, including misrepresentation or omission of a material fact on the part of a contractor, constitutes a cause for disciplinary action. Failure to file a certified payroll report, or submitting false information on a prequalification application or a certified payroll report required for a public works contract, also constitute causes for disciplinary action.

Finally, the bill revises the circumstances in which the Labor Commissioner shall notify the Board when three substantiated claims for wages have been filed against a contractor. Under

the bill, a substantiated claim means a claim for wages by an employee after providing notice and opportunity for a hearing.

#### **A.B. 458 (Chapter 317)**

Assembly Bill 458 revises provisions relating to wages. This measure authorizes the Labor Commissioner to enforce the payment of overtime wages to mechanics and workmen employed on public works projects. The bill clarifies that the Labor Commissioner is not responsible for enforcement of overtime wages provided for under the terms of a collective bargaining agreement.

The bill is effective on July 1, 2003.

### **Employers and Employees**

#### **A.B. 48 (Chapter 291)**

Assembly Bill 48 clarifies provisions related to persons who are unlawfully employed. This measure clarifies that certain labor laws in this State are applicable to any person in the service of an employer, regardless of whether that person is lawfully or unlawfully employed. Specifically, the bill provides that the duties of the Labor Commissioner include enforcement of laws concerning compensation, wages and hours; occupational safety and health; public works projects; and employment of minors without regard to whether a person is lawfully or unlawfully employed.

This measure is effective on May 28, 2003.

#### **A.B. 155 (Chapter 463)**

Assembly Bill 155 makes various changes concerning records of criminal history. The measure specifies that the Central Repository for Nevada Records of Criminal History must receive a person's complete set of fingerprints from the agency or political subdivision requesting a criminal history in order to request any information from the Federal Bureau of Investigation. The measure clarifies that only the Central Repository for Nevada Records of Criminal History: may receive fingerprints from an agency of the State or any political subdivision for submission to the Federal Bureau of Investigation; may submit those fingerprints to the Federal Bureau of Investigation; and may receive a report from the Federal Bureau of Investigation based on the submission of those fingerprints. The bill also revises various provisions throughout the *Nevada Revised Statutes* to make them consistent with this requirement.

Further, this bill allows the Central Repository for Nevada Records of Criminal History to conduct investigations and disseminate information concerning applicants for employment and employees of private schools. The measure also specifies that an employer who fails to request information concerning the criminal history of a volunteer is not civilly liable to a child served by the employer for certain offenses committed by the volunteer.

Assembly Bill 155 further expands the list of offenses for which information may be disseminated to certain employers by the Repository to include felony convictions within the immediately preceding seven years; acts committed outside the State that would constitute a sexual offense or a felony; and aiding, abetting, attempting, or conspiring such an act in this State or another state.

The measure is effective on June 10, 2003.

#### **A.B. 288 (Chapter 294)**

Assembly Bill 288 revises the provisions relating to minors. The bill provides for the judicial approval of a contract involving a minor who agrees to render artistic, creative, athletic, or intellectual property services. If the court grants the petition, the court must immediately appoint a special guardian to receive and hold a specified percentage of the minor's net earnings. When the contract is terminated, the net earnings amount must be transferred to the minor if he has been emancipated, or to the minor's guardian.

#### **A.B. 419 (Chapter 236)**

Assembly Bill 419 relates to property intended and operated exclusively for persons 55 years of age and older. This measure provides that a landlord of dwelling units intended and operated exclusively for persons 55 years of age and older may not employ a person who will work more than 36 hours per week, and who will have access to all dwelling units, to perform work on the premises unless the person has a work card issued by the sheriff of the county in which the dwelling units are located. The work card must be renewed every five years and whenever the person changes his employment to perform work for an employer other than the employer for which his current work card was issued.

In addition, A.B. 419 provides that if the sheriff requires an applicant for a work card to be investigated, the applicant must submit with his application for a work card a complete set of his fingerprints and written permission for the sheriff to forward the fingerprints to the Central Repository for Nevada Records of Criminal History, for submission to the Federal Bureau of Investigation (FBI) for its report. The sheriff must issue a temporary work card pending the determination of the criminal history of the applicant by the FBI.

The following persons are not required to obtain a work card pursuant to A.B. 419:

- A person who holds a permit to engage in property management pursuant to Chapter 645 of *Nevada Revised Statutes* ("Brokers; Salesmen; Intermediaries");
- An independent contractor;
- An offender in the course and scope of his employment in a work program directed by the warden, sheriff, administrator or other person responsible for administering a prison, jail or other detention facility; and

- A person performing work through a court-assigned restitution or community-service program.

This measure is effective on October 1, 2003; however, a person who works 36 hours or more per week and who has access to all dwelling units who was employed by a landlord to perform work on the premises before October 1, 2003, must obtain a work card before January 1, 2004.

## **Occupational Safety and Health**

### **S.B. 8 (Chapter 196)**

Senate Bill 8 increases the penalties for certain conduct by an employer that leads to the death of an employee. Chapter 618 of the *Nevada Revised Statutes* addresses occupational health and safety. An employer who willfully violates any requirement of that chapter, or violates any standard, rule, regulation, or order promulgated pursuant to the chapter, and thereby causes the death of an employee, is subject to a fine.

Senate Bill 8 increases the fine for a first offense from \$20,000 to \$50,000. The bill also increases the fine for a second or subsequent offense from \$40,000 to \$100,000.

This bill is effective on May 26, 2003, for purposes of requesting approval from the United States Secretary of Labor as required by 29 U.S.C. § 667(c). For all other purposes, the bill becomes effective on October 1, 2003, if it has been approved by the Secretary prior to that date or if it has been determined prior to that date that the measure does not require approval. If the measure is not approved by the Secretary, or determined not to require approval, prior to October 1, 2003, the bill becomes effective on the date it is approved or the date it is determined no approval is required.

### **S.B. 184 (Chapter 506)**

Senate Bill 184 revises certain provisions governing occupational diseases contracted by police officers. The bill defines the term “accident benefits” as used in the workers’ compensation statutes to include preventative treatment for a police officer who is exposed to hepatitis in the course and scope of employment. The bill also provides that a police officer who contracts hepatitis is conclusively presumed to have done so in the course and scope of employment under certain conditions.

Additionally, the measure requires a police officer, firefighter, or emergency medical attendant to submit to a blood test for hepatitis C upon employment, commencement of coverage, and thereafter on an annual basis during employment. Furthermore, each of these professionals must submit to a blood test for hepatitis A and B upon employment, commencement of coverage, and thereafter on an annual basis during employment unless they have been vaccinated for these strains at the time of employment. The employer of any of these



professionals must pay for any vaccinations or for the testing required pursuant to these provisions.

## **Unemployment**

### **S.B. 423 (Chapter 348)**

Senate Bill 423 makes various changes relating to unemployment compensation benefits. The bill allows the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation five years instead of the current three years to recover an overpayment of benefits.

The measure also provides that an aggrieved party in an unemployment compensation dispute may file a district court action in the county where the employment that is the basis of the claim was performed.

Additionally, S.B. 423 authorizes the Administrator to use funds in the Unemployment Compensation Administration Fund to provide training for both unemployed persons and persons employed in this State. Specifically, the Administrator may use the Fund to establish or provide support for job training programs in the public or private sectors for training, retraining or improving the skills of persons employed in this State.

The bill is effective on July 1, 2003.



## LEGISLATURE

### S.B. 148 (Chapter 183)

Senate Bill 148 pertains to bill draft requests made by legislators. This measure provides for the listing of two or more legislators as joint requesters of a single bill draft on the public list of bill draft requests published by the Legislative Counsel. Before a legislator's name is listed as a joint requester, that member must provide confirmation to the Legislative Counsel. Finally, S.B. 148 specifies that joint requesters may be from either or both houses, requires the designation of a primary requester, and provides for the removal of a name from the list.

### S.B. 329 (Chapter 358)

Senate Bill 329 concerns the legislative review of temporary administrative regulations. The measure provides that temporary regulations adopted by a State agency that are not yet effective may be examined and reviewed by the Committee to Review Regulations upon the request of a legislator and at the direction of the Legislative Commission. According to the bill, the purpose of this review is to determine whether the temporary regulation conforms to the statutory authority pursuant to which it was adopted and whether the temporary regulation carries out the intent of the Legislature. The measure specifies that if the temporary regulation is required pursuant to federal law, and the temporary regulation is found to exceed statutory authority, the agency shall submit a statement to the Legislative Commission explaining that the adoption of the temporary regulation was required by federal law.

The bill provides time frames during which a temporary regulation must be reviewed by the Legislative Commission and permits the Commission to appoint a committee to examine any temporary regulation. Meanwhile, the measure explains that the Legislative Counsel shall notify the agency that adopted the temporary regulation of the results of the Commission's review within 30 days after receipt of the request to review. If the Commission does not object to the regulation, the agency may file it with the Secretary of State's Office. However, if the Commission objects to the temporary regulation, the Legislative Counsel shall attach to the regulation a written notice of the objection by the Commission, including a statement of the reasons for its objection, and shall promptly return the regulation to the agency. The measure notes that an agency whose temporary regulation has been objected to by the Commission may resubmit the regulation to the Legislative Counsel for another review by the Legislative Commission. If the Commission objects to it again, the agency may resubmit it. If, however, the agency refuses to revise a temporary regulation, the Commission may suspend its filing until the final day of the next legislative session. During that session, the Legislature may, by resolution, declare the temporary regulation void and the agency shall not file, enforce, or adopt any substantively identical permanent regulation.

Senate Bill 329 specifies that a temporary regulation may not be filed with the Secretary of State's office until 35 days after the date on which the temporary regulation was adopted by the agency. A copy of the regulation and the required informational statement must also be filed with the Legislative Counsel. Finally, the measure adds a number of licensing boards to the

list of boards whose regulations are reviewed by the Legislative Committee on Health Care. Since some of these added boards also serve an occupational registration and certification function, appropriate references to registration and certification are included in the measure.

#### **A.J.R. 13 (File No. 74)**

Assembly Joint Resolution No. 13 proposes to amend the *Constitution of the State of Nevada* to allow the Nevada Legislature to call itself into a special session. This measure provides that a special session of the Legislature may be convened, on extraordinary occasions, by a petition signed by two-thirds of the members of each House of the Legislature. This resolution specifies that during a special session, the Legislature may only consider matters for which it was called into session. Finally, A.J.R. 13 limits special sessions called by the Legislature or the Governor to 20 calendar days.

If approved in identical form during the 2005 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2006 General Election.

#### **S.C.R. 26 (File No. 83)**

Senate Concurrent Resolution No. 26 amends the Joint Rules of the Senate and Assembly concerning adjournment sine die. The measure amends the Joint Rules by specifying that the Legislature shall not take any action on a bill or resolution after midnight Pacific Daylight Time on the 120th calendar day of session. Further, the resolution amends the Joint Rules by prohibiting a legislator from taking any action to impede the progress of the Legislature in completing its business by the time specified to adjourn sine die. Any such action by a Legislator shall be deemed out of order.

#### **S.J.R. 11 (File No. 87)**

Senate Joint Resolution No. 11 proposes a constitutional amendment pertaining to legislative compensation and postage allowances. This resolution proposes to amend the *Nevada Constitution* to provide that members of the Nevada Legislature are paid for each day of service during regular and special sessions. Additionally, S.J.R. 11 proposes another amendment that provides for reasonable allowances to members of the Nevada Legislature for expenses incurred for postage, express charges, newspapers, telecommunications, and stationery.

If approved in identical form during the 2005 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2006 General Election.

### **Legislative Counsel Bureau and Legislative Building**

#### **A.B. 39 (Chapter 5)**

Assembly Bill 39 relates to the revision of Nevada's statutes. The bill requires the Legislative Counsel to resolve all nonsubstantive conflicts between bills that are enacted during any

legislative session. The measure specifies that if multiple amendments are made to a single section of *Nevada Revised Statutes*, all of the amendments are effective.

The bill is effective on March 11, 2003.

#### **A.B. 542 (Chapter 367)**

Assembly Bill 542 makes various changes relating to the operation of the Legislature and the Legislative Counsel Bureau. This measure clarifies deadlines for submitting proposed bill draft requests by certain associations, committee chairmen, and members of leadership. The bill also eliminates the requirement that a local government prepare a fiscal note for a proposed measure if the only impact is the possibility of additional terms of imprisonment in a local jail. Further, A.B. 542 allows standing committees to prefile bills.

This measure eliminates the requirement that 100 copies of the bound Journals be printed following session, and eliminates the requirement that the Legislative Manual contain a directory of State government. It also allows the legislative gift shop to maintain a petty cash account, and eliminates the designation of the Director of the Legislative Counsel Bureau as the Nevada Legislative Federal-State Coordinator.

Assembly Bill 542 further allows the Legislative Commission to eliminate fines imposed on certain lobbyists who fail to submit monthly reports, and provides that a lobbyist must fail to file two or more activity reports before his registration may be revoked. The measure also authorizes the Legislative Counsel to make certain changes to the *Nevada Revised Statutes* during codification.

In addition, the measure: directs the Legislative Counsel to prepare a digest of each bill or joint resolution introduced in the Legislature; provides that the summary of a bill will be changed when an appropriation is added or deleted by amendment; and authorizes catering and other delivery of food into the Legislative Building.

Finally, A.B. 542 provides that session employees who work full time for six months or more are entitled to a full year of eligibility in the Public Employees' Retirement System. The measure clarifies that a person cannot accrue more than one year of credit toward retirement in any one year.

The sections of this bill concerning credit for retirement are retroactive to all persons who would have been entitled to those benefits. The remainder of the bill is effective on October 1, 2003.

#### **S.B. 37 (Chapter 146)**

Senate Bill 37 requires the development of recommendations for elimination of obsolete or antiquated statutes. This bill requires the Legislative Counsel and the Research Director of the Legislative Counsel Bureau to develop recommendations for eliminating obsolete or antiquated

provisions in the *Nevada Revised Statutes*. Any recommendations must be presented to the Legislative Commission on or before July 1 of each even numbered year. The Legislative Commission shall, as it deems appropriate, request the drafting of a bill to facilitate the recommendations. The measure replaces the current requirement for the Legislative Counsel to make recommendations to the Legislature for eliminating obsolete statutes.

## **Legislative and Other Studies Directed by the Legislature**

### **A.B. 6 (Chapter 24)**

Assembly Bill 6 changes certain reporting dates concerning mental health services planning for children. The measure changes the dates for which plans must be prepared by certain mental health consortia from January 1 to July 1 of each year. The bill further changes the date on which the plans must be submitted to the Department of Human Resources from January 15 to July 15, and changes the date on which the plans must be submitted to members of the Legislative Committee on Children, Youth and Families from January 15 to August 15 of each year.

The measure is effective on October 1, 2003, and the requirement for reporting to the Legislative Committee on Children, Youth and Families expires by limitation on June 30, 2005.

### **A.B. 35 (Chapter 157)**

Assembly Bill 35 makes various changes concerning the Legislative Committee for Local Government Taxes and Finance. This measure changes the membership requirements of the Advisory Committee to the Legislative Committee for Local Government Taxes and Finance by requiring the appointment of a representative of a general improvement district rather than a member of its board of trustees. Additionally, A.B. 35 removes from the duties of the Legislative Committee for Local Government Taxes and Finance the responsibility to study whether removing the authority of the Board of County Commissioners of Washoe County to impose a certain additional governmental services tax is prudent and in the best interests of this State.

Finally, A.B. 35 eliminates the Subcommittee to the Legislative Committee for Local Government Taxes and Finance. This Subcommittee was charged with studying the cost to the counties and incorporated cities in this State of maintaining highways, roads, and streets and the practices of the counties and incorporated cities in maintaining those highways, roads, and streets. Assembly Bill 35 transfers these duties to the Advisory Committee.

This bill is effective on July 1, 2003.

### **A.B. 203 (Chapter 443)**

Assembly Bill 203 creates a 16-member Committee to Evaluate Higher Education Programs. The 12 voting members of the Committee must be appointed as follows: three Senators by the Senator Majority Leader; three Assemblymen by the Speaker of the Assembly; three members of the Board of Regents by its Chairman; and three members by the Governor. The four nonvoting members must also be appointed by the Governor from specified entities. One nonvoting member must be a student at an institution of the University and Community College System of Nevada (UCCSN).

Assembly Bill 203 requires the Committee to:

- Examine and evaluate the need for existing and planned programs at the UCCSN for the purpose of ensuring that the future economic development and educational needs of the residents are being met by those programs;
- Identify areas of high priority where needs are not currently being met, including teaching and nursing;
- Determine the feasibility of reallocating existing resources within the UCCSN institutions to meet critical needs;
- Determine whether appropriations and student fee revenues are efficiently distributed internally at each campus; and
- Recommend to the Board of Regents and the Legislature any actions needed for the effective and efficient operation of higher education in the State.

The bill appropriates \$250,000 to enable the Committee to employ the consultants to conduct the study. The Committee is required to submit a report of findings and recommendations to the Legislative Commission, the Legislative Committee on Education, and the Board of Regents before the start of the 2005 Legislative Session.

This measure is effective on July 1, 2003, and expires by limitation on February 1, 2005.

### **A.B. 313 (Chapter 410)**

Assembly Bill 313 directs the Legislative Committee on Health Care to appoint a subcommittee to conduct an interim study concerning staffing matters associated with Nevada's health care delivery system. The bill requires that the study include certain established methodologies and models and sets forth other requirements of the study, including a review of staffing for hospitals and other health care facilities, related record keeping practices, recruitment and retention policies, and recommendations for staffing. Further, the subcommittee is required to collaborate with a statewide advisory group consisting of members from higher education, along with certain health care associations and interest groups. Finally, the act requires the study to be completed on or before June 1, 2004. The findings of the study must be reported

to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission and 73rd Legislative Session.

**A.B. 349 (Chapter 120)**

Assembly Bill 349 makes various changes concerning older Nevadans. The first portion of the bill permits the Nevada Silver Haired Legislative Forum to hold unlimited hearings between legislative sessions instead of the current limit of four meetings per interim. The measure further allows the Forum to establish committees that may meet as often as necessary.

The second part of the bill requires the Board of Medical Examiners and the State Board of Nursing to encourage certain licensees to obtain continuing education in geriatrics and gerontology. Licensees who treat or care for persons who are more than 60 years of age must be encouraged by these boards to receive the training. Finally, the measure specifies the topics that qualify as continuing education in the specified specialty areas of geriatrics and gerontology.

The measure is effective on July 1, 2003.

**A.B. 518 (Chapter 488)**

Assembly Bill 518 concerns limousines and special license plates. This measure imposes a fee of \$100, beginning July 1, 2003, to be paid to the Transportation Services Authority, Nevada's Department of Business and Industry, for each traditional or livery limousine the Authority has authorized the operator to operate.

This measure makes it unlawful for a person to advertise as a fully regulated carrier unless the person has been issued a certificate of public convenience and necessity or a contract carrier's permit. If the Authority determines a person has engaged in unlawful advertising, the Authority may issue an order to cease and desist. If the person fails to comply within five days after he receives the order, the Authority may request the Public Utilities Commission to order the provider of telephone or paging service to disconnect any telephone number included in the advertisement.

The bill also revises impound provisions granted to the Authority, to include the ability to impound certain vehicles used for the transportation of property, under certain circumstances. Current law authorizes the Authority to impound certain vehicles used to transport passengers, exclusively.

This bill also changes the provisions governing certain fees collected for the issuance of the special license plate for support of veterans' homes. The bill requires that the first \$100,000 in fees collected each year must be deposited with the State Treasurer for credit to the Gift Account for Veterans' Homes. A report of expenditures must be submitted to the Interim Finance Committee on or before August 1 of each year.



This measure provides that the Authority shall not accept applications for the modification of a certificate of public convenience and necessity between June 1, 2003, and July 1, 2004. The Authority may process applications for new or modified certificates of public convenience and necessity that were filed before June 1, 2003. An exception is provided in the bill that allows not more than one new application to be submitted by any one applicant during this period in a county whose population is 400,000 or more. Further, no more than two livery or traditional limousines may be granted per applicant. In addition, the bill revokes all unlimited certificates of public convenience and necessity for limousines until July 1, 2004, to the extent that the carrier has not, before June 1, 2003, registered each authorized limousine covered by the certificate. Furthermore, the measure requires the Transportation Services Authority to process all applications for any new or modified certificates of public convenience and necessity that are received prior to June 1, 2003.

Assembly Bill 518 also directs the Legislative Commission to direct a study of issues related to the allocation of limousines. The study must: review the appropriateness of an allocation system for the issuance of certificates of public convenience and necessity for limousines operated in a county whose population is 400,000 or more; consider the budgetary needs of the Transportation Services Authority to ensure optimum regulation of limousines; and assess probable effect on operators of any additional regulatory fees. The measure authorizes the Commission to contract with a public or private agency to conduct the study. The measure further authorizes the Commission to accept gifts, grants, or donations to assist in conducting the study.

This measure requires the Commission, on or before April 30, 2004, to submit the results of the study to the Transportation Services Authority. In addition, the measure requires the Commission to submit the report and any recommendations for legislation to the 73rd Legislative Session.

Finally, the measure provides that on or before May 28, 2004, the Commission shall, based on the information provided in the study, provide the Transportation Services Authority with a recommendation as to whether the Transportation Services Authority should establish by regulation a system for the allocation of limousines. The measure further requires the Transportation Services Authority to consider the recommendation of the Commission in its determination. Finally, the measure provides that on or before June 15, 2004, the Transportation Services Authority shall publicly announce whether it will establish by regulation a system of allocation for limousines.

Most provisions of this bill are effective on June 11, 2003. Sections pertaining to license plates that support veterans' homes are effective on July 1, 2005.

#### **S.B. 137 (Chapter 484)**

Senate Bill 137 establishes a permanent statutory Legislative Committee on Persons With Disabilities, consisting of three members of the Senate and three members of the Assembly, appointed by the Legislative Commission. Members must be appointed with appropriate

regard for their experience with and knowledge of matters relating to persons having disabilities. In addition, the bill establishes an advisory committee. The Committee may study and comment on issues related to persons with disabilities, conduct investigations and hold hearings, and direct the Legislative Counsel Bureau to assist in the study of related issues. Further, S.B. 137 authorizes the Committee to recommend to the Legislature, as a result of its study, any appropriate legislation. The Committee is given subpoena power to compel the attendance of witnesses and the production of books and papers.

The bill also requires the Department of Human Resources to submit a report to the Committee on or before July 1 of each even-numbered year, or October 1 of each odd-numbered year, which outlines its progress towards providing medical assistance and equitable health care coverage to certain persons with disabilities. Further, each report also must analyze the impact of assessments made of persons with disabilities, pursuant to the Strategic Plan for Persons with Disabilities, regarding living environments and cost savings.

Further, the measure requires the Department to examine the feasibility of amending the State Plan for Medicaid to authorize the payment of benefits to cover the cost of community-based services for certain disabled persons. The Department must submit these findings to the Committee on or before July 1, 2004.

Finally, the Committee is required to conduct a study for the purpose of: (1) establishing an Interagency Transition Plan concerning the transition from school to work for pupils with disabilities; (2) studying ways to more fully implement the Americans With Disabilities Act in Nevada; and (3) determining ways to facilitate the use of service animals in Nevada. The Committee must submit a copy of the plan and report the results of its study and any recommendations for legislation to the 73rd Session of the Nevada Legislature.

This measure is effective on July 1, 2003, and expires by limitation on June 30, 2007.

#### **S.B. 216 (Chapter 408)**

Senate Bill 216 establishes a legislative oversight committee concerning Lake Tahoe and Marlette Lake and expands the duties of the Public Lands Committee. This measure creates a permanent statutory Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System. The committee must consist of three members of the Senate and three members of the Assembly, appointed by the Legislative Commission with regard for their experience with and knowledge of matters relating to the management of natural resources. Among other things, the bill directs the committee to review the budget, programs, activities, responsiveness and accountability of these entities. Further, the committee is given the authority to subpoena witnesses and information and may recommend to the Legislature any appropriate legislation.

Senate Bill 216 also directs the Legislative Committee on Public Lands to review the programs and activities of the Colorado River Commission of Nevada, all public water authorities, districts and systems in the State, and all other public and private entities with which any

county has an agreement regarding the planning, development, or distribution of water resources. The Public Lands Committee must report to the Legislature by January 15 of each odd-numbered year concerning this review.

Finally, the measure repeals the Marlette Lake Water System Advisory Committee.

This measure is effective on July 1, 2003. The provisions expanding the responsibilities of the Legislative Commission of Public Lands expire by limitation on June 30, 2007.

#### **S.B. 289 (Chapter 425)**

Senate Bill 289 requires an interim legislative study of the adequacy of health care in Nevada. The measure directs the Legislative Committee on Health Care to appoint a subcommittee to study the current challenges of ensuring that adequate health care is available to all residents of Nevada. Among other things, the study must examine: the feasibility of establishing a State Health Authority to plan for a single payer health care system; possible expansion of the State Medicaid program to include optional services; and the possibility of expanding health care coverage for persons who are employed but unable to find affordable health insurance. Finally, the measure requires the Committee on Health Care to report its findings and recommendations to the 73rd Session of the Nevada Legislature.

This measure is effective on July 1, 2003.

#### **S.B. 292 (Chapter 433)**

Senate Bill 292 directs the Legislative Commission to appoint a committee to study the impact of Nevada's industrial insurance program on injured workers, employers and insurers. The committee must consist of three members of the Senate and three members of the Assembly who are acquainted with the statutory program for industrial insurance coverage. The study must include, without limitation:

- An examination of the procedures for resolving contested industrial insurance compensation claims filed by injured workers, the costs to injured workers, employers and insurers in litigating such claims, and the timeliness of resolving claims;
- Consideration of whether it is appropriate to reimburse injured workers for time off of work when they are receiving medical treatment for compensable industrial insurance claims, including the cost of such reimbursement to employers and insurers, and the impacts on injured workers of not making such reimbursement;
- Consideration of whether it is appropriate to increase benefits retroactively for injured workers or dependents for a permanent total disability, and if so, the source of funding to pay for such increased benefits; and

- A review of the impact of industrial insurance legislation enacted during the 2003 Legislative Session on injured workers, employers and insurers.

The bill requires the Legislative Commission to submit a report of the results of the study and any recommendations for legislation to the 73rd Session of the Nevada Legislature.

Finally, the bill provides that the Commissioner of Insurance may conduct a study to review pricing mechanisms for medical professional liability insurance. The Commissioner must submit a report to the Governor and the Legislature if such a study is conducted.

This bill is effective on July 1, 2003.

#### **S.B. 301 (Chapter 445)**

Senate Bill 301 creates the Nevada Mental Health Plan Implementation Commission. The measure creates the Nevada Mental Health Plan Implementation Commission to develop an action plan for implementing within this State the recommendations of the President's New Freedom Commission on Mental Health, established April 2002. The bill requires the Commission to submit a report on the action plan to the Interim Finance Committee, the Subcommittee to Study Mental Health Issues of the Legislative Committee on Health Care, and the Governor on or before January 1, 2005.

This measure is effective on July 1, 2003, and expires by limitation on January 1, 2005.

#### **A.C.R. 10 (File No. 91)**

Assembly Concurrent Resolution No. 10 directs the Legislative Commission to appoint a subcommittee to conduct a study of the operations of the Public Employees' Benefits Program. This resolution provides that the Legislative Commission shall appoint a committee consisting of three members of the Senate and three members of the Assembly to conduct a study of the operations of the Public Employees' Benefits Program relating to the provision of group health insurance. The Chairman of the committee, as designated by the Legislative Commission, is required to appoint an advisory committee consisting of nine non-legislative members, as follows:

- At least one representative of the Retired Public Employees of Nevada;
- At least one representative of the Nevada Association of Counties or the Nevada League of Cities;
- At least one representative of the State of Nevada Employees Association;
- At least one person possessing knowledge concerning the management of risk or the management of insurance trusts;

- At least one provider of health insurance;
- The Executive Officer of the Board of the Public Employees' Benefits Program; and
- Representatives of other local public employee organizations and representatives of public employers.

Among other things, the study must include an examination of the methods used to determine health insurance premiums, a review of the financial contributions that nonstate public employers have made to assist their retired employees in maintaining health insurance coverage, consideration of options for prefunding retiree health benefits, and an analysis of issues related to pharmaceutical programs.

Finally, the Committee is required to submit a progress report of the study and any recommended legislation to the 73rd Session of the Nevada Legislature and a final report of the study and any recommended legislation to the 74th Session of the Nevada Legislature.

**A.C.R. 18 (File No. 92)**

Assembly Concurrent Resolution No. 18 directs the Legislative Commission to appoint a committee to conduct a study of the juvenile justice system in Nevada. This resolution provides that the Legislative Commission shall appoint a committee consisting of three members of the Senate and three members of the Assembly who are representative of the various geographical areas of this State to conduct the study. Among other things, the committee must study:

- Individualized supervision, care, and treatment to accommodate the individual needs and potential of the youth;
- Overrepresentation and disparate treatment of minority youth in the juvenile justice system; and
- Gender specific services, including programs considering female development.

Finally, the Committee is required to submit a report of the study and any recommended legislation to the 73rd Session of the Nevada Legislature.

**S.C.R. 7 (File No. 63)**

Senate Concurrent Resolution No. 7 relates to the study of wilderness and wilderness study areas in Nevada. This resolution directs the Legislative Committee on Public Lands to continue its study of wilderness areas and wilderness study areas in the State of Nevada. The resolution further directs the Legislative Commission to appoint two additional members of the Senate and two additional members of the Assembly to the Public Lands Committee for the purposes of this study.

**S.C.R. 13 (File No. 89)**

Senate Concurrent Resolution No. 13 requires an interim legislative study of obesity. This resolution directs the Legislative Committee on Health Care to conduct an interim study of the medical and societal costs and impacts of obesity in Nevada. The measure requires that a subcommittee be formed to conduct the study, consisting of four legislators, one representative from the Health Division of the Department of Human Resources, and one representative from the Department of Education. Further, the bill sets forth the topics for evaluation during the study. Finally, the Committee is required to submit the results of the study and any recommended legislation to the 73rd Session of the Nevada Legislature.

**S.C.R. 20 (File No. 82)**

Senate Concurrent Resolution No. 20 requires an interim legislative study of a portion of the Nevada State boundary with Utah. This resolution directs the Legislative Committee on Public Lands to conduct an interim study of the feasibility and desirability of changing the State boundary line along the Nevada State border with Utah in the Wendover area. Among other provisions, the resolution requires the evaluation of the 2002 Wendover Annexation Study conducted by Applied Development Economics of Berkeley, California. Further, the Committee is directed to work cooperatively with members of the Utah State Legislature. The measure also requires the Legislative Commission to appoint one additional member of the Senate and one additional member of the Assembly to assist the Public Lands Committee with the study. Finally, the Committee must prepare and submit a report of its findings and recommendations to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission by September 1, 2004.

**S.C.R. 31 (File No. 90)**

Senate Concurrent Resolution No. 31 directs the Legislative Commission to appoint a subcommittee to conduct a preliminary feasibility study of the long-range mass transit needs of the State of Nevada and its communities. The study must include, without limitation: (1) buses and other motor vehicles that travel on the streets and highways of this State; (2) light rail service between urban, suburban and rural communities; (3) magnetic levitation trains and other forms of rapid mass transit, both within this State and extending to large urban areas in neighboring states; (4) commuter trains; monorail systems; and (5) other forms of mass transit. Further, the study must also evaluate: (1) alternative future transportation systems; (2) factors such as public safety, environmental protection and efficiency; (3) economic concerns; and (4) infrastructure needs. The Legislative Commission must submit a report of the results and recommendations from the study to the 73rd Session of the Nevada Legislature.

**S.C.R. 32 (File No. 93)**

Senate Concurrent Resolution No. 32 directs the Legislative Commission to appoint a committee to conduct an interim study of the criminal justice system in rural areas of Nevada and the feasibility of implementing a program for transitional housing for released felony offenders. The bill requires the committee to consist of three members from the Assembly and

three members from the Senate. A nonvoting advisory group must be appointed by the Legislative Commission to assist the committee in its investigations. The committee must submit a report of its progress to the Legislative Commission by February 1, 2004, and submit a final report of its findings and recommendations to the Commission by September 1, 2004.

See also **Assembly Bill 7 (Chapter 7) of the 20th Special Session.**

See also **Assembly Concurrent Resolution No. 2 (File No. 10) of the 20th Special Session.**

## **Lobbyists**

### **S.B. 221 (Chapter 416)**

Senate Bill 221 makes changes pertaining to lobbyists. The measure prohibits a lobbyist from indicating that he has authorization from a legislator to request professional services from an employee of the Legislative Counsel Bureau unless he has such authority. In addition, lobbyists must not misrepresent the scope of the authorization to request such services. For the purpose of the measure, “professional services” means conducting legal, fiscal, or policy research or analysis; drafting a bill, resolution, or amendment; or otherwise engaging in work for which an employee is professionally trained or qualified.





**LOCAL GOVERNMENTS, SPECIAL DISTRICTS,  
AND MISCELLANEOUS MATTERS RELATING TO GOVERNMENT  
AND PUBLIC AFFAIRS**

**A.B. 151 (Chapter 142)**

Assembly Bill 151 revises provisions relating to the office of public guardian. The bill authorizes a public guardian to appoint deputies to perform the duties of that office. The measure provides that an appointed deputy may transact all official business relating to the office, except that he is not authorized to set office policy or hire or terminate employees. In addition, A.B. 151 clarifies that the public guardian serves at the pleasure of the board of county commissioners. Finally, the bill provides that the board of county commissioners may authorize a public guardian to appoint deputies and designate a temporary public guardian if a vacancy occurs in the office.

This measure is effective on May 21, 2003.

**A.B. 287 (Chapter 308)**

Assembly Bill 287 revises provisions relating to the transfer, establishment, and maintenance of State parks. This bill places conditions upon the transfer of State park land to a local government. Specifically, the measure requires that if a state park or any part of a State park is leased, sold, or transferred to a local government, the recipient must operate and maintain the property for the continued use and enjoyment by the public. Any deed for such a transfer must include restrictions to protect the historical and recreational value of the property, guarantee continued public access, and prevent further transfer of the property without authorization by the Legislature. Further, the deed must provide for the reversion of the property to the State of Nevada if any deed restrictions are breached.

Additionally, A.B. 287 addresses land within a State park that is leased from another entity, such as the Bureau of Land Management. The terms of any existing leases must be honored in any transfer of title, and any leased property should remain with the park if possible.

Finally, the bill allows the Administrator of the Division of State Parks to enter into a cooperative agreement with a local government for the purpose of establishing and maintaining a park that is under the Division's jurisdiction but is used primarily by the local residents.

This bill is effective on May 29, 2003.

**S.B. 140 (Chapter 151)**

Senate Bill 140 revises provisions governing the acquisition by the county or State of municipal obligations issued by certain water authorities. This bill removes, for the purposes of the definition of "municipality" in Chapter 244A of the *Nevada Revised Statutes*, the requirement that a water authority consist of at least the two largest municipal retail water purveyors in the

county. Finally, the measure specifies that statutory provisions under which State securities are issued for the purpose of acquiring bonds apply only to those water authorities operating in counties with populations of 400,000 or more.

This measure is effective on July 1, 2003.

### **S.B. 145 (Chapter 153)**

Senate Bill 145 revises provisions regarding the authority of a Board of County Commissioners to apply for and accept uses and interests in federal land. This bill authorizes a Board of County Commissioners to agree to federal agency requirements regarding leases and patents on federal lands for recreational and other development. The measure adds leases and patents on or upon federal lands for which a county may apply and accept. The bill also adds lands under the Recreation and Public Purposes Act of 1954 to the lands under which a Board of County Commissioners may agree to federal provisions regarding grants of rights-of-way, permits, leases, and patents. The measure permits a Board of County Commissioners to apply for and accept special use permits for parks, forests, and public property owned by the United States and administered by the Secretary of Agriculture through the United States Forest Service.

This measure is effective on July 1, 2003.

### **S.B. 176 (Chapter 396)**

Senate Bill 176 revises provisions regarding the posting of notices for public hearings pertaining to planning and zoning. The bill provides that a local government required to give notice of a hearing regarding planning and zoning shall retain a copy of the notice, a list of the persons and entities to which the notice was sent, and a record of the date the notice was sent.

The measure also makes the requirements currently applicable in counties having a population of 400,000 or more that govern the notice of a hearing for an amendment to a zoning boundary, applicable in counties having a population of 100,000 or more. The requirement that the exterior or cover sheet of such notice contain, in at least ten-point font, the words "Official Notice of Public Hearing" remains applicable to counties over 400,000. The bill also provides that tenants of mobile home parks in counties over 100,000 must also be notified of the hearing for a zoning boundary amendment.

Finally, S.B. 176 changes the date by which a subdivider must present subsequent maps in a series of final maps. The date is changed from the anniversary of the date on which the subdivider presented the map to the entity for recordation to the anniversary of the date on which the subdivider actually recorded the first in the series of final maps.

### **S.B. 452 (Chapter 352)**

Senate Bill 452 revises provisions regarding enterprise funds. The measure redefines a "barricade permit" to mean the official document issued by the building officer of a local government, which authorizes the placement of barricades or structures within a right-of-way.

The bill also adds a definition of “encroachment permit” to Chapter 354 of the *Nevada Revised Statutes* (NRS). In addition, the measure replaces a reference in Chapter 354 to “Consumer Price Index” with the “Western Urban Nonseasonally Adjusted Consumer Price Index.”

Enterprise funds are established by a governing body to account for operations that are financed and conducted in a manner similar to the operations of private business enterprises. When creating enterprise funds, the intent of the governing body is to typically have the expense (including depreciation) of providing goods or services on a continuing basis to the public financed or recovered primarily through charges to the users.

Proponents of the measure from Clark County noted that when the county began to review its development services reorganization, there were two items that needed to be included in their enterprise fund. These additions were encroachment permits and barricade fees, which are included in S.B. 452. Provisions in Chapter 354 of the NRS limit any increase in building permit fees to the Consumer Price Index. The addition in the bill of “Western Urban Nonseasonally Adjusted Consumer Price Index” provides for a measure of the average change in price over time of goods and services purchased by households that also takes into account those price changes within the western region, but does not remove the effects of seasonal influences.

This measure is effective on July 1, 2003.

## **Bills Applying Generally to Local Governments**

### **A.B. 46 (Chapter 16)**

Assembly Bill 46 revises provisions relating to notice for certain county commission meetings. The bill shortens, from three to two consecutive weeks, the publication of notice of a change to a meeting date or the location of a meeting for a board of county commissioners. Currently the law requires notice of a change in the regular meeting date to be published in a newspaper of general circulation in the county for three consecutive weeks. In addition, notice of a meeting of county commissioners that is to be held outside the county seat must be given by publication either for three consecutive weeks in a newspaper of general circulation in the county or for one week in two newspapers in general circulation in the county. In both instances, the bill shortens the publication requirement to two consecutive weeks.

### **A.B. 135 (Chapter 139)**

Assembly Bill 135 revises certain provisions relating to the abatement of nuisances and dangerous conditions. The bill revises the statutes governing abatement of nuisances by substituting “governing body” for “city council” and by adding and defining the phrase “dangerous structure or condition.” The bill authorizes a governing body to make the expense of nuisance abatement a special assessment against the affected property and provides that the special assessment may be collected in the same way as property taxes. Further, the penalties and procedures for collection of delinquent taxes also are applicable to delinquent special

assessments. Finally, the governing body of a city that provides by ordinance for nuisance abatement by property owners must specify in the ordinance whether appeals are made to the governing body or to a court of competent jurisdiction.

The bill is effective on July 1, 2003.

**A.B. 147 (Chapter 112)**

Assembly Bill 147 revises provisions relating to local governmental purchasing. The bill adds “performance or delivery date” as considerations to be used in the judging of a bid. The bill adds the purchase of personal safety equipment by a local fire department or law enforcement agency, for use in responding to emergencies, to the list of exemptions from bidding requirements. Any such exemption is subject to a determination by the local governing body or its authorized representative. “Personal safety equipment” is defined as safety equipment that is carried or worn on a regular basis by fire department or law enforcement personnel.

The bill is effective on July 1, 2003.

**A.B. 388 (Chapter 448)**

Assembly Bill 388 authorizes the establishment of certain trust funds. This measure grants authority to local government employers and employee organizations recognized under Chapter 288 of the *Nevada Revised Statutes* (NRS) to create trust funds for the purpose of providing health and welfare benefits to local government employees. These benefits shall be available to active and retired employees and their dependents as well as those employees who have reinstated their insurance pursuant to NRS 287.0475. Included in these benefits are medical, dental, hospital, vision, death, disability or accident coverage, and any other appropriate benefits. The bill also makes provisions for the administration of the trust fund by a board of trustees on which participating local government employers and employee organizations are represented equally.

The bill is effective on July 1, 2003.

**A.B. 459 (Chapter 346)**

Assembly Bill 459 revises provisions relating to recordation of documents. This measure grants authority to a county recorder to refuse to record a document if he determines that the document is unauthorized or falsified, or cannot be lawfully recorded. Requests for recordation may be denied within two judicial days after presentation of the document, provided notice is given to the requester as to: (1) the reason for denial; (2) the requester’s right to judicial review of the denial; and (3) the criminal penalty for attempting to record a document that has been determined to be unlawful for recordation, which has not been modified so that it may be lawfully recorded. The bill provides for priority consideration by the court of such cases. If a county recorder acts in good faith in denying the recordation of a document and the court thereafter orders the recordation of the document, the county

recorder's liability is limited to refunding the filing fees paid by the requester related to the proceeding.

**A.B. 539 (Chapter 172)**

Assembly Bill 539 revises provisions relating to government purchasing. This bill amends provisions restricting contracts between a governing body and one of its members. The measure increases the aggregate amount of such contracts from \$300 to \$1,500 per month, provided the contract meets the other requirements of law. Further, the bill clarifies the applicable standard that requires a public officer or member of a governing body to disclose his interest and to abstain from voting on, or advocating the approval of, the contract.

The bill also adds cross-references to other sections of the *Nevada Revised Statutes* relating to conflict of interest provisions affecting contracts between a public officer and the agency of which he is a member, or between a member of a governing body and the governing body.

The bill is effective on May 22, 2003.

**S.B. 103 (Chapter 177)**

Senate Bill 103 extends the time a county may lease real property for the benefit of the public. The bill extends, from 30 to 99, the number of years a board of county commissioners may lease any real property of the county to a corporation for public benefit.

**S.B. 110 (Chapter 54)**

Senate Bill 110 revises provisions regarding the purchase, sale, or exchange of real property by counties. The measure adds flood control facilities to the list of infrastructure items that may be sold or exchanged upon the resolution of a board of county commissioners or upon the petition of certain property owners, without first complying with the provisions of *Nevada Revised Statutes* 244.281. Under this statute, a county may sell or exchange real property if the sale of that property is for a reason other than establishing, aligning, or vacating a street, alleyway, or thoroughfare.

Senate Bill 110 also revises requirements for the publication of notices when a county wishes to sell or exchange certain real property or when property is sold by the county at auction. The measure provides that before a board of county commissioners may exchange or sell property at an auction or through a licensed real estate broker, it must first post copies of the resolution setting forth the details of the sale, auction, or exchange. In addition, the bill requires that a notice in a newspaper be published describing the property for sale, auction or exchange, declaring the minimum price for the property, and setting forth the places at which the resolution was posted. Such notice must be published once a week for three consecutive weeks in a newspaper that is circulated within the county in which the property is located.

### **S.B. 143 (Chapter 435)**

Senate Bill 143 revises provisions regarding public administrators. The measure expands the authority of a Board of County Commissioners to examine and audit the money and property entrusted to the care of public administrators. The bill stipulates that a public administrator must meet a number of qualifications. These qualifications include being a qualified elector and at least 21 years of age, not having a felony conviction (unless civil rights have been restored), and not having been found guilty of fraud or theft.

This measure is effective on July 1, 2003, and applies to public administrators elected after that date.

### **S.B. 359 (Chapter 472)**

Senate Bill 359 concerns the display the flag of the United States. This measure limits the authority of governing bodies to prohibit displays of the United States flag by property owners. A governing body may impose reasonable restrictions as to the time, place, and manner of displays of the flag if it determines such restrictions are necessary to protect public health, safety or welfare. The bill also provides that a restriction, covenant, or similar condition in a contract or deed that prohibits a display of the United States flag is void and unenforceable. Further, the measure prevents associations in a common-interest community or landlords from prohibiting displays of the United States flag. However, such entities may impose reasonable restrictions on the placement and manner of display. Landlords must include information regarding a tenant's right to display the United States flag in any rental agreement and may not retaliate against a tenant for exercising his right to display the flag.

Senate Bill 359 also stipulates that a local government employer shall not prohibit or restrict an employee from engaging in the display of the United States flag on the person of the employee, in the workplace, or on a vehicle owned by the local government employer that is operated by the employee in the course of performing his or her duties.

The bill defines what constitutes a legitimate display of the United States flag. Depictions of the flag made of balloons, flora, lights, paving, roofing, siding, or similar materials are specifically excluded from the definition. The provisions of the bill do not apply to a flag display for commercial advertising. If an action is commenced to enforce the provisions of the bill, the prevailing party is entitled to fees and costs. In addition, all displays of the United States flag must be in compliance with Title 4, Chapter 1, of the *United States Code*.

Senate Bill 359 further provides that an existing provision in any ordinance, regulation, policy, contract, document, governing document, rental agreement, or lease, that is contrary to the provisions of the bill, is void and unenforceable on the effective date of the act. The bill requires governing bodies, executive boards of common-interest communities, landlords, and local government employers to review and appropriately amend ordinances, policies, and rental or lease agreements to ensure compliance with the provisions of the measure on or before October 1, 2003. The terms of existing rental agreements or leases must be brought

into conformance with the provisions of the bill upon renewal of the agreement or lease and, until existing rental agreements and leases are brought into conformance, a landlord must provide notice to his tenants of their right to display the flag or post such notice in a conspicuous place on the property.

The bill is effective on June 11, 2003.

### **S.B. 429 (Chapter 230)**

Senate Bill 429 makes various changes relating to community antenna television systems and video programming services. This measure prohibits the governing body of a county or city authorized to sell community antenna television system services to the general public, or any entity or agency directly or indirectly controlled by the county or city, from constructing owning, managing, or operating such a cable system in any areas that are outside its territorial boundaries unless the governmental entity:

- Obtains a franchise from the appropriate governing body of that area; and
- Complies with the same federal, State, and local requirements that apply to a privately held cable system.

The bill also provides that, on and after October 1, 2003, the governing body of a county or city authorized to sell community antenna television system services to the general public, or any entity or agency directly or indirectly controlled by the county or city, is prohibited from constructing owning, managing, or operating such a cable system in any areas that are within its territorial boundaries that is governed by another governing body and which is serviced by a private cable system, unless the governmental entity:

- Obtains a franchise from the other governing body of that area or enters into an interlocal agreement with that other body;
- Is required to comply with the same federal, State, and local requirements that apply to a privately held cable system; and
- Is prohibited from providing cable services free of charge to any governmental officer or employee for personal or household use.

Additionally, the measure prohibits the governing body of a county whose population is 50,000 or more, or a city whose population is 25,000 or more, and any entity or agency controlled directly or indirectly by such a county or city, from providing cable service to the general public. The bill authorizes a county or city, or any entity or agency controlled directly or indirectly by them, that was selling cable service to the general public on April 1, 2003, to continue to sell such services regardless of the county or city's population.

Furthermore, the bill requires a local government that grants franchises to two or more cable systems to enforce the terms and conditions of the franchises in a non-discriminatory manner.

Moreover, the governing body of a county or city authorized to sell video programming services to the general public, or any entity or agency directly or indirectly controlled by the county or city, is prohibited from:

- Selling such services at a price less than actual cost;
- Using any county general fund money for the provision of such services; and
- Using its rights-of-way, property, or powers to create a preference or advantage for its own system or impose any discriminatory burden on any private system.

The bill provides that its provisions do not create an exclusive remedy and do not abrogate or limit other existing actions or remedies.

Finally, the bill defines certain terms such as “video programming services.”

The bill is effective on May 26, 2003.

### **S.B. 451 (Chapter 458)**

Senate Bill 451 revises provisions regarding the filing of documents in the office of the county recorder. The bill revises the format of certain documents that are filed with the office of the county recorder. The measure requires that a document, with the exception of a map, certificate or affidavit of death, military discharge, or document issued by the Internal Revenue Service regarding taxes, must be on white, 20-pound paper and must not: (1) be bound together; (2) contain printed material on more than one side of each page; (3) contain a stamp or seal that overlaps text or colored markings to highlight text; (4) contain text that is smaller than ten-point “Times New Roman” font; and (5) contain more than nine lines of text per vertical inch. The measure authorizes a county recorder to charge a fee of \$25, in addition to any other set fees, for recording any document that does not meet these standards. The proceeds collected must be deposited in a separate account.

This measure is effective on July 1, 2003.

## **Bills Applying to Specific Local Entities**

### **A.B. 56 (Chapter 107)**

Assembly Bill 56 revises the Sparks City Charter by deleting the provision that permits the Mayor to vote in the case of a tie and specifying that the Mayor is not entitled to vote on any matter.



**A.B. 67 (Chapter 108)**

Assembly Bill 67 revises the City Charter of Henderson by exempting additional employment positions from the civil service system. The bill adds assistant city attorneys, assistant city managers, assistants to the City Manager, the Intergovernmental Relations Director, and any employee that reports directly to an elected officer, to the list of persons not included within the civil service system.

The bill is effective on May 19, 2003.

**A.B. 84 (Chapter 286)**

Assembly Bill 84 revises provisions relating to town advisory boards in a county whose population is 400,000 or more. This bill reduces, from four to two years, the term of office for members of town advisory boards in a county whose population is 400,000 or more and correspondingly removes provisions regarding staggering terms of office. The measure requires the board of county commissioners to provide by ordinance for the election of a chairman of a town advisory board from among the members of the board for a term of two years. The ordinance shall provide that a chairman is not eligible to succeed himself at the end of his term and must specify that if a vacancy occurs in the chairmanship, a new chairman must be elected by the board members for the remainder of the unexpired term.

The measure deletes statutory language providing for the removal of a town advisory board member if the board of county commissioners finds that his or her removal is in the best interest of the affected unincorporated town. Instead, the measure provides that members of town advisory boards serve at the pleasure of the board of county commissioners. Finally, the bill reduces the period of notice for a vacancy on the board from 90 to 30 days.

The provisions of the measure reducing the term of office for members of town advisory boards do not affect any member who is or was elected or appointed on or before October 1, 2003. Meanwhile, the measure clarifies that any county ordinances that must be changed pursuant to the bill shall be amended on or before January 1, 2004. The remainder of the measure is effective on October 1, 2003.

**A.B. 94 (Chapter 13)**

Assembly Bill 94 revises the hours of operation for the office of the commissioner of civil marriages in certain counties. The bill deletes the provisions requiring the office of the commissioner of civil marriages in counties with a population of 400,000 or more to maintain the same hours of operation as the office issuing the marriage licenses.

This measure is effective on July 1, 2003.

**A.B. 113 (Chapter 68)**

Assembly Bill 113 amends the Charter of Carson City. The bill revises provisions relating to Carson City's Charter Committee. The revisions require a joint meeting between the Board of Supervisors and the Charter Committee prior to a regular legislative session to consider the recommendations of the Committee for charter amendments. The bill also changes the terms of the officers of the Charter Committee from one to two years and makes provision for the election of a Vice Chairman.

**A.B. 150 (Chapter 288)**

Assembly Bill 150 amends the Charter of the City of Las Vegas. The bill revises the provisions of the Las Vegas City Charter relating to the City Attorney's Office. The revisions clarify that the attorneys within the City Attorney's Office may represent indigent persons subject to the limitations in *Nevada Revised Statutes* 7.065.

**A.B. 208 (Chapter 81)**

Assembly Bill 208 concerns taxes to support the operation and maintenance of a county swimming pool. The bill authorizes a county whose population less than 15,000 to impose, following voter approval, a sales and use tax of not more than one-quarter of 1 percent for the operation and maintenance of a swimming pool. The measure establishes the Fund for the County Swimming Pool in the respective county treasury, requires the county to adopt an ordinance imposing the tax, specifies the parameters of the ordinance, and provides that the consent of another body is not required for the county to determine that no amendment is necessary of a contract with the State's Department of Taxation before the effective date of the ordinance.

The measure is effective on July 1, 2003.

**A.B. 248 (Chapter 73)**

Assembly Bill 248 revises the City Charter of North Las Vegas by changing the term of office of Municipal Judges from four to six years. The bill adds a requirement that the salaries of Municipal Judges shall be uniform and further provides that salaries for Municipal Judges may be increased by the city council during the judges' terms of office.

The bill is effective on October 1, 2003; however, the six-year term does not apply to any judge elected or appointed prior to October 1, 2003.

**A.B. 291 (Chapter 314)**

Assembly Bill 291 makes various changes to procedures related to land use matters in counties whose population is greater than 400,000. The bill provides that planning commissioners serve at the pleasure of the appointing authority. Further, the bill restricts the granting of continuances by a planning commission or the board of county commissioners in certain matters and defines an "aggrieved" person with standing to file an appeal of a land use matter.

The bill also redefines the conflict of interest provisions applicable to planning commissioners and creates certain presumptions with respect to the need to abstain from voting on matters.

**A.B. 355 (Chapter 449)**

Assembly Bill 355 relates to the taxation of certain aircraft. This measure provides an exemption from personal property tax for certain commercial helicopters in certain counties. The bill directs the board of county commissioners in a county whose population is greater than 400,000 to designate a preferred airport or other facility for use by commercial helicopters and to recommend technological modifications and other measures to reduce noise from commercial helicopters. Further, the board of county commissioners shall submit suggestions for new or alternative flight paths to the Federal Aviation Administration to reduce or eliminate overflights by commercial helicopters of residential areas.

Owners of commercial helicopters who use a designated airport or facility, or whose aircraft substantially comply with the technological modifications or other measures, may apply for and receive, on an annual basis, an exemption for the commercial helicopter from the personal property tax on certain vehicles. This tax exemption shall not commence before July 1, 2004, and expires by limitation on June 30, 2007. The measure also imposes a moratorium from July 1, 2003, to July 1, 2005, on the construction or operation of a heliport that was not in existence on July 1, 2003.

The bill is effective on July 1, 2003.

**S.B. 16 (Chapter 149)**

Senate Bill 16 concerns quorums and abstentions from voting for certain public bodies. This bill revises provisions concerning the determination of a quorum for an elected public body in a county with a population of 40,000 or more. The measure specifies that a quorum may only be reduced as a result of an abstention if the member of the elected public body receives and discloses the opinion of the body's legal counsel that the abstention is required by law. The bill notes that this opinion must be in writing and set forth the factual circumstances and analysis leading to the conclusion that the abstention is required.

This measure is effective on May 21, 2003.

**S.B. 54 (Chapter 150)**

Senate Bill 54 revises provisions regarding the collection of delinquent charges for certain services provided by counties. This measure adds storm drainage and water service to the services for which delinquent charges may be collected with county general taxes in a county whose population is less than 400,000. Current law specifies that only delinquent charges for sewer service may be applied to the tax bill. According to the measure, the delinquent service charges due on mobile or manufactured homes that are considered real property under *Nevada Revised Statutes* 361.244 may also be collected with the property taxes due. Finally,

the measure allows the receiver of the taxes in the county to issue a separate billing for those charges collected on the tax roll.

This bill is effective on July 1, 2003.

**S.B. 79 (Chapter 90)**

Senate Bill 79 reduces the number of required meetings of the Southern Nevada Regional Planning Coalition Board. The measure changes, from once per month to once every two months, the required number of times the Board of the Southern Nevada Regional Planning Coalition must meet.

This bill is effective on July 1, 2003.

**S.B. 370 (Chapter 509)**

Senate Bill 370 relates to taxation. This measure authorizes the board of county commissioners of a county whose population is less than 400,000 to impose an additional tax of up to five cents per \$500 value on the transfer of real property. The proceeds of the tax must be allocated for disbursement to each county in proportion to the amount of money collected in that county, and must be used to control invasive species and certain endemic pests and weeds. The bill requires the State Department of Agriculture to present annually to each board of county commissioners proposed programs for the control of invasive species, pests, and weeds. Finally, S.B. 370 creates an account for the rebate of governmental services taxes to senior citizens.

This measure is effective on July 1, 2003.

**S.B. 470 (Chapter 487)**

Senate Bill 470 relates to the imposition, distribution, and use of certain taxes on aviation fuel and fuel for jet or turbine-powered aircrafts. This measure authorizes the governing body of a city in a county with a population of less than 100,000 to impose a tax of not more than four cents per gallon on fuel for jet or turbine-powered aircrafts and eight cents per gallon on aviation fuel sold, distributed or used at an airport that is owned or operated by the city. Current law only authorizes the governing body of a county to impose such a tax.

The bill revises the manner in which the Department of Motor Vehicles allocates the revenues collected from taxes on fuel for jet or turbine-powered aircraft and aviation fuel. The measure requires that the revenue collected be provided to the governmental entity that owns or operates the airport or, if the airport is neither owned nor operated by the governmental entity, to the county in which the airport is located.

Finally, the measure limits the authority to use the proceeds from these taxes for marketing purposes to owners and operators of airports in counties with a population of less than 400,000.

This measure is effective on July 1, 2003.

### **S.B. 497 (Chapter 468)**

Senate Bill 497 authorizes the imposition of a fee on rental cars to finance a minor league baseball stadium. The measure authorizes a Board of County Commissioners in a county whose population is 100,000 or more, but less than 400,000, to provide by ordinance a fee upon rental cars, except those rented as replacement vehicles, in the amount of not more than 2 percent of the total amount for which the car is rented. The bill clarifies that any proceeds of the fee imposed must be used solely to pay the costs to acquire, improve, equip, operate, and maintain a minor league baseball stadium within the county. The measure notes that the Board may not repeal, amend, or modify an ordinance imposing this fee in a manner that impairs any outstanding bonds issued or incurred by the county. In addition, the bill stipulates that the adopted ordinance must require the Board to enter into a contract with Nevada's Department of Taxation to perform all functions relating to the collection and administration of the rental car fee.

Senate Bill 497 further requires the Board of County Commissioners to create a stadium authority to operate the minor league baseball stadium project. This authority must consist of one member of the Board, one member from the governing body of each city in the county whose population is 60,000 or more, and two persons appointed by the owner of any home team that is selected. The measure authorizes a Board of County Commissioners that has adopted an ordinance to set a fee for rental cars to acquire, improve, equip, operate, and maintain the project and issue revenue bonds for this purpose. The bill further allows these revenue bonds to be payable from the proceeds of, in addition to the rental car fee, the revenues generated from fees, rates, and charges for the use of the stadium, including parking, concessions, and ticket sales.

Finally, the measure subsequently increases, from 3.5 percent to 4 percent, a recovery surcharge that may be assessed to the renter as reimbursement for vehicle licensing fees and taxes paid by the lessor.

This measure is effective on June 10, 2003.

See also Assembly Bill 16 (Chapter 15) of the 20th Special Session.

## **Local Government Financial Administration**

### **A.B. 23 (Chapter 444)**

Assembly Bill 23 increases the compensation of certain county officers. This measure provides a 26.65 percent salary increase for the following elected county officers: Clerks, Assessors, Recorders, Treasurers, and Public Administrators. In addition, the bill sets forth various salary increases for District Attorneys and County Sheriffs. The bill authorizes a Board of County Commissioners, by a majority vote, to set the annual salaries of the Board at a rate higher than the salaries currently set forth in *Nevada Revised Statutes* 245.043 for county commissioners but not to exceed 126.65 percent of the salaries in effect on January 1, 2003.

Further, on the salary schedule, Humboldt County is moved from Class 4 to Class 3 and Storey County is moved from Class 6 to Class 5, due to their population growth.

The measure also permits a Board of County Commissioners to apply to the Committee on Local Government Finance for a waiver from paying the increased salaries during the fiscal year if the Board determines there are insufficient county resources to pay for the raises. The bill specifies there is no limit to the number of waivers that may be granted, provided the Board of County Commissioners continues to reapply to the Committee on Local Government Finance every fiscal year asserting that county resources are not available to pay the salary increases. Finally, A.B. 23 provides that once a salary increase is paid, it cannot be waived for future fiscal years.

This measure is effective on July 1, 2003.

#### **A.B. 86 (Chapter 127)**

Assembly Bill 86 revises provisions relating to local government purchasing. This measure repeals the provisions setting different thresholds and notice requirements for advertising and contract award procedures for local governments in counties with less than 100,000 in population. The measure creates a uniform standard of advertising contracts over \$25,000 and requesting bids for contracts between \$10,000 and \$25,000.

The current statutes set different thresholds and notice requirements for local government contract awards within the category of a county whose population is less than 100,000, depending upon whether the county has more or less than \$1 million in annual appropriated expenditures.

#### **A.B. 149 (Chapter 141)**

Assembly Bill 149 revises provisions regarding local government finance. This measure resolves a conflict in the deadlines relating to petitions for exemption from filing certain budget documents and audit reports in special districts with less than \$200,000 in annual expenditures. The bill also provides for a conditional exemption from the annual audit requirement if the special district reasonably anticipates less than \$200,000 in expenditures. This exemption, however, does not preclude a board of county commissioners from requesting Nevada's Department of Taxation to audit the financial records of special districts. Further, the bill clarifies that unanticipated revenues received by a local government that are required to be remitted to another governmental entity are exempt from the balanced budget provisions in Chapter 354 of the *Nevada Revised Statutes*.

The bill is effective on July 1, 2003.

#### **S.B. 141 (Chapter 152)**

Senate Bill 141 revises provisions relating to certain investments made by local governments. This bill extends the period over which a city, county, or consolidated municipality may invest

any collateral received in exchange for lending securities from its investment portfolio. Specifically, the measure removes the requirement that all of these investments must mature within 90 days, and instead provides that the total of investments must have an average weighted maturity of not more than 90 days. Further, a definition of “average weighted maturity” is provided in the bill.

Senate Bill 141 also revises provisions relating to the investment and reinvestment by certain municipalities of the proceeds of bonds or other municipal securities. Current law provides that a municipality whose population is 50,000 or more may invest or reinvest the proceeds of bonds or other municipal securities if the principal amount of the original issuance of the bonds or securities was \$40 million or more. Senate Bill 141 lowers this threshold amount of the original issuance of bonds or municipal securities to \$10 million or more.

This measure is effective on May 21, 2003.

#### **S.B. 146 (Chapter 388)**

Senate Bill 146 revises provisions governing the purchasing contracts of local governments. This bill exempts from the requirements of competitive bidding contracts between a local government and a vendor of supplies, materials, or equipment that has entered into an agreement with the General Services Administration or another governmental agency located within or outside this State. In addition, the measure authorizes a local government to join or use contracts of another state or its subdivisions.

Senate Bill 146 also adds “commercial advertising within a recreational facility operated by a county fair and recreation board” to the list of local government contracts that, by their nature, are not adapted to award by competitive bidding. Finally, the bill repeals several sections in Chapter 244A of the *Nevada Revised Statutes* made obsolete as a result of the bill.

This measure is effective on July 1, 2003.

#### **S.B. 490 (Chapter 276)**

Senate Bill 490 relates to the tax for infrastructure. The bill authorizes the Board of County Commissioners of Washoe County to expend money in the Infrastructure Fund for the ongoing expenses of operating and maintaining certain flood control projects. The Board must submit a report to the 73rd Session of the Nevada Legislature concerning progress made in completing these projects and detailed information regarding the amount of money expended from the Fund for this purpose.

This measure is effective on May 28, 2003.

See also Assembly Bill 13 (Chapter 13) of the 20th Special Session.

## **Improvement and Special Districts**

### **A.B. 136 (Chapter 289)**

Assembly Bill 136 revises provisions relating to general improvement districts. This measure grants authority to create a general improvement district for the purpose of implementing a habitat plan to preserve endangered species of wildlife under federal law.

The bill is effective on July 1, 2003.

### **A.B. 270 (Chapter 118)**

Assembly Bill 270 revises provisions relating to community redevelopment. This bill requires a city council or county commission to consider certain criteria before making a determination to pay for improvements within a redevelopment area or the neighborhood in which the redevelopment area is located. Included among the criteria to be considered are whether the improvements will create jobs, encourage new businesses, increase tax revenues, and whether the expenditure is likely to provide greater benefits than those that could be provided without governmental assistance.

This measure is effective on July 1, 2003.

### **S.B. 181 (Chapter 397)**

Senate Bill 181 revises provisions regarding the amendment of redevelopment plans. The bill provides that if a redevelopment agency desires to take an action that will constitute a “material deviation” or significant amendment to a previously adopted redevelopment plan, the agency must recommend the amendment to the appropriate legislative body. A definition of “material deviation” is provided in the bill. The measure also requires that, in addition to existing notice requirements, a notice of a hearing on a proposed amendment to a redevelopment plan be sent by mail at least ten days before the hearing. The notice must be sent to each owner of real property, as listed in the county assessor’s records, whom the agency determines is likely to be directly affected by the proposed amendment. In addition, the notice must set forth the date, time, place, and purpose of the hearing and include a summary and physical description of the proposed amendment. Finally, S.B. 181 clarifies existing language regarding the filing with the appropriate planning commission an amended redevelopment plan that also affects a master plan.

### **S.B. 328 (Chapter 351)**

Senate Bill 328 provides for the establishment of regional development districts. This bill provides that any combination of counties or cities within a proposed region may petition the Governor for the creation of a regional development district. The proposed district must consist of two or more contiguous counties. After the regional development district is established, the measure permits a county to request a modification in the regional boundaries of the district or an addition to the existing region. The measure provides details regarding the



organization, creation, membership, and structure of a board of directors for the district and clarifies that membership is voluntary. The bill also specifies that bylaws must be adopted by the board and the board shall annually establish an operating budget and set the amount of dues that must be paid by members of the district.

In addition, S.B. 328 sets forth the powers of regional development districts to include, among other things, the review of local plan and development proposals; administrative, research, and planning services for other regional bodies; serving as a regional data center for the area; and contracting with government units to provide technical assistance relating to local planning and development. The measure also provides for the preparation of an annual report to the governing bodies within the region, the Legislature, and the Governor, which highlights the district's budget matters and activities in the district. Finally, the bill designates the Western Nevada Development District as a regional development district comprised of Carson City, Churchill, Douglas, Lyon, Mineral, Pershing, and Storey Counties.

#### **S.B. 336 (Chapter 474)**

Senate Bill 336 makes various changes relating to water rights and creates the Lincoln County Water District. This measure directs the State Engineer to quantify more clearly several older water rights in the Las Vegas Valley Groundwater Basin and notify the holders of these rights and the county recorder. The bill also modifies the statutes to require that the State Engineer notify the person who submits a report of conveyance of a water right after his office has confirmed that conveyance. Further, the bill specifies that this notification must include language explaining the limitations associated with the confirmation.

In addition, the measure authorizes the State Engineer to postpone action on applications to appropriate water for municipal use. It also preserves the status of applications upon which the State Engineer has not acted within the one-year time frame provided by statute, thus ensuring that these applications are not deemed approved or denied because of a lack of action.

Finally, the bill creates the Lincoln County Water District and outlines its powers, which are modeled after those of other water districts in Southern Nevada.

This bill is effective on July 1, 2003. The State Engineer is given until June 30, 2005, to complete quantification of the older water rights in the Las Vegas Valley Groundwater Basin.

#### **S.B. 467 (Chapter 246)**

Senate Bill 467 relates to taxation. This bill authorizes a special district to pledge not more than 15 percent of revenue received from the supplemental city-county relief tax for the payment of any general obligation bond or revenue bond issued by the special district.

This measure is effective on May 27, 2003.

### S.B. 495 (Chapter 469)

Senate Bill 495 makes various changes to Nevada's Consolidated Local Government Improvements Law. This measure expresses the intent of the Legislature to assist in the promotion of economic development and tourism in the State of Nevada. The bill authorizes the acquisition of art and tourism projects and entertainment projects pursuant to the provisions of the Consolidated Local Improvements Law. The measure allows a municipality in a county whose population is less than 400,000 to pledge for an improvement project, which will increase retail expenditures by tourists, not more than 75 percent of the proceeds from the mandatory sales and use taxes collected in the improvement district, after deducting a sum equal to .75 percent of the amount of those proceeds.

The bill provides that before sales and use tax revenues can be pledged in such a manner, the board of county commissioners of each county in which the improvement district is located must determine that: (1) no retailers have maintained a fixed place of business in the district at any time from the first day of the fiscal year in which the assessment ordinance is adopted until the date the ordinance is adopted; (2) retailers will locate their businesses in the district; and (3) a substantial increase in sales and use tax collections will result. The board must determine at a public hearing that a preponderance of the increased sales and use tax revenues will be attributable to transactions with tourists. The Commission on Tourism must also make the same determination at a public hearing, and the Governor must determine that the project and the pledge of money will significantly contribute to economic development and tourism in the State. If the Governor determines that the pledge of money pursuant to the provisions of the bill will have a substantial adverse fiscal effect on educational funding, he can require the municipality to make specified payments to the local school district to offset the adverse fiscal effect.

The bill authorizes a municipality that pledges revenue pursuant to the bill to enter into an agreement with an owner of property in the improvement district whereby the owner would agree to make payments to the municipality or another local government that provides services to the district. The payments would defray all or a portion of the costs of local government services during the term of the pledge authorized by the bill. Finally, S.B. 495 requires the submission of a report to the 2007 Legislature by any municipality that pledges revenues pursuant to the bill prior to January 1, 2007.

This measure is effective on July 1, 2003. However, the provisions of the bill do not require the distribution of any money submitted to the State before July 1, 2005, unless the Department of Taxation determines that it is reasonably feasible to make such a distribution.

## MILITARY

### A.C.R. 8 (File No. 27)

Assembly Concurrent Resolution No. 8 expresses support for American military troops. This resolution recognizes the courage and sacrifice of the men and women in the Armed Forces who are engaged in war with Iraq. The Legislature commends these servicemen and women for their patriotic commitment to their country and for upholding the ideals of freedom and democracy. Further, the members of the Legislature lay aside their debates, and pray for the safe and speedy return of these brave men and women.

### A.C.R. 29 (File No. 75)

Assembly Concurrent Resolution No. 29 memorializes United States Marine Corps hero, Lance Corporal Donald J. Cline, Jr., for dedication to his country in giving the ultimate sacrifice while trying to make the world a safer place for his children and children throughout the world. Lance Corporal Cline, known as “John” by his family and friends, was born in Sierra Madre, California, later moved to Sparks, Nevada, and attended Reed High School where he met his wife-to-be, Tina. Because John Cline had “always wanted to be a Marine,” he enlisted in the U.S. Marine Corps at the age of 17 and left for boot camp two weeks after graduating from high school. John and Tina Cline were married at the American Legion Hall in Sun Valley, Nevada, on October 21, 2000, a day after the Lance Corporal graduated from Marine Boot Camp. They were blessed with two sons, Dakota, two and one-half years of age, and Dillon, seven months. John Cline was deployed to Iraq to serve his country and was killed by enemy fire in an ambush attack near Nasiriyah on March 23, 2003. John Cline was posthumously awarded the Purple Heart for his bravery in the face of battle. He will be remembered as a devoted and caring family man, and a brave soldier and Nevadan.

### A.C.R. 30 (File No. 76)

Assembly Concurrent Resolution No. 30 memorializes United States Marine Corps hero, First Lieutenant Frederick “Fred” Pokorney, Jr., for his devotion to family, State, and country, for which he made the ultimate sacrifice. Fred Pokorney graduated from Tonopah High School in 1989, where he excelled at basketball and football. He met his wife, known as “Chelle,” in Washington State. They became the proud parents of daughter Taylor, two and one-half years old. After enlisting in the U.S. Marine Corps, Fred Pokorney was named the top recruit at the end of basic training and, taking advantage of the military educational benefits, attended Oregon State University where he earned a degree in military science. Lieutenant Pokorney was deployed to Iraq and died on March 23, 2003, when he and some of his fellow Marines were ambushed outside of Nasiriyah. Commissioned as a Second Lieutenant, Fred Pokorney was promoted posthumously to First Lieutenant and was awarded the Purple Heart for his bravery and dedication to his country. As Nevada’s first reported casualty from Operation Iraqi Freedom and the first Marine from that military operation to be buried at Arlington National Cemetery, First Lieutenant Pokorney was buried with full military honors. He will be remembered as a brave soldier and Nevadan who loved his family and the U.S. Marine Corps.

## **Veterans**

### **A.B. 52 (Chapter 65)**

Assembly Bill 52 provides for the issuance of standard high school diplomas to veterans of the Armed Forces who served in certain military conflicts. The measure provides that persons who left high school before graduating to serve in the Armed Forces of the United States during World War II, the Korean War, or the Vietnam Era may request a standard high school diploma from a local school district. The veteran must have received an honorable discharge upon leaving military service. A veteran who holds a general educational development credential may also request a diploma. Further, the family of a deceased veteran may request the diploma in the name of the veteran.

Finally, the bill requires Nevada's State Board of Education and the Office of Veterans' Services to jointly establish guidelines for the issuance of these diplomas.

This measure is effective on May 12, 2003.

### **A.B. 247 (Chapter 37)**

Assembly Bill 247 makes provisions for certain funds related to veterans. The bill provides for the creation and administration of various accounts for veterans' homes and their residents. The bill allows an administrator of a veterans' home to deposit funds received from residents into a trust fund. The administrator of the trust fund shall maintain separate accounts for each veteran that deposits money into the fund. The bill then allows up to \$3,000 from the trust fund to be maintained in a reserve cash fund at a veterans' home for withdrawals by the residents of that veterans' home. The bill also provides for the creation and administration of revolving accounts for each veterans' home that may be used for bills that require immediate payment. Money from the Veterans' Home Account may be transferred to these revolving accounts for veterans' homes provided the account balances do not exceed \$2,000.

The bill is effective on May 1, 2003.

### **A.B. 304 (Chapter 326)**

Assembly Bill 304 relates to veterans' cemeteries. The bill allows the Executive Director of the Office of Veterans' Services or his deputy to use gifts of money or personal property for purposes other than those designated by the donor if the original purpose of the gift has been fulfilled or can no longer be fulfilled. The bill further provides that such remaining gifts may be used for other purposes at veterans' cemeteries in Nevada. In addition, the bill provides authority to the Office of Veterans' Services to deposit funds from grants received by the Office or funds received from the federal government into the Account for Veterans' Affairs in the State General Fund.

The bill is effective on July 1, 2003, and applies to gifts donated prior to July 1, 2003, if all or a portion remains after that date.

**A.B. 306 (Chapter 34)**

Assembly Bill 306 revises provisions related to burials for veterans. The bill permits a veterans' organization recognized by the Executive Director for Veterans' Services to apply for a plot in a cemetery for veterans. Further, the unclaimed bodies of indigent veterans may be delivered to a recognized veterans' organization for burial at the expense of the veterans' organization.

The measure is effective on July 1, 2003.

**A.B. 405 (Chapter 165)**

Assembly Bill 405 relates to veterans' cemeteries. The measure allows the Executive Director of the Office of Veterans' Services or his deputy to use gifts of money or personal property for purposes other than those designated by the donor if the original purpose of the gift has been fulfilled or can no longer be fulfilled. The bill further provides that such remaining gifts may be used for other purposes at veterans' cemeteries in Nevada. In addition, the bill provides authority to the Office of Veterans' Services to deposit funds from grants received by the Office or funds received from the federal government into the Account for Veterans' Affairs in the State General Fund. Finally, the Office may use funds from these sources to employ a number of additional employees but not to exceed 60 percent of the number established by the National Cemetery Administration of the United States Department of Veterans Affairs for full-time employees in national veterans' cemeteries.

The bill is effective on July 1, 2003, and applies to gifts donated prior to July 1, 2003, if all or a portion remains after that date.

**S.B. 324 (Chapter 456)**

Senate Bill 324 makes various changes concerning the Veterans' Home Account and the Gift Account for Veterans' Homes. This measure authorizes administrators of veterans' homes in the State to advise the Executive Director for Veterans' Services concerning the administration of the Veterans' Home Account, and removes that specific authority for the Deputy Executive Director and Veterans' Services Commissioners. Further, the act specifies that the funds in the Gift Account for Veterans' Homes is subject to the same expenditure restrictions that are currently in place for the Veterans' Home Account.

The measure is effective on July 1, 2003.



## NATURAL RESOURCES

### A.B. 129 (Chapter 17)

Assembly Bill 129 clarifies provisions concerning interest generated from various accounts and funds. This measure requires that the interest earned on money deposited in certain accounts or funds administered by the State Department of Conservation and Natural Resources be credited back to the accounts or funds from which the interest was made.

This bill is effective on July 1, 2003.

### A.B. 130 (Chapter 281)

Assembly Bill 130 makes various changes relating to the State Department of Agriculture. This bill authorizes the Director of the Department to collect fees to cover costs incurred for certain services, products or publications, and for processing and administering brands and marks. Second, A.B. 130 requires that fees collected from applicants seeking licensure to use restricted pesticides must be deposited in the Agriculture Registration and Enforcement Account within the State General Fund. Finally, A.B. 130 authorizes the Department to enter into agreements with local school districts to deposit fines collected from certain violations of restricted-use pesticides in the appropriate county school district fund where those violations occurred.

This measure is effective on July 1, 2003.

### A.B. 215 (Chapter 306)

Assembly Bill 215 revises provisions governing conservation districts. The bill revises the State's Conservation Districts Law by authorizing conservation districts to acquire, maintain, sell, and receive income from real or personal property. The measure also specifies that real property acquired by a conservation district on or after July 1, 2003, is exempt from taxation. However, the bill establishes procedures through which "payments in lieu of taxes" may be required if this property had been subject to property taxes before it was acquired by the District.

This bill is effective on July 1, 2003.

### A.B. 301 (Chapter 85)

Assembly Bill 301 revises provisions for compensation from the Board of Wildlife Commissioners for damage to property or land caused by certain animals. Assembly Bill 301 clarifies the types of projects for which money may be expended from a separate, existing account administered by the Department of Wildlife to prevent or mitigate damage caused by elk or game mammals not native to this State. The measure provides for the payment of money or materials to prevent or mitigate damage to fences on private and public lands. It also specifies that money may be expended to construct fences around areas with water sources if

elk or other non-native game animals have damaged them, and if water is otherwise provided to livestock and wildlife outside the fence. Finally, the bill defines public lands as they pertain to this measure.

### **S.B. 127 (Chapter 296)**

Senate Bill 127 makes various changes to the statutory provisions governing highly hazardous materials and explosives. This bill clarifies several statutory provisions relating to the State's Chemical Accident Prevention Program and its regulation of highly hazardous materials and explosives. The measure explicitly authorizes the State's Division of Environmental Protection to investigate accidents at facilities that handle these materials. It also specifies the types of regulations that the State Environmental Commission must adopt concerning the disclosure of records and information held by facilities involved in the use, production, storage, or handling of highly hazardous materials or in the manufacture of explosives.

In addition, the measure removes several technically detailed provisions from statute while retaining substantive aspects of the related programs in law. The State Environmental Commission is directed to handle the more detailed matters through regulation.

Finally, the bill authorizes civil administrative penalties for violation of the new provisions and enhances the penalties for knowingly violating the statutory or regulatory provisions of the program.

The section providing that existing regulations remain in force until new ones are adopted is effective on May 29, 2003. The other substantive sections of the bill are effective on May 29, 2003, for the purpose of adopting new regulations and on October 1, 2003, for all other purposes.

### **S.B. 144 (Chapter 490)**

Senate Bill 144 concerns the Division of State Parks of the State Department of Conservation and Natural Resources. This measure authorizes the Administrator of the Division of State Parks to charge and collect from each grant recipient a fee for administering federal grants under the Land and Water Conservation Fund. These grants are provided to the State and its political subdivisions for the planning, acquisition, or development of outdoor recreation facilities. The fee may be charged once annually, and the total of all fees collected in a given year must not exceed an amount equal to the salary of one half-time grants administrator. Further, if the Division receives a grant and is subject to the administrative fee, it may be paid from money received by the agency for outdoor recreation projects, regardless of the source of the money.

The money received, and any interest and income generated, must be deposited in the State Treasury and accounted for separately. Any funds remaining in the account at the end of a fiscal year may not revert to the State General Fund.



The measure further authorizes the Division of State Parks to enter into cooperative agreements with political subdivisions to establish and maintain parks under the Division's jurisdiction that will be used primarily by local residents. The bill also requires legislative approval of any name changes of an existing State park, monument, or recreational area. Additionally, the Division must offer a statewide annual pass to the State Park System, and may offer park-specific annual passes, the fees for which must be set by regulation.

Finally, S.B. 144 makes specific allocations of money generated from the sale of general obligation bonds authorized by Question 1, a ballot measure approved by voters in 2002, to fund resource protection projects statewide. The sum of \$150,000 is allocated to Virginia City for preservation of the historic Comstock Cemetery, and \$136,000 is allocated to Lincoln County for restoration of the historic fairgrounds in Panaca. Both allocations are contingent on the ability of these recipients to match them with federal grants or labor.

This measure is effective on June 11, 2003.

#### **S.B. 401 (Chapter 224)**

Senate Bill 401 revises provisions concerning money received from concessions on property within a State park or property controlled or administered by the Division of State Parks, State Department of Conservation and Natural Resources. This bill revises provisions for the disposition of revenue generated from the rent or lease of concessions located within the boundaries of State parks or real property controlled or administered by the Division of State Parks of the State Department of Conservation and Natural Resources. Under this measure, rental and lease payments must no longer be deposited in the State General Fund. Rather, this revenue must be deposited in the Account for Maintenance of State Parks, administered by the Division.

This measure is effective on May 26, 2003.

#### **S.B. 444 (Chapter 391)**

Senate Bill 444 concerns the transfer of certain State property. This measure authorizes the transfer of Floyd Lamb State Park to the City of Las Vegas. The measure provides that the Administrator of the Division of State Lands may enter into an agreement to transfer to the City of Las Vegas all interest of the State of Nevada in the park. The bill notes that any agreement for the transfer of the park must stipulate that the State of Nevada is not liable for any expense incurred to operate or maintain the park or its facilities. Further, the City of Las Vegas may not change the name of the park without legislative approval in the form of a bill.

The bill requires the final transfer agreement to be approved by the Legislature if it is in session, or by the Interim Finance Committee if the Legislature is not in session. The bill further provides that the deed from the State to the City must include restrictions which protect the recreational and historical value of the property, guarantee public access, ensure that the

property is used only for passive recreation, and prevent the City from transferring the property without the consent of the State.

This measure is effective on June 9, 2003.

### **S.C.R. 16 (File No. 21)**

Senate Concurrent Resolution No. 16 commends the Eastern Nevada Landscape Coalition for its endeavors toward the restoration of the ecosystems of the Great Basin. This resolution endorses the mission and activities of the Eastern Nevada Landscape Coalition in its efforts to restore the health and productivity of almost 1.7 million acres of rangeland and forest in eastern Nevada that were devastated by lightning-caused fires in August 1999. In addition, the measure commends the efforts of the Eastern Nevada Landscape Coalition to increase knowledge and to foster cooperation and educational efforts directed at the goal of the restoration of the unique ecosystems of the Great Basin.

## **Air Quality**

### **A.B. 237 (Chapter 83)**

Assembly Bill 237 revises the provisions relating to the use of alternative fuels by certain fleets of motor vehicles. This bill revises the provisions for the use of alternative fuels by certain fleets of motor vehicles, by changing over time the fuels that are recognized in Nevada as alternative fuels. The measure removes low-sulfur diesel fuel as an alternative fuel and temporarily replaces it with ultra low-sulfur diesel until 2007. Diesel fuel that meets the requirements imposed by the California Air Resources Board will temporarily remain on the list, but will also be removed in 2007. Under A.B. 237, certain types of finished diesel fuel that consist of specific biodiesel fuel blends will be permanently added to the list of alternative fuels. Therefore, in 2007, the only alternative fuels recognized in Nevada will be reformulated gasoline and certain biodiesel blends. Low and ultra-low sulfur diesel fuels, and diesel fuel that meets California standards, will be phased out as alternative fuels under the time schedule identified in the measure.

The bill also revises the definition of “dedicated alternative fuel motor vehicle” to include not only vehicles that operate on alternative fuel, but also vehicles that have been certified by the United States Environmental Protection Agency to comply at a minimum with federal emissions control standards for ultra low-emission vehicles.

Finally, A.B. 237 requires the State Environmental Commission to review its regulations for the use of alternative fuels in fleet vehicles to ensure consistency with the provisions of this measure, and if necessary, to revise its schedule for the conversion of fleets to use alternative fuels.

This bill is effective on July 1, 2003, for most purposes, including the adding of biodiesel blends and ultra low-sulfur diesel fuels to the list of alternative fuels, and eliminating

low-sulfur diesel from that list. The provisions to subsequently eliminate ultra low-sulfur diesel and diesel that meets certain California standards from the list of alternative fuels are effective on January 1, 2007.

## **Agriculture and Ranching**

### **A.B. 75 (Chapter 43)**

Assembly Bill 75 revises provisions governing the certification of organic agricultural products. The bill modifies the State's program for certification of organic agricultural products to bring it into conformity with the corresponding federal law and regulations. Among other actions, the bill incorporates definitions from the federal code and authorizes the State Board of Agriculture to adopt regulations for the enforcement of the program. It also repeals the penalty provisions that are inconsistent with the federal law and regulations.

The bill is effective on July 1, 2003.

### **A.B. 91 (Chapter 111)**

Assembly Bill 91 revises provisions governing the regulation of pesticides. This measure revises provisions governing the regulation of pesticides by providing for the registration of brand names, rather than registering pesticides by their chemical formulas. Specifically, A.B. 91 defines the term "brand" as it is used to describe pesticides, and requires that brands be registered annually with the State Department of Agriculture.

The measure also expands the uses of money in the special account for the disposal of pesticides to include monitoring pesticides and protecting ground water and surface water from contamination by pesticides.

This bill is effective on May 19, 2003, for the purposes of adopting necessary regulations, and on January 1, 2004, for all other purposes.

### **A.B. 193 (Chapter 48)**

Assembly Bill 193 revises provisions governing commercial fertilizers and agricultural materials. The measure defines restricted-use commercial fertilizers and agricultural minerals, and gives the Director of the State Department of Agriculture jurisdiction for their distribution, sale, and transportation. Specifically, the measure requires the Director to develop a program for their evaluation, and authorizes the elimination of any of these products that may endanger the environment, are not beneficial for the purposes for which they are sold, or are misrepresented. In certain circumstances, the registration of these materials may be cancelled or suspended.

The measure also makes it unlawful to sell, distribute, deliver or transfer a restricted-use commercial fertilizer or agricultural mineral without appropriate registration. A registration

process is established, fees are authorized, reporting requirements are identified, and penalties are set forth in A.B. 193.

This bill is effective on May 6, 2003, for the purposes of adopting necessary regulations, and is effective on January 1, 2004, for all other purposes.

**S.B. 172 (Chapter 94)**

Senate Bill 172 relates to the State Department of Agriculture's authority to control pests and plant diseases. This measure clarifies various statutes relating to the State Department of Agriculture's authority to control pests and plant diseases, and it modifies several provisions relating to the licensing of pest control businesses and people who sell nursery stock. The measure also deletes the authority of the State Quarantine Officer to impose administrative penalties, but authorizes civil penalties for violation of interstate quarantines.

This bill is effective on July 1, 2003.

**S.B. 370 (Chapter 509)**

Senate Bill 370 relates to taxation. This measure authorizes the board of county commissioners of a county whose population is less than 400,000 to impose an additional tax of up to five cents per \$500 value on the transfer of real property. The proceeds of the tax must be allocated for disbursement to each county in proportion to the amount of money collected in that county, and must be used to control invasive species and certain endemic pests and weeds. The bill requires the State Department of Agriculture to present annually to each board of county commissioners proposed programs for the control of invasive species, pests, and weeds. Finally, S.B. 370 creates an account for the rebate of governmental services taxes to senior citizens.

This measure is effective on July 1, 2003.

**S.B. 484 (Chapter 101)**

Senate Bill 484 relates to growers of garlic and onions. The measure modifies the statute relating to membership in the Garlic and Onion Growers' Advisory Board to delete reference to a defunct organization. The measure also removes the provision through which a grower could receive a refund of the special assessment levied to support research and promote marketing programs.

This bill is effective on July 1, 2003.

**S.B. 486 (Chapter 381)**

Senate Bill 486 makes various changes relating to livestock and other animals. The bill abolishes the State Board of Sheep Commissioners, transfers its powers to the State Board of Agriculture, and establishes a minimum for the special tax on sheep. The bill also abolishes

the Nevada Beef Council and the associated tax to promote beef. Further, the measure broadens the term “livestock” to “animal” in the animal disease statutes and clarifies the definitions of “estrays,” “feral livestock,” and “livestock.” In order to allow receipt of reimbursement from Federal agencies, the bill eliminates the indemnity clause when the State Department of Agriculture must dispose of an animal. The measure also authorizes a fee for brand inspections and makes various changes relating to quarantines of livestock. Finally, S.B. 486 increases from 10 to 11 the number of members of the State Board of Agriculture.

Most of the sections of S.B. 486 become effective on July 1, 2003. Several provisions associated with abolishing the State Board of Sheep Commissioners and the Nevada Beef Council expire by limitation on June 30, 2004, and are replaced by parallel sections that are effective on July 1, 2004.

## **Environmental Matters Generally**

### **S.B. 200 (Chapter 407)**

Senate Bill 200 addresses the conversion of areas served by septic tanks to community sewer systems. This bill adds required connections to community sewer systems to the existing program of grants for improvements to local water systems. To support this added element, the bill increases by \$4 million the cap on bonds that may be issued to fund the grants.

This measure is effective on July 1, 2003.

### **S.B. 358 (Chapter 105)**

Senate Bill 358 provides for certain protections of lands adjacent to the Red Rock Canyon National Conservation Area. This bill resolves that the Red Rock Canyon National Conservation Area has scenic beauty and geologic significance and is a tourist destination that is worthy of continued and ongoing protection. The measure specifies that the powers set forth in various Chapters of the *Nevada Revised Statutes* regarding planning and zoning are subordinate to the limitations on development that are defined in the Red Rock Canyon Conservation Area and Adjacent Lands Act.

The measure adds several new sections to S.B. 544 of the 1993 Legislative Session and renames the 1993 act as the Red Rock Canyon Conservation Area and Adjacent Lands Act. The bill further amends S.B. 544 of the 1993 Legislative Session to add new sections depicting the physical descriptions of adjacent tracts of land in the Red Rock Canyon. The 1993 bill is also amended to declare that development shall be limited in these areas of land adjacent to Red Rock Canyon. The measure adds language explaining that a local government is prohibited from increasing the number of residential dwelling units allowed by zoning regulations except in certain circumstances, and from establishing any new, or expanding any existing, nonresidential zoning districts other than for public facilities. However, the local

government shall, at its discretion, continue to regulate landscaping, buffering, screening, signage, and lighting.

This measure is effective on July 1, 2003.

## **Hazardous Materials**

### **A.B. 74 (Chapter 42)**

Assembly Bill 74 provides for a revolving fund to finance remediation of contaminated properties known as “brownfield sites.” It creates the Fund for Brownfield Projects, which is to be a revolving fund administered by the State’s Division of Environmental Protection. The purpose of the Fund is to clean up contaminated properties known as “brownfield sites” pursuant to the Federal Brownfields Restoration Act. The measure authorizes the State Environmental Commission to adopt regulations necessary to carry out its provisions.

This bill is effective on May 6, 2003.

### **A.B. 485 (Chapter 193)**

Assembly Bill 485 revises provisions relating to relief from liability for persons who clean up real property at which a hazardous substance has been or may have been released. This bill revises Nevada’s existing “Brownfields” program, which provides incentives for the voluntary removal of environmental contamination of real property. The original legislation from 1999 established procedures through which an owner or prospective owner of real property may enter into a remedial agreement with the State’s Division of Environmental Protection to restore the property and receive a certificate releasing him from liability for contamination that occurred prior to cleanup.

Assembly Bill 485 is modeled after federal “Brownfields” legislation, and extends the liability protection to bona fide prospective purchasers, innocent purchasers, and owners of contiguous real property on which a hazardous substance has been released, and for which cleanup may be required under State and federal law. The property to which A.B. 485 applies must be acquired no earlier than 60 days after the effective date of this bill.

The relief from liability provided in this measure, however, does not affect the liability in tort of any party, nor limit the State’s authority with respect to requiring a specified action or cleanup by persons who are responsible for actual contamination. Finally, A.B. 485 provides for recovery by the State of a portion of the cleanup costs if the State funded a cleanup effort at the property and that cleanup increased the value of the property.

This bill is effective on May 26, 2003.

### **S.B. 58 (Chapter 372)**

Senate Bill 58 relates to hazardous waste and fuel storage tanks. The bill provides that required analyses to identify whether waste is hazardous waste, or to detect hazardous waste in soil or water, must be conducted by certified laboratories. The measure also authorizes the State Environmental Commission to adopt regulations establishing requirements for aboveground and over-water fuel storage tanks with capacities between 110 gallons and 30,000 gallons. A program of regulation for belowground fuel storage tanks currently exists in the State.

For the purposes of adopting regulations governing above ground storage tanks and the certification of laboratories, this bill is effective on June 9, 2003. Other sections pertaining to storage tanks are effective on October 1, 2003. Provisions facilitating the establishment of the certification and regulatory processes are effective on July 1, 2004.

### **S.B. 201 (Chapter 154)**

Senate Bill 201 addresses fees that may be charged by the State Emergency Response Commission. This measure raises from \$5,000 per year to \$15,000 per year the statutory cap on the fee that the State Emergency Response Commission may charge for the storage of highly hazardous materials in excess of the threshold planning quantities established by regulation. The measure also deletes the cumulative cap of \$5,000 for this and related fees.

This bill is effective on July 1, 2003.

## **Lake Tahoe and the Tahoe Regional Planning Agency (TRPA)**

### **S.B. 46 (Chapter 438)**

Senate Bill 46 authorizes bonds to be issued to implement the Environmental Improvement Program in the Lake Tahoe Basin. The Legislature in 1999 provided that money in an amount not to exceed \$53.2 million would be made available to implement the Environmental Improvement Program in the Nevada portion of the Lake Tahoe Basin between 2001 and 2007. Senate Bill 46 approves a \$9.87 million installment for the 2003-2005 biennium.

This bill is effective on July 1, 2003.

## **Public Lands Generally**

### **A.B. 287 (Chapter 308)**

Assembly Bill 287 revises provisions relating to the transfer, establishment, and maintenance of State parks. This bill places conditions upon the transfer of state park land to a local government. Specifically, the measure requires that if a State park or any part of a State park is leased, sold, or transferred to a local government, the recipient must operate and maintain

the property for the continued use and enjoyment by the public. Any deed for such a transfer must include restrictions to protect the historical and recreational value of the property, guarantee continued public access, and prevent further transfer of the property without authorization by the Legislature. Further, the deed must provide for the reversion of the property to the State of Nevada if any deed restrictions are breached.

Additionally, A.B. 287 addresses land within a State park that is leased from another entity, such as the Bureau of Land Management. The terms of any existing leases must be honored in any transfer of title, and any leased property should remain with the park if possible.

Finally, the bill allows the Administrator of the Division of State Parks to enter into a cooperative agreement with a local government for the purpose of establishing and maintaining a park that is under the Division's jurisdiction but is used primarily by the local residents.

This bill is effective on May 29, 2003.

#### **S.J.R. 1 (File No. 50)**

Senate Joint Resolution No. 1 relates to stockwater rights on public lands. This resolution urges the Secretary of the Interior to amend the federal regulations adopted through "Rangeland Reform '94" as they relate to stockwater rights. The resolution urges the Secretary to delete the provision that effectively eliminates the option under Nevada law through which a range user can hold rights to water livestock solely in his own name.

This resolution is effective on May 13, 2003.

#### **S.J.R. 2 (File No. 51)**

Senate Joint Resolution No. 2 addresses land and water improvements on public lands in Nevada. This resolution urges the United States Congress and the Secretaries of Agriculture and the Interior to authorize and expend revenue from Federal land disposal programs for specific types of land and water improvements on public lands in Nevada. The resolution highlights the need for restoration of burned areas, the value of water developments for wildlife and livestock, and the importance of maintaining healthy ecosystems on the public lands.

This resolution is effective on May 13, 2003.

## **Water**

#### **A.B. 82 (Chapter 66)**

Assembly Bill 82 extends the date by which money appropriated to the Newlands Project Water Rights Fund must be expended before reversion to the State General Fund. Originally created in 1999 with an appropriation of \$3.3 million, this bill extends from June 30, 2004,



to June 30, 2006, the deadline for expenditure and the date by which water rights must be acquired.

This bill is effective on May 12, 2003.

**A.B. 90 (Chapter 21)**

Assembly Bill 90 increases the limit on assessment for certain water distribution expenses incurred by the State Engineer. Assembly Bill 90 increases from 25 cents to 30 cents per acre-foot the maximum assessment the State Engineer may levy to cover water distribution expenses associated with stream systems that irrigate more than 200,000 acres of land. The assessed amount is charged per acre-foot of water decreed, and is used to pay the annual expenses of the stream system or water district.

This bill is effective on July 1, 2003.

**A.B. 213 (Chapter 113)**

Assembly Bill 213 modifies statutory provisions concerning temporary permits to appropriate water and domestic wells. The measure removes the July 1, 2005, "sunset" date for statutory conditions that must be met before the State Engineer may revoke a temporary permit and require connection to a municipal water system or require the owner of a domestic well to connect to a municipal water system. Also, provisions associated with paying the required connection fees and the related costs for abandoning and plugging wells are moved from the statutes concerning the State Engineer to the special act relating to the Southern Nevada Water Authority.

In addition, A.B. 213 directs the State Engineer to review whether his administrative powers in designated basins are sufficient and submit a report identifying any additional powers, including the ability to assess a monetary penalty, that he believes are necessary.

The bill is effective on May 19, 2003.

**A.B. 403 (Chapter 122)**

Assembly Bill 403 relates to the forfeiture of water rights. This measure adds prolonged drought to the list of required considerations used by the State Engineer in determining whether to grant a request for an extension of the time to work a forfeiture of water rights.

The bill is effective on July 1, 2003.

**A.B. 473 (Chapter 481)**

Assembly Bill 473 transfers the Account for the Revolving Loan Fund and the Account for Set-Aside Programs from the Health Division to the Division of Environmental Protection. Further, this measure specifies that these funds be used for the purposes set forth in the

Safe Drinking Water Act. The bill also transfers from the State Board of Health to the State Environmental Commission the authorization to adopt certain regulations pertaining to the Safe Drinking Water Act.

This measure is effective on July 1, 2003.

**A.B. 488 (Chapter 192)**

Assembly Bill 488 makes various changes concerning ditches. The bill requires the State Engineer to investigate complaints in counties with under 100,000 residents that involve the willful or malicious removal, damage, or destruction of a ditch. The ditch must be located within the boundaries of certain adjudicated stream systems, but not within an irrigation district where complaints are handled by the district. Under A.B. 488, the State Engineer must prepare a report concerning the condition of the ditch, which may be used and considered by the appropriate law enforcement agency.

Additionally, the measure addresses notification of a proposed subdivision of land on which an irrigation ditch is located. If the land is within an irrigation district, State law currently requires that a subdivider's tentative map be filed with the board of directors of the irrigation district. Assembly Bill 488 addresses land outside of an irrigation district, if a ditch is appurtenant to the land. In this case, the tentative map must be sent to any owner of land to which the irrigation ditch is appurtenant. The measure provides landowners 30 days to review and comment on the map, and requires planning commissions or governing bodies to consider those comments before approving the tentative map. Any costs associated with such notification must be paid by the subdivider of the land.

This bill is effective on July 1, 2003.

**S.B. 76 (Chapter 505)**

Senate Bill 76 revises the statutes governing stockwater rights in the State of Nevada. The measure provides that the State Engineer may issue a permit to water livestock only to the rancher who owns, leases, or manages the livestock. Thus, the owner of the land upon which the livestock is grazed/watered (if it is a public entity or a person other than the rancher who owns, leases, or manages the livestock) cannot receive a permit solely in its own name or jointly with the rancher.

Such a water right is also declared to be appurtenant to: (1) the land where the livestock is watered if it is owned by the rancher; or (2) other land in Nevada that is benefited by the livestock being watered and is capable of being used in conjunction with the livestock operation.

This bill is effective on June 12, 2003.

### **S.B. 336 (Chapter 474)**

Senate Bill 336 makes various changes relating to water rights and creates the Lincoln County Water District. This measure directs the State Engineer to quantify more clearly several older water rights in the Las Vegas Valley Groundwater Basin and notify the holders of these rights and the county recorder. The bill also modifies the statutes to require that the State Engineer notify the person who submits a report of conveyance of a water right after his office has confirmed that conveyance. Further, the bill specifies that this notification must include language explaining the limitations associated with the confirmation.

In addition, the measure authorizes the State Engineer to postpone action on applications to appropriate water for municipal use. It also preserves the status of applications upon which the State Engineer has not acted within the one-year time frame provided by statute, thus ensuring that these applications are not deemed approved or denied because of a lack of action.

Finally, the bill creates the Lincoln County Water District and outlines its powers, which are modeled after those of other water districts in Southern Nevada.

This bill is effective on July 1, 2003. The State Engineer is given until June 30, 2005, to complete quantification of the older water rights in the Las Vegas Valley Groundwater Basin.

## **Wildlife**

### **A.B. 71 (Chapter 126)**

Assembly Bill 71 authorizes the Department of Wildlife to charge advertising fees on its Internet Web site and in printed materials. This measure authorizes the Department of Wildlife to allow advertising in its publications and on its Web site, and to charge fees for advertising. Under A.B. 71, the advertising revenue will be credited to the Wildlife Account in the State General Fund, and used to pay for such expenses as the development, production, and distribution of publications and educational materials.

This bill is effective on July 1, 2003.

### **S.B. 416 (Chapter 343)**

Senate Bill 416 authorizes the issuance of bonds in support of the Fish Hatchery Refurbishment Project. The measure provides for the issuance of general obligation bonds, or a combination of bonds and other securities, in an aggregate amount not to exceed \$14 million for the purposes of funding Phase II of the Fish Hatchery Refurbishment Project. The project is administered by the Division of Wildlife, State Department of Conservation and Natural Resources. Phase II of the project is included in the Executive Budget for the 2003-2005 biennium as Project No. 03-C12, and continues the project commenced during the previous biennium.

This bill is effective on June 9, 2003.

### **S.B. 420 (Chapter 419)**

Senate Bill 420 relates to wildlife. The measure increases certain licensing fees for fishing, hunting, and trapping. The bill also increases fees for practicing taxidermy, developing certain artificial bodies of water, conducting certain vacuuming or dredging operations in a river, stream, or lake in Nevada, serving as a guide, obtaining a boat certificate of ownership, or registering a boat. Further, the measure establishes a habitat conservation fee and a fee to become a license agent.

In addition, S.B. 420 provides that a person who has been convicted of a felony or of certain misdemeanor offenses cannot serve as a member of the Board of Wildlife Commissioners. The bill also makes various changes to the duties of the Board and the Department of Wildlife.

Some sections of S.B. 420 are effective on July 1, 2003, for the purpose of adopting regulations. The section of the bill that makes changes to the requirements to serve as a member of the Board of Wildlife Commissioners is effective on October 1, 2003. Sections of the bill that make changes to fees for certain licenses and permits are effective on March 1, 2004. All other provisions of the bill are effective on either January 1 or March 1, 2004.

## **PUBLIC RECORDS AND OPEN MEETING LAW**

### **A.B. 409 (Chapter 76)**

Assembly Bill 409 revises provisions of the open meeting law. The measure makes provision for notification by electronic mail of meetings of public bodies. If feasible for the public body and with the agreement of the person requesting notice, the public body may send notice of its meetings and related materials by electronic mail. Failure of the public body to send a notice by electronic mail due to technical problems with the electronic mail system shall not be deemed a violation of the open meeting law.

The bill is effective on July 1, 2003.



## PUBLIC SAFETY

### A.B. 250 (Chapter 470)

Assembly Bill 250 makes various changes regarding certain acts related to terrorism. The measure sets forth legislative findings and declarations concerning terrorist events and the intent of the Legislature to strengthen the State's laws to provide protection from acts of terrorism while protecting the constitutional rights of residents. Assembly Bill 250 defines an act of terrorism as the use or attempted use of sabotage, coercion, or violence intended to cause great bodily harm or death to more than one person by certain means or to cause substantial destruction, contamination, or impairment of buildings, infrastructure, communications, transportation, utilities, services, natural resources, or the environment. The measure clarifies that "coercion" does not include an act of civil disobedience.

The bill provides that any person who commits a felony with the intent to commit, cause, aid, further, or conceal an act of terrorism must be punished by a prison term equal to, and in addition to, the term for the underlying crime. If such a felony results in death or substantial bodily harm, in lieu of the additional term of imprisonment, the felony is deemed to be a category A felony punishable by life in prison with or without the possibility of parole or for a definite term of 50 years.

Assembly Bill 250 also provides that first-degree murder includes murder committed in the perpetration or attempted perpetration of an act of terrorism. The bill further specifies that knowingly or intentionally committing or concealing an act of terrorism; assisting another person to commit an act of terrorism; or providing "material support" (which the measure defines as any financial, logistical, informational, or other support or assistance intended to further an act of terrorism) to commit an act of terrorism or to aid a terrorist is a category A felony. Prosecution of such crimes may be commenced at any time. Assembly Bill 250 also authorizes forfeiture of personal property used as an instrumentality in crimes involving acts of terrorism.

Assembly Bill 250 expands existing prohibitions concerning the development and possession of biological agents and other toxins to include other lethal, chemical, or radioactive agents. The penalty for such crimes is increased if the crime results in substantial bodily harm or death.

The bill also requires resort hotels to adopt and maintain emergency response plans that must be filed with local fire departments, law enforcement agencies, and the Division of Emergency Management of the Department of Public Safety. In addition, the measure requires emergency medical technicians, physicians, nurses, and dentists to complete a course of instruction concerning the medical consequences of acts of terrorism that involve the use of a weapon of mass destruction.

This measure is effective on July 1, 2003, for the purposes of adopting regulations regarding the course of education for health care personnel. The section of A.B. 250 requiring resort

hotels to adopt emergency response plans is effective on October 1, 2003. The remaining sections of the bill are effective on June 10, 2003.

#### **A.B. 441 (Chapter 402)**

Assembly Bill 441 enacts provisions relating to ensuring the security of the State of Nevada and its residents with respect to acts of terrorism and related emergencies. The measure sets forth legislative findings regarding the need to enact legislation protecting the State and its citizens from acts of terrorism. The bill creates the Nevada Commission on Homeland Security, and sets forth the membership, duties, and staff support of the Commission. Furthermore, the measure sets forth an annual reporting requirement for the Commission. The Governor must file a report describing its activities, both public and confidential, with the Legislative Counsel Bureau for transmittal to the Legislature or the Legislative Commission.

In addition, A.B. 441 requires State and local governments to comply with the State plan for compatibility and interoperability of information and communication systems used by response agencies within Nevada. On or after July 1, 2005, State and local governments are prohibited from purchasing such systems unless they comply with the State plan, which must be established by the Nevada Commission on Homeland Security.

Assembly Bill 441 also provides for the confidentiality of certain documents or records, including, among other things, drawings, maps, or plans of security systems and important public buildings and facilities. Further, the bill requires each political subdivision to adopt and maintain a plan to respond to acts of terrorism or related emergencies. In addition, A.B. 441 establishes a plan for the continuation of State and local governmental operations in case of a catastrophic emergency. Utilities are required to conduct vulnerability assessments and prepare emergency response plans to be submitted to the State's Division of Emergency Management.

The measure provides that records and portions of records assembled by the Department of Information Technology that would create a substantial likelihood of threatening the safety of the general public are confidential and not subject to inspection by the general public. These records include: (1) information regarding the infrastructure and security of information systems, including access codes, passwords, and programs; (2) assessments and plans that relate to the vulnerability of an information system; and (3) results from security tests of information systems that may reveal specific vulnerabilities.

The measure requires the Director of the Nevada's Department of Information Technology to maintain a list of each record that he has determined to be confidential. The list must be prepared and maintained so as to indicate the existence of a particular record without revealing its contents. The bill requires the Director, at least once a biennium, to review the list of confidential documents to determine whether a record or records should remain on the list, no longer be deemed confidential, or be considered obsolete.



The bill also increases the criminal penalties for the fraudulent use of, or application for, drivers' licenses and identification cards; and gives the Department of Motor Vehicles the authority to refuse to issue a driver's license or identification card to persons presenting drivers' licenses or other identification documents issued by jurisdictions with less stringent standards than those of Nevada.

Assembly Bill 441 also requires certain governmental entities to place automated external defibrillators in certain buildings and facilities with high pedestrian traffic or those house agencies that serve large numbers of persons. In addition, the bill appropriates \$118,750 in FY 2003-2004 and \$111,069 in FY 2004-2005 from the State General Fund to the Nevada Commission on Homeland Security for the Commission to use in carrying out its duties.

Assembly Bill 441 is effective on July 1, 2003, except the provisions relating to drivers' licenses and identification cards are effective on January 1, 2004. The provisions regarding confidentiality and limited access to certain types of documents expire by limitation on June 30, 2007.

#### **S.B. 240 (Chapter 297)**

Senate Bill 240 makes the provisions of Senate Bill 404 (Chapter 506, *Statutes of Nevada 1999*) retroactive to January 1, 1998, to allow certain benefits to be made available to the surviving spouses and children of certain police officers and firefighters killed in the line of duty.

This measure is effective on May 29, 2003.

### **Police and Fire Protection**

#### **A.B. 26 (Chapter 6)**

Assembly Bill 26 provides immunity for damages caused by certain donations to volunteer fire departments. The bill specifies that no action may be brought against the State or its political subdivisions for damages caused by equipment or other property donated in good faith to volunteer fire departments. The immunity also applies to immune contractors and employees or officers of the governmental entities.

#### **A.B. 335 (Chapter 75)**

Assembly Bill 335 increases the penalty for evading a peace officer under certain circumstances. The measure provides that a driver who willfully fails or refuses to bring his vehicle to a stop or otherwise flees a peace officer is guilty of a category B felony if his actions are the proximate cause of death or substantial bodily harm to any person other than himself. The penalty for this crime is a minimum term of imprisonment of 2 years and a maximum term of 15 years.

### **S.B. 334 (Chapter 59)**

Senate Bill 334 revises provisions relating to metropolitan police departments. The bill authorizes a Metropolitan Police Committee on Fiscal Affairs to propose to the registered voters of a taxing district the question of whether an additional property tax should be levied for the purpose of employing additional police officers. If the voters approve the additional levy, the Board of County Commissioners is required to impose the tax at the rate approved. In addition, the measure provides that a property tax imposed pursuant to the provisions of this bill is not subject to certain limitations and does not affect distributions from the Local Government Tax Distribution Account.

The bill is effective on May 6, 2003.

## **Weapons and Firearms**

### **S.B. 40 (Chapter 197)**

Senate Bill 40 relates to firearms. This bill prohibits a person who is in, on, or under a structure or vehicle from discharging a firearm. If the structure or vehicle is not within a populated area, the penalty is a misdemeanor. If the structure or vehicle is within a populated area, the penalty is a category B felony. Lastly, the measure provides that if a firearm is discharged from a vehicle, but the county in which the violation occurred cannot be determined, the offender may be arrested and tried in any county through which the vehicle may have been driven on the trip. This measure does not apply to a person who discharges a firearm in a lawful manner and in the course of a lawful business, event, or activity.

### **S.B. 199 (Chapter 256)**

Senate Bill 199 relates to firearms. This bill prohibits, and makes it a category B felony, to sell or otherwise transfer a firearm to another person who is under indictment or has been convicted of a felony, is a fugitive from justice, has been adjudicated mentally ill, or is illegally in the United States. The measure also makes it a category C felony to intentionally change, alter, remove, or obliterate the serial number of any firearm, and makes it a category D felony to knowingly possess a firearm where the serial number has been changed, altered, removed, or obliterated.

Further, the bill criminalizes the act of manufacturing, importing, keeping, or offering for sale a machine gun or silencer and criminalizes possession of a nunchaku or trefoil with the intent to harm another person. Senate Bill 199 also makes it a category B felony for a fugitive, or an unlawful user of a controlled substance to be in possession or have in his custody or control a firearm, and makes it a category D felony for a person who has been adjudicated mentally ill or committed to a mental health facility or is illegally or unlawfully in the U.S. to possess or have under his custody or control any firearm.

The measure also authorizes a sheriff to issue a permit to a business to manufacture, keep or expose for sale switchblade knives in certain circumstances. Finally, S.B. 199 clarifies that a

“switchblade knife,” as defined in statute, does not include a knife which has a blade that is held in place by a spring if the blade does not have any type of automatic release.



## PUBLIC UTILITIES

### A.B. 139 (Chapter 28)

Assembly Bill 139 revises provisions concerning public utilities. The bill exempts a public utility that serves 15 persons or less and operates in a county of 400,000 or more from the jurisdiction of the Public Utilities Commission of Nevada concerning various financial requirements and changes in control.

This bill is effective on April 30, 2003.

### A.B. 145 (Chapter 30)

Assembly Bill 145 revises provisions relating to public utilities. The bill requires the Public Utilities Commission of Nevada (PUCN) to transmit, upon collection, the assessments collected by the PUCN on behalf of the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General.

The bill is effective on July 1, 2003.

### A.B. 398 (Chapter 480)

Assembly Bill 398 concerns performance contracts for energy-saving measures. This measure authorizes performance contracts for operating cost-savings measures in any State or local government building, structure, or facility that incurs operating costs. The bill authorizes local governments to enter into performance contracts with "qualified service companies" for the purpose of saving energy and other resources and repeals existing provisions regarding energy efficiency retrofits. The local government shall determine those companies that satisfy the requirements of qualified service companies for the purposes of utilizing those companies in performance contracts for energy saving measures and compile a list of those companies that satisfy these requirements. Instead of the usual bidding requirements, a local government must issue a request for qualification to not less than three qualified service companies. The bill details the selection criteria and process, the types of contracts that may be used, and the provisions that must be included in any such contract.

Certain State level agencies, defined as "using agencies" in the bill, may also enter into such performance contracts. The State Public Works Board is responsible for compiling a list of qualified service companies using certain selection criteria and procedures. The State's Purchasing Division is then responsible for working with using agencies desiring to enter into such a contract to assist them in the selection of a qualified service company. The bill allows a performance contract to extend beyond the biennium in which it was executed if the contract contains a provision that the State's obligations are extinguished if the Legislature fails to provide an appropriation for future payments. Further, performance contracts must make provision for the payment of prevailing wages as required by law.

For all performance contracts, the qualified service companies are required to monitor operating cost-savings and to provide reports to the Nevada State Office of Energy within the Governor's Office. A performance contract must provide that all payments, other than any obligations that must become due if the contract is terminated before it expires, shall be made over time. Payments must begin after the cost-savings measures are installed and must be made over the period that the savings are realized. Performance contract terms shall not exceed 15 years.

The bill is effective on July 1, 2003.

#### **S.B. 7 (Chapter 195)**

Senate Bill 7 repeals various obsolete provisions relating to telegraphs. The bill deletes the term "telegraph" in numerous statutes. The measure also substitutes the terms "telegram" or "transmitted by telegram" in appropriate statutes.

#### **S.B. 102 (Chapter 477)**

Senate Bill 102 revises provisions relating to the Public Utilities Commission of Nevada. The measure provides that a majority of members of the Public Utilities Commission of Nevada has full power to act on all matters within the Commission's jurisdiction. The bill requires the Commission to have at least two Commissioners who are able to act before it may enter a final order on a matter.

Additionally, the measure requires the Governor to appoint Acting Commissioners in certain circumstances to serve in place of Commissioners who are unable to act. The bill establishes procedures and requirements for the appointment of Acting Commissioners. They must serve at the pleasure of the Governor and their term ends when the Governor declares the term expired or when the matter for which they were appointed is no longer pending before the Commission.

The bill also authorizes Acting Commissioners to exercise the Commission's powers only in proceedings for which they were appointed. Acting Commissioners receive a salary of \$80 per day plus per diem and travel expenses equal to those received by State employees. However, they do not receive any other benefits provided to State employees.

The bill provides that if the Governor has not appointed an Acting Commissioner, the Manager of the Policy Analysis Division of the Commission must serve as the Acting Commissioner.

Finally, the bill repeals the provisions of Chapter 604 (*Statutes of Nevada 2001*) that increased the number of Commissioners to five and that allowed a single Commissioner to exercise all the powers of the Commission.

The bill is effective on July 1, 2003.

### **S.B. 125 (Chapter 239)**

Senate Bill 125 makes various changes to proceedings before the Public Utilities Commission of Nevada. The bill authorizes the Public Utilities Commission of Nevada to allow a natural gas utility that purchases natural gas for resale, to record upon its books in deferred accounts any other cost or revenue the Commission deems appropriate for deferred accounting. The Commission must determine the appropriate requirements for reporting and recovery that the utility must follow.

The bill also provides that not later than five business days after the Commission receives an application or amended application for a utility facility, the Commission shall issue a notice concerning the application. Any person who wishes to become a party to the permit proceedings must file appropriate documentation with the Commission within the time frame set forth in the Commission's notice.

Additionally, S.B.125 provides that once a customer leaves the incumbent utility system to take service from a provider of new electric resources, the customer may thereafter switch to another new provider without approval from the Commission as long as the new transaction conforms to the terms and conditions originally approved by the Commission. If the terms and conditions are not the same, the customer must obtain approval from the Commission before the non-conforming terms are enforceable. Any terms and conditions that the Commission determines are commercially sensitive must not be disclosed except to certain specified parties.

Finally, the bill authorizes the Commission to waive the 180-day time period between the filing of the application to exit the incumbent utility system and the time the customer begins receiving service from the new provider. If the Commission fails to act on an application within 150 days after filing, the application shall be deemed approved.

The bill is effective on May 27, 2003.

## **Energy Regulation**

### **A.B. 32 (Chapter 478)**

Assembly Bill 32 revises certain provisions relating to energy. The bill requires public utilities, alternative sellers, providers of new electric resources, and providers of discretionary natural gas service to collect and remit applicable taxes and fees that would be due a local government had the customer continued to purchase the natural gas or energy from a public utility fully regulated by the Public Utilities Commission of Nevada (PUCN). The measure requires that records be kept and provided to the PUCN. Access to books, accounts, and records is limited to information relating to those records applicable to the energy transactions. In addition, the amount the customer pays must be listed separately on the customer's bill. Lastly, the bill provides civil penalties for violations, and allows affected local governments to petition the PUCN to suspend or revoke the license or other authority addressed by this bill.

This bill is effective on July 1, 2003.

### **A.B. 296 (Chapter 143)**

Assembly Bill 296 revises provisions relating to energy policy. This bill provides that, for the purposes of complying with the renewable energy portfolio standard, one kilowatt-hour of energy generated by solar photovoltaic energy systems is equivalent to 2.4 kilowatt hours of energy. The system must be installed on the premises of a retail customer and, on an annual basis, at least 50 percent of the electricity generated by the system must be utilized on the premises

In addition, the measure establishes that energy generated from tires is only considered renewable energy if generated using a reverse polymerization process. If this process is used, for the purposes of complying with the renewable energy portfolio standard, one kilowatt-hour of energy generated is equivalent to .7 kilowatt-hours of energy.

This bill is effective on July 1, 2004.

### **A.B. 429 (Chapter 332)**

Assembly Bill 429 revises provisions concerning energy policy. The bill defines a “qualified energy recovery process” to mean a system with a nameplate capacity of not more than 15 megawatts that converts otherwise lost energy from heat from exhaust stacks or pipes, or reduction in high pressure water and gas lines, and uses the energy to generate electricity. Such a system may not use additional fossil fuel or require a combustion process.

The measure also establishes a program through the Nevada State Office of Energy promoting net metering systems. The program may distribute money in the form of grants, incentives, or rebates to aid in the cost to install or improve net metering systems. In addition, the measure defines “net metering system” as having a generating capacity of not more than 30 kilowatts and a customer load of not more than 30 kilowatts. The bill also includes the term “waterpower” in the definition of “renewable energy.”

Further, the measure adds a qualified energy recovery process to the renewable energy portfolio standard and the definition of “renewable energy system” is amended to include both solar and solar thermal energy systems that reduce the consumption of electricity, natural gas, or propane.

Lastly, the bill provides for the transfer of \$250,000 funds from the Public Utilities Commission Regulatory Fund reserve account to the State General Fund for use by the Director of the Office of Energy. The transferred funds must be used solely for the purposes set forth in this bill.

The bill is effective on June 9, 2003.



### A.B. 431 (Chapter 331)

Assembly Bill 431 revises provisions relating to energy policy. The bill provides that the Public Utilities Commission of Nevada must adopt regulations to establish a system of renewable energy credits. The measure also expands the membership of the Renewable Energy Task Force by including a representative of the Nevada AFL-CIO.

In addition, the bill creates the Solar Energy Systems Demonstration Program to provide incentives for the installation of certain solar energy systems. The Renewable Energy Task Force is responsible for developing an application, for advertising the program, and for reviewing and nominating applicants for participation in the Demonstration Program. The measure establishes procedures for the application and approval of participants in the Demonstration Program. In addition, the measure also provides that the Commission must adopt regulations that an applicant must meet to qualify for participation in the Demonstration Program.

The bill also specifies the terms and conditions under which a participant in the Demonstration Program may engage in net metering. Any net metering credits accrued but not used in any given month must be carried forward to the next month. Any credit not used by the end of a year must not be carried forward. The credits of participants who elect an off-peak program are applied to peak period use first.

Lastly, the bill specifies that the Commission may withdraw a participant from the program if the participant has not complied with the requirements of the Demonstration Program.

The bill is effective on July 1, 2003.



## RESOLUTIONS AND MEMORIALS

### **Assembly Joint Resolutions**

#### **A.J.R. 3 (File No. 53)**

Assembly Joint Resolution No. 3 urges Congress to repeal provisions requiring reductions in Social Security benefits for persons who also receive certain federal, State, or local government pensions. The resolution requests Congress to pass the Social Security Fairness Act of 2003, which proposes to repeal the Government Pension Offset and the Windfall Elimination Provision of the Social Security Act.

This measure is effective on May 16, 2003.

#### **A.J.R. 4 (File No. 66)**

Assembly Joint Resolution No. 4 concerns the Republic of China on Taiwan. This measure urges the President of the United States and Congress to support a free trade agreement between the Republic of China on Taiwan and the United States. Further, the resolution states that the United States should pursue an initiative in the World Trade Organization (WTO) giving Taiwan meaningful participation consistent with the organizations' requirements. Although Taiwan only recently became a member of the WTO, the resolution notes that Taiwan is the United States' eighth largest trading partner.

This resolution is effective on May 26, 2003.

#### **A.J.R. 5 (File No. 67)**

Assembly Joint Resolution No. 5 concerns federally held lands in Nevada. This measure urges the Congress of the United States to appropriate just compensation to the State of Nevada for the losses of revenue to public education due to the impact of land in Nevada that is held by the Federal Government.

This resolution is effective on May 27, 2003.

#### **A.J.R. 6 (File No. 68)**

Assembly Joint Resolution No. 6 urges the Congress of the United States to increase payments in lieu of taxes and to make other reparations for detrimental effects of federally held lands in Nevada. This measure urges Congress to authorize the transfer of land from the Federal Government to the State of Nevada to provide the State with the same amount of land received by states that received four sections of land for the benefit of common schools upon admission to statehood. Assembly Joint Resolution No. 6 also urges Congress to amend federal law to authorize the Secretary of the Interior to compensate local governments in Nevada and other states in an amount equal to what those governments would collect in property taxes if the land held by the Federal Government were privately held.

This resolution is effective on May 27, 2003.

### **A.J.R. 11 (File No. 85)**

Assembly Joint Resolution No. 11 proposes to amend the *Constitution of the State of Nevada* to provide that the Board of Regents of the University and Community College System of Nevada consists of 9 members, as opposed to the current 13 members provided by law. One member must be elected from each of Nevada's congressional districts (currently three), and the Governor must appoint the remainder of the members (currently six). Not more than two-thirds of the members of the Board of Regents may be of the same political party.

Finally, A.J.R. 11 provides that the Legislature and Governor arrange for the staggered terms of the elected and appointed members, respectively, so that an equal number of terms, as nearly as possible, expire every two years. After his or her initial term, each member of the Board of Regents serves a four-year term instead of the current term of six years.

If approved in identical form during the 2005 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2006 General Election. If approved by the voters, the resolution is effective on January 1, 2008, for the purposes of nominating and electing members, and on January 5, 2009, for all other purposes.

### **A.J.R. 13 (File No. 74)**

Assembly Joint Resolution No. 13 proposes to amend the *Constitution of the State of Nevada* to allow the Nevada Legislature to call itself into a special session. This measure provides that a special session of the Legislature may be convened, on extraordinary occasions, by a petition signed by two-thirds of the members of each House of the Legislature. This resolution specifies that during a special session, the Legislature may only consider matters for which it was called into session. Finally, A.J.R. 13 limits special sessions called by the Legislature or the Governor to 20 calendar days.

If approved in identical form during the 2005 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2006 General Election.

### **A.J.R. 15 (File No. 69)**

Assembly Joint Resolution No. 15 urges the Congress of the United States to provide a comprehensive plan for the coverage of prescription drugs within the Medicare program.

This resolution is effective on May 27, 2003.

## **Assembly Concurrent Resolutions**

### **A.C.R. 1 (File No. 1)**

Assembly Concurrent Resolution No. 1 adopts the Joint Rules of the Senate and Assembly for the 2003 Legislative Session.

### **A.C.R. 2 (File No. 10)**

Assembly Concurrent Resolution No. 2 memorializes the victims of the events of September 11, 2001. The measure describes the events of September 11, 2001, and memorializes the heroic victims of that day. The resolution praises the courage and unity of Americans in the days following the terrorist attack that took the lives of 3,025 people, and underscores the resolve of this nation to remain a society based on equality, freedom, and tolerance. Further, A.C.R. 2 extends the sympathy of the Nevada Legislature to the victims, their families and friends, and honors them with continued dedication to public service and respect for all humanity.

### **A.C.R. 3 (File No. 15)**

Assembly Concurrent Resolution No. 3 grants administrative leave to legislative employees for their service to the 72nd Session of the Nevada Legislature. The resolution recognizes the competent, dedicated, and enthusiastic service provided by employees of the Legislature and the Legislative Counsel Bureau to the 2003 Session of the Nevada Legislature. Each employee of the Legislature and the Legislative Counsel Bureau who is employed on the last day of the 2003 Session, and if requested to do so by the employee's supervisor, remains in that employment after the last day of the session until all tasks assigned to the employee during the session are completed, is awarded seven days of administrative leave.

### **A.C.R. 4 (File No. 17)**

Assembly Concurrent Resolution No. 4 honors former Assemblyman Joseph E. Dini, Jr., and former Senator Lawrence E. Jacobsen as the longest-serving legislators in the history of the State of Nevada. The resolution highlights the distinguished careers of these two native Nevadans, including their leadership roles and areas of specific interest.

Best known for having served as Speaker of the Assembly for an unprecedented eight sessions, Joe Dini was bestowed the honorary title of Speaker Emeritus in 2001. Speaker Dini served in the Nevada Assembly for 36 years, and was recognized for his expertise in numerous issues including water resources, revenue equity for education, and protection of Lake Tahoe's environmental integrity. The Ministry of Foreign Affairs of the Republic of China (Taiwan) also recognized Speaker Dini for his international diplomacy in 2000 with the Friendship Medal of Diplomacy.

Serving for a remarkable 40 years in the Nevada Legislature, Lawrence Jacobsen began his legislative service in the Assembly in 1963, where he served until his election to the Senate in 1978. During his distinguished career, Senator Jacobsen served as Speaker of the Assembly in 1971, and as President pro Tempore of the Senate for a record seven sessions before his retirement. Areas of particular interest to Senator Jacobsen included legislative affairs and facilities, fiscal issues, military veterans, and service on several national organizations and committees.

The resolution expresses the sincere gratitude of the Nevada Legislature to Speaker Dini and Senator Jacobsen in recognition of their long records of public service to Nevada.

**A.C.R. 5 (File No. 18)**

Assembly Concurrent Resolution No. 5 recognizes March 3, 2003, as “Read Across America” Day in Nevada in commemoration of Dr. Theodor Seuss Geisel’s birthday. Better known by his pen name of Dr. Seuss, Geisel was inspired by reports of illiteracy among school children and began to write books encouraging children to read. Among his most popular books, *The Cat in the Hat* and *Green Eggs and Ham* became instant successes and have been read by generations of children. Although Theodor Seuss Geisel died in 1991, his legacy will forever inspire children to learn to read and share in the laughter and joy a book can bring. In his honor, A.C.R. 5 encourages children and adults to share in the joy of reading.

**A.C.R. 6 (File No. 19)**

Assembly Concurrent Resolution No. 6 memorializes Henry “Hank” Etchemendy as a longtime public servant in Nevada who was known for his kindness, fairness, honesty, and commitment. A native of Elko, Mr. Etchemendy’s experience included military service in World War II and the Korean War, and subsequent positions as Elko City Manager, Ormsby County Manager, Carson City Manager, and Reno City Manager. Mr. Etchemendy became known for his financial and budgetary expertise, and was called upon to serve in various advisory capacities. As Executive Director of the Nevada Association of School Boards, he also worked tirelessly to benefit education throughout Nevada.

**A.C.R. 7 (File No. 25)**

Assembly Concurrent Resolution No. 7 memorializes former mining lobbyist and Nevada Tax Commissioner Howard Winn. This resolution highlights the long career of Mr. Winn in the mining industry, his service with the Nevada Tax Commission, and his service as a lobbyist for the mining industry and for the benefit of Nevadans generally. The measure notes the passing of Mr. Winn on December 12, 2001, at the age of 85, and extends the Nevada Legislature’s condolences to his many friends. In addition, A.C.R. 7 notes that a table crafted by Mr. Winn and located in the Chrysie P. Winn Reading Room in the DeLaMare Library of the Mackay School of Mines at the University of Nevada, Reno, will be a reminder of his contributions to the mining industry and the people of Nevada.

**A.C.R. 8 (File No. 27)**

Assembly Concurrent Resolution No. 8 expresses support for American military troops. This resolution recognizes the courage and sacrifice of the men and women in the Armed Forces who are engaged in war with Iraq. The Legislature commends these servicemen and women for their patriotic commitment to their country and for upholding the ideals of freedom and democracy. Further, the members of the Legislature lay aside their debates, and pray for the safe and speedy return of these brave men and women.

**A.C.R. 9 (File No. 28)**

Assembly Concurrent Resolution No. 9 designates March 24, 2003, as Suicide Prevention Day in Nevada. This resolution urges all Nevadans to address the problem of suicide in this State by providing education regarding suicide prevention and by furnishing support for the surviving family and friends of suicide victims. By designating March 24, 2003, as Suicide Prevention Day, the Nevada Legislature expresses its commitment to creating a greater public awareness of the seriousness of the problem of suicide in this State.

**A.C.R. 10 (File No. 91)**

Assembly Concurrent Resolution No. 10 directs the Legislative Commission to appoint a subcommittee to conduct a study of the operations of the Public Employees' Benefits Program. This resolution provides that the Legislative Commission shall appoint a committee consisting of three members of the Senate and three members of the Assembly to conduct a study of the operations of the Public Employees' Benefits Program relating to the provision of group health insurance. The Chairman of the committee, as designated by the Legislative Commission, is required to appoint an advisory committee consisting of nine non-legislative members, as follows:

- At least one representative of the Retired Public Employees of Nevada;
- At least one representative of the Nevada Association of Counties or the Nevada League of Cities;
- At least one representative of the State of Nevada Employees Association;
- At least one person possessing knowledge concerning the management of risk or the management of insurance trusts;
- At least one provider of health insurance;
- The Executive Officer of the Board of the Public Employees' Benefits Program; and
- Representatives of other local public employee organizations and representatives of public employers.

Among other things, the study must include an examination of the methods used to determine health insurance premiums, a review of the financial contributions that nonstate public employers have made to assist their retired employees in maintaining health insurance coverage, consideration of options for prefunding retiree health benefits, and an analysis of issues related to pharmaceutical programs.

Finally, the Committee is required to submit a progress report of the study and any recommended legislation to the 73rd Session of the Nevada Legislature and a final report of the study and any recommended legislation to the 74th Session of the Nevada Legislature.

**A.C.R. 11 (File No. 33)**

Assembly Concurrent Resolution No. 11 recognizes that the mission of the Nevada Music Educators Association is to promote music education, to ensure its inclusion in all students' core curriculum, and to guarantee quality musical experiences for all learners. In addition, A.C.R. 11 notes that all officers and all members who serve on committees of the Nevada Music Educators Association are volunteers who are dedicated to carrying out the mission of the Association. The measure expresses the belief of the Nevada Legislature that it is important that every pupil have access to music education programs, and commends the efforts of the Nevada Music Educators Association in ensuring a music education for all young people.

**A.C.R. 12 (File No. 34)**

Assembly Concurrent Resolution No. 12 memorializes former Assemblyman and public servant Carl B. Shelly. This resolution notes that Mr. Shelly, the last surviving member of any Nevada Legislature that convened during the 1930s and 1940s, passed away on May 25, 2002, at the age of 97. The measure highlights the life, accomplishments, and public service of Mr. Shelly, and extends the Nevada Legislature's sympathy to his family and friends. The resolution notes that the Sparks Heritage Museum will stand as a reminder of the enthusiasm of Mr. Shelly who was instrumental in preserving the history of the City of Sparks.

**A.C.R. 13 (File No. 38)**

Assembly Concurrent Resolution No. 13 designates Homeless Awareness Day in Nevada. The resolution highlights the nature and extent of homelessness in Nevada and recognizes the efforts of State and local governmental agencies and various nonprofit entities dedicated to fighting the homeless problem in this State. The resolution designates March 31, 2003, as Homeless Awareness Day in Nevada. In addition, A.C.R. 13 expresses the Legislature's commitment to creating a greater public awareness of the problem of homelessness in Nevada and to continue to work cooperatively to solve this problem.

**A.C.R. 15 (File No. 43)**

Assembly Concurrent Resolution No. 15 memorializes Clarence Edwin "Ed" Fend, Jr., who passed away on November 24, 2002, at the age of 74. The measure highlights his distinguished career in the U.S. Navy, during which he attained the rank of captain. The resolution also praises Captain Fend for his advocacy for the welfare of Nevada's senior citizens as both a lobbyist for the American Association of Retired Persons, and as a legislatively appointed member of the Task Force for the Fund for a Healthy Nevada. Finally, the measure expresses the heartfelt sympathy and sincere condolences of the Nevada Legislature to the family and friends of Captain Fend.



**A.C.R. 16 (File No. 45)**

Assembly Concurrent Resolution No. 16 designates April 30, 2003, as “Vintage Car Day” at the Nevada Legislature. This resolution highlights the importance of the automobile industry to the American economy during the past century, and to the everyday lives of people. It also recognizes and expresses the Nevada Legislature’s support for the efforts of individuals and organizations that are involved in the restoration, preservation, and exhibition of classic automobiles. The measure expresses the Legislature’s appreciation to the Valley Cruisers Car Club for organizing a display on the legislative grounds in commemoration of this event.

**A.C.R. 17 (File No. 46)**

Assembly Concurrent Resolution No. 17 recognizes April 15, 2003, as “Equal Pay Day” in Nevada. The resolution describes the historical disparity between the wages paid to women and men, and highlights national legislation that has been enacted to help reduce that wage disparity. The measure encourages employers to compensate all employees fairly, based on an objective evaluation of their jobs, considering factors such as the skill, effort, responsibility, and working conditions required for each job. The resolution also congratulates employers in Nevada for their role in making the State among the highest ranked in the nation in paying employees equal pay for equal work.

**A.C.R. 18 (File No. 92)**

Assembly Concurrent Resolution No. 18 directs the Legislative Commission to appoint a committee to conduct a study of the juvenile justice system in Nevada. This resolution provides that the Legislative Commission shall appoint a committee consisting of three members of the Senate and three members of the Assembly who are representative of the various geographical areas of this State to conduct the study. Among other things, the committee must study:

- Individualized supervision, care, and treatment to accommodate the individual needs and potential of the youth;
- Overrepresentation and disparate treatment of minority youth in the juvenile justice system; and
- Gender specific services, including programs considering female development.

Finally, the Committee is required to submit a report of the study and any recommended legislation to the 73rd Session of the Nevada Legislature.

**A.C.R. 20 (File No. 49)**

Assembly Concurrent Resolution No. 20 memorializes former Assemblyman and longtime educator James Edward Smalley, Sr. The measure highlights the life and military, teaching, and legislative career of former Assemblyman and longtime educator James Edward

Smalley, Sr., who passed away on April 5, 2003, at the age of 78. The measure notes that Mr. Smalley was an advocate for the City of Henderson, Nevada, and extends the Nevada Legislature's sympathy to his family and friends, and to the residents of Henderson who were among the primary recipients of his dedication and service.

**A.C.R. 22 (File No. 54)**

Assembly Concurrent Resolution No. 22 commends the Highway Watch program and the planned participation of the Nevada Motor Transport Association in this nationwide effort to improve the safety and security of America's highways. The resolution highlights the origin and goals of the Highway Watch program. Established in Colorado in 1998, the Highway Watch program consists of specially trained professional truck drivers who work to reduce the number of highway accidents, serious injuries, and deaths through the identification of unsafe drivers, drunken driving, poor road or weather conditions, poor highway or construction zone signage, and motorists displaying road rage.

This resolution commends the Nevada Motor Transport Association for its willingness to operate the Highway Watch program within this State and to establish the basic operational procedures of the program. Further, A.C.R. 22 commends the efforts of the American Trucking Associations to improve the safety and security of the nation's highways.

**A.C.R. 23 (File No. 55)**

Assembly Concurrent Resolution No. 23 congratulates the City of Henderson on the celebration of its 50th Anniversary. The resolution notes that the City of Henderson, which was incorporated on April 16, 1953, originally included approximately 13 square miles of land with a population of 7,410, and currently encompasses nearly 94 square miles of land and has a population in excess of 210,000. The resolution describes the amenities and the quality of life afforded to the residents of the City of Henderson, the second largest city in Nevada. Further, the measure congratulates the City of Henderson on its 50th Anniversary and commends the City for providing and maintaining an outstanding quality of life for its residents while earning the distinction of becoming the fastest growing city in America.

**A.C.R. 24 (File No. 56)**

Assembly Concurrent Resolution No. 24 memorializes casino visionary and philanthropist William G. Bennett. This resolution highlights the life and accomplishments of Mr. Bennett, who passed away on December 22, 2002, at the age of 78. The resolution notes that Mr. Bennett was a casino visionary, having developed many family-oriented entertainment venues in Nevada. Mr. Bennett also was instrumental in the development of the Las Vegas Motor Speedway. In addition, A.C.R. 24 praises the generosity displayed by Mr. Bennett when he supplied meals to striking workers, made a generous donation to an association of employees of a casino that closed because of a management dispute, gave his support to many animal rights groups, and donated more than \$10 million to the University of Nevada, Las Vegas, to build the Lynn Bennett Early Childhood Development Center and the

William G. Bennett Professional Development Building. Assembly Concurrent Resolution No. 24 offers the Nevada Legislature's condolences to the family and friends of William Bennett.

**A.C.R. 25 (File No. 57)**

Assembly Concurrent Resolution No. 25 designates "Tourism Week in Nevada." The resolution indicates that the 20th Annual National Tourism Week was celebrated May 10 through 18, 2003, the purpose of which was to acknowledge the importance of travel and tourism as a major industry in the United States. The measure describes the economic contribution of the industry, identifies the number of travelers that passed through the State of Nevada in 2002, notes that one-fifth of all employment in the State is related to travel and tourism, and illustrates the many activities and amenities that are available to persons who travel in the State. Finally, the resolution expresses the gratitude of members of the Nevada Legislature to the level of excellence and dedication demonstrated by the hundreds of thousands of Nevadans who are employed in the industry and encourages residents of the State to recognize and celebrate National Tourism Week.

**A.C.R. 26 (File No. 58)**

Assembly Concurrent Resolution No. 26 memorializes Joseph M. Foley. The resolution highlights the educational, military, familial, and professional accomplishments of the late Mr. Foley. The measure notes that Mr. Foley was born in Goldfield, Nevada, and was an attorney whose law practice included Howard Hughes as a client. Further, the resolution indicates Mr. Foley served on the Board of Regents for the University and Community College System of Nevada, was an advocate for the effectiveness of university programs and of the value of higher education, and had extensive involvement in many charitable organizations. Finally, the resolution extends the Nevada Legislature's sympathy to his family and friends, and extends the gratitude of the body for his public service and that of his family.

**A.C.R. 28 (File No. 71)**

Assembly Concurrent Resolution No. 28 provides for compensation of clergy for services rendered during the 72nd Session of the Nevada Legislature. The resolution authorizes payment of \$35 per service from the Legislative Fund to clergy members who perform religious services for the Assembly and Senate during the 72nd Session of the Nevada Legislature.

**A.C.R. 29 (File No. 75)**

Assembly Concurrent Resolution No. 29 memorializes United States Marine Corps hero, Lance Corporal Donald J. Cline, Jr., for dedication to his country in giving the ultimate sacrifice while trying to make the world a safer place for his children and children throughout the world. Lance Corporal Cline, known as "John" by his family and friends, was born in Sierra Madre, California, later moved to Sparks, Nevada, and attended Reed High School where he met his wife-to-be, Tina. Because John Cline had "always wanted to be a Marine," he enlisted in the U.S. Marine Corps at the age of 17 and left for boot camp two weeks after

graduating from high school. John and Tina Cline were married at the American Legion Hall in Sun Valley, Nevada, on October 21, 2000, a day after the Lance Corporal graduated from Marine Boot Camp. They were blessed with two sons, Dakota, two and one-half years of age, and Dillon, seven months. John Cline was deployed to Iraq to serve his country and was killed by enemy fire in an ambush attack near Nasiriyah on March 23, 2003. John Cline was posthumously awarded the Purple Heart for his bravery in the face of battle. He will be remembered as a devoted and caring family man, and a brave soldier and Nevadan.

#### **A.C.R. 30 (File No. 76)**

Assembly Concurrent Resolution No. 30 memorializes United States Marine Corps hero, First Lieutenant Frederick “Fred” Pokorney, Jr., for his devotion to family, State, and country, for which he made the ultimate sacrifice. Fred Pokorney graduated from Tonopah High School in 1989, where he excelled at basketball and football. He met his wife, known as “Chelle,” in Washington State. They became the proud parents of daughter Taylor, two and one-half years old. After enlisting in the U.S. Marine Corps, Fred Pokorney was named the top recruit at the end of basic training and, taking advantage of the military educational benefits, attended Oregon State University where he earned a degree in military science. Lieutenant Pokorney was deployed to Iraq and died on March 23, 2003, when he and some of his fellow Marines were ambushed outside of Nasiriyah. Commissioned as a Second Lieutenant, Fred Pokorney was promoted posthumously to First Lieutenant and was awarded the Purple Heart for his bravery and dedication to his country. As Nevada’s first reported casualty from Operation Iraqi Freedom and the first Marine from that military operation to be buried at Arlington National Cemetery, First Lieutenant Pokorney was buried with full military honors. He will be remembered as a brave soldier and Nevadan who loved his family and the U.S. Marine Corps.

#### **A.C.R. 32 (File No. 95)**

Assembly Concurrent Resolution No. 32 commends Donald L. Bailey, Sr., Chief of the State Printing Division of the Department of Administration, and the members of his staff for their dedication, cooperation, and exceptional work during the 2003 Legislative Session.

**See also Assembly Concurrent Resolution No. 1 (File No. 1) of the 19th Special Session.**

**See also Assembly Concurrent Resolution No. 1 (File No. 1) of the 20th Special Session.**

**See also Assembly Concurrent Resolution No. 2 (File No. 10) of the 20th Special Session.**

### **Assembly Joint Resolutions—71st Session**

#### **A.J.R. 3—71st Session (File No. 70)**

Assembly Joint Resolution No. 3 of the 71st Session proposes to amend the *Constitution of the State of Nevada* to revise or repeal certain antiquated provisions. Currently, the *Nevada Constitution* provides that no “idiot or insane person” shall be entitled to vote. This

measure proposes to delete this language and replace it with “person adjudicated mentally incompetent, unless restored to legal capacity.”

Additionally, A.J.R. 3 of the 71st Session proposes to repeal Section 34 of Article 4, pertaining to the election of United States Senators by both houses of the Legislature in joint convention. This section of the constitution was nullified in 1913 with the adoption of the 17th Amendment to the *United States Constitution*, which provides for the direct, popular election of Senators.

This measure was approved in identical form during both the 2001 and 2003 Sessions of the Nevada Legislature. The proposal will be submitted to the voters for final approval or disapproval at the General Election in 2004.

## **Senate Joint Resolutions**

### **S.J.R. 1 (File No. 50)**

Senate Joint Resolution No. 1 relates to stockwater rights on public lands. This resolution urges the Secretary of the Interior to amend the federal regulations adopted through “Rangeland Reform '94” as they relate to stockwater rights. The resolution urges the Secretary to delete the provision that effectively eliminates the option under Nevada law through which a range user can hold rights to water livestock solely in his own name.

This resolution is effective on May 13, 2003.

### **S.J.R. 2 (File No. 51)**

Senate Joint Resolution No. 2 addresses land and water improvements on public lands in Nevada. This resolution urges the United States Congress and the Secretaries of Agriculture and the Interior to authorize and expend revenue from Federal land disposal programs for specific types of land and water improvements on public lands in Nevada. The resolution highlights the need for restoration of burned areas, the value of water developments for wildlife and livestock, and the importance of maintaining healthy ecosystems on the public lands.

This resolution is effective on May 13, 2003.

### **S.J.R. 3 (File No. 78)**

Senate Joint Resolution No. 3 urges Congress to take several specified actions in relation to wilderness areas and wilderness study areas in the State of Nevada. The resolution emphasizes support for effective methods of fighting fires in wilderness areas, ensuring that current information is used when acting on recommendations for wilderness designation, and avoiding unnecessary delays in releasing wilderness study areas for multiple use when it becomes clear that they do not fit the wilderness criteria.

This resolution is effective on May 29, 2003.

#### **S.J.R. 4 (File No. 79)**

Senate Joint Resolution No. 4 urges Nevada's Congressional Delegation to work with interested parties "in a spirit of cooperation and mutual respect" to address issues concerning the designation of wilderness areas in the State of Nevada.

The resolution also outlines several actions that it urges Congress to take including:

- Encouraging education to ensure that facts are accurately presented when considering decisions about possible wilderness designations;
- Supporting development of accurate maps for boundary considerations, and preserving the use of legitimate roads to provide access to wilderness areas; and
- Supporting consideration of future population growth when designating wilderness areas, and supporting precise identification of the activities that are allowed in wilderness areas and wilderness study areas.

The resolution is effective on May 29, 2003.

#### **S.J.R. 5 (File No. 40)**

Senate Joint Resolution No. 5 seeks to amend the *Nevada Constitution* to allow the Legislature to create a Court of Appeals. The measure specifies that the Court of Appeals must consist of three or more judges, as provided by law. In addition, the measure provides for the election and staggered terms of office of the initial appellate court judges. After the initial terms, the judges must 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.

The resolution also authorizes 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. The resolution provides for the times of holding the Court of Appeals and remedies for removing and disciplining a justice of the Court of Appeals in the same manner as other courts of the State. Finally, the resolution requires that the Legislature provide for the speedy publication of decisions of the Supreme Court and the Court of Appeals.

If passed in identical form during the 2005 Session of the Legislature, this measure will go before the voters for final approval or disapproval at the 2006 General Election.

#### **S.J.R. 10 (File No. 86)**

Senate Joint Resolution No. 10 expresses the Legislature's support for the concept of a plan to consolidate public and private lands in Pershing County, Nevada. In addition, S.J.R. 10 specifically recommends that all aspects of the consolidation plan comply with applicable

environmental laws and regulations. Finally, the resolution urges the members of Nevada's Congressional Delegation to introduce and support legislation to implement this plan developed by representatives of Pershing County, the Nevada Land and Resource Company, and the United States Bureau of Land Management.

The resolution is effective on May 31, 2003.

#### **S.J.R. 11 (File No. 87)**

Senate Joint Resolution No. 11 proposes a constitutional amendment pertaining to legislative compensation and postage allowances. This resolution proposes to amend the *Nevada Constitution* to provide that members of the Nevada Legislature are paid for each day of service during regular and special sessions. Additionally, S.J.R. 11 proposes another amendment that provides for reasonable allowances to members of the Nevada Legislature for expenses incurred for postage, express charges, newspapers, telecommunications, and stationery.

If approved in identical form during the 2005 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2006 General Election.

### **Senate Concurrent Resolutions**

#### **S.C.R. 1 (File No. 5)**

Senate Concurrent Resolution No. 1 commemorates the induction of Senator William J. Raggio into the Chapel of Four Chaplains and the inscription of his name on the Legion of Honor Wall. The measure recognizes Senator Raggio for his service to country, work on behalf of the principles of all religions, efforts to eliminate discrimination, and outstanding legislative service during 30 years in the Nevada Senate. The resolution further commends Senator Raggio for becoming the fifth Nevadan to be inducted into the Chapel of Four Chaplains, which is located at Valley Forge, Pennsylvania.

The resolution also describes the heroic acts of four Army chaplains who served aboard the U.S.A.T. *Dorchester* when it was hit by an enemy torpedo and sank in the North Atlantic on February 3, 1943. Representing four different religions, each of the chaplains tended to the wounded, prayed for the dying, and encouraged survivors. Sealing their own fate, the chaplains selflessly gave their life jackets to others and continued to pray for the salvation of the men who would die with them.

#### **S.C.R. 2 (File No. 9)**

Senate Concurrent Resolution No. 2 recognizes February 6, 2003, as Ronald Reagan Day. The measure honors former President Ronald Wilson Reagan for his many contributions to the United States and celebrates his 92 years of life. Mr. Reagan served as California's Governor for eight years and was elected as the nation's 40th President in 1980, serving two terms. The measure notes that President Reagan was committed to America's Armed Forces, the

restoration of pride in America, the vision of “peace through strength,” and efficiency and accountability in government.

**S.C.R. 3 (File No. 29)**

Senate Concurrent Resolution No. 3 recommends that each city and county in Nevada form a coalition of agencies and service providers to address suicide prevention, education, response, and treatment (adapted to community resources and needs), with the goals of reducing suicides in each community and providing survivor support. The resolution provides statistical information about Nevada’s suicide rate, makes note of the Surgeon General’s report *National Strategy of Suicide Prevention*, and identifies community-based programs as effective methods of addressing prevention and support efforts.

**S.C.R. 4 (File No. 30)**

Senate Concurrent Resolution No. 4 urges the Clark County Health District to plan and coordinate a public information campaign relating to suicide prevention and to expand injury prevention efforts in Clark County.

The measure provides, by a resolution to the Clark County Health District and its Board of Health, that the District:

- Plan and coordinate a public information campaign on suicide prevention; and
- Expand community injury prevention efforts and increase the corresponding financial commitment.

The resolution notes Nevada’s high suicide rate and statistics for Clark County. Further, the measure notes the public health role of the Clark County Health District and identifies the need for a coordinated public awareness campaign.

**S.C.R. 5 (File No. 31)**

Senate Concurrent Resolution No. 5 urges agencies in Clark County to cooperate in the establishment of a coordinated, comprehensive plan for suicide prevention for the communities within the County.

The measure urges both governmental and nongovernmental agencies in Clark County to cooperate in establishing a Clark County suicide prevention program to provide effective and diverse suicide prevention programs for its communities. Funding for these programs should include a combination of government (federal, State, and local) and nongovernmental money. The proposed suicide prevention program would include the following:

- Evidence-based programs to reduce risk factors and enhance protective factors for suicidal behavior across the life span of individuals;



- Distribution of awareness and educational materials to reduce the stigma associated with suicide;
- A 24-hour suicide hotline accredited or certified by a nationally recognized organization in the field of suicide prevention;
- Service referral for at-risk individuals;
- Development of a Clark County Resource Directory and/or Internet Web site for suicide prevention and survivor assistance;
- Effective and accessible suicide intervention training for gatekeepers and first responders, including school district personnel;
- Media education and guideline distribution; and
- Suicide survivor services.

**S.C.R. 6 (File No. 11)**

Senate Concurrent Resolution No. 6 honors Nevadans for Antibiotic Awareness for its work on preventing the abuse of antibiotics. This resolution endorses the mission and activities of Nevadans for Antibiotic Awareness in its efforts to educate the public and health care providers in this State about the harm that results from the abuse of antibiotics. In addition, the measure commends the efforts of Nevadans for Antibiotic Awareness noting the organization's effectiveness in decreasing the use of common antibiotics by outpatients in Nevada and its recognition by the Centers for Disease Control as having one of the best programs in the United States addressing the abuse of antibiotics and the development of antibiotic-resistance bacteria.

**S.C.R. 7 (File No. 63)**

Senate Concurrent Resolution No. 7 relates to the study of wilderness and wilderness study areas in Nevada. This resolution directs the Legislative Committee on Public Lands to continue its study of wilderness areas and wilderness study areas in the State of Nevada. The resolution further directs the Legislative Commission to appoint two additional members of the Senate and two additional members of the Assembly to the Public Lands Committee for the purposes of this study.

**S.C.R. 8 (File No. 12)**

Senate Concurrent Resolution No. 8 memorializes former State Senator and longtime rancher Floyd R. Lamb. The resolution highlights the life, career, and accomplishments of Senator Lamb who passed away June 2, 2002, at the age of 87. The resolution notes the 27 years Senator Lamb served in the Legislature, representing residents of Lincoln and Clark Counties. The resolution extends the sympathies of the Members of the

Nevada Legislature, who join family and friends of Senator Lamb in mourning his passing and remembering the life of a man who some have said personified, “the story of 20th Century Nevada on a horse.” Senator Lamb will be remembered as a hardworking family man, a dedicated public servant, a master of the legislative process, a real cowboy, and a gentleman.

#### **S.C.R. 9 (File No. 13)**

Senate Concurrent Resolution No. 9 commemorates the 75th anniversary of the State Bar of Nevada, which was established in 1911, and designates February 18, 2003, as “State Bar of Nevada Day.” The resolution also notes that the State Bar of Nevada has grown from 345 members when first created, to over 7,000 members today, and that since its founding, the State Bar of Nevada has promoted and maintained the highest professional and ethical standards for all persons involved in the practice of law. Included among the members of the State Bar have been many outstanding legal practitioners and judges, eight Governors of the State of Nevada, ten United States Senators, and a host of business and civic leaders.

The resolution expresses the Nevada Legislature’s gratitude to the State Bar of Nevada for its efforts in ensuring that residents of Nevada are provided with only the best and most knowledgeable legal assistance. Finally, through the resolution, the Nevada Legislature urges the State Bar of Nevada to continue encouraging altruism among members of the legal profession and to continue championing full and equal access to the justice system.

#### **S.C.R. 10 (File No. 64)**

Senate Concurrent Resolution No. 10 urges the Governor and agencies of the State Executive Branch to take certain actions concerning persons with disabilities. The measure recognizes the need to ensure the availability and accessibility of comprehensive services for persons of all ages and incomes with disabilities throughout Nevada. Further, S.C.R. 10 urges the Governor and agencies of the State Executive Branch to:

- Designate and use the long-term strategic plan prepared by the Department of Human Resources’ Task Force on Disability as an effective “Olmstead Plan” to ensure compliance with the Americans with Disabilities Act;
- Identify and transfer persons in institutional care to communities capable of serving their needs;
- Take actions and provide services to ensure that persons with disabilities are not improperly institutionalized;
- Consider a more holistic approach to planning budgets and making program decisions concerning persons with disabilities so one population is not isolated from other populations in the process; and

- Consider the needs of persons with severe disabilities and their families whose incomes do not qualify for Medicaid, but who are unable to afford services they may require to avoid particular hardships.

#### **S.C.R. 11 (File No. 59)**

Senate Concurrent Resolution No. 11 urges the Department of Human Resources to establish a statewide information and referral system for health, welfare, human, and social services. The measure makes note of the importance of providing access to information about Nevada's human service providers to Nevada residents, including the elderly; children; the disabled; the mentally ill; indigent and homeless persons; and others. The resolution also provides information concerning the national "2-1-1" dialing system that provides a centralized, comprehensive method to access information and provides referrals to human services programs. Finally, the measure calls upon the Nevada Department of Human Resources to establish such a system statewide.

#### **S.C.R. 12 (File No. 61)**

Senate Concurrent Resolution No. 12 encourages school administrators, teachers, and other educational personnel involved in prekindergarten through 12th grade to promote nutrition and physical fitness in schools. The measure reviews national statistics concerning the high numbers of obese children and the significant increase in the obesity rate of children and adolescents over the last decade. Further, the resolution reviews the health consequences related to obesity, including the increased risk of heart disease and high blood pressure, asthma, and diabetes. The measure makes note of the link between obesity in youth and emotional and psychosocial problems. In addition, the resolution states the benefits of exercise and good nutrition, and identifies barriers within our society to making appropriate choices. The measure also specifies the benefits of promoting healthy nutritional choices and physical activity within the public school system. Finally, the resolution encourages school districts, schools, and educational personnel to actively promote proper levels of nutrition and physical activity, and that related policies, programs, and standards be reviewed and revised accordingly.

#### **S.C.R. 13 (File No. 89)**

Senate Concurrent Resolution No. 13 requires an interim legislative study of obesity. This resolution directs the Legislative Committee on Health Care to conduct an interim study of the medical and societal costs and impacts of obesity in Nevada. The measure requires that a subcommittee be formed to conduct the study, consisting of four legislators, one representative from the Health Division of the Department of Human Resources, and one representative from the Department of Education. Further, the bill sets forth the topics for evaluation during the study. Finally, the Committee is required to submit the results of the study and any recommended legislation to the 73rd Session of the Nevada Legislature.

**S.C.R. 14 (File No. 20)**

Senate Concurrent Resolution No. 14 memorializes prominent physician and philanthropist Elias Ghanem, widely known for his generosity and medical skill. A native of Israel and a 30-year resident of Las Vegas, Dr. Ghanem practiced medicine in southern Nevada where he treated everyone with dignity. He cared for patients from every walk of life, including celebrities and the homeless. The resolution also describes Dr. Ghanem's interests in politics, philanthropy, entertainment, and sports, and the many awards he received during his life. Finally, S.C.R. 14 expresses the condolences of the Nevada Legislature to Dr. Ghanem's family and friends.

**S.C.R. 15 (File No. 62)**

Senate Concurrent Resolution No. 15 encourages the Department of Human Resources to study the problem of alcohol and drug abuse by teenagers and young adults while driving motor vehicles. The measure focuses upon two separate groups: first, the problems of alcohol and drug use in underage individuals; and second, alcohol and drug abuse in youth aged 21 to 25, while driving. The resolution cites various state and national sources identifying the scope of the problem, and the numbers of deaths and injuries as a result of these activities. The measure urges the Department of Human Resources to conduct a study of the matter, specifies the scope of such a review, and encourages the participation of various groups that work to prevent problem behaviors. Finally, should the study be conducted, the measure specifies that the State's strategies for alcohol and drug abuse incorporate new research and science-based strategies for the underage group that sends a consistent, "No Use" message, versus a mixed message that might be interpreted as condoning use. These strategies also should include the problems associated with youth aged 21 to 25 operating motor vehicles.

**S.C.R. 16 (File No. 21)**

Senate Concurrent Resolution No. 16 commends the Eastern Nevada Landscape Coalition for its endeavors toward the restoration of the ecosystems of the Great Basin. This resolution endorses the mission and activities of the Eastern Nevada Landscape Coalition in its efforts to restore the health and productivity of almost 1.7 million acres of rangeland and forest in eastern Nevada that were devastated by lightning-caused fires in August 1999. In addition, the measure commends the efforts of the Eastern Nevada Landscape Coalition to increase knowledge and to foster cooperation and educational efforts directed at the goal of the restoration of the unique ecosystems of the Great Basin.

**S.C.R. 17 (File No. 22)**

Senate Concurrent Resolution No. 17 congratulates Dr. Charles R. Goldman, who was honored as the recipient of the 2003 Nevada Medal, and commends SBC for its continued sponsorship of this medal. The Nevada Medal is an honor conferred by the Desert Research Institute of the University and Community College System of Nevada and sponsored by SBC in recognition of outstanding scientific, engineering, and technical achievement. The resolution notes the academic training of Dr. Goldman in limnology and fisheries and his ongoing

capacity as a Professor at the University of California, Davis, in the Department of Environmental Science and Policy, and as the Director of the Tahoe Research Group. The resolution also recognizes the 44 years that Dr. Goldman has spent conducting research on the waters of Lake Tahoe and how his research has helped to reverse the deterioration of water quality and eliminate this threat to the Lake's future.

**S.C.R. 18 (File No. 23)**

Senate Concurrent Resolution No. 18 recognizes the Health Division of the Department of Human Resources for its efforts in heightening awareness and facilitating research concerning sepsis. Sepsis with acute organ dysfunction, commonly referred to as severe sepsis, is the leading cause of death in patients in noncoronary intensive care units, with mortality rates generally ranging from 28 percent to 50 percent.

**S.C.R. 19 (File No. 65)**

Senate Concurrent Resolution No. 19 concerns athletic programs at the university level. This measure urges the Athletic Directors of the University of Nevada, Reno (UNR), and University of Nevada, Las Vegas (UNLV), to consider the feasibility of reuniting both schools into the same athletic conference and schedule the annual rivalry football game to coincide with the observance of Nevada Day. The resolution notes that the observance of Nevada Day falls on a weekend that is typically reserved for football games between universities within the same athletic conference. The two universities do not currently participate in the same conference. The resolution further explains that the UNR-UNLV football series has spanned 34 years and has been an annual event since 1989. Finally, the resolution notes that combining the history and traditions of Nevada Day with the UNR-UNLV football rivalry would be symbolic of the pride that the residents of the State of Nevada feel for the State and her two universities.

**S.C.R. 20 (File No. 82)**

Senate Concurrent Resolution No. 20 requires an interim legislative study of a portion of the Nevada State boundary with Utah. This resolution directs the Legislative Committee on Public Lands to conduct an interim study of the feasibility and desirability of changing the State boundary line along the Nevada State border with Utah in the Wendover area. Among other provisions, the resolution requires the evaluation of the 2002 Wendover Annexation Study conducted by Applied Development Economics of Berkeley, California. Further, the Committee is directed to work cooperatively with members of the Utah State Legislature. The measure also requires the Legislative Commission to appoint one additional member of the Senate and one additional member of the Assembly to assist the Public Lands Committee with the study. Finally, the Committee must prepare and submit a report of its findings and recommendations to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission by September 1, 2004.

**S.C.R. 22 (File No. 24)**

Senate Concurrent Resolution No. 22 memorializes Professor Edmund J. Cain, Dean Emeritus of the College of Education at the University of Nevada, Reno. This resolution highlights the life and career of Professor Cain, who passed away on January 17, 2003, at the age of 84, and extends the Nevada Legislature's sympathy to his family and friends. The resolution notes that the Edmund J. Cain Hall on the campus of the University of Nevada, Reno, will stand as a testimony to Professor Cain and his role in enhancing the growth of teacher education in Nevada.

**S.C.R. 23 (File No. 26)**

Senate Concurrent Resolution No. 23 honors prominent Nevada restaurateurs, Paul and Adele Abowd. The resolution extends the Legislature's admiration, praise, and gratitude to Paul and Adele Abowd, proprietors of Adele's Restaurant and Peg's Glorified Ham and Eggs, for their energetic contributions to the restaurant industry and the people of Nevada.

**S.C.R. 24 (File No. 32)**

Senate Concurrent Resolution No. 24 memorializes Nevada businessman and civic leader Tom "Big Dog" Wiesner. This resolution highlights the life, career, and accomplishments of Tom "Big Dog" Wiesner, who passed away in June 2002. Members of the Nevada Legislature extend their heartfelt sympathy to the family of Mr. Wiesner who was a longtime Nevada resident, businessman, civic leader, and University of Nevada Regent. In this resolution, the Legislature notes that he will be remembered for his compassion, honesty, quick wit, and love of life. In addition, he will be remembered for his love for the GOP, Las Vegas, and all things Wisconsin, as well as for his generosity to this State and to his community.

**S.C.R. 25 (File No. 35)**

Senate Concurrent Resolution No. 25 memorializes Moya Olsen Lear, aviation pioneer and philanthropist. This resolution highlights the life and career of Moya Olsen Lear, who passed away on December 5, 2001. The resolution notes that Ms. Lear enriched the lives of all who knew her with her legacy of generosity through education, culture, and the arts, and with her dedication to humanity.

**S.C.R. 26 (File No. 83)**

Senate Concurrent Resolution No. 26 amends the Joint Rules of the Senate and Assembly concerning adjournment sine die. The measure amends the Joint Rules by specifying that the Legislature shall not take any action on a bill or resolution after midnight Pacific Daylight Time on the 120th calendar day of session. Further, the resolution amends the Joint Rules by prohibiting a legislator from taking any action to impede the progress of the Legislature in completing its business by the time specified to adjourn sine die. Any such action by a Legislator shall be deemed out of order.

**S.C.R. 27 (File No. 39)**

Senate Concurrent Resolution No. 27 designates Kiwanis Day in Nevada. This resolution highlights the six principles toward which members of Kiwanis work and notes their long history of service to communities in Nevada. The resolution designates April 3, 2003, as Kiwanis Day in the State of Nevada, in recognition of the dedication toward helping others and the accomplishments achieved by the members of Kiwanis while serving their communities.

**S.C.R. 28 (File No. 41)**

Senate Concurrent Resolution No. 28 memorializes journalist, distinguished writer, and newspaper executive, Rollan D. Melton. The resolution highlights the life, career, and accomplishments of Mr. Melton, who passed away January 13, 2002, at the age of 70. Members of the Nevada Legislature join family and friends of Mr. Melton in mourning his passing and remembering the life of the man who believed the chief mission of any good newspaper should be to provide readers with the information necessary to understand their community's past and present. In this resolution, the Legislature notes that the Rollan Melton Elementary School opened in northwest Reno in the fall of 2002, and the Rollan D. Melton Post Office Building named by Public Law 107-267 and passed on October 30, 2002, will serve to remind fellow Nevadans of the man who enriched lives with his compassionate and humorous stories of the legends and unknowns of this State.

**S.C.R. 30 (File No. 44)**

Senate Concurrent Resolution No. 30 memorializes dedicated firefighter and longtime Yerington resident Marvin Carr. This measure highlights the life and firefighting career of Mr. Carr, who passed away on September 17, 2002. Mr. Carr served the residents of the State of Nevada for more than 40 years in various capacities in fire service, including the State Fire Marshal, and the head of the State Fire Marshal Division of the Department of Public Safety. This resolution extends the Nevada Legislature's sincere condolences to the family and friends of Marvin Carr.

**S.C.R. 31 (File No. 90)**

Senate Concurrent Resolution No. 31 directs the Legislative Commission to appoint a subcommittee to conduct a preliminary feasibility study of the long-range mass transit needs of the State of Nevada and its communities. The study must include, without limitation: (1) buses and other motor vehicles that travel on the streets and highways of this State; (2) light rail service between urban, suburban and rural communities; (3) magnetic levitation trains and other forms of rapid mass transit, both within this State and extending to large urban areas in neighboring states; (4) commuter trains; monorail systems; and (5) other forms of mass transit. Further, the study must also evaluate: (1) alternative future transportation systems; (2) factors such as public safety, environmental protection and efficiency; (3) economic concerns; and (4) infrastructure needs. The Legislative Commission must submit a report of the results and recommendations from the study to the 73rd Session of the Nevada Legislature.

**S.C.R. 32 (File No. 93)**

Senate Concurrent Resolution No. 32 directs the Legislative Commission to appoint a committee to conduct an interim study of the criminal justice system in rural areas of Nevada and the feasibility of implementing a program for transitional housing for released felony offenders. The bill requires the committee to consist of three members from the Assembly and three members from the Senate. A nonvoting advisory group must be appointed by the Legislative Commission to assist the committee in its investigations. The committee must submit a report of its progress to the Legislative Commission by February 1, 2004, and submit a final report of its findings and recommendations to the Commission by September 1, 2004.

**S.C.R. 33 (File No. 48)**

Senate Concurrent Resolution No. 33 extends the Nevada Legislature's congratulations to the Mineral County High School girls' basketball team for winning the AA State championship in both 2002 and 2003. The resolution also notes that the Lady Serpents of Mineral County High School have won four consecutive AA State basketball championships, and an unprecedented nine championship titles in the past ten years.

**S.C.R. 34 (File No. 52)**

Senate Concurrent Resolution No. 34 commends Dorothy Sewell Gallagher for her years of public service. The measure highlights the many years of service Mrs. Gallagher gave to the State of Nevada, including 22 years as a member of the Board of Regents of the University and Community College System of Nevada. The resolution illustrates her commitment to the State's higher education system by noting her efforts on behalf of Great Basin Community College, the Desert Research Institute, the Nevada State College at Henderson, and the Fire Science and Emergency Management Academy. Finally, the measure discusses Mrs. Gallagher's retirement from the Board of Regents, and extends the Legislature's wish for further success in her new position with the Northeastern Nevada Regional Hospital.

**S.C.R. 35 (File No. 60)**

Senate Concurrent Resolution No. 35 honors former President Jimmy Carter for receiving the Nobel Peace Prize for 2002. The resolution identifies the many personal and professional attributes of the 39th President of the United States, James Earl "Jimmy" Carter, Jr. The measure enumerates his educational, military, professional, and community service achievements. Further, the resolution illustrates the foreign policy accomplishments of President Carter and recognizes his service to the U.S. after his term as President, noting that Mr. Carter was instrumental in pursuing peaceful solutions to international conflicts, advancing democracy and human rights, and promoting economic and social development. Finally, the measure expresses the admiration and gratitude of the Nevada Legislature to Jimmy Carter for his dedication to promoting peace, democracy, and human rights throughout the world.



**S.C.R. 36 (File No. 73)**

Senate Concurrent Resolution No. 36 expresses support for certain strategic plans concerning the health care needs of Nevadans. The resolution expresses the support of the Nevada Legislature for four long-term strategic plans developed by the Department of Human Resources concerning the health care needs of Nevada residents. The measure makes note of the diligent work performed by the four strategic planning task forces convened by the Governor to address senior services, rural health care, disabilities, and provider rates. The strategic plans produced by these task forces are recognized for their importance and usefulness in creating a long-term strategy for the State. The members of the four task forces and their various subcommittees and working groups are commended for their hard work in preparing these plans.

**S.C.R. 39 (File No. 80)**

Senate Concurrent Resolution No. 39 memorializes former State Controller Darrel R. Daines. The resolution highlights the life, career, and accomplishments of Mr. Daines, respected steward of the finances of the State of Nevada from 1983 to 1999. Mr. Daines passed away on February 1, 2003, at the age of 80. The resolution notes the decorated military career of Darrel Daines, who served in the Army Air Corps during World War II. After leaving the military at the rank of Captain, Darrel Daines completed his studies at Utah State University and attended the University of Utah Law School until 1950 when he became President of Daines Manufacturing Company. In 1964, he began his career as a fiscal officer in Logan, Utah, where he served four years as the Logan City Auditor.

In 1982, Mr. Daines was elected as Nevada's State Controller and held that constitutional office for a record-tying four terms. In addition to his long-standing public service, Mr. Daines dedicated much of his time and energy to community service, as exemplified by his membership on the Board of the Nevada Division of the American Cancer Society for 20 years, his service as its Chairman from 1984 to 1987, and his membership on the National Board of Directors of the American Cancer Society for an additional ten years. Mr. Daines will be remembered as a dedicated public and community servant, as well as a loving family man.

**S.C.R. 40 (File No. 88)**

Senate Concurrent Resolution No. 40 commends the efforts of the City of Mesquite and its Airport Advisory Task Force in developing and supporting a world-class international aerospace and defense industry showcase and technology exposition, which is known as the Mesquite Project. The resolution also highlights the expected economic development benefits of attracting technological and other aerospace-related industries to Nevada, noting also that the Mesquite Project will further expand the State's tourist economy.

**S.C.R. 41 (File No. 94)**

Senate Concurrent Resolution No. 41 provides items for consideration in compiling the biennial budget request for public schools. The measure identifies the requirements of the *Constitution of the State of Nevada* for the Legislature to establish and provide for the support and maintenance of a uniform system of public schools. Further, the resolution notes the importance of public education and acknowledges the efforts of the Nevada Association of School Superintendents and the Nevada Association of School Boards in preparing the “iNVEST” proposal. In addition, the Legislature acknowledges the merit of providing funding support to the extent practicable and sufficient to meet the needs of public schools. It also notes the importance of attracting and retaining a qualified workforce and recognizes: (1) the value of various programs that could be used to help pupils with Nevada’s academic standards; (2) the importance of various courses; and (3) the enhancement of classroom discipline. The resolution establishes the goal of the education community working with the Governor and the Legislature to improve the academic achievement of pupils and increase financial support for the public school system. Finally, the measure resolves that, in preparing the biennial budget for the Distributive School Account (DSA), the Superintendent of Public Instruction may consider projected enrollment; expected personnel costs and adjustments; projected costs for equipment, supplies, services and utilities; projected program costs; and anticipated revenue for general operations that is not from the State General Fund. The Superintendent may include a compilation of the items with the biennial budget request for the DSA.

## **19TH SPECIAL SESSION**

**June 3 through 12, 2003**

### **S.B. 1 (Chapter 1, 19th Special Session)**

Senate Bill 1 makes substantive changes regarding education to facilitate implementation of the federal No Child Left Behind Act. The measure revises the public school accountability provisions of the Nevada Education Reform Act and related sections of the law to conform to requirements of the federal No Child Left Behind Act of 2001. The bill requires the State Board of Education to define the measurement for determining whether this State, each school district, and each public school has made adequate yearly progress (AYP) in accordance with the Federal law. The primary method of measuring AYP will be standards-based test scores in grades 3 through 8, along with the high school proficiency examination. Secondary indicators will include graduation rates for high schools and attendance rates for all other schools. In addition, the State Board is required to prepare an annual report of accountability. Further, the measure requires the State Board, each school district, and each public school to develop a plan to improve the achievement of pupils. The bill also revises existing provisions concerning the accountability designations of public schools, and for the first time, requires the Department of Education to designate school districts based upon the achievement of pupils enrolled within the school district as a whole, using categories and criteria similar to the school-level accountability categories. As required under Federal law, all students must now be tested, including disabled students and English Language Learners.

The act sets forth the consequences for public schools and school districts that are designated as demonstrating need for improvement. Schools and school districts must be designated as “in need of improvement” on the basis of two consecutive years of data, and only data for pupils who have attended the school or the district for a full academic year may be included in the computations. District level technical assistance partnerships provide technical assistance for schools in need of improvement in the first two years, and the Nevada Department of Education must form state level support teams for the third and subsequent years of needing improvement. Under federal requirements, if schools receiving Title I funds continue to be classified as in need of improvement for five or more years, certain consequences are imposed that can include specified corrective actions and significant restructuring of the school. For non-Title I schools, the consequences of replacing the curriculum, decreasing management authority, or extending the school day or school year are optional, at the recommendation of the State school support teams. School districts that receive Title I funds and are classified as “in need of improvement” face similar sanctions.

Senate Bill 1 also revises provisions governing accountability and reporting requirements, in accordance with implementing spring testing for all statewide achievement tests in grades 3 through 8. Until the 2005-2006 school year, the State will use the combination of standards-based criterion referenced tests (CRTs) and norm referenced tests (NRTs) that are currently in place. Beginning in the 2005-2006 school year, grades 3 through 8 will utilize CRTs, and the NRTs will be permanently shifted to spring administrations in grades 4, 7, and 10. Reporting dates and related accountability deadlines also are changed to accommodate

spring administrations. Additional accountability reporting elements for all schools and districts will include the percentage of paraprofessionals who are not qualified as defined within the Federal law.

In addition, the measure revises provisions governing the qualifications required of certain teachers in core academic content areas, and for paraprofessionals in Title I Schools, as required for compliance with the federal No Child Left Behind Act. A new middle school license is authorized to comply with the Federal law. Further, each school district must develop a plan to ensure students in schools receiving federal Title I funds are being taught by experienced teachers. Senate Bill 1 also revises existing provisions governing regional professional development training programs for teachers and administrators and provides for additional duties for the Statewide Coordinating Council for these regional training programs. The act also revises various other provisions governing education to comply with the federal No Child Left Behind Act of 2001 and repeals certain provisions related to the current system of accountability. In addition, the measure clarifies that no provisions will supersede, negate, or limit collective bargaining agreements.

The bill also contains provisions addressing the mathematics portion of the high school proficiency exam. A passing score on this exam is required for Nevada students to obtain a high school diploma. The bill requires the Department of Education to reset the passing score in accordance with a 95 percent confidence interval for the recommended passing score. This change will make the passing rate for students similar to that of the reading portion of the test. For 2003 only, students graduating in 2003 who have otherwise met all requirements for graduation must be allowed to participate in district graduation ceremonies under the presumption that they have passed the tests; however, such a student would not receive a diploma until their score was determined to meet or exceed the new passing score. The Department is directed to incrementally increase the passing score over the next several years, until it is at least the same as the current passing score for the class graduating high school in 2007. During the 2003-2005 interim period, the school districts are required to review their curriculum and the amount and type of mathematics credits they require for high school graduation, make any necessary adjustments, and submit certain information to the Superintendent of Public Instruction for report back to 2005 Legislature.

Finally, the Legislative Committee on Education is authorized to review State Board regulations adopted pursuant to the bill. School districts are required to develop plans by which parents will receive student test scores in a timely manner; and the Nevada Department of Education is required to prepare information to help parents, educators, and others understand various provisions of the federal No Child Left Behind Act.

The measure contains two appropriations, including an appropriation from the State General Fund to the Interim Finance Committee in the amount of \$1.4 million in each fiscal year of the biennium to obtain contractual services of a consultant to provide brochures for reporting pupil test scores for statewide accountability tests, and for related services. Further, the bill contains a \$9,950,000 State General Fund appropriation to the Department of Education for school district educational technology.

The sections lowering the passing score for the mathematics portion of the high school proficiency test are effective on June 6, 2003. Provisions concerning accountability program definitions; school and district AYP status; parental notice; selection of supplemental service providers; creation of the middle school license; supervision of paraprofessionals; charter school accountability revisions; student information system provisions; most Regional Professional Development Program provisions; safe schools and associated choice sections; appropriations sections; most transitory provisions; and regulatory processes associated with these provisions take effect on July 1, 2003. Certain sections concerning designations of schools; general AYP provisions; improvement plans; and regulatory processes associated with these provisions take effect on January 1, 2004. Provisions concerning the shift to spring testing are effective on July 1, 2004. Adding science to the high school proficiency test is effective on July 1, 2007.

Senate Bill 1 was originally introduced as S.B. 191 of the 72nd Session.

**A.C.R. 1 (File No. 1, 19th Special Session)**

Assembly Concurrent Resolution No. 1 adopts the Joint Rules of the Senate and Assembly for the 19th Special Session.



**20TH SPECIAL SESSION**  
**June 25 through July 22, 2003**

**A.B. 4 (Chapter 3, 20th Special Session)**

Assembly Bill 4 makes changes in the rates and methods of paying certain taxes collected by the Department of Taxation. The bill also makes changes concerning securities. The bill requires the Department to adopt regulations concerning the electronic submission of returns and the payment of taxes, fees, interest and penalties with credit cards, debit cards, and electronic transfers of money. Further, the Department is required to apply audits uniformly and consider a weighting of indicators of noncompliance.

The measure reduces from 3 percent to .5 percent the discount an importer or manufacturer of liquor or a licensed cigarette dealer may deduct from excise taxes. The discount is paid when the importer, manufacturer, or dealer makes his payment before the 15th day of the following month. The bill further reduces from 2 percent to .5 percent the discount a wholesale cigarette dealer may deduct from excise taxes. The purpose of the discount is to cover the cost of collecting and administering the taxes. The bill also reduces the discount for sales and use taxes and the Local School Support Tax from 1.25 percent to .5 percent.

Additionally, the bill changes the permit fee for applicants who intend to engage in or conduct business as a seller and the renewal fee if a permit is suspended or revoked from \$1 to \$5. This permit fee is collected by the state and by the county in which the seller is located.

The measure requires a public body to include a provision in contracts for public works a requirement that those performing work pursuant to the contract comply with all applicable State and local laws, including without limitation, any applicable licensing requirements and requirements for the payment of sales and use taxes on equipment, materials, and supplies provided for the public work.

The measure requires the director of the Department of Administration to adopt regulations providing for the submission of selected contractual payments to State agencies. Additionally, the bill requires all State agencies, in their budget requests, to provide information concerning the number of vacant positions, the length of the vacancies, and the reasons for the vacancies.

Further, the bill amends Senate Bill 2 of the 20th Special Session by requiring the Securities Division of the Office of the Secretary of State to interpret strictly the provisions of Chapter 90 of the *Nevada Revised Statutes* as it relates to securities. The Division is authorized to waive the enforcement of certain provisions of the chapter and regulations if the waiver is appropriate and within the authority of the Division to grant, and the Division may issue a no-action letter relating to a proposed securities transaction. The bill specifies a fee of \$200 for a waiver or no-action letter request, and prohibits, except under extraordinary circumstances, the Division from responding to any request involving the antifraud provisions of the chapter or relating to a transaction that has been consummated. The measure further enumerates the criteria to which a waiver or no-action letter is limited and defines the term "no-action letter."

Finally, the measure:

- Denotes the applicable fees for inspection of the records of a licensed broker-dealer, sales representative, investment adviser, or representative of an investment adviser and requires that such fees be paid within 60 days after the receipt of the request for payment;
- Allows for expeditious processing of claims of exemption from registration to sell or offer to sell securities in this State and identifies the fees applicable to this request;
- Specifies the criteria under which an offer of securities is exempt from the registration provisions;
- Identifies the fee that must be paid if an exemption is granted;
- Changes the licensing fee for a broker-dealer from \$150 to \$300, the fee for a sales representative from \$55 to \$110, the fee for an investment adviser from \$150 to \$300, and the fee for a representative of an investment adviser from \$55 to \$110; and
- Requires the administrator to license branch offices, specifies the application fee for such licenses, specifies the requirements if changes occur in information in the application, and requires annual renewal of licenses.

Provisions relating to the retention of .5 percent of a tax for sales and use taxes and the Local School Support Tax as the cost of its administration apply retroactively to July 1, 2003. Provisions relating to cigarette and liquor taxpayers and their discounts for the collection of taxes are effective on August 1, 2003. All other provisions are effective on July 22, 2003.

#### **A.B. 5 (Chapter 6, 20th Special Session)**

Assembly Bill 5 makes various technical changes to several measures approved by the 72nd Session of the Nevada Legislature.

One provision concerning elections is effective on January 1, 2004. All other sections of the bill are effective on July 22, 2003.

#### **A.B. 7 (Chapter 7, 20th Special Session)**

Assembly Bill 7 creates the Nevada Commission on Minority Affairs and establishes the Regional Business Development Advisory Council for Clark County. This bill creates the Nevada Commission on Minority Affairs consisting of nine members appointed by the Legislative Commission. The measure provides that appointments to the Commission must be made from recommendations presented by organizations representing interests of minority groups, and the appointments must reflect the general population of the State. Additionally, not more than four members of the Commission may represent the same minority group. The members of the Commission shall elect a Chairman and Vice Chairman. The bill sets forth a



two-year term of office for Commission members and notes that members are eligible for reappointment to serve no more than two consecutive terms. The members of the Commission receive no compensation, but are entitled to receive reimbursement for travel and expenses within the limits of available money to the Commission. According to the bill, the Commission may apply for and receive gifts, grants, and contributions to assist in carrying out its duties and defraying the expenses incurred by the Commission.

Further, A.B. 7 sets forth the powers and duties of the Commission, including the collection of information and evaluation of social and economic welfare issues, essential services, discriminatory practices, business and economic opportunities, availability of employment, and affordable housing for minorities. The measure also requires the Commission to submit a report to the Governor on January 31 of each year summarizing the needs and recommendations of the Commission. Finally, the bill notes that the Director of the Department of Administration shall provide staff assistance to the Commission as deemed appropriate by the Governor.

The measure also creates the Regional Business Development Advisory Council for Clark County and specifies its composition and duties. The Council is charged with proposing and implementing policies to promote the participation of local businesses owned by disadvantaged persons in the contracting and procurement processes conducted by public agencies. The bill provides for meetings and officers of the Council, and directs the Council to encourage and solicit members from other governmental entities, non-profit organizations, and private businesses with 500 or more employees. The measure provides for annual reports by certain Council members, which shall include, at a minimum, information disaggregated by major racial and ethnic categories and gender, and on the number of employees and capital expenditures of public agencies. Further, the bill stipulates that the Council prepare a summary report in odd-numbered years for submittal to the Director of the Legislative Counsel Bureau for transmittal to the Nevada Legislature.

Provisions of the measure regarding the Nevada Commission on Minority Affairs are effective on July 22, 2003, and expire by limitation on June 30, 2007. The remaining portions of the bill regarding the Regional Business Development Advisory Council for Clark County are effective on October 1, 2003.

Assembly Bill 7 was originally introduced as A.B. 174 and S.B. 249 of the 72nd Session.

#### **A.B. 8 (Chapter 8, 20th Special Session)**

Assembly Bill 8 makes selected appropriations for diabetes care, a medical school residency program, and an organization that provides HIV/AIDS services.

The measure appropriates:

- \$44,772 for the operating expenses of the Pediatric Diabetes and Endocrinology Center (PDEC) at the School of Medicine of the University of Nevada, Reno (UNSOM), for the months of May and June of 2003;

- \$250,000 to the Health Division of the Department of Human Resources for the Fighting Aids in Our Community Today (FACT) organization for the provision of community outreach, testing, counseling, and dissemination of information related to HIV/AIDS in the area of West Las Vegas; and
- \$250,000 to the UNSOM for its residency program.

The measure further specifies the conditions under which the money may be used by FACT. The bill limits the program's administrative expenses to not more than 10 percent of the amount appropriated, requires a report to the Interim Finance Committee describing the expenditures, and requires the organization to submit to a legislative audit upon the request of the Legislative Commission.

The measure is effective on July 22, 2003. Additionally, provisions related to the PDEC are retroactive to June 30, 2003.

Assembly Bill 8 was originally introduced as S.B. 258 of the 72nd Session.

#### **A.B. 9 (Chapter 9, 20th Special Session)**

Assembly Bill 9 revises provisions governing the education benefits provided to members of the Nevada National Guard. This measure repeals provisions in the *Nevada Revised Statutes* setting forth the current program for paying educational benefits for members of the Nevada National Guard and replaces them with language specifying that the Board of Regents may grant a waiver of registration fees, and laboratory fees for any active member of the Nevada National Guard, including a recruit, who attends a school within the University and Community College System of Nevada. For these purposes, a nonresident member of the Nevada National Guard shall be deemed a bona fide resident of Nevada. In order to qualify for a waiver, a person must be an active member in good standing of the Nevada National Guard, and maintain at least a 2.0 grade point average (on a 4.0 grading scale) for each semester.

In addition, the bill allows the Board of Regents to request the Adjutant General of the Nevada National Guard to verify the membership in the Guard of a person who is seeking or has been granted a fee waiver. If a fee waiver is granted for a recruit, and the recruit does not enter full-time National Guard duty within one year after enlisting, he or she must reimburse the Board of Regents for all fees waived. Finally, the measure defines the terms "full time National Guard duty" and "recruit."

This measure is effective retroactively from July 1, 2003, and expires by limitation on June 30, 2005.

Assembly Bill 9 was originally introduced as S.B. 306 of the 72nd Session.

### **A.B. 10 (Chapter 10, 20th Special Session)**

Assembly Bill 10 relates to securities. This measure prohibits a person from willfully offering into evidence in any investigation, proceeding, or prosecution for a securities violation, items that are known to be forged or fraudulently offered. Further, the bill prohibits a person from destroying documents or records with the intent to conceal illegal conduct, protect the identity of persons involved in illegal conduct, or delaying or hindering investigations. These acts are category B felonies and may be punished by a minimum term of imprisonment of not less than 1 year and a maximum term of 20 years. The measure raises the penalty for other securities-related violations, from a category C felony to a category B felony, with a minimum term of 1 year and a maximum term of 20 years. In addition, the fine for these violations is increased from \$100,000 to \$500,000.

Assembly Bill 10 also increases, from one year to two years, the civil statute of limitations for suing a person who offers or sells a security in violation of Nevada's security laws. Additionally, the measure extends the statute of limitations for filing a criminal complaint for fraudulent sales of securities to four years after the commission of the offense. Finally, the bill requires the Nevada Gaming Commission to adopt regulations precluding nonrestricted licensees from hiring the same accountant to perform both internal audits and external audits.

Assembly Bill 10 was originally introduced as A.B. 163 of the 72nd Session.

### **A.B. 11 (Chapter 11, 20th Special Session)**

Assembly Bill 11 relates to various aspects of health care. The bill allows a provider of prenatal care to pregnant women, in addition to a health officer acting on behalf of such a provider, to apply for a grant from the University of Nevada School of Medicine (UNSOM) to subsidize a portion of the provider's malpractice insurance. The bill establishes the Nevada Office of Rural Health within the UNSOM to administer matters relating to the delivery of health care services to rural and frontier areas in Nevada. Assembly Bill 11 establishes the Area Health Education Center Program within the UNSOM to support education and training programs for students studying to become practitioners, or residents or practitioners who will provide or are providing health care services in medically underserved areas in Nevada. Additionally, the bill establishes the Medical Education Council of Nevada within the UNSOM to ensure that Nevada has an adequate, well-trained health care workforce to meet the needs of the residents of Nevada.

The bill also makes changes to the Nevada Health Services Corps to bring it under the UNSOM rather than under the Board of Regents. Finally, in addition to various technical changes, A.B. 11 defines the manner in which gifts, donations, bequests, grants, or other sources of money received by the UNSOM for the development of an obstetrical access program may be used.

This measure is effective on July 22, 2003, and applies retroactively from and after July 1, 2003.

Assembly Bill 11 was originally introduced as S.B. 188 of the 72nd Session.

### **A.B. 12 (Chapter 12, 20th Special Session)**

Assembly Bill 12 makes an appropriation to the Governor for support of the Nevada Commission for National and Community Service. The measure appropriates \$365,000 to the Governor for granting the Commission matching funds that may be used to obtain additional federal funding to continue programs dedicated to promoting citizen volunteerism. The bill requires the Commission to report its expenditures to the Interim Finance Committee and requires the organization to submit to a legislative audit upon the request of the Legislative Commission.

This measure is effective on July 22, 2003, and applies retroactively to July 1, 2003.

Assembly Bill 12 was originally introduced as A.B. 271 of the 72nd Session.

### **A.B. 13 (Chapter 13, 20th Special Session)**

Assembly Bill 13 revises provisions concerning investments made by local governments and the monitoring of collateral to secure certain deposits of public money and makes changes regarding revenue paid to certain redevelopment agencies. The bill clarifies that a local government, which includes counties, cities, towns, boards, school districts, other districts, and any agency or department of a county or city which prepares a budget, may purchase securities for investment purposes. The measure provides that the governing body of a local government may delegate authority to certain persons to place money belonging to the local government into a lawful investment.

The bill also authorizes the State Treasurer to establish a program to monitor the collateral maintained by depositories (insured bank, savings and loan association, or credit union in this State). The measure sets forth the standards that the program must require of each depository, including: (1) that collateral held must be acceptable securities with a fair market value that is at least 102 percent of the amount of the total money held; (2) that the amount of public money held may not exceed the total equity of the depository; and (3) daily, weekly, monthly, and annual reporting requirements regarding the securities held and their financial status. The measure further authorizes the State Treasurer to levy a pro rata assessment against each depository that held money any time during the previous fiscal year in an amount based on the average weekly deposits of public money held by the depository. The measure requires the depository to pay the assessment to the State Treasurer within 45 days after the depository is provided notice setting forth an assessment levied against the depository. Assembly Bill 13 also gives the State Treasurer authority to adopt regulations necessary to carry out these provisions.

The measure adds irrevocable letters of credit from any Federal Home Loan Bank, with the State Treasurer named as the beneficiary, to the list of the types of collateral that are acceptable for security when the amount of public money on deposit goes beyond the limits of federal deposit insurance. These same provisions are set forth for money deposited by a county treasurer. The bill provides that after August 1, 2003, the only types of State obligations that may be issued to pay the cost of any water project are refunding obligations.

Finally, A.B. 13 increases the maximum amount that may be paid to redevelopment agency in small community. The measure specifies that the amount of revenue paid to a redevelopment agency in a municipality whose population is less than 25,000 must not exceed an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 20 percent of the total assessed valuation of the municipality.

This measure is effective on July 22, 2003, and applies retroactively to July 1, 2003.

Assembly Bill 13 was originally introduced as S.B. 447 of the 72nd Session.

#### **A.B. 15 (Chapter 14, 20th Special Session)**

Assembly Bill 15 makes appropriations to Nevada's Department of Cultural Affairs. The measure appropriates \$200,000 from the State General Fund to the Department of Cultural Affairs for expenses relating to the continued operation of the Southern Nevada Office of the Nevada Humanities Committee. The Committee, upon acceptance of the appropriated money, must agree to prepare and transmit a report to the Interim Finance Committee that describes each expenditure made from the money and make available to the Legislative Auditor any books, accounts, reports, or other information, which may be necessary to conduct an audit of the appropriated money.

The measure also makes a \$100,000 appropriation from the State General Fund to the Department of Cultural Affairs for expenses relating to the creation of a Nevada Online Encyclopedia. The appropriation is made contingent upon the Department obtaining matching funds from the Federal Government and other sources. The bill requires the Department to provide proof to the State Controller that the matching money has been committed before the appropriation may be distributed.

Provisions of the measure making an appropriation to for the Nevada Humanities Committee are effective on July 22, 2003, and apply retroactively to July 1, 2003. The appropriation for the creation of a Nevada Online Encyclopedia is contingent on Federal Government and other matching funds.

Assembly Bill 15 was originally introduced as S.B. 357 of the 72nd Session.

#### **A.B. 16 (Chapter 15, 20th Special Session)**

Assembly Bill 16 authorizes the imposition of a fee on rental cars to finance a performing arts center and a facility for providing vocational training in culinary skills in Clark County. The bill authorizes a Board of County Commissioners in Clark County to provide by ordinance a fee upon rental cars, except those rented as replacement vehicles, in the amount of not more than 2 percent of the total amount for which the car is rented. The proceeds of the fee must be used to pay the costs to acquire, improve, equip, operate, and maintain a performing arts center within the county. The measure notes that the Board may not repeal, amend, or modify an ordinance imposing this fee in a manner that impairs any outstanding bonds issued or

incurred by the county. In addition, the bill states that the adopted ordinance must require the Board to enter into a contract with Nevada's Department of Taxation to perform all functions relating to the collection and administration of the rental car fee.

Assembly Bill 16 authorizes the Board of County Commissioners to acquire, improve, equip, operate, and maintain the project and issue revenue bonds for this purpose. The bill further allows these revenue bonds to be payable from the proceeds of the gross or net revenues of the performing arts center in addition to the rental car fee.

The measure increases, from 3.5 percent to 4 percent, a recovery surcharge that may be assessed to the renter as reimbursement for vehicle licensing fees and taxes paid by the lessor. Finally, A.B. 16 requires that the Board of County Commissioners shall distribute the first \$3 million collected from the rental car fee to the Culinary and Hospitality Academy of Las Vegas for the planning and design of a vocational training facility in southern Nevada.

The measure is effective on July 22, 2003, and applies retroactively to July 1, 2003.

Assembly Bill 16 was originally introduced as A.B. 554 of the 72nd Session.

#### **S.B. 1 (Chapter 1, 20th Special Session)**

Senate Bill 1 appropriates \$250,000 from the State General Fund to the Legislative Fund. The appropriation funds the cost of conducting the 20th Special Session.

The bill is effective on July 3, 2003.

#### **S.B. 2 (Chapter 4, 20th Special Session)**

Senate Bill 2 makes various changes involving business entities. This bill amends certain existing fees of the Secretary of State and establishes new fees for business entities within the State. The bill states that it is the intent of the Legislature that the fees increased pursuant to the amendatory provisions of this bill must not be increased again for a period of at least ten years following the enactment of this bill.

In addition, the measure revises various filing requirements for business entities under Title 7 of the *Nevada Revised Statutes* (NRS) ("Business Associations; Securities; Commodities"). Senate Bill 2 requires that documents filed with the Secretary of State be on forms prescribed by that office. If any of the provisions of the prescribed forms conflict with the accompanying documents, the provisions of the accompanying document control in any other situation. However, the bill gives the Secretary of State the authority to determine whether to file or reject the document.

Senate Bill 2 also allows directors of corporations or incorporators to correct documents, if no officers have been elected or no stock has been issued, and standardizes other procedures relating to certificates of correction. The bill also prohibits the Secretary of State from

accepting organizational documents from homeowners' associations without certification from the Real Estate Division that the association has complied with and paid the fees required by Chapter 116 of NRS ("Common-Interest Ownership [Uniform Act]"). Senate Bill 2 further requires business entities to include with their annual filings an acknowledgement that knowingly offering any false or forged instruments for filing to the Office of the Secretary of State is a category C felony.

The measure also authorizes notification of default status or revocation to be provided by "written notice" and allows the Secretary of State to require payment of any existing applicable fees when issuing a certificate of reinstatement at the request of the business entity. Further, the bill authorizes the use of other types of proof of payment, in addition to cancelled checks, as certification authorizing an entity to transact business in the State. Senate Bill 2 also standardizes the filing provisions for foreign entities and allows foreign entities to reinstate their charters under a new name if their prior name has been legally reserved or acquired by another entity.

Finally, the measure prescribes the conditions and filing fees for a limited partnership to register as a statutorily recognized limited-liability limited partnership.

Senate Bill 2 is largely effective on November 1, 2003, with the exception of sections 189 to 195 and 203, which relate to increased fees under NRS Chapter 90, and become effective on September 1, 2003. Additional exceptions are: (1) those provisions that require a resident agent who desires to resign to file a statement of resignation for each artificial person formed, organized, registered, or qualified for which the resident agent is unwilling to continue to act as the resident agent for the service of process; and (2) the provisions that require a resident agent to file a certificate of name change of resident agent if the name of the resident agent is changed as a result of a merger, conversion, exchange, sale, reorganization, or amendment. Both of these provisions are effective on January 1, 2004.

Senate Bill 2 was originally introduced as A.B. 536 and S.B. 238 of the 72nd Session.

### **S.B. 3 (Chapter 2, 20th Special Session)**

Senate Bill 3 relates to gaming. This bill makes several technical changes to the regulation of gaming. The measure authorizes the Chairman of the State Gaming Control Board to approve administratively the granting of an option and disposition of an existing option to purchase an interest in a licensed business entity and eliminates the need for prior approval by the Nevada Gaming Commission.

Additionally, the bill amends the current process for obtaining a gaming work permit. The measure requires gaming employees to register for a work permit directly through the gaming licensee, who then forwards the application to the State Gaming Control Board, unless the Nevada Gaming Commission requires otherwise by regulation. The measure also limits the fees charged for the issuance of work permits, from the current \$75 limit, to a limit equivalent to actual investigation and administration costs. Senate Bill 3 also authorizes the

Nevada Gaming Commission to adopt regulations to allow a person to sell antique gaming devices without procuring a license.

Finally, the measure clarifies provisions authorizing a gaming licensee or his employees to detain a person when there is reasonable cause to believe the person has committed a felony.

The portions of this measure relating to antique gaming devices and adoption of regulations are effective on July 3, 2003. The technical changes within Sections 1, 4, 5, 6, and 17 through 20 are effective on July 1, 2003. The provisions related to the issuance of gaming work permits are effective on October 1, 2003; the remainder of the act is effective on January 1, 2004.

Senate Bill 3 was originally introduced as S.B. 432 of the 72nd Session.

#### **S.B. 7 (Chapter 16, 20th Special Session)**

Senate Bill 7 appropriates \$200,000 from the State General Fund to the Legislative Fund for the cost of conducting the 20th Special Session of the Nevada Legislature.

The bill is effective on July 22, 2003.

#### **S.B. 8 (Chapter 5, 20th Special Session)**

Senate Bill 8 relates to taxes and fees.

### **TAXES ON FINANCIAL INSTITUTIONS**

The measure imposes an excise tax on all financial institutions and an additional tax on bank branches. The measure further establishes the duty of the Department of Taxation to administer and enforce the taxes and requires the Department to deposit all proceeds from the taxes in the State General Fund.

The bill imposes an excise tax on each bank at the rate of \$1,750 per calendar quarter for each branch office in excess of one maintained by the bank in this State. This tax is effective on January 1, 2004.

The measure imposes an excise tax on each financial institution at the rate of 2 percent of the gross wages paid by the institution during a calendar quarter, and it requires returns to be filed with the Department of Taxation and the tax to be paid each calendar quarter. An employer is authorized to deduct from the total amount of wages reported and upon which the tax is imposed, amounts paid for health insurance or health benefit plans for its employees. This tax is effective on October 1, 2003.



The measure:

- Authorizes the Department of Taxation to extend by 30 days the time within which a taxpayer is required to pay the taxes;
- Specifies that the remedies of the State are cumulative;
- Provides for refunds for payments in excess of the tax burden, specifies the period under which a request for a refund must be made, and provides that interest may be paid on any overpayment of the taxes; and
- Prohibits any legal action from being brought against the State to prevent the collection of the taxes.

The bill provides for the recovery of overpayments or payments that have been disallowed. These sections authorize a claimant to bring an action against the Department of Taxation for the recovery of all or any part of a claim that has been disallowed by the Nevada Tax Commission. In any judgment, interest is allowed at 6 percent per annum upon the amount illegally collected. A judgment may not be rendered in favor of the plaintiff in any action brought by or in the name of an assignee of the person paying the amount alleged to have been illegally collected.

Further, the measure:

- Provides for the recovery of a refund or credit erroneously made by the Department of Taxation;
- Authorizes the Department of Taxation to cancel an amount due that is less than \$25 without certifying the amount to the State Board of Examiners; and
- Establishes penalties for fraudulently evading the payment of the taxes.

#### **TAX ON WAGES PAID BY EMPLOYERS (Effective on October 1, 2003)**

The bill imposes a tax on wages at a rate of .7 percent of the gross wages paid during a calendar quarter, and it provides for the administration of these taxes by the Department. The measure further authorizes an employer to deduct from the total amount of wages reported and upon which the tax is imposed, amounts paid for such health insurance or health benefit plans for its employees as are set forth in the bill. The rate of the tax is reduced to .65 percent of the wages paid by an employer on July 1, 2004. The bill also authorizes an employer that qualifies for a partial abatement from the property tax, the business license tax, and the Local School Support Tax that is provided for new or expanded businesses to obtain an exemption of 50 percent of the wage tax during the first four years of its operation.

**TAX ON LIVE ENTERTAINMENT**  
**(Effective on January 1, 2004)**

The measure imposes an excise tax on admission to any facility where live entertainment is provided at the following rates:

1. If the maximum seating capacity of the facility is less than 7,500, 10 percent of the admission charge to the facility plus 10 percent of any amounts paid for food, refreshments, and merchandise purchased at the facility; or
2. If the maximum seating capacity of the facility is at least 7,500, 5 percent of the admission charges to the facility.

The bill defines “live entertainment” as any activity provided for pleasure, enjoyment, recreation, relaxation, diversion or other similar purpose and requires the Department to provide a more detailed definition of “live entertainment.”

The measure provides an exemption from the live entertainment tax for:

- Live entertainment that the State of Nevada is constitutionally prohibited from taxing;
- Nonprofit organizations;
- Any boxing contest or exhibition governed by the provisions of Chapter 467 of the *Nevada Revised Statutes* (NRS);
- Live entertainment that is provided at a nongaming establishment if the facility has a maximum seating capacity that is less than 300;
- Live entertainment provided at a gaming establishment that is licensed for less than 51 slot machines, less than six games, or any combination of slot machines and games within those respective limits, if the facility has a maximum seating capacity that is less than 300;
- Merchandise sold outside the facility in which the live entertainment is presented, unless the purchase of the merchandise entitles the purchaser to admission to the entertainment;
- Live entertainment that is provided at a trade show;
- Music performed by musicians who move constantly through the audience if no other form of live entertainment is afforded to the patrons;
- Live entertainment that is provided at a licensed gaming establishment at private meetings or dinners attended by members of a particular organization or by a casual assemblage and the purpose of the event is not primarily for entertainment; and

- Live entertainment provided in a common area of a shopping mall, unless the entertainment is provided in a facility located within the mall.

Further, the measure defines “maximum seating capacity” and establishes a priority order for the term. A taxpayer is required to hold taxes that are due in trust for the State.

The State Gaming Control Board is required to collect the tax from taxpayers that are licensed gaming establishments and to adopt such regulations as are necessary for this purpose. The Department of Taxation is required to collect the tax from all other taxpayers and adopt such regulations as are necessary for this purpose. The State Gaming Control Board and the Department of Taxation are required to establish an amount upon which the tax will be based if either agency determines that a taxpayer is taking any action with the intent to defraud the State or evade payment of the tax. Additionally, a taxpayer is authorized to obtain a credit for a bad debt if he is unable to collect the tax from a patron.

Other provisions related to the live entertainment tax:

- Authorize the State Gaming Control Board or the Department to cancel an amount due that is less than \$25 without certifying the amount to the State Board of Examiners;
- Provide that a licensed gaming establishment is subject to the revocation of its license if it willfully fails to pay the tax; and
- Establish penalties for fraudulently evading the payment of the tax.

**BUSINESS LICENSE TAX  
(Repealed on October 1, 2003)**

The measure repeals the business license tax contained in Chapter 364A of the NRS effective on October 1, 2003. Further, these provisions require businesses that have been required to pay that tax to obtain a business license from the Department of Taxation and to pay an annual license fee of \$100.

**BUSINESS LICENSE FEE  
(Effective on July 22, 2003)**

The bill clarifies the definition of “business” for the purposes of imposing and collecting the business license fee and the business license tax, increases the fee for a business license to \$100, and requires the payment of an annual business license fee. Further, the measure imposes a penalty of \$100 if a person fails to submit the annual license fee. The penalty becomes effective on July 1, 2004.

**LIQUOR TAX**  
**(Effective on August 1, 2003)**

The bill increases the tax on intoxicating liquors by 75 percent.

**CIGARETTE TAX**  
**(Effective on July 22, 2003)**

The bill increases the cigarette tax by 45 cents per pack.

**REAL PROPERTY TRANSFER TAX**  
**(Effective on October 1, 2003)**

The measure imposes a State tax on the transfer of real property at the rate of \$1.30 of each \$500 of value and requires the county recorder of each county to collect the tax. The measure allows county recorders in counties whose populations are 100,000 or more to withhold .2 percent of the taxes collected for the cost of collecting the tax. County recorders in counties whose populations are less than 100,000 are permitted to withhold 1 percent of the taxes collected for the cost of collecting the tax.

Additionally, the bill repeals the optional tax on the transfer of real property (effective on July 22, 2003) and includes technical corrections that are necessary for the enactment of the State tax.

**LEGISLATIVE COMMITTEES**

The bill establishes the Legislative Committee on Taxation, Public Revenue and Tax Policy, and provides that this committee expires by limitation on June 30, 2005. Further, the Legislative Committee for Local Government Taxes and Finance is required to review laws relating to exemptions from State and local taxes.

**STATE FINANCIAL ADMINISTRATION**  
**(Effective on July 22, 2003)**

In terms of State financial administration, the measure:

- Converts the Disaster Relief Fund into the Disaster Relief Account in the Fund to Stabilize the Operation of State Government;
- Revises the amount of the unrestricted balance in the State General Fund required to be deposited in the Fund to Stabilize the Operation of the State Government; and

- Provides for the establishment of a \$25 fee that will be charged and collected by a State agency for a check that is returned to the agency for insufficient funds or because payment on the check was stopped.

## EDUCATION

The measure appropriates \$637.8 million and \$767.1 million respectively for each year of the 2003-2005 biennium—\$1.405 billion total—from the State General Fund to the State Distributive School Account (DSA) to increase the statewide average basic support per pupil from the current weighted average rate of \$3,987 to \$4,295 for Fiscal Year (FY) 2003-2004, and further increase the rate to \$4,424 per pupil for FY 2004-2005. This calculation is based upon a projected student enrollment growth of 3.61 percent in the first year and 3.56 percent in the second year. The number of special education units is increased from the current level of 2,514 to 2,615 in the first year of the biennium, and to 2,708 in the second year. The unit costs are \$31,811 and \$32,447, respectively, for those fiscal years. Each year, 40 discretionary units are reserved for allocation by the State Board of Education to address school district shortfalls, and charter schools may apply to Nevada’s Department of Education for the reserved units. In addition to the 40 discretionary units, the measure adds 5.69 units and 5.88 units for FY 2004 and 2005, respectively, for gifted and talented pupils to participate in programs incorporating educational technology. Of the total appropriation, funding of \$34.7 million is allocated over the biennium for adult education programs, including those in prison facilities.

Of the total appropriated, the bill’s school funding provisions also allocate:

- \$12.7 million over the biennium to support remedial education programs;
- \$18.1 million during the biennium for professional development centers to train teachers to teach with higher academic standards, and combine the Nevada Early Literacy Intervention Program with Project LEAD (Leadership in Educational Administration Development) within its authority. This includes \$200,000 to the Legislative Counsel Bureau to evaluate the effectiveness of the regional professional development programs;
- \$5.8 million during the biennium (\$2.9 million each year) for competitive grants to school districts and community-based organizations for early childhood education programs; and
- \$15.5 million over the biennium (\$2.7 million in FY 2003-2004 and \$12.8 million for FY 2004-2005) for the purchase of retirement credits for certain educators. Experienced teachers in low-performing schools and, in the second year of the biennium, teachers in certain “high impact” subjects (such as mathematics, science,

special education, English as a second language), and school psychologists receive a one-fifth retirement credit offset through PERS.

The school funding provisions also contain an allocation of \$131.1 million for textbooks, supplies, and instructional hardware. Of the amount allocated for basic support as a whole, \$64.4 million in FY 2003-2004 and \$66.7 million in FY 2004-2005 must be spent for those purposes in accordance with amounts determined by the Department of Education within a specified formula.

Within the school funding provisions, S.B. 8 establishes a base level of \$50,000 per year from the DSA for each school district for special student counseling services in elementary grades. The school funding sections of the bill also require Nevada school districts to coordinate federal, state, and local funds with state education reform efforts.

Further, the school funding provisions of the bill authorize \$356.7 million of other revenues to be received and expended for the state support of public education for the 2003-2005 biennium. These other revenue sources include an annual tax on slot machines, sales tax collected on out-of-state sales, interest earned on the State Permanent School Fund, revenue from mineral leases on federal land, and estate tax collections. Included in the other revenues from the first year of biennium is nearly \$68 million in federal flexible funding provided to the state by the federal government through the Jobs and Growth Tax Relief Reconciliation Act of 2003.

Within the approved amounts for the DSA, the measure includes funding sufficient for cost-of-living increases, as follows:

- First Year of the Biennium — The Governor's budget already had a 2 percent cost-of-living raise built in. There will be an additional .75 percent for school district personnel to offset their increase in retirement premiums (total 2.75 percent); and
- Second Year of the Biennium — The DSA contains funding for an additional 2 percent cost-of-living increase in the second year.

The Class Size Reduction (CSR) program sections of the measure appropriate \$108,937,389 and \$117,142,553 in FY 2003-2004 and FY 2004-2005, respectively, for continued support of Nevada's CSR Program. This money must be used to pay for the salaries and benefits of at least 1,887 teachers hired to reduce pupil-teacher ratios in the first year and 1,953 teachers in the second year. These provisions continue the CSR Program in the Distributive School Account and maintains the separate expenditure category within that account. Funding must be allocated to school districts 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.

The CSR sections of the bill continue the flexibility allowed in the use of the third-grade funding for CSR. School districts are allowed to carry out alternative programs for reducing

the ratio of pupils per teacher or to implement remedial programs that have been found to be effective in improving pupil achievement. To use the funds in this manner, a school district must receive approval of its written plan from the Superintendent of Public Instruction, evaluate the effectiveness of its program, and ensure that the combined ratio of pupils per teacher in the aggregate of Kindergarten through Grade 3 does not exceed the combined ratio in those grades in the 2000-2001 school year.

In addition, the CSR portion of the bill authorizes flexibility in implementing pupil-teacher ratios in Grades 1 through 6 for rural school districts. Pupil-teacher ratios are limited to not more than 22 to 1 in Grades 1 through 3, and not more than 25 to 1 in Grades 4 through 6. Any school district that implements alternative pupil-teacher ratios is required to evaluate and report to the 2005 Legislature the effectiveness of the alternative program on team teaching, classroom discipline, and the academic achievement of pupils.

Finally, the CSR provisions require Clark and Washoe County School Districts to study current class sizes during the 2003-2005 interim to determine alternative pupil-teacher ratios that may improve the academic achievement of pupils, decrease classroom discipline issues, and/or decrease or eliminate team teaching in Grades 1 and 2. School districts are required to report to the 2005 Legislature any recommendations for revised pupil-teacher ratios, including the costs that would be associated with implementing the revised ratios.

The school funding sections pertaining to transfers and shortfalls are effective on July 22, 2003, retroactive to June 30, 2003. The retirement credits for educators in high impact areas take effect July 1, 2004. The remaining school funding portions of the measure are effective on July 22, 2003, and are retroactive to July 1, 2003. The CSR appropriation for FY 2004-2005 takes effect July 1, 2004; other CSR provisions of the bill, including the appropriation for FY 2003-2004, take effect on July 22, 2003, retroactive to July 1, 2003.

### **GAMING LICENSE FEES**

In terms of gaming license fees, the bill:

- Increases the gaming license fee by .5 percent, effective on August 1, 2003;
- Increases the fee for a State license for the restricted operation of slot machines by 33 percent, effective on July 22, 2003; and
- Increases the license fee for the operation of interactive gaming, effective on August 1, 2003.

### **CASINO ENTERTAINMENT TAX (Effective on September 1, 2003)**

The measure eliminates various exemptions from the casino entertainment tax.

**APPROPRIATIONS**  
**(Effective on July 22, 2003)**

The bill makes certain changes in appropriations approved by the 72nd Session of the Nevada Legislature. Namely, the measure:

- Reduces certain appropriations made for Nevada Medicaid and Temporary Assistance for Needy Families by the 72nd Session of the Nevada Legislature;
- Authorizes the Division of Health Care Financing and Policy and the Welfare Division to request additional money for Temporary Assistance for Needy Families;
- Reduces a previous appropriation made for information technology and additional operational costs incurred by the Department of Taxation to collect State General Fund revenues; and
- Eliminates the appropriation of \$30 million from the State General Fund to the Fund to Stabilize the Operation of State Government previously made by the 72nd Session of the Legislature and adds that amount to the contingent appropriation made to that Fund if the projected ending balance of the State General Fund exceeds the ending balance in that Fund for Fiscal Year 2004-2005.

**TRANSITORY PROVISIONS**

In accommodating various provisions enacted by the bill, the measure:

- Authorizes a public utility or local government franchise to increase its rates to cover the amount of any tax liability incurred as a result of the provisions of this act;
- Specifies that if the total revenue in the State General Fund exceeds 107 percent of the total revenue projected by the Nevada Legislature and the total amount of all applicable contingent appropriations are satisfied, the excess amount must be used for the payment of nonrecurring revenue and be deposited in the Fund to Stabilize the Operation of the State Government and the Fund for Tax Accountability, in that order of priority;
- Creates the Fund for Tax Accountability. Money in the Fund may be used to reduce the rate or amount of a tax or fee;
- Requires the Legislative Auditor to conduct a performance audit of the Clark County School District and the Washoe County School District; and
- Requires the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau to identify State agencies that administer programs for the treatment of alcohol and drug abuse and to develop a proposal to coordinate those programs.



Additionally, the measure:

- Appropriates \$100,000 to the Interim Finance Committee for allocation to the Legislative Committee on Taxation, Public Revenue and Tax Policy;
- Requires the Legislative Committee on Taxation, Public Revenue and Tax Policy to study the need to exempt special events from the tax on live entertainment;
- Requires the State Controller to adopt regulations by January 1, 2004, to establish a \$25 fee that will be charged by a State agency for a check that is returned to the agency for insufficient funds; and
- Requires the Nevada Tax Commission to report to the Legislative Committee on Taxation, Public Revenue and Tax Policy the increase or decrease in the number and subject of appeals filed with the Commission during the next biennium.

#### **S.B. 9 (Chapter 17, 20th Special Session)**

Senate Bill 9 revises certain provisions related to recreational vehicles. This measure extends, under circumstances involving the sale of a new vehicle, the coverage of certain provisions relating to franchises for motor vehicles to include recreational vehicles designed to be mounted upon or drawn by a motor vehicle. In addition to other changes, the measure revises the limited definition of “new vehicle” in the law governing the compensation owed to a dealer upon the termination or discontinuance of a franchise by including any vehicle delivered to the dealer during the 18-month period immediately preceding the effective date of the termination or discontinuance of the franchise, and any vehicle that has not been registered with the Department of Motor Vehicles.

This bill also provides that the Director of the Department of Motor Vehicles may award a dealer his attorney’s fees and costs if the manufacturer or distributor fails to establish there is good cause to terminate or discontinue a franchise.

This measure is effective on October 1, 2003.

Senate Bill 9 was originally introduced as S.B. 355 of the 72nd Session.

#### **S.B. 10 (Chapter 18, 20th Special Session)**

Senate Bill 10 provides funding for the National Judicial College and the Louis W. McHardy National College of Juvenile and Family Justice. This bill makes a contingent appropriation of \$225,000 from the State General Fund to the National Judicial College, and \$125,000 to the Louis W. McHardy National College of Juvenile and Family Justice to assist in to assist in securing public and private grants and other funding for both programs.

This measure is effective on July 1, 2004.

Senate Bill 10 was originally introduced as S.B. 505 of the 72nd Session.

**A.C.R. 1 (File No. 1, 20th Special Session)**

Assembly Concurrent Resolution No. 1 adopts the Joint Rules of the Senate and Assembly for the 20th Special Session.

**A.C.R. 2 (File No. 10, 20th Special Session)**

Assembly Concurrent Resolution No. 2 directs the Legislative Commission to appoint a committee to conduct a study of telecommunication services in Nevada. This resolution provides that the Legislative Commission shall appoint a committee consisting of three members of the Assembly and three members of the Senate, one of whom must be appointed as chairman, to conduct the study.

The study must include an evaluation of, among other things, the methods presently used to determine rates for telecommunication services; the feasibility of determining rates without the use of implicit subsidies; the state of current competition and future competitive trends; and methods to promote deployment of affordable broadband services to all classes of customers.

Assembly Concurrent Resolution No. 2 was originally introduced as A.C.R. 19 of the 72nd Session.

## STATE GOVERNMENT

### A.B. 69 (Chapter 109)

Assembly Bill 69 exempts certain projects from the State Public Works Board. This bill adds certain buildings constructed by the Department of Wildlife to those projects that are exempt from the requirement that the State Public Works Board furnish engineering and architectural services.

Nonresidential projects with less than 1,000 square feet of floor area constructed in State parks are currently exempt from the requirement that the State Public Works Board furnish engineering and architectural services for State buildings. The bill includes nonresidential projects with less than 1,000 square feet of floor area constructed by the Department of Wildlife within the existing exemption.

The bill is effective on May 19, 2003.

### A.B. 87 (Chapter 110)

Assembly Bill 87 relates to notaries public. This measure makes various changes to the provisions regulating notaries. The bill adds definitions of certain terms and substitutes the term "notarial officer" for "notary" to encompass persons other than notaries who perform such services. Provisions of Chapter 240 of the *Nevada Revised Statutes* that overlap other sections are repealed or deleted and other sections are consolidated to make the chapter easier to read. Two new provisions are added to certain certificates, including the requirement that the credible witness be personally known to the signer of the instrument as well as the notarial officer. The bill also provides for new limits on the fee that a notary may charge for traveling to a designated location, other than his office, to perform a notarial act.

### A.B. 92 (Chapter 158)

Assembly Bill 92 makes various changes to requirements governing the filing and form of certain documents. This measure revises certain provisions of the Uniform Commercial Code. The bill provides that, in the case of secured transactions, the filing of a record does not occur if the filing is rejected because it contains certain financial information about a public official and the public official has not authorized the filing. In addition, the measure raises the fee for filing a security instrument to \$20 if the record is communicated in writing and consists of 1 or 2 pages; \$40 if the record is communicated in writing and consists of more than 2 pages, and \$1 for each page over 20 pages; \$10 if the record is communicated by another medium authorized by filing-office rule; and \$1 for each additional debtor, trade name, or reference to another name under which business is done.

Assembly Bill 92 also deletes from statute the prescribed form for a written initial financing statement and authorizes the Secretary of State to prescribe the form. Finally, the bill clarifies that notice of liens on farm products documents filed with the county recorder must be on forms prescribed and made available by the Secretary of State.

### **A.B. 111 (Chapter 27)**

Assembly Bill 111 relates to dairy products. The measure places into statute definitions of entities regulated by the State Dairy Commission and codifies the existing fee schedule for dairy facilities. The bill authorizes the Commission to issue permits in addition to licenses and expands the testing methods that may be used for cream. Further, the bill requires applicants for licenses issued by the Commission to provide certain information concerning all civil or criminal actions brought by any governmental agency against the applicant or a member of senior management of the applicant. Finally, the measure changes the payment date of certain monthly assessments from the 15th to the 20th day of the month and establishes rules for payments by mail.

### **A.B. 130 (Chapter 281)**

Assembly Bill 130 makes various changes relating to the State Department of Agriculture. This bill authorizes the Director of the Department to collect fees to cover costs incurred for certain services, products or publications, and for processing and administering brands and marks. Second, A.B. 130 requires that fees collected from applicants seeking licensure to use restricted pesticides must be deposited in the Agriculture Registration and Enforcement Account within the State General Fund. Finally, A.B. 130 authorizes the Department to enter into agreements with local school districts to deposit fines collected from certain violations of restricted-use pesticides in the appropriate county school district fund where those violations occurred.

This measure is effective on July 1, 2003.

### **A.B. 216 (Chapter 114)**

Assembly Bill 216 makes changes to the audit provisions in State financial administration. The bill changes internal audits by the Division of Internal Audits in the Department of Administration from a *preaudit* to a *postaudit* format and clarifies that the standards of the Institute of Internal Audits are applicable only as to internal audits performed by the Division. The bill also repeals the requirement that the Board of Examiners audit the expenditures of the Secretary of State.

The bill is effective on May 19, 2003.

### **A.B. 287 (Chapter 308)**

Assembly Bill 287 revises provisions relating to the transfer, establishment, and maintenance of State parks. This bill places conditions upon the transfer of State park land to a local government. Specifically, the measure requires that if a State park or any part of a State park is leased, sold, or transferred to a local government, the recipient must operate and maintain the property for the continued use and enjoyment by the public. Any deed for such a transfer must include restrictions to protect the historical and recreational value of the property, guarantee continued public access, and prevent further transfer of the property without

authorization by the Legislature. Further, the deed must provide for the reversion of the property to the State of Nevada if any deed restrictions are breached.

Additionally, A.B. 287 addresses land within a State park that is leased from another entity, such as the Bureau of Land Management. The terms of any existing leases must be honored in any transfer of title, and any leased property should remain with the park if possible.

Finally, the bill allows the Administrator of the Division of State Parks to enter into a cooperative agreement with a local government for the purpose of establishing and maintaining a park that is under the Division's jurisdiction but is used primarily by the local residents.

This bill is effective on May 29, 2003.

#### **A.B. 424 (Chapter 167)**

Assembly Bill 424 relates to the State's Purchasing Division. This bill provides that, in addition to recovering a penalty and refusing to accept a bid from a person who fails to perform according to the terms of a contract with a State agency, the Chief of the Purchasing Division may, for a period of not more than two years, refuse to award a contract to that person.

#### **A.B. 544 (Chapter 439)**

Assembly Bill 544 establishes for the next biennium the amount to be paid by the State for group insurance and makes appropriations to effect certain increases in the Retired Employees' Group Insurance assessment for certain State agencies. This measure establishes the State contribution levels for group insurance for State employees, officers, and retirees during the 2003-2005 biennium. For State employees, the contribution is increased from \$465.78 per month in the 2002-2003 fiscal year (FY) to \$495.68 per month in FY 2003-2004, and \$558.07 per month in FY 2004-2005. For retired employees, the rate established is a base rate, which may be modified according to the number of years an individual served in State government. The base rate for retirees is increased from \$263.89 per month to \$280.78 per month in FY 2003-2004, and \$316.26 per month in FY 2004-2005.

The bill also addresses increases in the Retired Employees' Group Insurance assessment for certain State agencies. To effect increases of 15.4 percent in FY 2003-2004 and 13.3 percent in FY 2004-2005, A.B. 544 makes certain appropriations to the Interim Finance Committee. The appropriations are intended to meet deficiencies that may be created between the money appropriated by the Legislature and the actual requirements for the assessment. For deficiencies created in the State's departments, commissions, and agencies including the Judicial Branch of State Government, the appropriation from the State General Fund is \$824,391 in FY 2003-2004 and \$806,488 in FY 2004-2005. For deficiencies created in the State Department of Motor Vehicles, the State Department of Public Safety, and the Transportation Services Authority, the appropriation from the State Highway Fund is \$160,868 in FY 2003-2004 and \$161,950 in FY 2004-2005.

The increases effected by A.B. 544 for the University and Community College System of Nevada (UCCSN) are 15.4 percent in each year of the next biennium. For deficiencies created between the money appropriated by the Legislature and the actual requirements for the Retired Employees' Group Insurance assessment of UCCSN's classified personnel, the appropriation from the State General Fund is \$194,060 in FY 2003-2004 and \$187,640 in FY 2004-2005. Appropriations for UCCSN's professional personnel are \$611,835 and \$600,101 in each year, respectively.

Finally, this measure provides that any money remaining at the end of the first fiscal year will be available for the following year.

This bill is effective on July 1, 2003.

#### **S.B. 51 (Chapter 436)**

Senate Bill 51 relates to State financial administration. The measure extends from June 30, 2003, to June 30, 2007, the date by which certain prerequisites must be satisfied for the State Board of Finance to issue general obligation bonds to assist in the construction of a California Immigrant Trail Interpretive Center in Elko County. The bill also authorizes the matching money required from Elko County to be made up of in-kind contributions.

This measure is effective on June 10, 2003.

#### **S.B. 112 (Chapter 350)**

Senate Bill 112 makes various changes regarding the filing of records with and the fees charged by the Secretary of State. The bill specifies that before a record is deemed filed with the Office of the Secretary of State, it must meet all filing requirements and be accompanied by the appropriate filing fee, if applicable. Further, the Secretary of State is required to adopt regulations defining "care, custody and control" as used in the statute. The measure also revises fees charged by the Secretary of State by eliminating the per page charges for copies of laws, transcripts, and certain other documents that are required to be filed with the office. The measure increases, from \$10 to \$20, the fee charged for a certified copy of such documents. In addition, the measure provides that the Secretary of State may charge \$25 for a returned check and an additional fee equal to any actual administrative costs incurred for a returned check that included multiple filing fees. The Secretary of State must adopt regulations establishing procedures for the imposition and manner of calculating such fees. Finally, S.B. 112 requires the Secretary of State to post in a conspicuous place a schedule of the fees his office is authorized to collect.

This measure is effective on July 1, 2003.

#### **S.B. 174 (Chapter 279)**

Senate Bill 174 makes various changes concerning the powers and duties of Nevada's Commission on Economic Development. This measure deletes provisions requiring Nevada's

Commission on Economic Development to publish pamphlets and prepare an industrial directory and replaces them with provisions requiring the Commission to disseminate, in any medium, informational material designed to promote community and economic development in Nevada. While current law requires the Commission to identify sources of financing to assist businesses in locating to Nevada, S.B. 174 specifies that the Commission must also identify financing sources to help local governments promote the expansion of existing businesses and industries.

The bill authorizes the Commission to assist local agencies in planning and preparing projects for communities and financing those projects with community development block grants. Finally, S.B. 174 clarifies the coordination and assistance the Commission provides to cities, counties, and local and regional organizations to include economic, along with industrial development.

This measure is effective on July 1, 2003.

#### **S.B. 198 (Chapter 186)**

Senate Bill 198 relates to budget accounts of State agencies. This measure clarifies that advances to budget accounts for State agencies funded by administrative assessments are limited to one advance in a fiscal year and shall not be for more than one-twelfth of the total money received in the previous year from administrative assessments. Further, the bill requires the Director of the Department of Administration to report to the Fiscal Analysis Division of the Legislative Counsel Bureau the approval of any such advance or the lack of sufficient funds to repay an advance.

The bill is effective on May 22, 2003.

#### **S.B. 233 (Chapter 434)**

Senate Bill 233 addresses general obligation bonds that may be issued to provide grants for certain water systems. The bill increases, from \$69 million to \$86 million, the amount of general obligation bonds the State Board of Finance may issue to provide grants to publicly owned water systems for capital improvements.

This measure is effective on July 1, 2003.

#### **S.B. 277 (Chapter 97)**

Senate Bill 277 addresses the purchase of prescription drugs, pharmaceutical services, and medical supplies by certain State agencies. The measure requires a using agency, which includes agencies of the Executive Branch and, for purposes of this bill, the University and Community College System of Nevada, to purchase prescription drugs, pharmaceutical services, or medical supplies only through the Purchasing Division of Nevada's Department of Administration. The measure provides, however, that a using agency may buy these items and services from an entity other than the Purchasing Division if the agency can obtain the

*best value* for the items and services from the other entity and the Division is unable to match or exceed the best value in a timely manner. If the using agency does purchase prescription drugs, pharmaceutical services, or medical supplies from another entity, the bill requires the using agency to report to the Division, within ten days after the initial purchase, the price of the items or services and the contact information of the entity that sold the items.

This measure is effective on July 1, 2003.

#### **S.B. 498 (Chapter 502)**

Senate Bill 498 relates to State financial administration. The measure requires the State Controller to transfer from the Revolving Account for Investigation, Enforcement and Education to the Contingency Fund any money received during the 2003-2005 biennium from any settlement agreements between leading investment firms and the Securities and Exchange Commission. The bill exempts from this requirement any money received pursuant to an agreement that expressly designates the money to be used for the education of investors. Finally, S.B. 498 allows the Interim Finance Committee to authorize the use of this money by the State Public Works Board for the construction of a new State Emergency Operations Center.

This measure is effective on June 11, 2003.

#### **S.B. 506 (Chapter 499)**

Senate Bill 506 relates to State financial administration. The measure authorizes the sale of the National Guard Armory property located on South Carson Street in Carson City. If the property is sold, the State must be allowed to continue to use the property for up to four years after the date of the sale. Net proceeds from the sale of the property must be deposited in the Contingency Fund for possible allocation to the State Public Works Board for the construction of a new State Emergency Operations Center.

The bill also provides that the National Guard Armory property may not be sold if the State is able to generate sufficient funds to construct the Emergency Operations Center from proceeds generated through a settlement agreement between lending investment firms and the Securities and Exchange Commission, and from any additional Federal grant funds.

This measure is effective on July 1, 2003.

### **Administrative Rules and Procedures**

#### **A.B. 153 (Chapter 188)**

Assembly Bill 153 amends provisions relating to the administration of State agencies. The bill increases the cap on petty cash accounts of State agencies from \$250 to \$500, subject to approval by the State Board of Examiners or its clerk. The bill also allows the State Board of



Examiners to authorize its clerk to determine the existence of an emergency and approve, on behalf of the Board, an expenditure from the Emergency Account in the State General Fund.

The bill is effective on July 1, 2003.

**A.B. 217 (Chapter 282)**

Assembly Bill 217 revises provisions relating to the State Personnel System. This measure transfers the authority to adopt regulations for Chapter 284 of the *Nevada Revised Statutes* (NRS) from the Department of Personnel and its Director to the Personnel Commission, and further provides that existing regulations remain in effect unless amended or repealed by the Commission. The bill clarifies certain provisions relating to classified service, including that a continuous program of recruitment is required only for classified service. The bill also clarifies that employment consideration must be given to a person with a disability who is capable of performing the essential functions of the position, and that reasonable accommodations must be made to enable such a person to perform the essential functions of the position. Further, a definition of “essential functions” is set forth in the measure.

Other provisions of the bill permit State officers, departments, agencies, boards, and commissions to establish variable hours and workdays to accommodate the needs of persons they serve. Upon the request of an employee, an appointing authority of State employees may permit the satisfaction of certain overpayments of salary through a corresponding reduction in accrued annual leave. With regard to prospective employees in positions affecting public safety, the bill authorizes the Director of the Department of Personnel to refuse examination for employment or certification for a position if drug testing detects a controlled substance and the person cannot provide proof that the controlled substance was being taken pursuant to a lawful prescription. In addition, the State Board of Examiners may delegate to its clerk the authority to designate an overpayment of compensation to a current or former State employee as a bad debt, provided the overpayment is not more than \$50. The bill also repeals a duplicative section of the NRS.

The bill is effective on July 1, 2003.

**A.B. 493 (Chapter 491)**

Assembly Bill 493 relates to State financial administration. This measure provides that any money appropriated to the Commissioner of Financial Institutions or to the Division of Financial Institutions, or collected by the Commissioner or Division, must be deposited into the State Treasury and accounted for separately in the State General Fund. Such funds must be used to carry out programs and pay expenses of the Commissioner and the Division. Except as otherwise provide by law, any balance in the account must be carried forward to the next fiscal year.

In addition, A.B. 493 requires that, on a quarterly or other regular basis, the Commissioner shall collect an assessment from each entity or person under the regulatory jurisdiction of the

Division. The amount of the assessment must be based on a portion of the total amount of all assessments, such that each assessment shall bear the same relation to the total of all assessments as the total assets of each entity or person bears to the total of all assets subject to assessment, or on any other reasonable basis adopted by the Commissioner. The total amount of all the assessments must not exceed the amount necessary to recover the cost of legal services provided by the Attorney General to the Commissioner and to the Division.

This measure is effective on June 11, 2003, for the purposes of adopting regulations and performing certain administrative tasks, and on July 1, 2003, for all other purposes.

### **S.B. 280 (Chapter 298)**

Senate Bill 280 revises provisions regarding the awarding of State purchasing contracts. This measure provides that if an out-of-state resident submits a bid for a State purchasing contract in Nevada, and the state in which he resides imposes certain preferences that are detrimental to an out-of-state bidder, the State of Nevada shall impose an equivalent preference concerning his bid. The measure further requires that a summary of these provisions regarding “inverse preferences” in public bidding be included in advertisements for State purchasing contracts. Finally, S.B. 280 specifies that the Chief of the Purchasing Division must consider the imposition of an inverse preference when determining a score for the purposes of making a contract award and when determining the lowest responsible bidder.

This measure is effective on July 1, 2003.

## **Organization**

### **A.B. 41 (Chapter 292)**

Assembly Bill 41 converts the Division of Wildlife into the Department of Wildlife. This bill removes the Division of Wildlife from the State Department of Conservation and Natural Resources, and converts it into the Department of Wildlife. The measure also changes the title of the Administrator of the Division to the Director of the Department, with appointment made by the Governor.

Finally, the bill requires the Director to prepare the Department’s biennial budget in consultation with the Board of Wildlife Commissioners. Further, the Director must submit the proposed budget to the Commission for its review and recommendation before it is submitted to the Budget Division of the Department of Administration.

This bill is effective on July 1, 2003.

### **A.B. 224 (Chapter 115)**

Assembly Bill 224 revises provisions relating to the Nevada Arts Council. The bill creates the Nevada Arts Council as a division within the Department of Cultural Affairs and makes provision for an administrator and staff. The bill also changes the existing nine-member

State Arts Council into an advisory board of the Nevada Arts Council and renames it accordingly. Finally, the bill repeals the statute that provided for a director of the State Arts Council.

The bill is effective on May 19, 2003.

**A.B. 548 (Chapter 371)**

Assembly Bill 548 abolishes the Commission on Substance Abuse Education, Prevention, Enforcement and Treatment within the Department of Public Safety. This bill is consistent with the action taken by the Assembly Committee on Ways and Means and the Senate Committee on Finance to eliminate the Commission's budget.

This bill is effective on July 1, 2003.

**S.B. 164 (Chapter 429)**

Senate Bill 164 relates to persons with disabilities. This measure creates the Office of Disability Services within the Department of Human Resources. The bill requires the Office to serve as the agency for persons to obtain information concerning any service or program available to persons with disabilities in Nevada. In addition, the measure requires the Office to coordinate services and programs available to persons with disabilities among State and local governmental agencies. Further, S.B. 164 imposes a surcharge on telephone access lines, including personal wireless access lines, to cover the costs of administering a program to provide telecommunication devices to persons with impaired speech or hearing.

This measure is effective on July 1, 2003.

**S.B. 450 (Chapter 249)**

Senate Bill 450 makes various changes to provisions regarding the Nevada Equal Rights Commission. This measure requires the Nevada Equal Rights Commission to accept any complaint alleging an unlawful discriminatory practice over which it has jurisdiction. The bill provides that the Commission must adopt regulations setting forth the manner in which the Commission will process such complaints. Senate Bill 450 also changes throughout Chapter 233 of the *Nevada Revised Statutes* all references to "Director" or "Executive Director" to "Administrator" as a result of the creation of the Department of Employment, Training and Rehabilitation in 1993, which placed the Commission within the newly created Department.

The measure further provides that before an investigation into a complaint regarding housing discrimination commences, the complaint must meet the criteria set forth in the new regulations required in the bill. The same regulatory criteria shall also determine whether investigations relating to complaints of unlawful practices are required. Finally, the measure sets forth the circumstances under which the Commission may or may not disclose information gathered during the course of an investigation of an alleged unlawful discriminatory practice.

The section of the measure regarding administrative action and judicial review of an unlawful discriminatory practice expires by limitation on the date the Governor declares that the Federal Government has determined that the provisions of NRS provide rights and remedies regarding discriminatory housing practices that are substantially equivalent to federal law. If and when this determination is made, the provisions in the bill regarding an investigation of a housing discrimination complaint and the ensuing settlement or decision resulting from an administrative or judicial order become effective. The remainder of the bill is effective on October 1, 2003.

### **S.B. 485 (Chapter 394)**

Senate Bill 485 modifies provisions relating to weights and measures as handled through the State Department of Agriculture. This measure formally establishes a Division of Measurement Standards within the State Department of Agriculture. The bill modernizes statutory language and standards to conform to the uniform standards adopted by the National Institute of Standards and Technology, and to provide consistency with other states' laws.

The measure shifts the current fee for testing of commercial devices to a licensure fee for public weighmasters. It also changes the testing procedures to incorporate a statistical methodology as recommended through internal executive audit. In addition, the measure provides administrative and criminal penalties for intentional violation of the provisions of Chapter 581 of *Nevada Revised Statutes*.

This bill is effective on June 9, 2003, for the purpose of adopting necessary regulations, and on January 1, 2004, for all other purposes.

## **State Employees**

### **A.B. 225 (Chapter 271)**

Assembly Bill 225 authorizes the Committee to Administer the Public Employees' Deferred Compensation Program to include any plan authorized by federal law, including a "FICA alternative plan," to reduce taxable compensation within the plans offered to State employees.

The bill is effective on July 1, 2003.

### **A.B. 249 (Chapter 494)**

Assembly Bill 249 revises provisions related to the Public Employees' Benefits Program. This bill requires notice from the Public Employees' Retirement System to the Public Employees' Benefits Program (Program) of any change in payment status of a benefit recipient that affects eligibility for the Program. The measure also requires a participating public agency to give notice to the Program of any change in the status of an employee affecting eligibility. Further, the bill makes an agency liable for payment of the premium or contribution not paid as a result of its failure to provide timely notice.

The bill also revises a number of provisions to clarify the persons included within the Program and provides further definition of certain terms, such as “participating local governmental agency,” “participating state agency,” and “participating public agency.” The bill deletes the provision that requires evidence of good health from certain retired persons as a condition of enrollment in the Program. Further, the measure allows claims for a preexisting condition if the person has not received advice or treatment for six months following enrollment. Notice must be given of any change in the contribution charged for participation and the term “calendar year” is changed to “plan year.” The bill also clarifies provisions relating to deductions from salaries and wages related to the Program.

Assembly Bill 249 eliminates the open enrollment that has been offered biennially. The bill clarifies that the State subsidy for premiums applies to all retired persons participating in the Program, but the amount of the subsidy is based upon the length of State service. The measure also provides for the continuation of the members of the Board of the Program from the private sector with certain designated experience, as appointed by the Governor.

The bill is effective on July 1, 2003, except as to the limitation of the State subsidy to years of State service and the elimination of the biennial open enrollment, which are effective on July 1, 2004.

#### **A.B. 263 (Chapter 8)**

Assembly Bill 263 relates to the Public Employees’ Benefits Program. The bill reduces from 60 to 30 the number of days of notice that participants in the Public Employees’ Benefits Program must be given before being required to select or change a policy of health insurance that will result in a change in premiums or coverage.

This measure is effective on March 13, 2003.

#### **A.B. 286 (Chapter 493)**

Assembly Bill 286 revises provisions relating to health coverage under the Public Employees’ Benefits Program. The bill removes the requirement that a retired local government officer or employee who joins the Public Employees’ Benefits Program (Program) upon retirement must pay all costs of health insurance coverage and clarifies that a participating local government retiree is only responsible for the portion of the costs not paid for by the State or local government employer. The bill requires a local government employer to pay the same portion of the cost for coverage of its retirees as the State pays for State retirees.

In establishing actuarial data for the purpose of establishing rates and coverage, the bill provides that the claims experience of active and retired State officers and employees shall be commingled. In setting rates and coverage for other participants, the claims experience of active and retired officers and employees of non-state entities shall be commingled. The bill clarifies that the amount deducted from an employee’s compensation is based upon the amount

of the premium or contribution. The bill removes the discretion of the insurer to approve or disapprove a request for reinstatement under the Program or the local government's group insurance program. Further, the last local government employer of a retired officer or employee who reinstates insurance (excluding life insurance) is required to commingle the claims experience of such retired persons with the other persons in that program for the purpose of establishing rates and coverage.

Finally, for participants who joined the Program upon retirement, the bill provides a period of open enrollment from September 1, 2003, to January 31, 2004, to join the coverage of the last local government employer if the participant assumes the costs of the coverage not covered by the local government employer. The claims experience of persons enrolling in a local government's insurance program shall be commingled with the other participants in that program for the purpose of establishing rates and coverage.

The provision in the bill for open enrollment is effective on July 1, 2003, and the remainder of the bill is effective on October 1, 2003.

#### **A.B. 392 (Chapter 412)**

Assembly Bill 392 revises certain pay provisions for State employees. This measure increases the longevity pay provisions applicable to State employees who are rated standard or better. In addition to the existing semiannual payment of \$75 to employees with 8 years of continuous service, the measure provides that State employees also receive an annual increase of \$25 in the semiannual payment for each year of the employee's 9th through 14th years of continuous service. Employees receive an annual increase of \$50 in the semiannual payment for each year of their 15th through 24th years of continuous service, and employees with 25 or more years of continuous service receive an annual increase of \$75 in the semiannual payment for each additional year of service after 24 years, up to a maximum of 30 years.

The bill is effective on July 1, 2003.

#### **S.B. 331 (Chapter 357)**

Senate Bill 331 makes various changes to employment practices governing State personnel. This bill authorizes the Employee-Management Committee to issue a subpoena to a person, to compel his testimony and attendance, if the Committee finds that he has direct personal knowledge of the issues presented in an employee grievance. In addition to compelling the testimony of the person, the subpoena may also require the production of books, papers, and other items that are relevant to the matter being investigated by the Committee. The measure provides that if a person fails or refuses to attend or testify before the Committee after being subpoenaed, the Chairman of the Committee may petition the district court to order the person to appear before the Committee. The bill also sets forth the content of the petition and what is expected of the person being subpoenaed.

Senate Bill 331 further notes that a subpoena issued by the Employee-Management Committee extends to all parts of the State and may not require the person named therein to appear before the Committee at a place outside the county in which he resides, except under certain circumstances. The measure also stipulates that a person subpoenaed who appears before the Committee is entitled to receive fees and mileage similar to a witness in a civil action in district court. As part of an award of costs to the prevailing party in a proceeding, the Committee may require the party who did not prevail to pay to the Committee the amount of any compensation provided to the person subpoenaed.

Finally, S.B. 331 specifies that a State employee who is the subject of an internal administrative investigation that could lead to termination or suspension must be provided written notice of the allegations against him before he is questioned about the allegations. Further, the employee must be afforded the right to have a lawyer or other representative of his choosing present at any time he is questioned and must be given not fewer than two business days to obtain that representation.

This measure is effective on July 1, 2003.

#### **S.B. 345 (Chapter 345)**

Senate Bill 345 relates to the Public Employees' Retirement System. This bill directs the Public Employees' Retirement System (PERS) to request a letter ruling from the Internal Revenue Service (IRS) of the United States Department of the Treasury regarding whether disability retirement payments under PERS are excludable from taxable income. The measure further directs PERS to consider the feasibility of alternative means of reporting such payments and to report its findings to the Legislative Commission no later than July 1, 2004. Finally, the bill directs PERS to report a disability retirement allowance as a disability benefit instead of retirement income, to the extent allowed by federal law.

This measure is effective on June 9, 2003, as to the IRS request and the feasibility assessment. The remaining provision is effective on July 1, 2005.

#### **S.B. 439 (Chapter 363)**

Senate Bill 439 makes various changes to the Public Employees' Retirement System and the Judicial Retirement System. This measure changes the term "fireman" to "firefighter" and corrects other references to funds and committees that include the term "fireman." The bill also adds three positions within Public Employees' Retirement System (PERS) that require employment of a person who is a graduate of a four-year college with a degree in public or business administration or the equivalent.

Currently, the PERS statutes permit the re-employment of certain retired persons without a loss of retirement benefits in positions designated a "critical labor shortage." Senate Bill 439 limits such a designation to two years and requires the designating authority to consider whether the position continues to meet the criteria required for designation prior to

reemployment. Further, the bill clarifies that any such designation expires on June 30, 2005, when the authorizing statutes expire.

The measure allows the designation of additional payees and clarifies the requirements for determining payments to additional payees and survivor beneficiaries. These provisions are also made applicable to the Judicial Retirement System. Further, the bill makes a number of changes to ensure that the Judicial Retirement System more closely parallels the provisions of PERS, including the allowance of a maximum benefit of up to 75 percent of average compensation, and an annual adjustment to the total contribution rate based on an actuarial determination.

The sections regarding additional payees are effective on July 1, 2004, while the remainder of the bill is effective on July 1, 2003. The sections relating to re-employment of certain retired persons expire by limitation on June 30, 2005.

**S.B. 446 (Chapter 457)**

Senate Bill 446 authorizes the State Treasurer to appoint and employ two Senior Deputies in the unclassified service of the State.

This measure is effective on July 1, 2003.



## TAXATION

### A.B. 199 (Chapter 71)

Assembly Bill 199 revises provisions regarding ad valorem tax proceeds. The measure exempts the proceeds from the annual tax that a county may impose to support a county museum, art center, or historical society from the limitation on allowed revenues from ad valorem taxes in the county. Further, the bill clarifies that the exclusion of proceeds is discretionary when determining the allowed revenue for the county.

The bill is effective on July 1, 2003.

### A.B. 205 (Chapter 189)

Assembly Bill 205 revises provisions relating to taxation. The bill authorizes the City of Sparks to levy an additional tax of 2.5 percent on the rental of transient lodging within the City of Sparks. In addition, the measure authorizes Sparks to spend the proceeds on projects and capital improvements that are intended to attract and expand tourism in the Sparks Town Center project, known as Victorian Square. The proceeds must not be used for administrative costs except those relating to developing, constructing and financing of such projects.

This bill is effective on May 26, 2003.

### A.B. 361 (Chapter 190)

Assembly Bill 361 revises provisions regarding revenue and taxation. The bill requires local governments that acquire certain public utilities or expand certain public utility facilities to make payments in lieu of and equal to all State and local taxes and franchise fees from which the local government is exempt but that the public utility would be liable for if the public utility was not owned by a governmental entity.

The Nevada Tax Commissioner is required to annually determine and apportion the assessed valuation of the property of the public utility. However, a local government is not required to make payments to the extent such payments would cause a deficiency in the funds available to make interest or principal payments on bonds or other securities issued to finance the acquisition of the public utility.

The measure is effective on July 1, 2003.

### A.B. 437 (Chapter 191)

Assembly Bill 437 relates to alcoholic beverages. This measure revises the definition of "supplier" for the purposes of the tax on, and the sale of, liquor that originates outside the United States. The bill changes the definition to include the brewer, distiller, manufacturer, producer, vintner, or bottler of the liquor, or his designated agent. If the producer of the liquor, or his designated agent, has not designated an importer in Nevada, the owner of the

liquor when it is first transported under the jurisdiction of the U.S. Government is considered to be the supplier.

The bill also authorizes a retail liquor store holding a nonrestricted license to transfer an original package of beer to another retail liquor store holding a nonrestricted license, and allows that other retail liquor store to receive the original package of beer pursuant to the transfer if the wholesale dealer of the beer authorizes in writing the nonrestricted licensee to make such a transfer.

Finally, A.B. 437 requires the Attorney General to enforce certain provisions governing the sale of alcoholic beverages.

This measure is effective on July 1, 2003.

### **S.B. 370 (Chapter 509)**

Senate Bill 370 relates to taxation. This measure authorizes the board of county commissioners of a county whose population is less than 400,000 to impose an additional tax of up to five cents per \$500 value on the transfer of real property. The proceeds of the tax must be allocated for disbursement to each county in proportion to the amount of money collected in that county, and must be used to control invasive species and certain endemic pests and weeds. The bill requires the State Department of Agriculture to present annually to each board of county commissioners proposed programs for the control of invasive species, pests, and weeds. Finally, S.B. 370 creates an account for the rebate of governmental services taxes to senior citizens.

This measure is effective on July 1, 2003.

### **S.B. 373 (Chapter 219)**

Senate Bill 373 revises certain provisions governing importation of liquor. This measure requires every common carrier and every regularly operating carrier to make available to the Department of Taxation certain documents relating to importation of liquor into this State. Additionally, the Department of Taxation may adopt regulations requiring a carrier to cause the consignee of the shipment to sign a receipt indicating they are at least 21 years of age. The regulations may also require the consignee to sign a document confirming the delivery of the shipment. Furthermore, the regulations may require the consignor to forward the signed document confirming delivery of the shipment to the Department.

Finally, the bill defines "common carrier" to mean a person who undertakes for hire, as a regular business, the transportation of liquor from place to place and who offers its services to all who choose to employ it and to pay its charges.

### **S.B. 466 (Chapter 245)**

Senate Bill 466 relates to taxation. The measure authorizes the Department of Taxation and its employees to disclose information concerning whether a business has been issued a business license by the Department.

This measure is effective on May 27, 2003.

### **S.B. 469 (Chapter 301)**

Senate Bill 469 revises provisions regarding revenue and taxation. The measure revises the formula for determining the monthly allocation from the consolidated tax distribution account when excess revenues are available. If all of the local government entities in a county have negative combined growth factors, an entity whose growth is declining the fastest will receive a smaller proportion of the money available after the base monthly allocations are made. The combined growth factors include changes in the population of a local government entity and changes in the assessed valuation of the taxable property in the local government.

The bill also revises the formula to use population as a second growth factor for special districts when all local government entities in a county have negative combined growth factors and special districts have increased assessed valuations. This change makes it less likely that a special district will receive the entire excess distribution in a county whose population is declining at a faster rate than its assessed valuations are increasing.

Finally, S.B. 469 revises the formula to ensure that a local government growing at a high rate does not receive less of a distribution than a local government not growing as fast when there is insufficient money in the county's subaccount to make the base monthly allocations.

Most provisions of this bill are effective on July 1, 2003.

### **S.B. 470 (Chapter 487)**

Senate Bill 470 relates to the imposition, distribution, and use of certain taxes on aviation fuel and fuel for jet or turbine-powered aircrafts. This measure authorizes the governing body of a city in a county with a population of less than 100,000 to impose a tax of not more than four cents per gallon on fuel for jet or turbine-powered aircrafts and eight cents per gallon on aviation fuel sold, distributed or used at an airport that is owned or operated by the city. Current law only authorizes the governing body of a county to impose such a tax.

The bill revises the manner in which the Department of Motor Vehicles allocates the revenues collected from taxes on fuel for jet or turbine-powered aircraft and aviation fuel. The measure requires that the revenue collected be provided to the governmental entity that owns or operates the airport or, if the airport is neither owned nor operated by the governmental entity, to the county in which the airport is located.

Finally, the measure limits the authority to use the proceeds from these taxes for marketing purposes to owners and operators of airports in counties with a population of less than 400,000.

This measure is effective on July 1, 2003.

#### **S.B. 471 (Chapter 466)**

Senate Bill 471 amends certain requirements concerning taxes and fees for petroleum products and fuels for motor vehicles and aircrafts. The measure requires the licensure of exporters and transporters of motor vehicle fuel, aircraft fuel, and special fuel. The bill increases the period within which the Department of Motor Vehicles (DMV) can perform an audit of dealers, suppliers, exporters, and transporters of motor vehicle fuel, aircraft fuel, and special fuel. Senate Bill 471 further authorizes the DMV to approve an extended reporting period for special fuel dealers under certain circumstances and provides for a standardized 12-month period during which motor vehicle fuel, aircraft fuel, and special fuel licensees can apply for a refund of taxes paid.

The bill also prohibits a person who is responsible for collecting a tax on motor vehicle, aircraft, or special fuel from retaining the 2 percent collection allowance if the taxes are not paid when due. The measure removes the requirements that a person who is responsible for collecting a tax on motor vehicle, aircraft, or special fuel to hold the amounts collected in a separate account in trust for the State unless the licensee has failed to remit the taxes in a timely manner in the past.

The measure is effective on June 10, 2003, for the purpose of adopting regulations, and on October 1, 2003, for other purposes.

#### **S.B. 473 (Chapter 467)**

Senate Bill 473 makes changes governing tax abatements for new or expanded businesses. This measure reduces the number of full-time employees from 25 to 15 that a new business is required to have on its payroll by the fourth quarter of operation for the purposes of obtaining abatement from property taxes, the Business License Tax, or the Local School Support Tax. The bill also authorizes the Commission on Economic Development to approve a partial abatement on taxes for a business that furthers the development and refinement of intellectual property, a patent, or a copyright into a commercial product if the business meets certain requirements.

Senate Bill 473 revises the additional requirements for partial property tax abatement for new businesses by reducing the amount of the required capital investment in the county where the business is located. The bill provides that a facility for the production of an energy storage device may be considered for partial property tax abatement. This measure also eliminates the graduated scale of exemption percentages from the Business License Tax.

The bill provides that an abatement from the Local School Support Tax on the gross receipts from the sale and the storage, use, or other consumption of eligible machinery or equipment, lasts for the duration of the lease if the machinery or equipment is leased. The measure clarifies that the lessee is the taxpayer who is eligible for the abatement.

The bill extends, from June 30, 2005, to June 30, 2009, the expiration of the provisions that authorize an abatement of taxes for facilities for the generation of electricity from renewable energy.

This measure is effective on July 1, 2003. Sections pertaining to partial tax abatements authorized by the Commission and abatement of taxes on the gross receipts for eligible machinery or equipment expire by limitation on June 30, 2009.

#### **S.B. 475 (Chapter 354)**

Senate Bill 475 revises the manner of assessing the value of certain electric light and power companies. This measure requires the Nevada Tax Commission after it establishes the valuation, as a collective unit, of an electric light and power company, to segregate the value of a facility from the collective unit. The value must be assessed in the county where the facility is located and taxed at the same rate as other property. This measure only applies to a facility that is placed in operation on or after July 1, 2003, in a county whose population is less than 100,000.

This bill is effective on July 1, 2003.

#### **S.B. 489 (Chapter 511)**

Senate Bill 489 relates to taxation. This measure exempts from the local school support tax, and certain related taxes, solar thermal energy systems and solar lighting systems that reduce the consumption of electricity or fossil fuels. The bill also extends from June 30, 2003, to June 30, 2005, the prospective expiration of the exemption from those taxes for systems that use renewable energy to generate electricity.

This measure is effective on June 12, 2003.

See also Assembly Bill 4 (Chapter 3) of the 20th Special Session.

See also Senate Bill 8 (Chapter 5) of the 20th Special Session.

### **Property Tax**

#### **A.B. 348 (Chapter 319)**

Assembly Bill 348 relates to property taxes. The bill establishes procedures for the Nevada Tax Commission to follow before adopting factors that are applied to the taxable value of improvements and land for property that has not been reappraised in the current assessment

year. These procedures provide that if one or more county assessors notify the Tax Commission of an objection to the proposed factors, the Commission must hold a hearing on the factors in order to try to reconcile the objection.

This measure is effective on July 1, 2003.

**A.B. 355 (Chapter 449)**

Assembly Bill 355 relates to the taxation of certain aircraft. This measure provides an exemption from personal property tax for certain commercial helicopters in certain counties. The bill directs the board of county commissioners in a county whose population is greater than 400,000 to designate a preferred airport or other facility for use by commercial helicopters and to recommend technological modifications and other measures to reduce noise from commercial helicopters. Further, the board of county commissioners shall submit suggestions for new or alternative flight paths to the Federal Aviation Administration to reduce or eliminate overflights by commercial helicopters of residential areas.

Owners of commercial helicopters who use a designated airport or facility, or whose aircraft substantially comply with the technological modifications or other measures, may apply for and receive, on an annual basis, an exemption for the commercial helicopter from the personal property tax on certain vehicles. This tax exemption shall not commence before July 1, 2004, and expires by limitation on June 30, 2007. The measure also imposes a moratorium from July 1, 2003, to July 1, 2005, on the construction or operation of a heliport that was not in existence on July 1, 2003.

The bill is effective on July 1, 2003.

**A.B. 515 (Chapter 360)**

Assembly Bill 515 relates to refunds paid to senior citizens for property taxes or rent. This measure entitles a senior citizen to a refund of property taxes or rent if his household income is not more than \$24,016, as adjusted each fiscal year by the percentage increase in the Consumer Price Index. This bill provides that if the senior citizen's household income is at or below the federally designated poverty level for a family of one or two, he is entitled to a refund of 100 percent of the property taxes paid up to \$500. If the senior citizen's household income is above the federally designated level, he is entitled to a refund of a percentage of the property taxes paid based on a graduated schedule adopted by the Division of Aging Services, Department of Human Resources.

Assembly Bill 515 extends from April 15 to April 30 the time for a property tax assistance claim to be filed with the assessor of the county in which the claimant's home or mobile home is located. Additionally, if the Administrator of the Division of Aging Services cannot provide for full refunds of all just claims, claims that are required to be reduced must be paid not later than 30 business days after a meeting of the Interim Finance Committee.

This measure also amends the qualifications for obtaining refunds by senior citizens. Further, a person who is denied a refund claim may have a review of the denial before the Administrator, or his designee, within 30 days after notice is received.

This bill is effective on July 1, 2003. The provisions of this measure apply to those claims filed with the Division of Aging Services on or after January 1, 2004, for property tax assistance for senior citizens.

#### **A.B. 530 (Chapter 145)**

Assembly Bill 530 relates to property taxes. This measure requires a company that uses certain property of an interstate or intercounty nature directly in its operations to file with the Nevada Tax Commission a written report to enable the Commission to establish an appropriate valuation of the property. The report must be filed on or before March 31 of each year, or 45 days after a company is notified that the property is being valued for the first time. The Commission may grant a request for a 30-day extension of time in which to file a required report if good cause is shown. If a written report is not filed, the Commission may estimate the value of the property and impose a penalty of 10 percent of the tax due or \$5,000, whichever is less. The bill also provides for the collection of penalties and interest for the late payment of taxes on the property.

Section 3 of the bill, which provides for the collection of penalties and interest for the late payment of taxes, is effective on July 1, 2003. Other sections of the bill are effective on May 21, 2003.

#### **A.B. 533 (Chapter 451)**

Assembly Bill 533 makes various changes to provisions governing the recordation and taxation of property. This measure requires that the amount of exemption from property taxes and governmental services taxes for a surviving spouse and a blind person be adjusted annually by the percentage of change in the Consumer Price Index. The bill also eliminates the exemption from these taxes for an orphan child, and extends the exemption to all veterans who served in connection with a United States military conflict.

Assembly Bill 533 revises the circumstances under which a person may have the valuation of his property changed or corrected. The bill also provides that a tax lien is superior to all other liens on the taxable property. In addition, the measure establishes a procedure for the detachment of territory from cities to avoid the division of legal tax parcels, and requires records of surveys and supporting documentation maintained by a county recorder in a digital format be in a form acceptable to the county recorder and the county assessor.

With the exception of certain transitory provisions, this bill is effective on July 1, 2003.

### **S.B. 113 (Chapter 93)**

Senate Bill 113 addresses the valuation of property in a redevelopment area that becomes exempt from taxation. This measure clarifies the value of property in a redevelopment area that has been transferred to the State of Nevada and thereby is exempt from taxation. The measure specifies that the value of such property in the redevelopment area must be based on the assessment roll last equalized before the property was transferred to the State.

This bill is effective on May 15, 2003.

### **S.B. 334 (Chapter 59)**

Senate Bill 334 revises provisions relating to metropolitan police departments. The bill authorizes a Metropolitan Police Committee on Fiscal Affairs to propose to the registered voters of a taxing district the question of whether an additional property tax should be levied for the purpose of employing additional police officers. If the voters approve the additional levy, the Board of County Commissioners is required to impose the tax at the rate approved. In addition, the measure provides that a property tax imposed pursuant to the provisions of this bill is not subject to certain limitations and does not affect distributions from the Local Government Tax Distribution Account.

The bill is effective on May 6, 2003.

### **S.B. 440 (Chapter 300)**

Senate Bill 440 revises provisions regarding taxation. The bill provides for the postponement of payment of property taxes caused by circumstances beyond the owner's control under certain circumstances in cases of severe economic hardship. The measure specifies that the owner of a single-family residence may file a claim to postpone payment of property taxes if the assessed value of the property is not more than \$175,000, if the owner does not own other property with an assessed value of \$30,000, and if the owner has occupied the residence for at least six months. In addition, the owner cannot be the subject of bankruptcy proceedings and cannot owe delinquent taxes on the residence for a year other than the year in which the application is submitted. Taxes may not be postponed for a period longer than three years.

Further, the measure requires the county assessor to make a determination regarding the claim within 30 days after the claim is filed, if the claim is denied, the owner may file a petition for review with the Nevada Tax Commission. Any claimant aggrieved by a decision of the Commission is entitled to judicial review.

The amount postponed is a perpetual lien against the residence and interest accrues at the rate of 6 percent on the amount postponed on the date the taxes are paid or become due and payable. Payment of postponed taxes becomes due and payable upon the occurrence of certain stated events.

The bill is effective on July 1, 2003.



### **S.B. 465 (Chapter 244)**

Senate Bill 465 relates to education. The measure deletes provisions in subsection 3 of Chapter 482.181 of the *Nevada Revised Statutes* (NRS) that require any property tax rate authorized for school capital projects be included as part of the property tax rate used to determine the school district's portion of the basic governmental services tax revenue. However, this change concerning the calculation of the amount of tax to be distributed to the school district does not apply to the distribution of governmental services tax revenue collected prior to July 1, 2003. Additionally, this change does not modify any taxes levied or revenues pledged for the repayment of bonds.

This measure is effective on July 1, 2003.

## **Sales and Use Tax**

### **A.B. 208 (Chapter 81)**

Assembly Bill 208 concerns taxes to support the operation and maintenance of a county swimming pool. The bill authorizes a county whose population less than 15,000 to impose, following voter approval, a sales and use tax of not more than one-quarter of 1 percent for the operation and maintenance of a swimming pool. The measure establishes the Fund for the County Swimming Pool in the respective county treasury, requires the county to adopt an ordinance imposing the tax, specifies the parameters of the ordinance, and provides that the consent of another body is not required for the county to determine that no amendment is necessary of a contract with the State's Department of Taxation before the effective date of the ordinance.

The measure is effective on July 1, 2003.

### **A.B. 514 (Chapter 400)**

Assembly Bill 514 relates to the Streamlined Sales and Use Tax Agreement. This measure revises existing statutes and adds new provisions relating to sales and use taxes in order to implement the Streamlined Sales and Use Tax Agreement. The Agreement is designed to facilitate the collection of sales taxes on Internet purchases and other forms of remote sales. The measure allows for electronic registration of sellers and for electronic payment of taxes. Further, A.B. 514 establishes requirements for determining the place of sale and for claiming an exemption from taxes.

The bill provides for a ballot question at the 2004 General Election to conform the State sales and use tax law to the Streamlined Sales and Use Tax Agreement. The ballot question will ask voters to approve certain abatements, definitions, and exemptions that will align the provisions of the State Sales and Use Tax Act and the Local School Support Tax so that transactions under State and local sales and use taxes will be similarly treated. Specifically, the ballot question relates to trade-ins on vehicle purchases, occasional vehicle sales, ophthalmic or

ocular devices, farm machinery and equipment, fine art for public display, certain aircraft and parts of aircrafts, and engines and chassis of professional racing vehicles.

For the purpose of adopting regulations and performing other preparatory tasks, the provisions of the bill are effective on June 9, 2003. The remaining provisions of the act are effective on January 1, 2006, in conformance with the outcome of the ballot question at the 2004 General Election.

**A.B. 531 (Chapter 39)**

Assembly Bill 531 relates to taxation. This measure amends provisions governing sales and use taxes and the local school support tax to provide that a “responsible person” who willfully fails to collect or pay these taxes, or who willfully attempts to evade the payment of these taxes, is jointly and severally liable with any other person who is required to pay these taxes. This liability applies to the taxes owed plus interest and all applicable penalties.

This measure is effective on May 1, 2003.

**S.B. 313 (Chapter 214)**

Senate Bill 313 relates to taxation. The measure clarifies that any type of motor vehicle transferred for use by a State or local government entity, whether by sale or lease, regardless of whether title to the vehicle passes to a State or local government entity at any time during the use of the vehicle, is exempt from the Sales and Use Tax Act and the Local School Support Tax Law.

This measure is effective on July 1, 2003.

**S.B. 353 (Chapter 241)**

Senate Bill 353 relates to taxes on retail sales. The bill clarifies that an organization is exempt from the payment of the Sales and Use Tax if the sole or primary purpose of the organization is to operate a public hospital, private hospital, or other medical facility licensed under Chapter 449 (“Medical and Other Related Facilities”) or Chapter 450 (“County Hospitals and Hospital Districts”) of the *Nevada Revised Statutes* (NRS), and it complies with all other requirements of the Sales and Use Tax Act for being considered a charitable organization. In addition, the bill clarifies that an organization is exempt from payment of the Local School Support Tax if the sole or primary purpose of the organization is to deliver health care through a public hospital, private hospital, or other medical facility licensed under Chapter 449 or Chapter 450 of the NRS, and it complies with all other requirements of the Local School Support Tax Law for being considered a charitable organization.

This measure is effective on July 1, 2003.

### **S.B. 464 (Chapter 460)**

Senate Bill 464 revises certain provisions relating to vessels. This measure authorizes an exemption for the collection of sales taxes for vessels sold to a nonresident who submits proof to a vendor that the vessel will be delivered out of state no later than 15 days after the sale. The term "vessel" means every description of watercraft used, or capable of being used, as a means of transportation on water with the exception of canoes, float tubes, kayaks, rubber rafts, or seaplanes.

Senate Bill 464 authorizes the Department of Wildlife to title and register motorboats that are documented (registered) with the Federal government. Currently, motorboats that are documented by the Federal government are exempt from obtaining a title and paying annual registration fees in Nevada.

The measure requires the purchaser of a motorboat to provide, in addition to other documents, proof that the applicable taxes have been paid prior to obtaining new certificates of ownership and numbering.

This bill is effective on January 1, 2005; however, amendatory provisions requiring boats documented with the Federal government to be registered in Nevada are effective on January 1, 2004.

### **S.B. 495 (Chapter 469)**

Senate Bill 495 makes various changes to Nevada's Consolidated Local Government Improvements Law. This measure expresses the intent of the Legislature to assist in the promotion of economic development and tourism in the State of Nevada. The bill authorizes the acquisition of art and tourism projects and entertainment projects pursuant to the provisions of the Consolidated Local Improvements Law. The measure allows a municipality in a county whose population is less than 400,000 to pledge for an improvement project, which will increase retail expenditures by tourists, not more than 75 percent of the proceeds from the mandatory sales and use taxes collected in the improvement district, after deducting a sum equal to .75 percent of the amount of those proceeds.

The bill provides that before sales and use tax revenues can be pledged in such a manner, the board of county commissioners of each county in which the improvement district is located must determine that: (1) no retailers have maintained a fixed place of business in the district at any time from the first day of the fiscal year in which the assessment ordinance is adopted until the date the ordinance is adopted; (2) retailers will locate their businesses in the district; and (3) a substantial increase in sales and use tax collections will result. The board must determine at a public hearing that a preponderance of the increased sales and use tax revenues will be attributable to transactions with tourists. The Commission on Tourism must also make the same determination at a public hearing, and the Governor must determine that the project and the pledge of money will significantly contribute to economic development and tourism in the State. If the Governor determines that the pledge of money pursuant to the provisions of the

bill will have a substantial adverse fiscal effect on educational funding, he can require the municipality to make specified payments to the local school district to offset the adverse fiscal effect.

The bill authorizes a municipality that pledges revenue pursuant to the bill to enter into an agreement with an owner of property in the improvement district whereby the owner would agree to make payments to the municipality or another local government that provides services to the district. The payments would defray all or a portion of the costs of local government services during the term of the pledge authorized by the bill. Finally, S.B. 495 requires the submission of a report to the 2007 Legislature by any municipality that pledges revenues pursuant to the bill prior to January 1, 2007.

This measure is effective on July 1, 2003. However, the provisions of the bill do not require the distribution of any money submitted to the State before July 1, 2005, unless the Department of Taxation determines that it is reasonably feasible to make such a distribution.

## TRANSPORTATION

### A.B. 36 (Chapter 106)

Assembly Bill 36 revises provisions relating to the control of emissions from engines of certain motor vehicles. First, the measure generally defines a heavy-duty motor vehicle to conform to federal guidelines established by the United States Environmental Protection Agency, as any vehicle with a gross vehicle weight rating of 8,500 pounds, excluding passenger cars. Second, it exempts military tactical vehicles from the vehicle emissions requirements described in statute and provides a definition of these vehicles for the purposes of the exemption.

Third, A.B. 36 addresses the regulations adopted by the State Environmental Commission for emissions by the largest heavy-duty motor vehicles over 10,001 pounds, which are regulated separately from heavy-duty motor vehicles under 10,000 pounds. The measure removes the statutory requirement that Nevada's regulations for these largest heavy-duty motor vehicles must be substantially similar to those in California if those vehicles are powered by motor vehicle or diesel fuel. Instead, Nevada's regulations for these vehicles may be adopted independently of those in California.

Fourth, the bill addresses heavy-duty motor vehicles between 8,500 and 10,000 pounds by requiring that they comply with the same requirements as passenger cars and light-duty motor vehicles with respect to evidence of compliance upon registration.

Finally, A.B. 36 addresses the standards for petroleum products for internal combustion engines adopted by the State Board of Agriculture by removing language requiring that these standards must be substantially similar to standards in California. As with the emissions standards for certain heavy-duty motor vehicles, this will allow Nevada to set its own standards independent of those in California.

### A.B. 223 (Chapter 338)

Assembly Bill 223 concerns certain sales forms used by motor vehicle dealers. This measure requires the Commissioner of Financial Institutions to translate into Spanish certain sale forms that are used on a regular basis in the sale of vehicles. The measure also requires that these forms be made available, upon request, to a purchaser or prospective purchaser at each vehicle dealership that advertises that Spanish is spoken at the business or who conducts business by communicating in Spanish. This bill also requires that a purchaser or prospective purchaser of a motor vehicle who communicates in Spanish be able to view copies of all agreements or contracts that are written in Spanish. Finally, the measure requires the regulations adopted by the Director of the Department of Motor Vehicles to be consistent with these requirements.

This measure is effective on June 9, 2003, for the purpose of adopting regulations by the Director of the Department of Motor Vehicles to carry out the provisions of Section 1. Remaining provisions are effective on July 1, 2004.

### **A.B. 239 (Chapter 496)**

Assembly Bill 239 concerns vintage license plates. This measure authorizes the Department of Motor Vehicles to produce and issue vintage license plates for any motor vehicle manufactured not later than 1942. The Department must use only digital plate technology to produce the vintage license plates to appear, insofar as practicable, the same as the license plates that were issued in Nevada during the year of manufacture of the particular motor vehicle to which the plates will be affixed. In addition to other registration fees and taxes, persons requesting a vintage license plate must pay an additional fee of \$35 on their initial issuance and an additional fee of \$10 on renewal.

Additionally, the measure authorizes the use of certain funds, within the Revolving Account for the Issuance of Special License Plates, to purchase improved and upgraded technology, including digital technology for the production of special license plates.

Provisions concerning the Revolving Account for the Issuance of Special License Plates are effective on June 11, 2003. The remainder of the bill is effective on October 1, 2003.

### **A.B. 267 (Chapter 307)**

Assembly Bill 267 concerns rental car fees and surcharges. This measure prohibits a short-term lessor of a passenger car, when charging and collecting the governmental services fee, from including in the total amount for the passenger car rental the amount of any charges for the following: recovery surcharge, fuel, delivery, handling, insurance, or damages to the vehicle. Additionally, a short-term lessor, for purposes of charging and collecting the recovery surcharge, cannot include in the total rental amount charges for the following: governmental services fee, collision damage waiver, fuel, delivery, handling, insurance, damages, and the concession fees for doing business at an airport. This measure also requires a short-term lessor to report to the Department of Taxation on a quarterly basis the amount of recovery surcharges collected during the immediately preceding calendar quarter. Finally, this bill transfers from the Department of Motor Vehicles to the Department of Taxation the authority for adoption and enforcement of regulations governing rental car fees and surcharges.

This measure is effective on July 1, 2003.

### **A.B. 299 (Chapter 74)**

Assembly Bill 299 establishes certain duties of a driver. This measure requires a driver who approaches an authorized emergency vehicle that is stopped and using flashing lights to decrease the speed of his vehicle to one that is reasonable and less than the posted speed limit when no peace officer is directing traffic. Further, the driver must proceed with caution, be prepared to stop, and, if possible and safe, move into a lane that is not adjacent to the lane in which the emergency vehicle is stopped. A driver who violates these provisions is guilty of a misdemeanor.

### **A.B. 346 (Chapter 86)**

Assembly Bill 346 concerns vehicles using special dyed fuel. This measure authorizes, to the extent permitted by federal law, farm equipment with dyed diesel fuel in the fuel tank to operate on a highway, but it prohibits the use of dyed fuel when such equipment is operated on a freeway.

This bill also provides that, to the extent authorized by federal law, a person may operate a motor vehicle that uses dyed diesel fuel on a highway if the motor vehicle is used only to cross the highway to travel from one parcel of land owned or controlled by that person to another parcel of land owned or controlled by the same person.

This measure is effective on July 1, 2003.

### **A.B. 358 (Chapter 482)**

Assembly Bill 358 concerns special license plates. This measure establishes requirements for a person to submit an application requesting the Department of Motor Vehicles to design, prepare, and issue a special license plate. The application must be submitted on a form furnished by the Department and include a petition containing the signatures of at least 1,000 people who wish to obtain the special plate. In addition, the application must specify whether the special license plate is intended to generate financial support for a particular cause or charitable organization. This bill also creates the Commission on Special License Plates, which must approve the application for a special license plate prior to the Department designing and preparing the plate.

Assembly Bill 358 requires the Department to issue no more than 25 separate designs of special license plates at any one time. If the Department determines that the total number of validly registered motor vehicles with a particular special license is less than the number of required signatures, then the Director is required to notify existing plate holders that the Department will no longer issue that particular design of a special license plate. However, this does not prohibit current holders from renewing their plates.

This bill further authorizes the Department to use money in the Revolving Account for the Issuance of Special License Plates to purchase digital plate technology. In addition, the measure specifies that the particular design or insignia of a special license plate must be located only in the left-hand one-third of the plate.

The measure also provides for the issuance of special license plates to support certain programs and activities of Nevada Ducks Unlimited or its successor. The Department is required to work in cooperation with Nevada Ducks Unlimited or its successor in designing the license plates, but the Department shall not design, prepare, or issue these special license plates until it receives at least 1,000 applications.

The bill specifies that in addition to other registration and license fees and taxes, applicants must pay a special plate fee of \$35 and an additional fee of \$25 to support certain programs and activities of Nevada Ducks Unlimited. When the plates are renewed each year, the recipient must pay a special renewal fee of \$10 and an additional fee of \$20 to support certain programs and activities of Nevada Ducks Unlimited. The Department shall deposit the proceeds from the fees collected, pursuant to this special license plate, with the State Treasurer for credit to the State General Fund. The bill requires the State Treasurer to distribute these fees on a quarterly basis to Nevada Ducks Unlimited or its successor for its programs and activities in support of the conservation of wetlands in Nevada.

Finally, the measure provides for the issuance of special license plates for the support of naturalized citizenship. The Department is required to work in cooperation with Immigrant Workers Citizenship Project or its successor in designing the license plates, but the Department shall not design, prepare, or issue these special license plates until it receives at least 1,000 applications.

The bill specifies that in addition to other registration and license fees and taxes, applicants must pay a special plate fee of \$35 and an additional fee of \$25 to support certain programs and activities of Immigrant Workers Citizenship Project. When the plates are renewed each year, the recipient must pay a special renewal fee of \$10 and an additional fee of \$20 to support certain programs and activities of Immigrant Workers Citizenship Project. The Department shall deposit the proceeds from the fees collected, pursuant to this special license plate, with the State Treasurer for credit to the State General Fund. The bill requires the State Treasurer to distribute these fees on a quarterly basis to Immigrant Workers Citizenship Project or its successor for its programs and charitable activities in support of the naturalized citizenship.

The provisions regarding the purchase of digital plate technology are effective on June 11, 2003; the provisions regarding the issuance of special plates for the support of wetlands and naturalized citizenship are effective on October 1, 2003; however, its amendatory provisions expire by limitation on October 1, 2005, if by that date the DMV has received fewer than 1,000 applications for the issuance of the special license plates for the support of wetlands or naturalized citizenship. The remaining provisions are effective on July 1, 2003.

#### **A.B. 444 (Chapter 492)**

Assembly Bill 444 changes certain traffic laws. This measure allows the Department of Transportation to equip its snow removal vehicles and other vehicles, which perform construction, maintenance, or repair of highways, with tail lamps that emit nonflashing blue lights.

This bill also requires a district attorney to prosecute, unless good cause exists not to prosecute, violations that occur in his jurisdiction when a driver of a vehicle fails or refuses to comply with any signal of an authorized flagman in a highway construction area and the violation results in injury to any person performing highway maintenance or construction.



In addition, if such a violation occurs and results in injury to any person performing highway maintenance or construction, or damage to property of not less than \$1,000, the driver shall be punished by a fine of \$1,000 to \$2,000, and ordered to perform 120 hours of community service. This measure expands the definition of an authorized flagman to include certain government and private employees.

Assembly Bill 444 extends the provision regarding double penalties to other traffic offenses committed in construction zones, including disobeying traffic control devices, driving in the wrong lane, illegal passing, illegal turns, aggressive driving, driving under the influence, and driving with the windshield obscured. Further, a double penalty would apply not only when workers are present but also when they are not present but the highway is under construction and its condition is such as would aggravate the hazards of traffic violations. In addition, this measure revises the law requiring the posting of signs before the beginning of construction zones to reflect the provisions of this bill and to require that the signs read "DOUBLE PENALTIES IN WORK ZONES."

This measure adds stations for passengers of public mass transportation, including monorails, to the current provision that exempts certain passenger benches and shelters from particular prohibitions against outdoor commercial advertising. Additionally, the measure requires revenue received from the approved advertising be used for the repayment of certain bonds issued by the State of Nevada.

Finally, the measure prohibits passengers who are under 18 years of age from riding in the cargo space of a vehicle when the vehicle is traveling on any paved highway in all counties in the State. Existing law only applies to counties with populations of 100,000 or more.

#### **A.B. 518 (Chapter 488)**

Assembly Bill 518 concerns limousines and special license plates. This measure imposes a fee of \$100, beginning July 1, 2003, to be paid to the Transportation Services Authority, Nevada's Department of Business and Industry, for each traditional or livery limousine the Authority has authorized the operator to operate.

This measure makes it unlawful for a person to advertise as a fully regulated carrier unless the person has been issued a certificate of public convenience and necessity or a contract carrier's permit. If the Authority determines a person has engaged in unlawful advertising, the Authority may issue an order to cease and desist. If the person fails to comply within five days after he receives the order, the Authority may request the Public Utilities Commission to order the provider of telephone or paging service to disconnect any telephone number included in the advertisement.

The bill also revises impound provisions granted to the Authority, to include the ability to impound certain vehicles used for the transportation of property, under certain circumstances. Current law authorizes the Authority to impound certain vehicles used to transport passengers, exclusively.

This bill also changes the provisions governing certain fees collected for the issuance of the special license plate for support of veterans' homes. The bill requires that the first \$100,000 in fees collected each year must be deposited with the State Treasurer for credit to the Gift Account for Veterans' Homes. A report of expenditures must be submitted to the Interim Finance Committee on or before August 1 of each year.

This measure provides that the Authority shall not accept applications for the modification of a certificate of public convenience and necessity between June 1, 2003, and July 1, 2004. The Authority may process applications for new or modified certificates of public convenience and necessity that were filed before June 1, 2003. An exception is provided in the bill that allows not more than one new application to be submitted by any one applicant during this period in a county whose population is 400,000 or more. Further, no more than two livery or traditional limousines may be granted per applicant. In addition, the bill revokes all unlimited certificates of public convenience and necessity for limousines until July 1, 2004, to the extent that the carrier has not, before June 1, 2003, registered each authorized limousine covered by the certificate. Furthermore, the measure requires the Transportation Services Authority to process all applications for any new or modified certificates of public convenience and necessity that are received prior to June 1, 2003.

Assembly Bill 518 also directs the Legislative Commission to direct a study of issues related to the allocation of limousines. The study must: review the appropriateness of an allocation system for the issuance of certificates of public convenience and necessity for limousines operated in a county whose population is 400,000 or more; consider the budgetary needs of the Transportation Services Authority to ensure optimum regulation of limousines; and assess probable effect on operators of any additional regulatory fees. The measure authorizes the Commission to contract with a public or private agency to conduct the study. The measure further authorizes the Commission to accept gifts, grants, or donations to assist in conducting the study.

This measure requires the Commission, on or before April 30, 2004, to submit the results of the study to the Transportation Services Authority. In addition, the measure requires the Commission to submit the report and any recommendations for legislation to the 73rd Legislative Session.

Finally, the measure provides that on or before May 28, 2004, the Commission shall, based on the information provided in the study, provide the Transportation Services Authority with a recommendation as to whether the Transportation Services Authority should establish by regulation a system for the allocation of limousines. The measure further requires the Transportation Services Authority to consider the recommendation of the Commission in its determination. Finally, the measure provides that on or before June 15, 2004, the Transportation Services Authority shall publicly announce whether it will establish by regulation a system of allocation for limousines.

Most provisions of this bill are effective on June 11, 2003. Sections pertaining to license plates that support veterans' homes are effective on July 1, 2005.

**A.B. 519 (Chapter 413)**

Assembly Bill 519 makes changes relating to the Department of Transportation. This measure provides for an additional Deputy Director in the Department of Transportation, who would be located in southern Nevada. The bill also authorizes the Department to request best and final offers from all finalists for a design-build contract if the Department determines that no final proposal is cost-effective or responsive. If such a request is made, the Department may alter the scope of the project, revise the estimates of the costs of designing and constructing the project, and revise the selection factor and relative weights. Finally, the measure requires the Department to select the most cost-effective and responsive best and final offer or reject all the best and final offers.

This measure is effective on July 1, 2003.

**A.B. 520 (Chapter 50)**

Assembly Bill 520 transfers the Program for the Education of Motorcycle Riders from the Department of Motor Vehicles to the Department of Public Safety.

This bill is effective on May 6, 2003.

**S.B. 18 (Chapter 274)**

Senate Bill 18 relates to regulation of motor vehicle inspection stations. The measure requires the Department of Motor Vehicles to establish procedures for inspecting motor vehicle inspection stations by regulation rather than by agency policy.

**S.B. 77 (Chapter 19)**

Senate Bill 77 requires the driver of a vehicle entering or exiting a controlled-access highway to yield to vehicles traveling on the highway. This measure removes the provisions that require the drivers of all vehicles approaching on the highway to yield the right-of-way to vehicles entering or exiting the highway. The measure retains the requirement that the driver of a vehicle entering or exiting a controlled-access highway yield to vehicles already traveling on the highway.

**S.B. 116 (Chapter 365)**

Senate Bill 116 revises certain provisions relating to children traveling in motor vehicles. This measure requires children who are both less than six years old and weigh 60 pounds or less to be secured in a properly installed child restraint system when traveling in vehicles with an unladen weight of less than 10,000 pounds. Current law applies only to children under the age of five weighing less than 40 pounds.

The measure further stipulates that individuals who violate the requirements of this measure be fined a minimum of \$50 and a maximum of \$500, as opposed to the current fines of \$35 to \$100. Additionally, as an alternative to issuing a fine, the measure allows the court to require individuals who violate the requirements of this measure to perform not less than 8 hours nor more than 50 hours of community service. The measure requires the court to provide a list of persons and agencies approved by the Department of Public Safety to conduct programs of training and to perform inspections of child restraint systems. The bill further authorizes the court imposing punishment to waive any amount of the fine in excess of \$50 if a person or agency approved by the Department of Public Safety certifies that the violator has completed an appropriate training program in the installation and use of child restraint systems and presented for inspection an appropriately installed child restraint system.

The bill defines a child restraint system as any device that is designed for use in a motor vehicle to restrain, seat, or position children, which includes, without limitation, booster seats and belt-positioning seats designed to elevate a child so as to allow the child to be secured with a safety belt, integrated child seats, and seat belts that are designed specifically to be adjusted to accommodate children.

The measure also specifies that the National Highway Traffic Safety Administration has authority in establishing the standard for proper child restraint systems and their safe installation.

This measure is effective on June 1, 2004.

### **S.B. 237 (Chapter 187)**

Senate Bill 237 relates to advisory questions for the funding of regional transportation projects. This measure provides that in a county whose population is 400,000 or more, the Regional Transportation Commission may:

- Allocate the proceeds from the mandatory one-cent per gallon levy on fuel for jet or turbine-powered aircraft sold, distributed, or used in that county for transportation projects described in the regional plan for transportation;
- Increase the maximum tax rate that such a county may impose for new residential, commercial, industrial, and other development to be used for the improvement of transportation; and
- Utilize optional motor vehicle fuel taxes for air quality projects.

Senate Bill 237 also allows the Board of County Commissioners in a county whose population is 100,000 or more but less than 400,000 to adjust local motor vehicle fuel taxes and developer road impact fees to inflation. Additionally, the bill allows an increase in the sales and use tax of one-eighth of 1 percent for the construction, maintenance, or repair of roads, or the maintenance of a public transit system in such a county.

Further, this measure requires in a county whose population is 100,000 or more but less than 400,000 that any ordinance adopted by the Board is effective on the first day of the calendar quarter, but not less than 90 days after the adoption of the ordinance. In addition, the Commission must, prior to the effective date, publicly review each annual increase imposed by the ordinance.

This bill is effective on May 22, 2003.

**S.B. 276 (Chapter 209)**

Senate Bill 276 revises certain provisions relating to the California-Nevada Super Speed Ground Transportation Commission. The measure designates the California-Nevada Super Speed Ground Commission as a State agency in Nevada for the purposes of carrying out this transportation project. The measure further requires that prior to construction in California and issuance of final certificates and permits necessary for construction, the routes and terminals selected by the Commission must be approved by the appropriate local, regional, and state governmental entities in California. The bill prohibits the award of a franchise that does not receive the approval of the appropriate local, regional, and State governmental entities.

This measure is effective on July 1, 2003. However, Sections 1 through 4 of this bill expire by limitation one year after the completion of the Super Speed Ground Transportation System or on the date all borrowing made pursuant to *Nevada Revised Statutes* 705.42955 is retired, whichever is later.

**S.B. 322 (Chapter 216)**

Senate Bill 322 revises certain provisions related to the self-insurance of taxicabs regulated by the Taxicab Authority. This measure removes the provision that allows taxicabs regulated by the Taxicab Authority to self-insure for only the first \$50,000, combined single limit, per accident, of the coverage required under the insurance provisions governing such taxicabs. The bill allows such taxicabs to self-insure for the full amount of the insurance coverage required for taxicabs regulated by the Taxicab Authority.

This measure is effective on May 26, 2003.

**S.B. 362 (Chapter 217)**

Senate Bill 362 requires the Las Vegas Monorail Company to provide a copy of its annual audited financial statement and its annual performance report to the Legislative Commission each year through July 1, 2008. If the Company fails to provide this information within six months after the end of the Company's fiscal year, the Commission may order an audit of the Company by the Legislative Auditor. If an audit is so ordered, the Company must transfer \$50,000 to the Audit Division of the Legislative Counsel Bureau to carry out the audit.

This measure is effective on July 1, 2003, and expires by limitation on July 1, 2008.

### **S.B. 363 (Chapter 218)**

Senate Bill 363 concerns electric personal assistive mobility devices. This measure defines “electric personal assistive mobility device,” and excludes such devices from the laws governing vehicles and motor vehicles. In addition to other technical changes, the bill revises the definition of “pedestrian” to include a person in a wheelchair or a person on an electric personal assistive mobility device.

### **S.B. 482 (Chapter 278)**

Senate Bill 482 concerns leases of motor vehicles or trailers. The measure provides that certain motor vehicle or trailer leases do not constitute sales or create security interests merely because the leases permit the rental price to be adjusted based on the value of the vehicles upon the termination of the leases. The provisions of this measure only apply to leased vehicles used primarily in a trade or business.

## **Drivers’ Licenses and Vehicle Registration**

### **A.B. 19 (Chapter 25)**

Assembly Bill 19 provides for the issuance of special license plates that reflect public solidarity after the acts of terrorism committed on September 11, 2001. The Department of Motor Vehicles (DMV) must cooperate with the State Emergency Response Commission in designing the license plate. The design of the license plate must include the phrase “United We Stand” and incorporate an image of the United States flag and red, white, and blue colors. The DMV shall not design, prepare, or issue these special license plates until it receives at least 1,000 applications.

In addition to other registration and license fees and taxes, applicants must pay a special plate fee of \$35 and an additional \$25 for deposit in the Contingency Account for Hazardous Materials. The annual renewal fee of \$10 and an additional fee of \$20 must also be deposited in this Account. Further, the bill specifies that money in the account be used, in addition to existing programs, to provide financial assistance to the State or to its local governments to support preparedness to combat terrorism, including, without limitation, planning, training, and purchasing supplies and equipment.

This bill is effective on October 1, 2003. If the DMV does not receive at least 1,000 applications for these special plates, the bill expires by limitation on October 1, 2005.

### **A.B. 30 (Chapter 498)**

Assembly Bill 30 revises provisions regarding the registration of motor vehicles. This measure requires that a new resident of this State be informed of vehicle registration requirements by the Department of Motor Vehicles when issued a driver’s license. In addition, the measure requires the Department to maintain a list of persons who fail to comply with certain vehicle registration requirements, and to forward this list monthly to the Department of Public Safety.

This bill also repeals a provision authorizing the Department to refund unexpired registration fees and privilege taxes when the owner of a motor vehicle cancels his registration, except under extenuating circumstances and if the refund exceeds \$100.

The provisions concerning new residents of the State are effective on January 1, 2004; all other sections are effective on June 11, 2003.

#### **A.B. 177 (Chapter 31)**

Assembly Bill 177 makes various changes concerning registration of motor vehicles and special plates, placards, and stickers issued to certain disabled persons.

This bill eliminates the requirement that vehicle owners provide evidence of insurance when applying for a vehicle registration. Instead, the measure requires the owner to sign a declaration stating that the required insurance is in force at the time of the application and will remain in force for the registration period.

This measure also provides that within 30 days after changing names or place of residence, the owner of a registered vehicle must notify the Department of Motor Vehicles (DMV). At present, a registrant must notify the Department within 10 days, only after changing his or her place of residence.

Under the provisions of this bill, vehicle owners may elect to retain their current smog check and vehicle registration when they replace lost, stolen, or damaged plates.

Finally, this measure provides that the DMV may issue disabled placards to organizations that transport people with disabilities. Also, a special parking placard may be issued by the DMV to a person with a permanent disability for a ten-year period, and to a person with disability of moderate duration for a two-year period.

The provisions regarding the replacement of lost, stolen, or damaged plates are effective on July 1, 2003; the provisions regarding changes of name and proof of insurance are effective on October 1, 2003; and, the provisions regarding parking placards for disabled persons are effective on January 1, 2004.

#### **A.B. 178 (Chapter 70)**

Assembly Bill 178 makes various changes concerning registration and titling of motor vehicles and records of the Department of Motor Vehicles (DMV). This measure requires the Director of the DMV to ensure that a document such as a certificate of registration, certificate of title, driver's license, or identification card submitted to, issued by, or retained by the DMV contains the full legal name of that person. In addition, this bill provides that a license plate for a motorcycle may include up to six characters. It also allows the DMV to waive interest and penalties for failure to pay on time penalties assessed by the DMV. The bill places further restrictions on the release of photographs from drivers' license files. This measure defines a

certificate of title as the document issued by the DMV that identifies the legal owner of a vehicle.

Provisions regarding the certificate of title are effective on July 1, 2003, and provisions regarding full legal names, motorcycle plates, photographs, and the waiver of penalties are effective on October 1, 2003. Section 9 is a transitional provision that expires on September 30, 2003.

#### **A.B. 192 (Chapter 80)**

Assembly Bill 192 concerns special license plates. This measure allows the Department of Motor Vehicles to prepare and issue souvenir license plates for any special plate upon the request of the particular charitable organization benefited by the plate. This bill also provides that the Department may issue special license plates, if the design is feasible, for a trailer or other type of vehicle that is not a passenger car or light commercial vehicle, excluding motorcycles and certain trucks.

This bill also changes the provisions governing certain fees collected for the issuance of the special license plate for support of veterans' homes. The bill requires that such fees must be deposited with the State Treasurer for credit to the Gift Account for Veterans' Homes.

Further, A.B. 192 changes the provisions governing certain fees collected for the issuance of a special license plate to encourage the donation of human organs. In addition to other registration fees and taxes, persons requesting such special license plates must pay an additional fee of \$25 on their initial issuance and an additional fee of \$20 on renewal. The bill requires that such fees must be deposited with the State Treasurer for credit to the Anatomical Gift Account in the State General Fund.

Finally, the bill provides that the Pyramid Lake Paiute Tribe and the Northern Nevada Railway Foundation are not required to submit a new request for ordering the design and preparation of souvenir license plates if they have already submitted such a request to the Department.

This measure is effective on July 1, 2003.

#### **A.B. 324 (Chapter 295)**

Assembly Bill 324 authorizes the Department of Motor Vehicles to establish a pilot program by adopting regulations that would allow the registration of certain motor vehicles for a period of two years. The pilot program authorized by this bill would be established by the Department in cooperation with the Department of Taxation, affected Boards of County Commissioners, the State Environmental Commission, and local air pollution control agencies.

Finally, if the Department establishes a pilot program, it must evaluate the program and report to the Legislature no later than February 1, 2007.



Provisions in this bill authorizing the adoption of regulations are effective on July 1, 2003. The other provisions are effective on July 1, 2004, and the entire measure expires by limitation on June 30, 2007.

### **S.B. 483 (Chapter 232)**

Senate Bill 483 concerns drivers' licenses, identification cards, and driving privileges. This measure authorizes the Department of Motor Vehicles to record convictions related to moving violations, assess demerit points, and when applicable, suspend future driving privileges of persons who do not hold a valid driver's license, including identification card holders. Existing law authorizes collection of this information by the Department only for licensed drivers. The measure requires the Department, under certain circumstances, to hold a hearing when future driving privileges are suspended for such persons.

The bill further authorizes the Department to place a four-year expiration date on identification cards. Under existing law, there is no expiration date for identification cards. The bill provides that cards previously issued by the Department will be reprinted with an expiration date when the card is presented to the Department for a transaction. In addition, the measure imposes a fee for the renewal of identification cards, exempting persons 65 years of age or older. The measure changes from 10 days to 30 days after the occurrence the time period within which a person must report certain changes or loss of an identification card.

The bill revises provisions related to documents required to be furnished to the Department as proof of name and age by an applicant for a driver's license or identification card. The measure specifies the primary documents to be accepted, and it authorizes the Department to identify acceptable secondary documents through regulation.

Finally, S.B. 483 authorizes the Department to charge applicants for a hazardous materials endorsement an additional fee for the processing of fingerprints. The measure prohibits the fee from exceeding the cost incurred by the Department for the processing of fingerprints for a background check that will comply with certain federal requirements related to homeland security.

The bill's provisions relating to the issuance of a hazardous materials endorsement are effective on May 26, 2003. Most of the other provisions of this measure are effective on October 1, 2003; however, provisions concerning expiration dates for identification cards do not apply to cards issued by the Department of Motor Vehicles prior to October 1, 2003, until such time as the card is presented to the Department for a transaction.

## **Driving Under the Influence**

### **A.B. 7 (Chapter 421)**

Assembly Bill 7 revises provisions relating to driving under the influence of alcohol. The measure reduces, from 0.10 to 0.08, the concentration of alcohol that may be present in the blood or breath of a person while legally operating a vehicle or vessel.

This bill is effective on September 23, 2003. The bill expires by limitation on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of .08 percent or greater as a condition to receiving federal funding for the construction of highways.

### **A.B. 106 (Chapter 67)**

Assembly Bill 106 revises provisions governing the penalties for driving under the influence of intoxicating liquor or a controlled or prohibited substance.

For a second offense of driving under the influence of intoxicating liquor or a controlled or prohibited substance, the bill revises the penalties to require the court to impose either a fine or the equivalent number of hours of community service. The bill also revises the required number of hours of community service a person convicted of a second offense must perform to qualify to undergo a program of treatment for alcoholism or drug abuse. The hours are changed from “50 to 100 hours” to “one half of the hours” of community service imposed by the court as the penalty for the crime.

Finally, the measure also revises the circumstances under which a person found guilty for a first violation of this crime may qualify to undergo a treatment program. Under the bill, the required amount of community service the person must perform is decreased from 48 hours to 24 hours.

This measure is effective on July 1, 2003.

## **Motor Vehicles and Motor Carriers**

### **A.B. 77 (Chapter 44)**

Assembly Bill 77 authorizes certain inserts on motorcycles. This measure provides that the tail lamp on a motorcycle may contain a blue insert that does not exceed one inch in diameter.

### **A.B. 83 (Chapter 45)**

Assembly Bill 83 makes various changes concerning trucks. This measure prohibits the driver of a truck equipped with a device for braking that uses the compression of an engine from using that device at any time unless the device is equipped with an operational muffler or an

emergency situation requires its use. A driver who violates these provisions is guilty of a misdemeanor.

This measure requires that regulations of the Department of Transportation concerning combinations of vehicles in excess of 70 feet in length be consistent with federal regulations. Further, the bill eliminates the 129,000-pound limit on the maximum fee that may be charged for a permit for a combination of vehicles. Finally, this measure repeals provisions relating to alternative limitations on the weight of a trailer or semitrailer.

#### **A.B. 195 (Chapter 370)**

Assembly Bill 195 concerns the enforcement of laws governing transportation and vehicles. The bill requires the Department of Transportation, in consultation with certain other State agencies, to develop a plan to jointly enforce laws governing transportation and vehicles. These laws include, without limitation, the inspection of vehicles transporting hazardous materials, laws relating to the taxation of fuel used in motor carriers, vehicle registration, traffic safety, vehicle performance, safety inspections of commercial vehicles, and the restriction of importing diseased animals, noxious weeds, and other illegal plants. The plan must also include a summary of the opportunities for joint enforcement, a prioritized list of activities, and results expected from the joint enforcement program.

The measure further requires that a final plan be submitted to the Governor and the Director of the Legislative Counsel Bureau no later than December 1, 2004.

This bill is effective on July 1, 2003.

#### **A.B. 221 (Chapter 129)**

Assembly Bill 221 revises requirements concerning consignment of vehicles. This measure requires the consignee of a vehicle (a dealer, for example) to assist the customer in completing a financing statement to create a purchase-money security interest of the customer in the vehicle. The bill also requires that, before receiving a vehicle on consignment, the dealer must file the financing statement with the Secretary of State and obtain a signed disclosure statement from the customer that advises the customer he could lose his vehicle if the dealer's creditors find it necessary to seize the dealer's property. The disclosure statement also advises the customer that he is protected from loss if the dealer has filed the forms required by the bill. The measure imposes a misdemeanor penalty upon a dealer who fails to comply with the requirement to obtain a signed disclosure. Finally, A.B. 221 exempts "salvage pools" from the provisions of this bill.

#### **A.B. 226 (Chapter 82)**

Assembly Bill 226 requires passengers of taxicabs to wear safety belts. This measure requires any passenger who is 18 years of age or older and rides in the front or back seat of a taxicab to wear a safety belt. A citation for this offense may be issued only to the passenger if the vehicle is halted for another violation. This bill also requires an owner or operator of the

taxicab to post a sign that is visible and easy to read advising passengers that they are required to wear a safety belt. Finally, the bill provides exemptions for certain passengers carrying a physician's statement and for taxicabs that were not required by federal law to have safety belts at the time of their initial sale.

### **A.B. 237 (Chapter 83)**

Assembly Bill 237 revises the provisions relating to the use of alternative fuels by certain fleets of motor vehicles. This bill revises the provisions for the use of alternative fuels by certain fleets of motor vehicles, by changing over time the fuels that are recognized in Nevada as alternative fuels. The measure removes low-sulfur diesel fuel as an alternative fuel and temporarily replaces it with ultra low-sulfur diesel until 2007. Diesel fuel that meets the requirements imposed by the California Air Resources Board will temporarily remain on the list, but will also be removed in 2007. Under A.B. 237, certain types of finished diesel fuel that consist of specific biodiesel fuel blends will be permanently added to the list of alternative fuels. Therefore, in 2007, the only alternative fuels recognized in Nevada will be reformulated gasoline and certain biodiesel blends. Low and ultra-low sulfur diesel fuels, and diesel fuel that meets California standards, will be phased out as alternative fuels under the time schedule identified in the measure.

The bill also revises the definition of "dedicated alternative fuel motor vehicle" to include not only vehicles that operate on alternative fuel, but also vehicles that have been certified by the United States Environmental Protection Agency to comply at a minimum with federal emissions control standards for ultra low-emission vehicles.

Finally, A.B. 237 requires the State Environmental Commission to review its regulations for the use of alternative fuels in fleet vehicles to ensure consistency with the provisions of this measure, and if necessary, to revise its schedule for the conversion of fleets to use alternative fuels.

This bill is effective on July 1, 2003, for most purposes, including the adding of biodiesel blends and ultra low-sulfur diesel fuels to the list of alternative fuels, and eliminating low-sulfur diesel from that list. The provisions to subsequently eliminate ultra low-sulfur diesel and diesel that meets certain California standards from the list of alternative fuels are effective on January 1, 2007.

### **A.B. 325 (Chapter 339)**

Assembly Bill 325 concerns damaged motor vehicles. This measure defines "salvage vehicle" and imposes various restrictions and requirements on the repair, transfer, and titling of such vehicles.

The bill requires a garageman or operator of a body shop to comply with standards published and commonly applied in the motor vehicle repair industry if either a salvage vehicle or a damaged motor vehicle's safety equipment is repaired or replaced. This measure requires a

garageman or operator of a body shop to replace, according to standards set forth in federal regulations, an airbag that has been deployed and any seatbelt assembly requiring repair or replacement. The garage or body shop must retain a written record of such work, including dates and information identifying any parts or equipment.

Assembly Bill 325 requires that a person who transfers an interest in a motor vehicle to disclose in writing to the transferee information on whether the vehicle is a salvage vehicle. If the transferor is subject to the provisions of sales or leasing of new or rebuilt automobiles, the transferor is required to make the disclosure before executing a contract of sale or a long-term lease. A person who violates these disclosure provisions is guilty of obtaining property by false pretenses. This measure also provides that a person must not remove or conceal a marking on a salvage title that indicates the vehicle is a salvage vehicle. A person who, with the intent to defraud, knowingly violates either of these provisions is guilty of a category D felony if the fair market value involved is \$250 or more. If the fair market value is less than \$250, the person is guilty of a misdemeanor. A purchaser is also entitled to civil damages.

Assembly Bill 325 removes the existing provision allowing the Department of Motor Vehicles to issue a salvage title without charging a fee to a person or business licensed by the Department. The bill includes new provisions for the Department to issue a salvage title for a vehicle. Within two days after receipt of all necessary documents, the Department is required to issue a salvage title for the vehicle and must charge a fee of \$10. In addition, ownership interest in a salvage vehicle may not be transferred unless a salvage title has been issued by the Department for the vehicle.

This measure also provides that the Department may refuse to issue a license, or, after notice and hearing, suspend, revoke, or refuse to renew a license to operate a garage for, among other things, falsely certifying or inspecting a salvage vehicle. If the action is necessary in the public interest, the Director of the Department may temporarily suspend or refuse to renew the registration to operate a garage for not more than 30 days before conducting a hearing and making a final determination.

This measure provides that when an insurance company acquires a motor vehicle as a result of a settlement, the owner is required to endorse the title of the motor vehicle and forward the endorsed title to the insurance company. The insurance company must forward the endorsed title with an application for a salvage title to the Department within 30 days after the receipt of the endorsed title.

This measure provides that a salvage vehicle may not be registered until it has been inspected by a licensed garage that certifies the salvage vehicle to be in safe mechanical condition and equipped with all safety equipment required by the manufacturer. Further, this bill removes the provisions allowing an operator of a salvage pool to sell a vehicle. The operator is required to possess a salvage title for that vehicle prior to selling it. Finally, this measure repeals the transfer of a title without a fee when a vehicle is acquired for dismantling or wrecking.

### **A.B. 367 (Chapter 87)**

Assembly Bill 367 makes changes relating to the repair of motor vehicles. This bill expands the definition of a rebuilt vehicle to include a vehicle for which the “roof assembly” and “complete front inner structure for a unibody” have been replaced. This measure also allows an insured or a claimant under an insurance policy to select a licensed body shop for repairs to a motor vehicle. An insurer must notify the insured or claimant of this right when the insurer is first contacted concerning a claim for damage to a motor vehicle. Further, this bill provides that an insurer is not required to pay more than the reasonable rate for repairs to a motor vehicle.

### **A.B. 394 (Chapter 353)**

Assembly Bill 394 concerns the removal of motor vehicles from highways. This measure requires a police officer who removes a vehicle from a highway to use a towing service in accordance with any applicable protocol such as a rotational schedule, unless a different course of action is necessary to preserve evidence of a criminal offense. The tow car operator, to the extent practicable, must use the shortest and most direct route to take that vehicle to his garage. In addition, the measure specifies that a tow car operator is liable for loss or damage to the vehicle or its contents that occurs once the tow car operator takes possession or control of the vehicle.

### **A.B. 521 (Chapter 414)**

Assembly Bill 521 expands the duties of the Department of Motor Vehicles. This measure renames the Section for the Control of Emissions from Vehicles in the Department of Motor Vehicles. The Section is charged with enforcing laws relating to the use of special fuel by motor vehicles. The employees in this Section of the Department are required to cooperate and coordinate with the Nevada Highway Patrol, which is presently responsible for enforcing these laws.

This bill is effective on July 1, 2003.

### **A.B. 522 (Chapter 194)**

Assembly Bill 522 concerns rental cars. This measure provides that a rental agreement may provide that a lessee of a passenger car is responsible for physical damage to the car regardless of the cause of damage. Additionally, this bill provides that a lessee, who has purchased a waiver of damages, may operate the passenger car only in Arizona, California, Idaho, Nevada, Oregon, and Utah without expressly notifying the lessor. Finally, the bill provides that the \$15 per day limit on the price of a damage waiver is based upon a rental day or a 24-hour period.

### **S.B. 288 (Chapter 270)**

Senate Bill 288 authorizes an increase in fees for compensable trips of taxicabs and the driver’s permit to operate a taxicab. This bill authorizes the Taxicab Authority to set a fee that must not exceed 20 cents per trip. The fee is to be paid to the Authority by any certificate holder

who is subject to an order of allocation by the Authority. Current law limits the fee to 15 cents per trip. The measure further requires certain taxicab drivers to pay the Administrator of the Authority \$40 for an original driver's permit and \$10 for a renewal. Current law authorizes a payment of \$20 for an original driver's permit and \$5 for a renewal.

This measure is effective on July 1, 2003.

**S.B. 405 (Chapter 225)**

Senate Bill 405 revises provisions regarding the owners of fleet motor vehicles. This bill adds the owners of fleets composed of ten or more vehicles to the list of entities and individuals who may apply to Nevada's Department of Motor Vehicles to participate in the electronic submission and filing of documents. Current law provides that the Department may establish a program for the electronic submission and storage of documents. Under this measure, if the Department creates such a program, owners of fleet motor vehicles would be able to register their fleet vehicles electronically.

**S.B. 476 (Chapter 267)**

Senate Bill 476 revises certain provisions relating to the regulation of taxicabs. The measure clarifies that the term for members of the Taxicab Authority is three years, except as otherwise provided in *Nevada Revised Statutes* 232A.020. The measure increases, from \$1,000 to \$2,000, the maximum amount to be in the petty cash account of the Administrator of the Taxicab Authority. Additionally, the measure makes several technical changes.

This measure is effective on May 28, 2003.

**S.B. 478 (Chapter 266)**

Senate Bill 478 concerns the regulation of motor carriers. This measure authorizes the Department of Public Safety to adopt certain regulations governing motor carriers. In addition, the bill clarifies the responsibility and authority of the Department of Motor Vehicles and the Department of Public Safety regarding the enforcement of provisions relating to motor carriers.

This measure is effective on July 1, 2003.

**S.B. 481 (Chapter 275)**

Senate Bill 481 revises certain provisions related to maximum weight on motor vehicle axles. This bill establishes the maximum load weights per tire and the minimum number of tires per axle for vehicles operating or moved upon any public highway. The maximum weight per tire, measured by pounds per inch of tire, must not exceed 600 pounds per inch for a steering axle and 500 pounds per inch for all other axles. With certain exceptions, the measure requires each axle to have at least four tires if the tire width of each tire on the axle is less than or equal

to 14 inches. In addition, the measure defines “tire width” to mean the width set by the manufacturer and inscribed on the tire’s sidewall.

See also **Senate Bill 9 (Chapter 17) of the 20th Special Session.**

## **Traffic Laws**

### **A.B. 42 (Chapter 26)**

Assembly Bill 42 requires drivers to stop in obedience to the direction or signals of school crossing guards. The bill requires drivers to stop, and not proceed until the highway is clear of all persons, when signaled to stop by a school crossing guard. Assembly Bill 42 also authorizes the placement of portable signs designating a school zone on a roadway during the hours when pupils are arriving at or leaving school.

This measure is effective on July 1, 2003.

## **Transportation Fees and Taxes**

### **A.B. 516 (Chapter 323)**

Assembly Bill 516 revises provisions relating to taxation. The bill makes various changes to provisions governing taxes on motor vehicle fuels. The measure corrects an oversight in previous legislation by allowing the one-cent gasoline tax to be distributed directly to each county and city to correspond with how other local gasoline taxes are currently distributed. In addition, the bill revises the formula of how local gasoline taxes are distributed to those counties eligible to receive revenues in excess of the base-year guarantee amounts established by Statute

Provisions of the bill concerning the funding formula are effective on July 1, 2003, while others are effective on October 1, 2003.

### **S.B. 500 (Chapter 420)**

Senate Bill 500 revises certain fees paid to the Department of Motor Vehicles. The measure increases from \$5 to \$6 the fee charged by the Department of Motor Vehicles for each form certifying emission control compliance. The bill also increases from \$125 to \$150 the fee charged for each set of 25 forms.

In addition, S.B. 500 maintains grants of money in the Pollution Control Account to local government agencies in certain nonattainment or maintenance areas, but reduces from one-fifth to one-sixth the amount received for each form.

This measure is effective on July 1, 2003.



**S.B. 501 (Chapter 431)**

Senate Bill 501 imposes new fees relating to the lease or sale of motor vehicles. The bill establishes a processing fee of \$8.25 to be remitted to the Department of Motor Vehicles (DMV) by a seller or long-term lessor of a new, used, or rebuilt vehicle. This fee is also required to be remitted to the DMV when a used or rebuilt vehicle is sold by a person who is not a dealer or rebuilder.



## VARIOUS OTHER BILLS

### A.B. 38 (Chapter 2)

Assembly Bill 38 ratifies technical corrections made to the *Nevada Revised Statutes and Statutes of Nevada*. The measure includes technical corrections made to the laws passed in 2001 by the Legislature, which are often required due to multiple amendments to the same section of the law during session.

This bill is effective on March 5, 2003.

### A.B. 318 (Chapter 119)

Assembly Bill 318 relates to the placement of an historical marker. This measure provides for the design, fabrication, and installation of an historical marker at the gravesite in Reno of former Nevada Governor Emmet Derby Boyle. The bill allows the Administrator of the Office of State Historic Preservation of the Department of Cultural Affairs to accept gifts and donations to fund the marker and prohibits the expenditure of any public money for the marker. The placement of the marker shall not occur without written permission from the family members of former Governor Boyle.

The bill is effective on May 19, 2003.

### A.B. 390 (Chapter 315)

Assembly Bill 390 relates to public sidewalks. This measure prohibits a governing body from requiring a property owner to maintain, reconstruct, or repair the sidewalk in the public right-of-way that abuts his property with certain exceptions. A governing body may require an abutting property owner to repair or reconstruct a public sidewalk as a condition of approval for a change of use permit or if the sidewalk construction exceeds the general standards. Further, the bill does not prevent the imposition of an assessment or other charge for the reconstruction or repair of public sidewalks. By ordinance, a governing body may require the owner of property abutting a public sidewalk to repair or reconstruct the sidewalk if the property owner caused the need for repair or reconstruction. The bill further clarifies that the ordinance may make abutting property owners responsible for general maintenance of public sidewalks, including the removal of snow and ice and the management of weeds, trees, or shrubs that may encroach on the sidewalk.

Persons owning property that abuts a public sidewalk may not be held liable in a civil action for use of the sidewalk unless the owner has failed to maintain the sidewalk as required by ordinance or has created a dangerous condition that results in injury or damage.

The bill is effective on May 29, 2003.

**A.B. 552 (Chapter 513)**

Assembly Bill 552 makes technical corrections made to measures previously approved by the 2003 Legislature. The measure corrects sections and titles of bills passed during the 2003 Session to resolve conflicts between bills and to address technical errors.

This bill is effective on June 12, 2003.

**S.B. 312 (Chapter 347)**

Senate Bill 312 addresses the use of consular identification cards. The measure specifies that State agencies and local governments may accept a consular identification card for any activity or transaction in which the government entity accepts an identification card issued by the Department of Motor Vehicles. However, the bill clarifies that a consular identification card may not be used to obtain a driver's license or State identification card. The measure also provides that a notary may identify a person for notary purposes using a consular identification card. In addition, a business may accept a consular identification card from a person as a condition for taking a check or draft. The bill explains that these provisions only apply for the purposes of identification and do not convey an independent right to receive benefits of any type. Finally, the measure defines "consular identification card" to mean "an identification card issued by a consulate of a foreign government, which consulate is located within the State of Nevada."

**S.B. 434 (Chapter 324)**

Senate Bill 434 exempts from execution by creditors certain money held in trust forming part of qualified tuition program under certain circumstances. This bill prevents a creditor from executing a judgment against a trust forming part of a qualified tuition program unless the money in the trust was deposited after entry of judgment, or the money on deposit will not be used by any beneficiary to attend college. The measure also revises the statutory form of a Notice of Execution for a writ of execution and a writ of attachment to include a listing of the types of accounts exempt from execution.

The effective date of this bill is May 29, 2003.

See also Assembly Bill 5 (Chapter 6) of the 20th Special Session.

## **VETOED BILLS**

The Governor did not veto any bills.



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## SENATE STANDING COMMITTEES

### Seventy-Second Session—2003

(The Chairman is named first, the Vice Chairman is named second, then members are listed alphabetically by majority and minority party.)

#### COMMERCE AND LABOR

Townsend, Hardy, O'Connell, Shaffer, Carlton, Neal, Schneider

#### FINANCE

Raggio, Rawson, Cegavske, Rhoads, Tiffany, Coffin, Mathews

#### GOVERNMENT AFFAIRS

O'Connell, Tiffany, Raggio, Townsend, Hardy, Care, Titus

#### HUMAN RESOURCES AND FACILITIES

Rawson, Cegavske, Nolan, Washington, Neal, Mathews, Wiener

#### JUDICIARY

Amodei, Washington, McGinness, Nolan, Care, Titus, Wiener

#### LEGISLATIVE AFFAIRS AND OPERATIONS

Washington, Cegavske, Raggio, Rawson, Mathews, Titus, Wiener

#### NATURAL RESOURCES

Rhoads, McGinness, Amodei, Shaffer, Carlton, Coffin, Schneider

#### TAXATION

McGinness, Rhoads, O'Connell, Tiffany, Townsend, Coffin, Neal

#### TRANSPORTATION

Shaffer, Nolan, Amodei, Hardy, Care, Carlton, Schneider

#### PRESIDENT PRO TEMPORE

Mark E. Amodei

#### MAJORITY FLOOR LEADER

William J. Raggio

#### ASSISTANT MAJORITY FLOOR LEADER

Raymond D. Rawson

#### MAJORITY WHIP

Dean A. Rhoads

#### ASSISTANT MAJORITY WHIP

Sandra J. Tiffany

#### MINORITY FLOOR LEADER

Dina Titus

#### ASSISTANT MINORITY FLOOR LEADER

Bernice Mathews

#### MINORITY WHIP

Valerie Wiener





## ASSEMBLY STANDING COMMITTEES

### Seventy-Second Session—2003

(The Chairman is named first, the Vice Chairman is named second, then members are listed alphabetically by majority and minority party.)

#### COMMERCE AND LABOR

Goldwater, Buckley, Arberry, Giunchigliani, Leslie, Ocegüera, Parks, Perkins, Beers, Brown, Gibbons, Griffin, Hettrick, Knecht

#### CONSTITUTIONAL AMENDMENTS

Mortenson, McCleary, Horne, Gustavson, Sherer

#### EDUCATION

Williams, Horne, Atkinson, Chowning, Koivisto, Manendo, McCleary, Andonov, Angle, Geddes, Hardy, Mabey

#### ELECTIONS, PROCEDURES, AND ETHICS

Giunchigliani, Conklin, Anderson, McClain, McCleary, Pierce, Beers, Christensen, Grady, Weber

#### GOVERNMENT AFFAIRS

Manendo, Williams, Atkinson, Collins, Koivisto, McCleary, Pierce, Christensen, Goicoechea, Grady, Hardy, Knecht, Weber

#### HEALTH AND HUMAN SERVICES

Koivisto, McClain, Horne, Leslie, Pierce, Williams, Angle, Hardy, Mabey, Weber

#### JUDICIARY

Anderson, Ocegüera, Buckley, Claborn, Conklin, Horne, Mortenson, Ohrenschall, Angle, Brown, Carpenter, Geddes, Gustavson, Mabey, Sherer

#### NATURAL RESOURCES, AGRICULTURE, AND MINING

Collins, Claborn, Atkinson, Conklin, McCleary, Mortenson, Ohrenschall, Carpenter, Christensen, Geddes, Goicoechea, Marvel

#### TAXATION

Parks, Goldwater, Anderson, Arberry, McClain, Mortenson, Pierce, Gibbons, Grady, Griffin, Hettrick, Marvel

#### TRANSPORTATION

Chowning, Ohrenschall, Atkinson, Claborn, Collins, Manendo, Ocegüera, Carpenter, Goicoechea, Gustavson, Knecht, Sherer

#### WAYS AND MEANS

Arberry, Giunchigliani, Chowning, Goldwater, Leslie, McClain, Parks, Perkins, Andonov, Beers, Gibbons, Griffin, Hettrick, Marvel

#### SPEAKER

Richard D. Perkins

#### SPEAKER PRO TEMPORE

Wendell P. Williams

#### MAJORITY FLOOR LEADER

Barbara Buckley

#### ASSISTANT MAJORITY FLOOR LEADER

John Ocegüera

#### MAJORITY WHIP

Bernie Anderson

#### ASSISTANT MAJORITY WHIP

Sheila Leslie

#### ASSISTANT MAJORITY WHIP

Mark Manendo

#### ASSISTANT MAJORITY WHIP FOR PROCEDURE

Genie Ohrenschall

#### MINORITY FLOOR LEADER

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Josh Griffin

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