

NEVADA LEGISLATURE

SEVENTY-SEVENTH SESSION
2013

~ ALSO INCLUDED ~

TWENTY-SEVENTH SPECIAL SESSION
JUNE 4, 2013

SUMMARY OF LEGISLATION



PREPARED BY
RESEARCH DIVISION
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INTRODUCTION

The 2013 Regular Session of the Nevada Legislature considered 1,034 new bills—512 from the Assembly and 522 from the Senate. Additionally, 1 initiative petition was considered, and 18 vetoed bills were returned from the 2011 Regular Session to consider. Of these bills and initiative petition that were considered, 570 bills were approved. The Governor vetoed 17 bills, none of which were overridden. The Governor signed all of the remaining bills; therefore, 553 bills became law. The 77th Legislative Session adjourned sine die on June 3.

After the 2013 Regular Legislative Session, there was a one-day special session on June 4 to pass additional important bills that were not passed before the midnight deadline on June 3. During the 27th Special Session, five bills were considered and passed by the Legislature and signed into law by the Governor.

The *Summary of Legislation* reviews each of the bills and joint and concurrent resolutions passed by the 2013 Regular and 27th Special Sessions. These summaries do not constitute legal analyses and are not intended for use by the legal community in place of the actual statutes. The chapter or file number following each bill or resolution in the *Summary of Legislation* refers to the location of the bill or resolution in the *Statutes of Nevada 2013*. The *Statutes of Nevada* are a compilation of all legislation passed by the Nevada Legislature during a particular legislative session.

Unless otherwise noted, the measures passed during the 2013 Regular Session are effective on October 1, 2013.

Occasionally, descriptions of “current” or “existing” law are used to illustrate the changes resulting from a bill. These descriptions refer to the law in effect prior to the passage of new legislation. In many cases, the “current” law so referenced will already have been changed at the time of this document’s publication. Furthermore, numerous measures are included in more than one chapter of this document.

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

Please see the “Numeric Index” for a complete list of legislation or consult the “Table of Contents” and “Subject Index” for reference to legislation enacted within selected major or specific topic areas. For a comprehensive index to all legislative measures considered during the 2013 Session, please consult the *Index and Tables* for the 77th Legislative Session.

Research Division
Legislative Counsel Bureau
December 2013

APPROPRIATIONS AND AUTHORIZATIONS

Education Budget Bills

S.B. 504 (Chapter 515)

Senate Bill 504 provides for a comprehensive program targeting the needs of English Language Learners (ELLs). The bill establishes the Legislature's commitment to provide every child with a first-rate education and its intent to provide high-quality instruction and services to Nevada's ELLs. The measure revises the school and district-level accountability reports to include information concerning the progression of pupils who are limited English proficient, including the number and percentage of such students; academic achievement levels compared with pupils who are proficient in English; and comparisons with other students concerning various outcome measures such as retention rates, graduation rates, and dropout rates.

The bill creates within the Department of Education a 16-member English Mastery Council to recommend criteria to the State Board of Education for teaching ELLs and requires school districts to develop policies that reflect those criteria. The Council must also make recommendations to the Superintendent of Public Instruction and the Commission on Professional Standards in Education about license endorsements for teachers of English as a Second Language, and recommend changes to the course of study offered by the Nevada System of Higher Education to improve training for those who plan to teach ELLs.

The Commission on Professional Standards in Education is required to adopt regulations for obtaining an endorsement to teach English as a second language, based upon the recommendations of the English Mastery Council. Should the Commission fail to act, the State Board of Education must adopt those regulations.

Finally, the bill appropriates \$50,000 from the State General Fund to the Department of Education for the Council's operation for each year of the 2013-2015 Biennium. The bill also appropriates \$24.95 million from the State General Fund to the Account for Programs for Innovation and the Prevention of Remediation for each year of the biennium. This money is allocated among the Clark County School District, the Washoe County School District, and the Department of Education for grants to the other 15 school districts to support certain programs for ELLs. For Clark and Washoe Counties, schools designated as "Zoom Schools" with high ELL populations and low achievement levels will receive comprehensive services as part of a wraparound package that provides free pre-kindergarten; expands full-day kindergarten classes; operates reading skills centers; and provides free summer or intersession academies. The majority of the funds for this program are directed at the two large urban districts, although \$1.497 million is set aside each fiscal year for grants to the other school districts and the State Charter School Authority. Reporting requirements are established for schools and districts receiving these funds.

The bill is effective on June 12, 2013, for the purpose of appointing the members of the English Mastery Council. The remaining provisions of the bill are effective on July 1, 2013. Provisions governing the activities of the English Mastery Council expire by limitation on June 30, 2019.

S.B. 522 (Chapter 382)

Senate Bill 522 provides funding for K-12 public education for the 2013-2015 Biennium, apportions the State Distributive School Account (DSA) in the State General Fund, and authorizes certain expenditures for support of public education in the State for the 2013-2015 Biennium. The bill also appropriates money for purposes relating to basic support, class-size reduction, and other educational purposes. Finally, S.B. 522 temporarily diverts the money from the State Supplemental School Support Account to the DSA for use in funding operating costs and other expenditures of school districts.

This measure appropriates from the State General Fund to the DSA approximately \$2.24 billion over the 2013-2015 Biennium (\$1.13 billion in Fiscal Year (FY) 2013-2014 and \$1.11 billion in FY 2014-2015). The measure also temporarily transfers estimated funding of \$131.9 million in FY 2013-2014 and \$136.7 million in FY 2014-2015 from the State Supplemental School Support Fund to the DSA. In addition, \$577 million of other revenues not appropriated from the State General Fund are authorized to be received and expended for State support of public education over the biennium (\$282.8 million in FY 2013-2014 and \$294.2 million in FY 2014-2015). These other revenues include an annual excise tax on slot machines, sales tax collected on out-of-state sales, interest earned on the Permanent School Fund, revenue from mineral leases on federal land, and room tax revenues from the Legislatively-approved 2009 Initiative Petition.

With these funds, the statewide average basic support per pupil increases over the upcoming biennium from the current FY 2012-2013 amount of \$5,374 to \$5,590 in FY 2013-2014 and \$5,676 in FY 2014-2015. Enrollment is projected to increase by 0.61 percent from a weighted enrollment of 429,718 pupils in FY 2012-2013 to 432,346 pupils in FY 2013-2014 and increase by 0.39 percent to 434,023 pupils in FY 2014-2015.

State funding for special education continues to be allocated on the basis of special education units. For each fiscal year of the 2013-2015 Biennium, 3,049 units are funded at a cost of \$41,608 per unit in FY 2013-2014 and \$42,745 per unit in FY 2014-2015, totaling \$126.9 million in FY 2013-2014 and \$130.3 million in FY 2014-2015. As in the past, 40 of those units will be reserved each year for the State Board of Education to assign to districts and charter schools that have unexpected needs. In addition, the measure authorizes the State Board of Education to spend up to \$169,616 in FY 2013-2014 and \$174,243 in FY 2014-2015 from the DSA for gifted and talented pupils to participate in programs incorporating educational technology.

The State's Class-Size Reduction (CSR) Program receives \$161.7 million in FY 2013-2014 and \$166.5 million in FY 2014-2015 to pay for the salaries and benefits of at least 2,180 teachers in the first year and 2,194 teachers in the second year of the biennium to reduce

pupil-to-teacher ratios. Funds are allocated based upon the number of teachers needed in each school district to achieve pupil-to-teacher ratios of 16:1 in first and second grades and 19:1 in third grade, the same ratios as in the current biennium. Additionally, approximately \$35,000 is provided to the Department of Education in each year of the biennium to assist with personnel costs related to reporting for the CSR program.

To assist school districts in addressing budget shortfalls for the 2013-2015 Biennium, this measure authorizes a school district to increase class sizes in grades 1, 2, and 3 by no more than two pupils per teacher in each grade, to achieve pupil-teacher ratios of 18:1 in grades 1 and 2, and 21:1 in grade 3. If a school district elects to increase class sizes in this manner, all money that would have otherwise been expended by the school district to achieve the lower class sizes in grades 1 through 3 must be used to minimize the impact of budget reductions on class sizes in grades 4 through 12. For reporting purposes, school districts that elect to increase class sizes in grades 1 through 3 will be required to report the pupil-teacher ratios achieved for each grade level from grade 1 through grade 12.

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

This bill appropriates \$30.5 million in FY 2013-2014 and \$30.4 million in FY 2014-2015 for the Other State Education Programs Account. Through this account, State General Fund support is provided for educational technology, peer mediation, career and technical education programs, local education agency library books, public broadcasting, the National Board Certification Program for teachers and counselors, and other miscellaneous programs.

Funding for the adult high school diploma programs was approved for transfer, with no change in purpose, from a line item in the DSA to the Other State Education Programs Account. Of the State General Fund appropriation to the Other State Education Programs Account, \$17.8 million in FY 2013-2014 and \$18.3 million in FY 2014-2015 is for the support of courses approved by the Department of Education as meeting the course of study for an adult standard high school diploma as approved by the State Board.

The Other State Education Programs Account also includes State General Fund support in the amount of \$1.5 million over the 2013-2015 Biennium for the continuation and expansion of the Jobs for America's Graduates Program throughout the State.

This bill continues the Account for Programs for Innovation and the Prevention of Remediation with appropriations of \$40.2 million in FY 2013-2014 and \$40.8 million in FY 2014-2015 to continue and to expand the Full-Day Kindergarten program for at-risk schools in Nevada.

The measure's school funding provisions also allocate:

- \$53.4 million over the biennium in State General Fund support (\$25.5 million in FY 2013-2014 and \$27.9 million in FY 2014-2015) to implement class-size reduction in kindergarten classrooms statewide, to achieve a pupil-to-teacher ratio of 21:1. Of the amounts appropriated, \$10 million for FY 2013-2014 and \$4 million for FY 2014-2015 may be distributed by the Department of Education to assist school districts that receive an allocation with the portable facilities necessary to provide kindergarten at the pupil-teacher ratios prescribed by the bill.
- Up to \$17.6 million over the biennium (\$8.7 million in FY 2013-2014 and \$7.6 million in FY 2014-2015) for regional training programs to train teachers and administrators. An additional \$1.3 million may be requested by the Department of Education for the professional development of teachers and administrators to implement the statewide performance evaluation system, based upon the results of the planned validation study.
- \$6.6 million over the biennium (approximately \$3.3 million in each fiscal year) for competitive grants to school districts and community-based organizations for early childhood education programs. This is accomplished through a transfer of Early Childhood Education program funding, with no change in purpose, from a line item in the DSA to the Other State Education Programs Account. The bill continues the requirement for an evaluation of the effectiveness of the early childhood education programs.
- \$8.8 million in FY 2013-2014 to fund the cost of retirement credits and teacher incentives earned in FY 2012-2013, and \$5.8 million in FY 2014-2015 to fund the cost of retirement credits and teacher incentives earned in FY 2013-2014.

The provisions of the measure relating to the transfer of funds to support the CSR Program during FY 2014-2015 are effective on July 1, 2014. All other provisions are effective on July 1, 2013.

State Budget Bills

A.B. 507 (Chapter 446)

Assembly Bill 507 is the General Appropriations Act to support Nevada State Government during the 2013-2015 Biennium. This measure makes appropriations from the State General Fund and the State Highway Fund for all State agencies and the Nevada System of Higher Education (NSHE). The bill provides for appropriations from the State General Fund of over \$4 billion during the biennium, including approximately \$1.98 billion for Fiscal Year (FY) 2013-2014 and \$2.03 billion for FY 2014-2015. The State Highway Fund appropriations total nearly \$254.6 million, including \$114.2 million in FY 2013-2014 and \$140.4 million in FY 2014-2015.

The measure also specifies that if actual State revenues fall below projections resulting in an ending fund balance of less than \$80 million in either year of the biennium, the Governor may direct that each agency of State government be required to set aside a 15 percent reserve if approved by the Interim Finance Committee (IFC). The Performance Funding Pool Account is created for institutions within the NSHE, and authority is granted to make transfers to the appropriate budget accounts upon the recommendation of the Governor and approval by the IFC. Other account transfers and the spending authority for various accounts and agencies also are specified within the bill.

This measure, along with the General Authorizations Act (S.B. 521), the State employee salary bill (A.B. 511), the school funding bill (S.B. 522), and the capital improvements program bill (A.B. 505), are the final result of deliberations by the Assembly Committee on Ways and Means and the Senate Committee on Finance (money committees). The total State General Fund appropriation of \$4 billion represents an increase of approximately \$163.8 million when compared to State General Fund appropriations approved by the 2011 Legislature for the 2011-2013 Biennium. The State Highway Fund appropriations represent a reduction of \$27.5 million from the previous biennium.

While not specified in the bill, many of the decisions concerning agency programs were discussed in greater detail by the money committees as part of the budget process and as budget closing decisions. A summary of the selected major program decisions linked to these appropriations follows.

ELECTED OFFICIALS

Attorney General—The Legislature approved \$31.8 million in State General Fund support for the Office of the Attorney General over the 2013-2015 Biennium. Of this amount, \$1.2 million continues the support of the Bureau of Consumer Protection. Additional funding is provided to support the Missing Children/Crime Prevention account and the Special Fund to continue legal activities involving opposition to the location of a federal nuclear waste repository at Yucca Mountain and unanticipated litigation.

Judicial Branch—The Legislature approved State General Fund support totaling \$62.7 million over the 2013-2015 Biennium for the Judicial Branch of government. This amount represents a 5.3 percent increase when compared to the legislatively approved amount of \$59.5 million over the previous biennium. To be consistent with the salary reductions approved for Executive and Legislative Branch employees, the Legislature approved the inclusion of salary reductions, suspended merit pay increases, and suspended longevity payments for all Judicial Branch employees except Supreme Court Justices and District Court Judges. Finally, the State budget includes \$414,370 in State General Fund support for new positions to provide dedicated security for the Supreme Court and Administrative Office of the Courts buildings in Carson City.

FINANCE AND ADMINISTRATION

Department of Administration—Several significant budget decisions were approved by the Legislature, including:

- Appropriations of \$100,000 to the Budget and Planning Division for additional contractor programming resources to further develop the Priorities and Performance Based Budgeting initiative; and
- Approval to purchase the Motor Pool's Las Vegas facility through a State General Fund loan of \$2.5 million, which is to be repaid over 20 years. State General Fund appropriations of \$1.8 million were approved, along with State Highway Fund authorizations of \$1.1 million from the Authorization Act, to purchase 109 additional vehicles for the Motor Pool fleet for assignment to various State agencies.

Department of Taxation—The Legislature approved \$51.7 million in State General Fund support for the Department of Taxation over the biennium, including funding for six new full-time positions.

EDUCATION

K-12 Education—Appropriations for public education are considered separately in the school funding bill, S.B. 522. With regard to the Department of Education budgets within this measure, the money committees approved State General Fund support in the amount of \$24.6 million over the 2013-2015 Biennium. Of this amount, \$13.3 million continues the statewide testing program, including support for the System for Accountability Information in Nevada (SAIN); \$8.3 million supports personnel costs for statewide programs; and \$2.3 million serves as maintenance of effort or match requirements to receive various federal funds. Additionally, funding was approved to provide an evaluation of the performance pay validation plan. Finally, a one-time State General Fund appropriation of \$750,000 was approved to support a revolving loan program for charter schools.

Nevada System of Higher Education (NSHE)—The Legislature approved \$971.3 million in State General Fund appropriations for the NSHE, an increase of \$26.5 million or 2.8 percent over the previous biennium. The primary focus of the Legislature's money committees for these budgets concerned the adoption of a new funding formula to distribute available State General Fund appropriations to the NSHE teaching institutions. The Legislature adopted the recommendation of the Board of Regents and its own interim study committee to distribute State General Fund appropriations through a funding formula based upon resident weighted student credit hours that were actually completed. A separate Small Institution funding component was included for Great Basin College (GBC) and Western Nevada College (WNC), plus the funding for the operations and maintenance of research space at the University of Nevada, Las Vegas and the University of Nevada, Reno. In order to hold institutions harmless from funding shifts, the Legislature also approved new State General Fund appropriations

totaling \$5.2 million and \$4.2 million to GBC and WNC in FY 2013-2014 and FY 2014-2015, respectively, to mitigate the effect of the formula. Also incorporated into the *Executive Budget* was a proposal for a performance funding pool for the seven NSHE teaching institutions. This pool was created by allocating 5 percent of each institution's FY 2014-2015 "base" State General Fund appropriation that would be earned back based upon achieving performance criteria established by the Board of Regents. In addition, the Legislature approved \$500,000 in annual State General Fund appropriations for the Cooperative Extension Service.

COMMERCE AND INDUSTRY

Department of Agriculture—A total of \$4.3 million in State General Fund monies was approved over the biennium to support the Department of Agriculture, representing an increase of 40 percent from the amount approved for the previous biennium. In addition, the Legislature approved the transfer of the Dairy Commission from the Department of Business and Industry, the Commodity Food Program from the Department of Administration, and the Nutrition Education Programs from the Department of Education to the Department of Agriculture to create a new Food and Nutrition Division.

Department of Business and Industry—In closing the budgets for the Department of Business and Industry, the Legislature approved \$5.7 million in State General Fund appropriations. An additional \$2.4 million in State Highway Funds for each year of the biennium also was approved to support the Nevada Transportation Authority. For the Real Estate Division, State General Fund support totaled \$1.4 million for the biennium.

Office of Economic Development—The Legislature approved State General Fund support of \$26.9 million over the 2013-2015 Biennium for the Governor's Office of Economic Development. The Knowledge Fund account was established within the Office, and provided with a State General Fund appropriation of \$10 million over the biennium. In addition, the Legislature appropriated from the State General Fund \$1.5 million in FY 2014-2015 for the Catalyst Fund.

Department of Tourism and Cultural Affairs—In closing the budgets for the Department of Tourism and Cultural Affairs, the Legislature approved State General Fund appropriations of \$6.3 million over the 2013-2015 Biennium, an increase of 2 percent when compared to the previous biennium. State General Fund monies will continue to support a portion of the expenditures for the Division of Museums and History, the Nevada Arts Council, Nevada Humanities, and the Nevada Indian Commission within the Department. The Legislature also approved the Governor's recommendation to restore to full-time status staff of the State's seven museums.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Aging and Disability Services Division—A total of \$242.6 million in State General Fund appropriations was approved for the Aging and Disability Services Division. The Legislature approved transferring Developmental Services from the Mental Health and Developmental

Services Division to the Aging and Disability Services Division; likewise Early Intervention Services was transferred from the Health Division to the Aging and Disability Services Division. Approximately \$2.4 million in State General Fund support was approved to increase the monthly caseload for the Autism Treatment Assistance Program to 572 children by the end of FY 2014-2015. This action is projected to reduce the waiting list by 50 percent. The Legislature approved positions to support a caseload increase in the Independent Living Program and the Home and Community Based Waiver Program. Additionally, \$3.2 million in State General Fund appropriations were approved to provide monthly cash assistance to low-income families who provide home care for relatives who have profound or severe mental disabilities or have children under six years of age who have developmental delays. Additional funds were designated to support overall caseload growth at the Desert Regional Center and the Sierra Regional Center, including support due to an increase in the number of individuals with a dual diagnosis of mental illness and a developmental disability. State General Fund appropriations of \$11.4 million for Supported Living Arrangements, Family Support/Respite and Jobs, and Day Training were approved for the three regional centers.

Health Care Financing and Policy—The Legislature approved the implementation of the second phase of the Medicaid Management Information System replacement project for Nevada Medicaid. Additionally, new positions were added to address various requirements of the federal Affordable Care Act and to expand fraud, waste, and abuse prevention activities within the Division. The Legislature also approved the Federal Medical Assistance Percentage rate for the 2013-2015 Biennium, which resulted in State General Fund savings of approximately \$11 million in FY 2014-2015. Amended caseload projections for the Medicaid and Nevada Check-Up programs were made, decreasing the projected State General Fund appropriation by approximately \$2.8 million in FY 2013-2014 and \$7.7 million in FY 2014-2015. This process also included adjustments for caseload increases resulting from annual growth, the implementation of the federal Affordable Care Act, and expansion of Medicaid to include adults, ages 19 to 64, with household incomes up to 138 percent of the Federal Poverty Level. In addition, the county contribution to the County Match Program was reduced. Approximately \$20.2 million in State General Fund revenues were approved to increase or restore certain provider rates within Medicaid and the Nevada Check-Up program. The provider rate increases include: a 15 percent rate increase for free-standing ambulatory surgery centers and ambulance services; a less than 1 percent rate increase for dental services; a 6.86 percent rate increase (partial restoration) for partial anesthesia services; a 28 percent increase for non-primary care obstetric services; and a 30 percent increase (partial restoration) to the enhancement rate for pediatric surgical services. Finally, the Legislature agreed to appropriate \$3 million to pay the non-federal share of expenses for kidney dialysis needed to stabilize individuals with kidney failure and additional emergency care related to the treatment of kidney failure.

Division of Welfare and Supportive Services—The Legislature approved State General Fund appropriations of \$158 million over the 2013-2015 Biennium for the Division of Welfare and Supportive Services. Of that amount, \$49.2 million was approved for the Temporary Assistance to Needy Families budget. Additional positions were approved to handle projected caseload increases due to the implementation of the federal Affordable Care Act, and the

expansion of Medicaid. The Legislature also approved an additional \$2 million in each year of the biennium to increase childcare subsidies for working families, serving approximately 346 additional children per year in the at-risk population.

Division of Public and Behavioral Health—The Legislature approved the reorganization of the Division of Mental Health and Developmental Services by combining the Mental Health accounts with most of the Health Division accounts to form a new Division of Public and Behavioral Health. In closing the budgets formerly under the Health Division, the Legislature approved State General Fund support in the amount of \$36.2 million in FY 2013-2014 and \$39.6 million in FY 2014-2015. As part of the integration of the Health Division and Mental Health into a new Division of Public and Behavioral Health, the Legislature also approved the transfer of Early Intervention Services to the Aging and Disability Services Division; this budget includes State General Fund appropriations of \$61.4 million over the biennium. State General Fund appropriations of \$1 million were approved for the Immunization budget to make available additional pertussis vaccinations for family members and persons in close contact with newborns. State General Fund appropriations of \$3.1 million were approved for Southern Nevada Adult Mental Health Services to provide supported living, housing, and clinical services for individuals reentering the community from jails, prisons, and forensic hospitals. Likewise, State General Fund appropriations of \$984,000 for similar services were included for the Northern Nevada Adult Mental Health Services. The Legislature approved the closure of the Las Vegas downtown outpatient clinic and transferred services to the mental health services campus on West Charleston. This closure will allow for the operation of a 24-hour Urgent Care Center at that site and additional funding was provided for that purpose. For the northern Nevada campus, funding for additional staff was approved to provide after-hours medical clearance to support the Psychiatric Observation Unit and inpatient units to help reduce the inappropriate use of local hospital emergency rooms.

Division of Child and Family Services—Over \$231.2 million in State General Fund appropriations were approved for the Division of Child and Family Services, with a portion of that amount to support projected caseload increases in foster care and adoption subsidies. Funding for child welfare services was approved for Clark and Washoe Counties in the form of capped block grants. The Legislature approved the opening of the Summit View juvenile correctional facility with a private vendor using \$1.5 million in State General Funds and budget savings realized through the elimination of vacant positions and by reducing the number of beds at the Nevada Youth Training Center.

DEPARTMENT OF EMPLOYMENT, TRAINING AND REHABILITATION

In closing the budgets of the Department of Employment, Training and Rehabilitation, the Legislature approved \$7.7 million in State General Fund appropriations for the biennium, an increase of 3.6 percent from the previous biennium. The Legislature did not approve the recommended fiscal consolidation of the Bureau of Services to the Blind and Visually Impaired and Vocational Rehabilitation accounts, citing concerns voiced by blind and visually impaired consumers and advocates and the Legislature's need for oversight of these resources and expenditures.

PUBLIC SAFETY

Department of Corrections—The Legislature approved State General Fund support totaling \$487.3 million for the Department of Corrections over the 2013-2015 Biennium. The approved funding will provide for housing an average of 12,667 inmates in FY 2013-2014 and 12,714 inmates in FY 2014-2015. The Legislature did not approve the Governor's recommendation to transfer positions from the Department of Public Safety to the Department of Corrections to staff a proposed Parole Services Division.

Department of Motor Vehicles—The Legislature approved State Highway Fund appropriations of approximately \$45 million in FY 2013-2014 and \$70 million in FY 2014-2015 to support the operations of the Department of Motor Vehicles. State Highway Funds of approximately \$3.3 million were approved to continue 25 counter positions approved by the IFC during the 2011-2013 Biennium. The continuation of the positions will maintain wait times at the six metropolitan offices at an average of 39 minutes, and will maintain resources in Elko and Winnemucca to respond to workload increases associated with population growth. In addition, funding was approved for a new automated customer flow queuing system for 12 field offices. Finally, the Legislature approved making the License Plate Factory self-supporting in lieu of using State Highway Funds. The Factory will also relocate to a new building on the grounds, but outside the fence, of the Northern Nevada Correctional Center.

Department of Public Safety—The Legislature approved State General Fund appropriations of \$91.7 million and State Highway Fund appropriations of \$133.1 million for the Department of Public Safety. Included in the State Highway Fund appropriation is \$1 million over the biennium to replace portable 800 MHz radios for Highway Patrol officers. In closing the Parole and Probation Division budget, the Legislature did not approve the transfer of parole functions to the Department of Corrections.

INFRASTRUCTURE

Department of Conservation and Natural Resources—For the Department of Conservation and Natural Resources, including the Tahoe Regional Planning Agency, the Legislature approved State General Fund appropriations totaling \$41.2 million over the 2013-2015 Biennium. Of this amount, \$621,594 was approved for deferred maintenance at the South Fork Dam and various deferred maintenance projects at 11 State parks. The Legislature also approved State General Fund appropriations of \$447,248 over the biennium to support the new Wildland Fire Protection Program within the Division of Forestry.

SPECIAL PURPOSE AGENCIES

Office of Veterans' Services—The Office of Veterans' Services received State General Fund support totaling \$3.5 million for the 2013-2015 Biennium. Additional Veterans' Services Representative positions were approved for the Reno area, along with staff to assist with the development of policies, initiatives, and strategies concerning services provided to veterans, servicemen, servicewomen, and their families.

The extension to carry forward the remaining balance of funds to fund various economic development projects; certain mental health services; federal matching requirements under the Affordable Care Act; and the new state telephone system, along with budget reversion requirements and the appropriation to fund the 2013 Legislative Session, are effective on June 10, 2013. The remaining provisions of the bill, including the majority of the appropriations, are effective on July 1, 2013.

S.B. 521 (Chapter 453)

Senate Bill 521, known as the General Authorizations Act, represents authority for agencies to collect and expend monies other than State General Funds and includes federal funds, gifts, grants, interagency transfers, service fees, and other funds. The total authorized funding recommended for approval by the Legislature for ongoing operations is approximately \$12.39 billion for the 2013-2015 Biennium, which includes approximately \$531 million in State Highway Fund appropriations. The measure includes separate authorizations for certain tobacco settlement funds and for appropriations to the State Gaming Control Board and the Nevada Gaming Commission. The bill also authorizes the State Public Defender to collect various amounts from certain counties for the use of the services of that office.

Finally, S.B. 521 allows the Director of the Department of Taxation to request a temporary advance from the State General Fund in Fiscal Year (FY) 2014-2015 to pay expenditures related to the administrative costs to implement the requirements of Initiative Petition 1 (a proposed margin tax on business) if that measure is approved by the voters at the general election held in November 2014. Such an advance is limited to \$1,399,835 in FY 2014-2015.

This measure, along with the General Appropriations Act (A.B. 507), the State employee salary bill (A.B. 511), the school funding bill (S.B. 522), and the Capital Improvements Program bill (A.B. 505), are the final result of the deliberations by the Assembly Committee on Ways and Means and the Senate Committee on Finance (money committees). The General Authorizations Act allows State agencies to collect and expend federal funds, gifts, grants, interagency transfers, service fees, and other funds. In essence, the measure authorizes expenditures other than from the State General Fund or the State Highway Fund. While not specified in the bill, many of the specific decisions concerning agency programs were discussed in greater detail by the money committees as part of the budget process and as budget closing decisions. A summary of selected major program decisions linked to these appropriations follows.

ELECTED OFFICIALS

The Governor's Office of Economic Development—The Legislature authorized revenues of \$13.7 million for the Governor's Office of Economic Development, which includes \$5 million for the State Small Business Credit Initiative program and \$4.3 million for the Rural Community Development program.

Office of the Attorney General—The Legislature approved the Governor’s recommendation to use mortgage settlement funds of approximately \$21.5 million in the 2013-2015 Biennium to continue funding the Housing Call Center, Financial Guidance Center, and Legal Services contracts. Also approved was the Governor’s recommendation to transfer mortgage settlement funds of \$53.2 million to the Department of Business and Industry to support programs approved by the Attorney General to mitigate the effects of the mortgage and foreclosure crisis in Nevada.

DEPARTMENT OF ADMINISTRATION

State Public Works Division—Over \$1.57 million in the 2013-2015 Biennium was approved to fund deferred maintenance projects throughout the State.

Division of Human Resource Management—The Legislature approved the Governor’s recommendation of \$446,000 over the 2013-2015 Biennium for a technology investment request to implement Phase III of the Nevada Employee Action and Timekeeping System to automate paper-based transactions.

Division of Enterprise Information Technology Services—The Legislature approved \$77.2 million in authorized revenues for the Division of Enterprise Information Technology Services for the 2013-2015 Biennium. In addition, the Department of Public Safety’s information technology functions were transferred to the Division, to begin the process of creating a statewide, consolidated and standardized information technology environment. The State’s telephone system will be replaced with a leased system and the State’s email system will be outsourced to a cloud-based provider funded with user fee revenue totaling \$2.5 million during the biennium.

EDUCATION

Department of Education—Funding for public schools was considered separately in the school funding bill (S.B. 522), which contains funding for basic support, class-size reduction, full-day kindergarten, teacher and administrator training, teacher incentives, early childhood education, educational technology, career and technical education, adult education, and other State education programs. For the Department of Education’s agency budgets, the Legislature approved a total of \$755.9 million in federal revenue authority over the 2013-2015 Biennium, the majority of which involves pass-through funds to the local school districts. The total includes federal revenue authority of \$259.3 million for various child nutrition education programs that the Legislature approved transferring to the Department of Agriculture. Finally, of the total federal revenue authority approved by the Legislature, \$287.7 million continues provisions of the federal Elementary and Secondary Education Act. Federal funds will be utilized to continue Title I programs, enhance teacher quality and State assessments, continue career and technical education programs, and for the support of teaching students with disabilities.

Nevada System of Higher Education (NSHE)—The total non-State General Fund revenues approved for NSHE came to \$524.8 million, including student registration fees, non-resident tuition, student application fees, federal and county revenues, and operating capital investment income. In calculating the budget for NSHE, the Legislature adopted various recommendations from the higher education funding interim study committee. Non-State General Fund revenues will no longer offset the amount of State General Fund appropriations for State supported operating budgets for NSHE; however, student fee and tuition revenues will continue to be budgeted in the institutions' State supported operating budgets for transparency purposes.

COMMERCE AND INDUSTRY

Department of Tourism and Cultural Affairs—The Legislature authorized the Department to receive room tax revenue of \$18.1 million in FY 2013-2014 and \$18.6 million in FY 2014-2015. With regard to the Division of Museums and History, non-State General Fund revenues of \$789,549 were approved to restore staff for the State's seven museums to full-time and increase the number of days of operation. In addition, a room tax transfer of \$200,000 in each fiscal year was approved from the Commission on Tourism to the Nevada Arts Council. Room tax transfers in the amount of \$200,000 were approved to fund the Tourism Development account, which provides matching grants to rural communities to improve tourism infrastructure.

Department of Business and Industry—The budgets for the Department of Business and Industry contain total authorized funding of \$286.7 million in the 2013-2015 Biennium, an increase of 15.8 percent when compared to the previous biennium. Funding was approved to create a Consumer Affairs Unit to address consumer-related issues and complaints within the Department's Mortgage Lending, Real Estate, and Financial Institution Divisions. Also, funding in the amount of approximately \$976,600 was provided to create a Mortgage Fraud Enforcement Unit using Mortgage Settlement funds. In addition, \$49 million in Mortgage Settlement funds will be used to establish the Nevada Home Retention program. The Department developed a targeted business plan that anticipates using Mortgage Settlement funds in addition to a \$100 million allocation from the U.S. Treasury for a total of \$149 million to help address the shadow market of underwater and delinquent home mortgages susceptible to foreclosure in Nevada. Additional positions were also approved in the Common Interest Communities budget to reduce the caseload for investigations resulting from complaints filed by unit owners in community associations, licensees, or other governmental agencies. In addition, funding was approved from reserves for an Impartial Referee Program in the Ombudsman's Office for Common-Interest Communities. The Legislature also approved an allocation from the Workers' Compensation and Safety Fund to study Nevada's Medical Fee Schedule and approved approximately \$1.6 million to allow the Taxicab Authority to hire additional staff, purchase replacement vehicles, and relocate its office to a larger facility near McCarran International Airport.

HUMAN SERVICES

Director's Office, Department of Health And Human Services—The Legislature approved the Healthy Nevada Fund spending plan recommended by the Governor, which allocates tobacco settlement funds totaling \$20 million over the biennium, including:

- \$1 million for the Office of Suicide Prevention to support health and wellness programs;
- \$1 million to support the Nevada 2-1-1 system; and
- \$4.6 million in grants for food security.

Additionally, the Office of Suicide Prevention is transferred to the new Division of Public and Behavioral Health (previously the Health Division). Over \$28.6 million in federal Title XX funds were approved to provide grants over the biennium to State agencies and nonprofit organizations to support health and social service programs. Lastly, the measure restores \$1.5 million each year in slot tax revenue for programs that prevent and treat problem gambling and \$18.5 million each year in property tax revenues for indigent hospital claims. These funds were redirected during the previous biennium to address budget shortfalls.

Aging and Disability Services Division—Approximately \$252.6 million of non-State General Fund revenue was authorized for the Aging and Disability Services Division. Funding of \$4.8 million in tobacco settlement funding was approved to increase the monthly caseload for the Autism Treatment Assistance Program from the approved level of 137 children in 2011, to 572 children by the end of FY 2014-2015. This action is projected to reduce the waiting list by 50 percent. Tobacco settlement funding totaling approximately \$2.6 million over the biennium was approved to pilot a Dental Benefit program, which would provide dental insurance and copay assistance to approximately 1,100 Senior Rx and Disability Rx program members. An additional \$2.4 million in tobacco settlement monies was authorized to provide monthly cash assistance to low income families who care for relatives with profound or severe mental disabilities in their homes or have children under six years of age with developmental delays. Across the three regional centers, an additional \$10.1 million in Medicaid funding was authorized for Supported Living Arrangements, Family Support/Respite and Jobs and Day Training expenditures.

Health Care Financing and Policy—The Legislature approved the implementation of the second phase of the Medicaid Management Information System (MMIS) replacement project. Additionally, new positions were added to address various requirements of the federal Affordable Care Act and to expand fraud, waste, and abuse activities within the Division. The Legislature also approved the Federal Medical Assistance Percentage (FMAP) rate, as amended, for the 2013-2015 Biennium, which increased for FY 2014-2015 by 0.65 percent compared to the rate used in the *Executive Budget*, resulting in State General Fund savings of approximately \$11 million in FY 2014-2015. Amended caseload projections for the Medicaid and Nevada Check-Up programs were made, decreasing the projected State General Fund

appropriation by approximately \$2.8 million in FY 2013-2014 and \$7.7 million in FY 2014-2015. This process also included adjustments for caseload increases resulting from annual growth, the implementation of the federal Affordable Care Act, and expansion of Medicaid to include adults, ages 19 to 64, with household incomes up to 138 percent of the Federal Poverty Level.

Health Division—In approving the public health budgets in the Division of Public and Behavioral Health, the bill authorizes \$160.1 million in non-State General Fund revenues in FY 2013-2014 and \$158.1 million in FY 2014-2015. These revenues include federal grants, licensure, screening and other types of fees, transfers from the Nevada Check-Up program, and indirect cost assessment revenue. In the Maternal Child Health Services account, the Legislature approved sufficient revenue and expenditure authority for the State Board of Health to increase the newborn metabolic screening fee from the current \$71 to \$81 in FY 2013-2014 and \$83 in FY 2014-2015. The Legislature also approved the replacement of State General Fund appropriations from the Health Statistics and Planning budget with vital records fee revenue of \$1.02 million per fiscal year. Further, within the Communicable Diseases budget an additional \$1.85 million per fiscal year in pharmaceutical company rebate revenue was authorized in order to provide “wraparound services” to persons with HIV and AIDS. Finally, funding in the amount of \$1.4 million was approved for a new online licensing system, creating a single-point of licensing access for health facilities, clinical laboratories, child care facilities, food establishments, dietitians, music therapists, emergency medical services and other entities within the Division.

Division of Welfare and Supportive Services—Authorized revenues of \$454.9 million over the 2013-2015 Biennium were approved for the Division of Welfare and Supportive Services. This amount includes the Legislature’s action to reduce Temporary Assistance to Needy Families caseload projections for the upcoming biennium. Of the total authorized, \$7.3 million in federal funds was approved to complete the design, development, and implementation of the Eligibility Engine System and to support ongoing maintenance and operations costs. The Legislature approved the inclusion of enhanced Medicaid funding offered by the federal government for the Division’s Field Services and Administration accounts. This enhanced funding increases the federal share of administrative costs related to the eligibility functions performed by the Division from 50 percent federal funds and 50 percent State General Fund monies, to 75 percent federal funds and 25 percent State General Fund monies. Accordingly, authorized revenues for the Field Services account and the Administration account, was increased, totaling \$192.5 million for the 2013-2015 Biennium. In addition, \$1.04 million was authorized to conduct a feasibility study to identify Child Support Enforcement Program requirements, consider potential alternate solutions, and estimate costs for a new Child Support Enforcement Program system.

Division of Mental Health and Developmental Services—As part of the Governor’s recommendation to reorganize programs within the Department of Health and Human Services, the Legislature agreed to transfer the Developmental Services accounts to the Aging and Disability Services Division, eliminating the Division of Mental Health and Developmental

Services. Of the total funding approved for the accounts previously assigned to the Division of Mental Health and Developmental Services, approximately \$46.21 million in FY 2013-2014 and \$55.04 million in FY 2014-2015 of non-State General Fund revenue was authorized for the budgets that were transferred to the Division of Public and Behavioral Health. For the accounts transferred to the Aging and Disability Services Division, the authorized funding totals \$74.98 million in FY 2013-2014 and \$80.57 million in FY 2014-2015. Medicaid revenue totaling \$26.8 million for the biennium was approved. Tobacco settlement monies totaling \$1.4 million over the biennium were authorized to fund a ten-member Program for Assertive Community Treatment (PACT) team in Southern Nevada, which expects to have a caseload of 75 clients. A PACT team works in an interdisciplinary manner to support consumers in living in the community, adhering to their medication programs, and obtaining employment. Additional tobacco settlement funds totaling \$2.03 million were approved for pilot Mental Health Home Visiting programs at certain facilities. The pilot programs will provide assistance to individuals recently released from outpatient services or inpatient facilities and their families. Authorized funding will provide services for approximately 650 individuals each year in Southern Nevada and 250 individuals in Northern Nevada. Finally, tobacco settlement monies totaling \$3 million over the biennium were approved to support an additional ten medium security beds at the Dini-Townsend Hospital.

Division of Child and Family Services—The Legislature approved non-State General Fund revenues totaling \$231.1 million over the 2013-2015 Biennium for the Division of Child and Family Services to support projected caseload increases in foster care and adoption subsidies. Youth camp budgets were increased \$1.3 million over the 2013-2015 Biennium to achieve intermediate Prison Rape Elimination Act staffing ratios in FY 2013-2014.

DEPARTMENT OF EMPLOYMENT, TRAINING AND REHABILITATION

The budgets of the Department of Employment, Training and Rehabilitation were approved to include authorized non-State General Fund revenues of \$374.8 million for the 2013-2015 Biennium, a decrease of 13.3 percent when compared to the legislatively approved amounts for the 2011-2013 Biennium.

Employment Security Division—The Legislature authorized special assessment revenue and expenditure authority totaling \$31.2 million over the biennium to allow the Employment Security Division to pay accrued interest to the federal government on the Unemployment Insurance Trust Fund loan. This imposes a special interest assessment on employers until the loan is repaid.

Rehabilitation Division—The Client Assistance Program was eliminated and the State's responsibilities to assist clients navigating and accessing services available under the federal Americans with Disabilities Act and the Rehabilitation Act were transferred to a nonprofit entity—the Nevada Disability Advocacy and Law Center.

PUBLIC SAFETY

Department of Motor Vehicles—A new fee for the administration of the International Fuel Tax Agreement decal program was approved, and the approximately \$1.1 million in fees for Duplicate or Substitute Plates, Certificate of Registration and Decals will be used to replace appropriations from the State Highway Fund. The Legislature also approved transferring the costs associated with the License Plate Factory from the Department's Central Services budget account to a new License Plate Factory budget and to make the License Plate Factory self-supporting based primarily on revenues collected from a new License Plate fee. A License Plate fee of \$3 per plate was approved, excluding specialty plates. Over time, the fee will also allow the Department to repay a cash reserve requirement and for new building costs.

Department of Public Safety—Approximately \$184.8 million was authorized in non-State General Fund and non-State Highway Fund revenue sources for the biennium for the Department. New fees were approved to establish a Rap Back program that checks the records of long-term healthcare facility employees to report new convictions of an individual to an employer.

INFRASTRUCTURE

Department of Conservation and Natural Resources—Funding of \$153.4 million was authorized over the 2013-2015 Biennium for the Department of Conservation and Natural Resources, including the Tahoe Regional Planning Agency. The Adjudication Section of the Division of Water Resources will be expanded with positions being funded through fee revenue from the approved new and existing fee increases totaling almost \$1 million for the 2013-2015 Biennium. The Division of Forestry was approved to establish a voluntary Wildland Fire Protection Program using county assessment revenue totaling \$3.6 million over the biennium. In response to new federal Clean Air Act requirements, additional permit fee revenue of \$1.1 million was approved to fund new positions in the Division of Environmental Protection. Account transfers from the Department of Motor Vehicle Pollution Control account to the Tahoe Regional Planning Agency were approved to support the preservation and improvement of air quality in the Lake Tahoe Basin.

Department of Agriculture—The Legislature approved the transfer of the Dairy Commission from the Department of Business and Industry, the Commodity Food Program from the Department of Administration, and the Nutrition Programs from the Department of Education to the Department of Agriculture.

Nevada Department of Transportation—The Legislature authorized funding for the Department in the amount of approximately \$591.3 million in each year of the 2013-2015 Biennium, including \$376.2 million in FY 2013-2014 and \$376.3 million in FY 2014-2015 to support highway and other capital construction.

Department of Wildlife—New positions were approved to support archery education and bow hunting programs, the Wildlife Health Program, the Native Aquatics Program, expansion of the Geographical Information System (GIS) mapping program, project management, and energy development and mining projects in the Ely area.

SPECIAL PURPOSE AGENCIES

Public Employees' Benefits Program—A total of \$470.6 million is authorized for FY 2013-2014 and \$480 million for FY 2014-2015 for the Public Employees' Benefits Program. With the exception of eliminating the wellness program beginning in FY 2015, the plan design for the 2013-2015 Biennium did not change from the 2011-2013 Biennium. Excess reserves are to be used to cover rate increases and contributions towards participants' Health Savings Accounts and Health Reimbursement Arrangements in both FY 2013-2014 and FY 2014-2015. Participants' share of the total monthly premium for FY 2013-2014 will remain the same as FY 2012-2013. The State's contribution for active employee group insurance will be \$688.37 per month for FY 2013-2014 and \$695.35 per month for FY 2014-2015. The State's base subsidy for non-Medicare retiree health insurance will be \$452.26 in FY 2013-2014 and \$462.20 in FY 2014-2015. For Medicare retirees, the base subsidy will be \$11 per month per year of service credit for most retirees, with a one-time additional contribution of \$2 per month per year of service for both FY 2013-2014 and FY 2014-2015.

Office of Veterans' Services—Approximately \$34.2 million in authorized revenues were approved for the Office of Veterans' Services for the 2013-2015 Biennium, which is an increase of approximately 11.3 percent from the previous biennium. The increases are primarily due to a projected increase in client charges revenue collected from or on behalf of Veterans' Home residents, and additional reimbursements received from the federal Veterans Administration for care of the Home's veteran residents.

Silver State Health Insurance Exchange—The Legislature approved fee revenue totaling \$14.5 million for the Silver State Health Insurance Exchange during the 2013-2015 Biennium to build reserves and fund personnel, operating, and maintenance costs for the Exchange beginning on January 1, 2015. Additional staff also were approved to support the development and implementation of the Exchange.

The section of the bill dealing with the possible implementation of the proposed margin tax on business is effective upon the canvass of votes after the General Election in November 2014, should the voters approve Initiative Petition 1. The remaining sections of the bill are effective on July 1, 2013.

Other Appropriations and Authorizations

A.B. 288 (Chapter 506)

Assembly Bill 288 eliminates the high school proficiency exam and requires the State Board of Education to select a college and career readiness assessment to determine the achievement

and proficiency of high school students during 11th grade, beginning with School Year (SY) 2014–2015. It requires all school districts and charter schools to administer the assessment at the same time.

This measure also requires the State Board of Education to prescribe new criteria for receipt of a standard high school diploma, which must not include a student’s performance on the college and career assessment, and must include a requirement that students successfully pass at least four end-of-course exams prior to receiving a standard high school diploma. The State Board of Education shall also prescribe the courses of study for which these exams will be required and must include the subject areas for which the State Board has adopted the Common Core State Standards.

Assembly Bill 288 also:

- Eliminates the “certificate of attendance” as a graduation outcome;
- Clarifies that students with disabilities may be exempt from the college and career assessment;
- Specifies how the outcomes of the assessment may be utilized;
- Requires that students must pass the end-of-course exams beginning in SY 2014–2015;
- Appropriates \$1.5 million for the costs associated with implementing the end-of-course exams as provided in this measure; and
- Requires accountability reporting related to the college and career assessment and the end-of-course exams, as well as the development of a plan to transition from the current to the proposed exam structure.

This bill is effective on June 11, 2013, for purposes of making the appropriation and for performing transitional and administrative tasks, and on July 1, 2013, for all other purposes.

A.B. 462 (Chapter 524)

Assembly Bill 462 appropriates \$938,119 from the State General Fund to the Desert Regional Center of the Division of Mental Health and Developmental Services, Department of Health and Human Services, and authorizes the expenditure by the Center of \$579,591 not appropriated from the State General Fund or the State Highway Fund, for the development of a new computer system for the Center’s medical records, provider invoices, and claims processing. Any remaining appropriated funds must be reverted to the State General Fund by September 18, 2015.

This bill is effective on June 12, 2013.

A.B. 467 (Chapter 525)

Assembly Bill 467 appropriates \$371,023 from the State General Fund to the Division of State Parks, State Department of Conservation and Natural Resources, to purchase new and replacement equipment.

This measure is effective on June 12, 2013.

A.B. 468 (Chapter 526)

Assembly Bill 468 appropriates \$1,902,000 from the State General Fund to the Department of Corrections for an update to and end-user training for the Nevada Offender Tracking Information System.

This bill is effective on June 12, 2013.

A.B. 469 (Chapter 442)

Assembly Bill 469 appropriates \$1,311,065 from the State General Fund to the Division of Forestry of the State Department of Conservation and Natural Resources for the replacement and maintenance of emergency response and firefighting equipment and vehicles.

This bill also appropriates \$2,559,766 from the State General Fund to the Division of Forestry Conservation Camps Program for the replacement of critical equipment and vehicles, including equipment and vehicles used to respond to natural disasters and needed to move crews quickly out of dangerous situations.

Any remaining balance of these appropriations must not be committed for expenditure after June 30, 2015, and must be reverted to the State General Fund on or before September 18, 2015.

This bill is effective on June 10, 2013.

A.B. 470 (Chapter 527)

Assembly Bill 470 appropriates \$11.6 million from the State Highway Fund to the Nevada Highway Patrol Division, Department of Public Safety, to replace fleet motorcycles and fleet vehicles that have exceeded the established mileage threshold for replacement.

This measure is effective on June 12, 2013.

A.B. 471 (Chapter 316)

Assembly Bill 471 appropriates \$519,243 from the State General Fund to the Health Division of the Department of Health and Human Services for the operation of the vital records and statistics program in Fiscal Year (FY) 2012-2013.

This bill is effective on June 1, 2013.

A.B. 474 (Chapter 528)

Assembly Bill 474 appropriates money from the State General Fund to restore balances in various accounts in the amounts indicated:

- \$3 million to the State Claims Account;
- \$100,000 to the Emergency Account;
- \$3 million to the Reserve for Statutory Contingency Account; and
- \$8.3 million to the Contingency Account.

This measure is effective on June 12, 2013.

A.B. 475 (Chapter 529)

Assembly Bill 475 appropriates \$758,573 from the State General Fund to the Legislative Fund for the payment of dues to national organizations. The bill also appropriates \$1,082,800 from the State General Fund to the Legislative Fund for one-time building maintenance projects and information technology purchases for the Legislative Counsel Bureau.

The bill is effective on June 12, 2013.

A.B. 477 (Chapter 530)

Assembly Bill 477 appropriates \$470,397 from the State General Fund to the Office of the State Controller to replace computer servers for the statewide financial system.

This measure is effective on June 12, 2013.

A.B. 478 (Chapter 317)

Assembly Bill 478 makes a supplemental appropriation of \$14,803 from the State General Fund to the Nevada Highway Patrol Division of the Department of Public Safety for the costs of visiting dignitary protection assignments.

This bill is effective on June 1, 2013.

A.B. 502 (Chapter 444)

Assembly Bill 502 authorizes the expenditure of \$1,262,000 by the Board of Regents from the Estate Tax Account in the Endowment Fund of the Nevada System of Higher Education for the design and construction of buildings on the principle campus of the Nevada State College.

This bill is effective on June 10, 2013.

A.B. 505 (Chapter 445)

Assembly Bill 505 provides for the implementation of the State's Capital Improvements Program (CIP) for the 2013-2015 Biennium. The measure contains funding for the program in the amount of approximately \$102.7 million.

During the biennium, the CIP will be funded primarily from the issuance of \$55.5 million in general obligation bonds. The measure also authorizes the utilization of \$3.8 million in federal funds for projects for the Office of the Military and the Department of Health and Human Services, and provides for the utilization of \$22.9 million in excess funding reallocated to the current CIP. The measure also contains an appropriation of \$7.4 million in State Highway Fund revenues for projects under the Department of Motor Vehicles and the Department of Public Safety. The remaining approximately \$13.1 million is approved in agency funds, including \$5 million in Special Higher Education Capital Construction funding for deferred maintenance projects for the Nevada System of Higher Education.

For the biennium, \$61.3 million (nearly 60 percent of the CIP) is designated for various maintenance projects for existing State facilities. This includes roofing repairs, advance planning, fire and life safety, and accessibility projects. Maintenance projects totaling \$28.3 million at the Department of Corrections will provide replacement doors, locks and control panels, flooring, boilers, HVAC systems, electrical and lighting upgrades, shower and bathroom renovations, exterior building protection, and water system improvements. Additionally, the bill includes funding in the amount of \$15 million to address deferred maintenance projects for institutions of the Nevada System of Higher Education.

Assembly Bill 505 provides approximately \$12.5 million to support eight construction projects in the 2013 CIP including, \$3.8 million to construct a new license plate factory adjacent to the Stewart Conservation Camp in Carson City; \$2.6 million to replace the bridge on the access road at the Caliente Youth Center; \$2.1 million to renovate the first floor of the Stein Hospital at the Southern Nevada Adult Mental Health Services campus; and \$2.0 million to construct a new loading dock and freight elevator at the Nevada State Museum in Carson City. The remaining funds are allocated to various smaller projects around the State.

The measure reserves 15.55 cents of the property tax levy for debt service in each year of the biennium for general obligation bonds issued to finance the CIP. The remaining 1.45-cent levy must be used exclusively for the repayment of bonds issued as a result of the approval of Question No. 1 by voters on the November 2002 ballot, which requires the issuance of \$200 million in bonds to protect, preserve, and obtain the benefits of the property and natural resources of the State. Thus, the total property tax levy of 17 cents remains unchanged from the levy approved for the 2009-2011 Biennium. The levies above the historic 15-cent levy (2 cents) are not subject to the \$3.64 local government property tax cap.

This bill is effective on June 10, 2013.

A.B. 511 (Chapter 447)

Assembly Bill 511 is known as the State Employee Salary Act. The measure establishes the maximum salaries for State employees in the unclassified service and certain State employees in the classified service.

The bill restores a 2.5 percent salary reduction taken by each employee in all departments of State government in the two previous biennia. The measure also provides that full-time employees of all branches of State government must continue to take 48 hours of unpaid furlough leave each year. The Board of Regents of the University of Nevada is required to implement a method for professional employees of the Nevada System of Higher Education to participate in the furlough requirement. Employees subject to furloughs are held harmless in the accumulation of retirement service credit for time taken as furlough leave. The bill extends the temporary suspension of longevity pay in the 2013-2015 Biennium and merit pay increases for State employees through the first year of the current biennium. Merit increases are restored in the second year of the biennium for State employees who would otherwise be entitled to them.

The measure also provides an exception to the requirement of furlough leave for employees in identified areas of critical need that include the protection of public health, safety, and welfare. In lieu of furlough leave, these exempt employees will incur a 2.3 percent reduction in pay. Appropriations from the State General Fund and the State Highway Fund are provided to make up the difference in funding approved for departments, commissions, and agencies and the actual salaries net of requirements for unpaid furlough leave.

The bill authorizes the Department of Health and Human Services and the Department of Corrections to provide callback pay for unclassified medical positions and pharmacists to perform on-call responsibilities to ensure 24-hour coverage in psychiatric facilities. The bill also authorizes the Gaming Control Board to continue the credential pay plan, which provides up to \$5,000 annually for unclassified Gaming Control Board employees who possess a current Nevada certified public accountant certificate, a license to practice law, or are in a qualifying position as an electronic laboratory engineer and possess a bachelor of science or higher degree in engineering, electronic engineering, or computer science.

Finally, A.B. 511 appropriates approximately \$16 million for certain deficiencies in Fiscal Year (FY) 2013-2014.

Provisions relating to the deficiency in funds in FY 2013-2014 are effective on June 10, 2013. The remainder of the bill is effective on July 1, 2013.

S.B. 1 (Chapter 1)

Senate Bill 1 makes an appropriation of \$15,000,000 from the State General Fund to the Legislative Fund for the costs of the 77th Legislative Session.

This bill is effective on February 7, 2013.

S.B. 293 (Chapter 492)

Senate Bill 293 appropriates from the State General Fund \$20,000 for each year of the 2013-2015 Biennium to the Trust Account for the Education of Dependent Children.

This bill is effective on July 1, 2013.

S.B. 459 (Chapter 247)

Senate Bill 459 appropriates \$26,912,908 from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services for an unanticipated increase in caseloads in Fiscal Year (FY) 2012-2013 for medical services and costs per eligible recipient and unanticipated retroactive payments for Upper Payment Limit and Graduate Medical Education costs. During FY 2012-2013, the Division is also authorized to spend for the same purposes an additional \$47,048,179 not appropriated from the State General Fund or the State Highway Fund.

This bill is effective on May 28, 2013.

S.B. 460 (Chapter 248)

Senate Bill 460 appropriates \$9,130 from the State General Fund to the Commission on Judicial Discipline for the costs of one-time leave payouts during Fiscal Year (FY) 2012-2013 resulting from the unanticipated retirement of the General Counsel and Executive Director of the Commission. The bill also appropriates \$71,657 from the State General Fund to the Commission for the costs related to unanticipated hearings during FY 2012-2013.

This bill is effective on May 28, 2013.

S.B. 461 (Chapter 516)

Senate Bill 461 appropriates \$29,553 from the State General Fund to the Division of State Lands, State Department of Conservation and Natural Resources, for the replacement of equipment beyond its normal scheduled replacement.

This measure is effective on June 12, 2013.

S.B. 462 (Chapter 517)

Senate Bill 462 appropriates \$2,315,090 from the State General Fund to the Central Repository for Nevada Records of Criminal History, Department of Public Safety, for the initial phase of the project to modernize the Nevada Criminal Justice Information System.

This measure is effective on June 12, 2013.

S.B. 480 (Chapter 519)

Senate Bill 480 appropriates \$2,000,436 from the State General Fund to the State Gaming Control Board to change from a COBOL-based technology system to a modern technology system.

This bill is effective on June 12, 2013.

S.B. 484 (Chapter 520)

Senate Bill 484 appropriates \$126,000 from the State General Fund to the Mental Health Information System Account of the Division of Mental Health and Developmental Services, Department of Health and Human Services, for new software to implement the Department's technology policies.

This bill is effective on June 12, 2013.

S.B. 485 (Chapter 521)

Senate Bill 485 appropriates \$452,100 from the State General Fund to the Division of Welfare and Supportive Services, Department of Health and Human Services, for the integration of eligibility rules for the Temporary Assistance for Needy Families program and the Supplemental Nutrition Assistance Program into the eligibility system. Additionally, the bill authorizes \$10,547,900 not appropriated from the State General Fund or the State Highway Fund to the Division during the 2013-2015 Biennium for the aforementioned purpose.

This bill is effective on June 12, 2013.

S.B. 486 (Chapter 522)

Senate Bill 486 appropriates \$1.5 million from State General Fund to the Department of Administration for the costs of implementing a pilot program for an assessment of the school readiness of prekindergarten and kindergarten students. The bill also appropriates \$1 million from the State General Fund to the Interim Finance Committee for allocation to the Department of Administration for projects and programs identified by the needs assessment of Nevada's statewide longitudinal data system.

This bill is effective on June 12, 2013.

S.B. 487 (Chapter 523)

Senate Bill 487 appropriates \$5 million from the State General Fund to the Office of the State Treasurer for the Governor Guinn Millennium Scholarship Program.

This bill is effective on June 12, 2013.

NOTE: See also Senate Bill 2 (Chapter 2) of the 27th Special Session.

COMMERCE

A.B. 153 (Chapter 440)

Assembly Bill 153 authorizes the operation of craft distilleries in Nevada. The bill sets forth the scope of operation for craft distilleries, creates a new license category for craft distilleries, and imposes a new licensing fee. The measure also prohibits the sharing or leasing of facilities among manufacturers, wholesalers, distributors, and retailers, unless they are engaged in the same business, and it makes changes to exceptions for terminating a franchise with a wholesaler.

The bill provides that an operator of one or more brew pubs in any county may manufacture not more than 15,000 barrels of malt beverages in a calendar year. Additionally, a retailer of intoxicating liquors is required to provide advance notice to certain wholesalers of a bulk sale or transfer of liquor that is not in the ordinary course of the retailer's business.

This bill is effective on July 1, 2013.

A.B. 182 (Chapter 278)

Assembly Bill 182 authorizes the owner of a storage space at a storage facility to impose a reasonable late fee for each month an occupant does not pay rent pursuant to a rental agreement. The bill deems reasonable a late fee of \$20 or 20 percent of the monthly rent, whichever is greater, authorizes the owner to deny access if charges or rent are unpaid for ten days or more, and modifies the method of giving notice to a renter concerning unpaid charges or a lien sale.

Assembly Bill 182 also removes the requirement for the owner of a storage facility to use the summary eviction process to evict a person who is using a storage space as a residence.

A.B. 326 (Chapter 166)

Assembly Bill 326 requires that if an agreement includes a provision requiring a person to submit to arbitration any dispute arising between the parties to the agreement, then the agreement must include specific authorization of that provision by the person. Further, if an agreement fails to include the specific authorization as required by this bill, the provision is void and unenforceable. Collective bargaining agreements are excluded from the provisions of the bill.

This bill is effective on October 1, 2013, and applies only to agreements entered into or renewed on or after that date.

A.B. 432 (Chapter 214)

Assembly Bill 432 provides that a supplier's subsidiary or affiliate is included in the definition of "supplier" for purposes of the purchase of liquor by a wholesaler who is not the importer designated by the supplier. The bill also prohibits an importer or wholesaler from operating or otherwise locating his or her business on the premises or on the property of any supplier.

S.B. 28 (Chapter 52)

Senate Bill 28 provides that a person engages in unethical or dishonest practices in the securities business if the person misuses a certification or professional designation. In addition, the measure adds moral turpitude to the list of misdemeanors or felonies that would support license revocation.

This measure increases from a gross misdemeanor to a category B felony the penalty for making a false representation regarding a security that is publicly traded. The measure also prohibits willfully making false statements in the course of a securities investigation.

Finally, S.B. 28 expands the power of the Administrator of the Securities Division of the Office of the Secretary of State to issue a subpoena at the request of another state, jurisdiction, Canadian province or territory, or other foreign jurisdictions if the violation in the foreign jurisdiction would be a violation in the State of Nevada.

This bill is effective on July 1, 2013.

S.B. 94 (Chapter 322)

Senate Bill 94 authorizes certain loan and check-cashing services to charge a late fee of not more than \$15, payable on a one-time basis, for any installment payment that remains unpaid ten days or more after the date of default.

S.B. 110 (Chapter 72)

Senate Bill 110 enacts an amendment to Article 4A of the Uniform Commercial Code (UCC), which was promulgated by the Uniform Law Commission and the American Law Institute. The amendment provides that Article 4A applies to a remittance transfer that is not an electronic funds transfer under the federal Electronic Fund Transfer Act (EFTA). In addition, the amendment to the UCC clarifies that the federal statute governs in the case of any inconsistency between the applicable provision of Article 4A and the EFTA.

S.B. 356 (Chapter 236)

Senate Bill 356 revises provisions relating to statutory covenants that may be adopted by reference in a deed of trust. Specifically, the measure adds a provision that the parties to a deed of trust in connection with a trustee's sale may pay reasonable counsel fees and costs actually incurred. The measure also provides that an assumption fee for a change in parties to a deed of trust may be set forth as a fixed sum or a percentage of the amount secured by the deed of trust and remaining unpaid at the time of assumption, or a combination of the two.

The measure further requires the signature of the banking or other financial institution when an agreement to sell real property secured by the mortgage or deed of trust to a third party is for an amount less than the indebtedness secured. Finally, the measure amends provisions relating to impound trust accounts.

Corporations, Partnerships, and Other Business Associations

A.B. 60 (Chapter 192)

Assembly Bill 60 prohibits a nonprofit corporation from soliciting charitable contributions in Nevada in person or by electronic mail, mail, telephone, or other means unless it has filed a financial statement and other required information with the Secretary of State.

Assembly Bill 60 provides that a nonprofit corporation soliciting charitable contributions in Nevada without filing may be subject to enforcement action, including civil penalties, a cease-and-desist order, or revocation of its charter or right to transact business in Nevada. The Secretary of State may also request the Attorney General to initiate action in court to secure compliance with the act.

Finally, this measure requires a person who represents that he or she is soliciting in Nevada on behalf of a charitable organization or nonprofit corporation to disclose, among other information, the entity's name as registered with the Secretary of State and whether or not the contribution or donation may be tax deductible under the federal *Internal Revenue Code*.

This measure is effective on January 1, 2014.

A.B. 89 (Chapter 116)

Assembly Bill 89 authorizes the formation of benefit corporations in Nevada. A benefit corporation is a close corporation, nonprofit cooperative corporation, private corporation, or professional association that elects to be subject to the laws regarding benefit corporations. This measure also allows an existing domestic corporation to become a benefit corporation by amending its articles of incorporation.

Assembly Bill 89 requires a benefit corporation to have as its purpose the creation of general public benefit, and the measure deems the creation of such benefits in the corporation's best interests. The bill requires the board of directors to prepare an annual report indicating whether the corporation failed in any material respect to pursue its purpose, and it authorizes the corporation or another person authorized by the articles of incorporation to initiate a benefit enforcement proceeding in court for any failure. However, the bill provides that the corporation is not liable for any money damages for such a failure.

This bill is effective on January 1, 2014.

A.B. 366 (Chapter 205)

Assembly Bill 366 allows a nonprofit cooperative corporation to deal in products of non-members in an amount greater in value than products it handles for members, if allowed by its articles of incorporation or bylaws. It requires the name of the corporation to contain the word "Cooperative" or "Co-op," or the abbreviation "N.C.C." The bill also authorizes the adoption of initial bylaws by a majority vote of the directors, authorizes a majority of the members to delegate the power to amend the bylaws to the directors, and makes other related changes.

S.B. 60 (Chapter 221)

Senate Bill 60 requires a person deemed not to be a business to annually claim an exemption from the requirement to obtain a State business license by filing a form with the Secretary of State. In addition, the measure authorizes a fine of not less than \$1,000 but not more than \$10,000 on persons conducting business in Nevada who have willfully failed or neglected to comply with the requirements to obtain or renew a State business license.

The measure bars a person who is prohibited from serving as a registered agent in another state from serving as a registered agent in the State of Nevada. The measure also authorizes the Secretary of State to conduct periodic special or other examinations of the records of a registered agent and provides that the Secretary of State may impose a civil penalty of not more than \$500 on a registered agent who violates certain provisions of law.

The measure revises the definition of commercial registered agent to be any person or domestic or foreign entity serving ten or more domestic or foreign entities and eliminates the fee for registering or terminating registration as a commercial registered agent.

The measure requires the initial and annual list of directors and officers of an entity to provide a declaration that there is no fraudulent intent to conceal the identity of any person or persons who exercise the power or authority of the officers or directors in the furtherance of unlawful conduct. The measure provides for a civil penalty for filing a false record. The measure also requires that businesses formed under the laws of another state or foreign country file a declaration that they are in good standing in the jurisdiction in which they are incorporated.

The measure provides that an application to reinstate a revoked business license be accompanied by a declaration under penalty of perjury that the reinstatement is authorized by a court in Nevada or the governing body of the business. Finally, the measure prohibits a business entity from registering to do business in Nevada for an illegal purpose or with the intent to conceal any business activity, or lack thereof, from another person or a governmental entity.

S.B. 441 (Chapter 281)

Senate Bill 441 makes various changes governing business entities. The measure provides that a director, officer, manager, managing member, general partner, or trustee of certain business entities consents to personal jurisdiction. In addition, the measure provides for the service of legal process on such persons.

The measure provides that unless otherwise restricted by the articles of incorporation or bylaws, members of a corporation may participate in a meeting through available technology if the corporation has implemented reasonable measures to: (1) verify the identity of each person; and (2) provide an opportunity to participate in a substantially concurrent manner with such proceedings.

The measure authorizes an insurance company to organize as a nonprofit corporation provided that such a business complies with all laws before operating and does not infringe on the laws of any other state or country.

The measure adds exceptions to the general rule for the dissolution of a limited-liability company. An exception is allowed if: (1) the personal representative of the last remaining member agrees in writing to continue the company; or (2) a person is admitted as a member after there is no longer a member of the company. In addition, the measure provides that if a limited-liability company is required to dissolve and has not done so within 180 days, or another period provided in the articles of organization or operating agreement, the Secretary of State or any person who is adversely affected by the failure of the company to dissolve may apply to the district court to decree dissolution of the company.

Finally, the measure clarifies that the two-year statute of limitations for purposes of any remedy or cause of action following the dissolution of a corporation or limited-liability company applies to any remedy or cause of action in which the plaintiff learns or should have learned of the underlying facts before the date of dissolution, or within three years after the date of dissolution with respect to any other remedy or cause of action.

Financial Institutions and Procedures

A.B. 492 (Chapter 21)

Assembly Bill 492 revises the authority of the Credit Union Advisory Council. The measure eliminates the supervisory powers of the Council so that it functions in an advisory capacity only.

This bill is effective on July 1, 2013.

S.B. 288 (Chapter 178)

Senate Bill 288 revises the manner in which a provider of debt-management services may request and receive payment from an individual debtor. A debt-management service may not request or receive payment of any fee or consideration until it has settled the terms of at least one debt pursuant to a settlement agreement or other contract executed by the individual, and the individual has made at least one payment under the agreement or contract. The measure enacts rules for determining the amount of the fee or consideration that a debt-management service may request and receive from an individual. Further, the bill removes the requirement that a debt-management service return 65 percent of the set-up fee if the provider terminates the agreement for nonpayment by the individual.

This amendatory provisions of this bill apply only to an agreement for debt-management services executed on or after October 1, 2013.

S.B. 310 (Chapter 181)

Senate Bill 310 deletes the requirement that a financial institution operating an electronic terminal must disclose certain fees on a sign posted on or in clear view of the electronic terminal. The bill also authorizes a State-chartered bank to engage in a derivative transaction with the consent and written approval of the Commissioner of Financial Institutions. The measure provides that the total outstanding loans of such a bank, for the purpose of calculating the lending limit of the bank, must include the credit exposure of the bank arising from certain transactions, including derivative transactions.

This bill is effective on May 27, 2013.

S.B. 507 (Chapter 276)

Senate Bill 507 repeals obsolete provisions in the *Nevada Revised Statutes* (NRS) relating to development corporations and corporations for revitalization and diversification. The bill deletes various statutory references to such corporations including all of Chapter 670 and Chapter 670A of NRS.

This bill is effective on May 29, 2013.

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

A.B. 22 (Chapter 15)

Assembly Bill 22 allows the Administrator of the Manufactured Housing Division, Department of Business and Industry, to waive the continuing education requirement for a specialty serviceperson if the serviceperson holds a license issued by the State Contractors' Board and such a waiver would be in the State's best interest.

This bill is effective on May 18, 2013.

A.B. 83 (Chapter 290)

Assembly Bill 83 provides that, in order for money to be disbursed by an escrow agent, title insurer, title agent, or escrow officer the same day it is deposited, a money order, certified check, or cashier's check must be drawn from a financial institution authorized to do business in this State.

This bill is effective on July 1, 2013.

A.B. 86 (Chapter 405)

Assembly Bill 86 requires the State Contractors' Board to notify a licensed contractor against whom a judgment has been obtained for failure to pay contributions to the Unemployment Compensation Fund or who fails to provide or maintain required industrial and occupational disease insurance that the contractor's license may be subject to administrative action by the Board. The measure requires the Board to suspend a contractor's license if the contractor fails to provide proof that he or she has satisfied a judgment for failure to pay such contributions or

has met the requirements concerning industrial insurance and insurance for occupational diseases. In addition, the Board is required to notify the Office of the Labor Commissioner and the State Public Works Board that such a contractor is disqualified or not prequalified to bid on public works.

This bill also requires the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to notify the Board of any contractor against whom a duly filed judgment has been obtained for failure to pay contributions to the Fund.

This bill is effective on June 3, 2013, for the purpose of performing preparatory administrative tasks, and on January 1, 2014, for all other purposes.

A.B. 94 (Chapter 119)

Assembly Bill 94 removes the requirement that examinations for licensure as a professional engineer or professional land surveyor be eight hours long.

This bill is effective on July 1, 2013.

A.B. 179 (Chapter 27)

Assembly Bill 179 increases from \$50,000 to \$75,000 the amount of revenue received by a regulatory board that would require that board to engage the services of a public accountant to perform an annual fiscal audit. The bill also provides that a board must hire a public accountant or accounting firm to audit its fiscal records for any year in which the board was out of compliance in submitting certain reports.

This bill is effective on July 1, 2013.

A.B. 225 (Chapter 386)

Assembly Bill 225 revises the definition of “business broker” to expand its application to acts that are performed as part of a transaction, proposed transaction, or prospective transaction involving an interest or estate in real property, whether or not the person performing the transaction is acting as a real estate licensee.

A.B. 306 (Chapter 304)

Assembly Bill 306 includes within the definition of “private investigator” activities relating to the review, analysis, and investigation of computerized data not available to the public. The bill also adds to the definition reference to crimes or torts that have been committed, attempted, threatened, or suspected to occur, except by an expert witness or a consultant who is retained for litigation or a trial, or in anticipation of litigation or a trial, and who performs duties and tasks within his or her field of expertise that are necessary to form an opinion.

Assembly Bill 306 requires a licensee of the Private Investigator’s Licensing Board to maintain a principal place of business in this State and to conspicuously post his or her license. Finally, the bill requires each licensee to ensure that every registered person he or she employs in this

State is supervised by a licensee who is physically located in this State and to maintain records relating to those employees within this State. The measure exempts a person who repairs or maintains a computer used to analyze data from being subject to licensure.

A.B. 334 (Chapter 169)

Assembly Bill 334 exempts a real estate licensee from regulation by the State Contractor's Board if the licensee is acting within the scope of his or her license or permit to engage in property management and is assisting a client in scheduling work to repair or maintain residential property under certain circumstances.

A.B. 434 (Chapter 215)

Assembly Bill 434 allows certain educational requirements for registration as an interior designer to be satisfied by the receipt of a degree from an accredited architectural program. The bill also provides that an application for registration submitted to the State Board of Architecture, Interior Design and Residential Design may be denied for violations of existing law governing architects, registered interior designers, and residential designers, including any violation that may reasonably call into question the qualifications or experience of the applicant.

A.B. 494 (Chapter 348)

Assembly Bill 494 makes several changes to the structure and responsibilities of the Nevada State Funeral Board, including changing the name of the Board to the "Nevada Funeral and Cemetery Services Board." The number of Board members is increased from five to seven.

The bill specifies that the terms of all current Board members expire effective October 1, 2013. The number of required Board meetings per year is increased to at least four, and the Board is required to maintain at least one office located in the State of Nevada; all records of the Board are required to be maintained in State as well. The Board is further required to terminate current employees as of October 1, 2013, who will be replaced on or before December 31, 2013, with newly appointed employees fitting the qualifications established by the Board by regulation. The measure requires inspections of funeral establishments to occur at least once every two years and precludes Board members from doing inspections. The bill also adds a new regulatory fee of \$10 per written and signed agreement for funeral services to be furnished in this State.

Finally, A.B. 494 requires the Board to provide a report of all its activities to the Sunset Subcommittee of the Legislative Commission within six months of appointment, with subsequent reports required every six months until the 78th Session of the Nevada Legislature convenes.

S.B. 47 (Chapter 39)

Senate Bill 47 makes various changes to provisions governing the regulation of the mortgage industry. A nonprofit agency or organization that otherwise would be subject to the provisions of statutes governing mortgage brokers and mortgage agents is exempt from such provisions if, in addition to existing requirements, it maintains tax exempt status under section 501(c)(3) of the *Internal Revenue Code* of 1986.

The measure clarifies the employment, association, and sponsorship requirements that a mortgage agent must satisfy in order to provide services as a mortgage agent. The bill requires mortgage brokers and mortgage bankers to establish written or oral policies and procedures for their mortgage agents. In addition, the co-brokering of a commercial loan through the cooperation of two or more mortgage brokers is not prohibited if such a transaction is not inconsistent with any other provision governing mortgage brokers and mortgage agents.

Further, the measure requires an attorney to be licensed to practice in Nevada and not be engaged in a practice comprised primarily of providing a covered service to his or her clients in order to be exempt from licensure as a foreclosure consultant or foreclosure purchaser.

Finally, the bill defines the term “employee” in the same manner that the term is defined under federal law in the context of mortgage lending. The measure also revises the definitions of “licensee” and “residential mortgage loan originator.”

This bill is effective on May 21, 2013.

S.B. 155 (Chapter 158)

Senate Bill 155 expands a clinical professional counselor’s scope of practice to include the assessment and treatment of couples or families if he or she has demonstrated competency as determined by the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors.

S.B. 220 (Chapter 406)

Senate Bill 220 revises provisions relating to the disclosure of certain information by certain licensing boards. Specifically, the bill:

- Authorizes a member or any agent of the various licensing boards to enter any premises where a licensed, certified, or permitted person is practicing to determine whether any violation of the law governing that profession has occurred;
- Provides for the filing of anonymous complaints concerning certain professions with the appropriate board;
- Requires each of the various licensing boards to forward to the appropriate law enforcement agency any substantiated information submitted to the board concerning unlicensed activity;

- Revises existing criminal penalties for physicians, osteopathic physicians, nurses, and pharmacists; and
- Authorizes various licensing boards to impose administrative fines against, issue citations to, and issue and serve orders to cease and desist on persons who engage in the unlicensed practice of certain professions.

The bill requires the Board of Medical Examiners to adopt regulations governing the possession and administration of Botox by a medical assistant or any other person. In addition, the State Board of Cosmetology and the Board of Examiners for Long-Term Care Administrators are required to refer complaints concerning matters within the jurisdiction of certain other licensing boards to the other licensing boards.

Senate Bill 220 also requires that the Board of Cosmetology take reasonable actions to enable schools of cosmetology to receive federal financial assistance for their students. Before issuing a license to a school of cosmetology, the Board must determine whether the proposed school admits as regular students only persons who have received a certificate of graduation from high school, or the recognized equivalent of such a certificate, or who are beyond the age of compulsory school attendance. Finally, the bill specifies certain information that must be contained on the license issued by the Board.

Provisions requiring the Board of Cosmetology to take reasonable actions to enable schools of cosmetology to receive federal financial assistance for their students and provisions concerning the issuance of licenses for schools of cosmetology are effective on June 3, 2013. Other provisions of this bill are effective on October 1, 2013.

S.B. 235 (Chapter 328)

Senate Bill 235 authorizes a local law enforcement agency to establish or utilize an electronic reporting system to receive information relating to scrap metal purchases within its jurisdiction. The measure requires that the system be electronically secure and accessible only to:

- A scrap metal processor for the purpose of submitting certain information;
- An officer of a local law enforcement agency; and
- An authorized employee of any third party that the local law enforcement agency contracts with for the purpose of receiving and storing the information submitted by a scrap metal processor.

A person is immune from any civil liability for any action taken with respect to carrying out the provisions of this bill if the actions are taken in good faith and without malicious intent. The bill further requires a person who possesses the information required to be submitted to a local law enforcement agency to keep the information confidential. A person who knowingly and willfully violates this requirement is guilty of a gross misdemeanor.

S.B. 287 (Chapter 177)

Senate Bill 287 authorizes the holder of a license or a certificate of registration issued by the State Board of Cosmetology to display a duplicate of the license or certificate in lieu of the original license or certificate. Failure to display a duplicate under certain circumstances is grounds for disciplinary action by the Board. The bill authorizes a licensee to obtain a duplicate license from the Board if required by the licensee for reasons other than when the original is destroyed, misplaced or mutilated, or the name or address of the licensee changes.

This bill is effective on July 1, 2013.

S.B. 402 (Chapter 240)

Senate Bill 402 reduces the late fee a real estate broker, broker-salesperson, or salesperson must pay to renew a license that has expired to \$100 within one year of expiration, in addition to the amount otherwise required for renewal. The bill also authorizes a person to renew a permit upon payment of a \$20 fee within one year of expiration, in addition to the amount otherwise required for renewal and compliance with any other requirement relating to the renewal of such a permit.

This bill is effective on July 1, 2013.

CONSTITUTIONAL AMENDMENTS

S.J.R. 8 (File No. 53)

Senate Joint Resolution No. 8 proposes to amend the *Nevada Constitution* to provide for annual regular legislative sessions, limited in odd-numbered years to not more than 90 legislative days within 120 calendar days and in even-numbered years to not more than 30 legislative days within 45 calendar days.

The measure proposes to remove the current constitutional provisions that limit payment of legislator salaries to the first 60 days of a regular session and the first 20 days of a special session, and proposes instead that legislators be compensated at regular intervals as set by law. The measure also proposes to remove the restriction of \$60 per session for office expenses, such as postage and stationery, and to appropriate funds for actual expenses that members may incur for each legislative session.

If approved in identical form during the 2015 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval at the 2016 General Election.

S.J.R. 13 (File No. 43)

Senate Joint Resolution No. 13 proposes to amend the *Nevada Constitution* to provide that the State of Nevada and its political subdivisions shall recognize marriages of and issue licenses to couples, regardless of gender. Religious organizations and clergy have the right to refuse to perform marriages, and no person has the right to make a claim against a religious organization or clergy for such refusal. All legally valid marriages shall be treated equally under the law. The resolution also proposes to repeal existing provisions that only a marriage between a male and female person may be recognized and given effect in Nevada.

If approved in identical form during the 2015 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval at the 2016 General Election.

S.J.R. 14—76th Session (File No. 47)

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

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

This measure was approved in identical form during the 2011 and 2013 Sessions of the Legislature. The measure will be submitted to the voters for final approval or disapproval at the 2014 General Election.

S.J.R. 15—76th Session (File No. 40)

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

This measure was approved in identical form during the 2011 and 2013 Sessions of the Legislature. The measure will be submitted to the voters for final approval or disapproval at the 2014 General Election.

COURTS AND JUDICIAL PROCEDURES

A.B. 30 (Chapter 107)

Assembly Bill 30 specifies that the community notification website, maintained by the Central Repository of Criminal Records, is the source of information available to the public concerning offenders listed in the statewide registry of sex offenders. This measure also removes the requirement that the Central Repository of Criminal Records maintain a log of requests for information from the website, and it provides that the contents of a record of registration are confidential and not subject to inspection by the general public.

This measure is effective on May 24, 2013.

A.B. 54 (Chapter 404)

Assembly Bill 54 adopts a revised schedule of fees a justice of the peace must charge and collect on the commencement of actions, the preparation and filing of affidavits and orders, the appearance of defendants, the preparation of transcripts, and other actions in justice court.

Assembly Bill 54 requires 25 percent of the portion of these fees payable to the county treasurer to be deposited into a special account for the benefit of the justice courts in the county. The funds in the special account may only be used for the construction of additional facilities; the expansion or renovation of existing facilities; acquisition of equipment, fixtures, and furniture; equipment or staff for enhanced security; and certain other items. The bill also requires a county treasurer, if necessary, to reduce the amount deposited in the special account to ensure that the total fees paid to the county treasurer in any fiscal year are not less than the amount paid in Fiscal Year 2012-2013.

Finally, A.B. 54 authorizes a board of county commissioners to impose, by ordinance, a filing fee on the commencement of an action or the filing of an answer in justice court, to offset a portion of the cost of operating a law library in the county.

This measure is effective on July 1, 2013.

A.B. 64 (Chapter 289)

Assembly Bill 64 authorizes a district court to deliver a copy of a presentence investigation report to the Department of Corrections by electronic transmission or by giving the Department electronic access to retrieve the report. The bill also allows the district court to furnish electronic copies of judgments of imprisonment to the sheriff of the county.

This measure is effective on June 1, 2013.

A.B. 84 (Chapter 384)

Assembly Bill 84 requires a district court to consider certain information in determining whether a defendant is disqualified from participation in a program for the treatment of veterans and members of the military who suffer from alcohol or drug abuse, mental illness, or

posttraumatic stress disorder. In making its decision, the court must consider the facts and circumstances surrounding the offense, including whether the defendant intended to place another person in reasonable fear of bodily harm.

This measure is effective on January 1, 2014.

A.B. 365 (Chapter 308)

Assembly Bill 365 requires the Court Administrator to adopt necessary regulations establishing the criteria and procedures for the appointment of alternate court interpreters for persons with language barriers. The bill requires the regulations to express a preference for appointment of a certified court interpreter before an alternate interpreter.

Assembly Bill 365 requires an interpreter to be appointed at public expense for a person with a language barrier who is a criminal defendant or witness, or who is the child, parent, guardian, or witness in a juvenile proceeding. This measure also requires the replacement of an appointed interpreter who is not communicating accurately or effectively, if that fact becomes known to the person making the appointment.

Further, A.B. 365 requires the Advisory Committee on the Administration of Justice to appoint a subcommittee to conduct an interim study concerning language access in the courts and to submit a report and any recommendations for legislation for transmission to the 78th Session of the Nevada Legislature and Nevada's Supreme Court.

The measure is effective on July 1, 2013.

S.B. 24 (Chapter 50)

Senate Bill 24 authorizes the Attorney General to establish a program and adopt regulations necessary to assist law enforcement and prosecuting attorneys in complying with Article 36 of the Vienna Convention on Consular Relations.

This bill is effective on July 1, 2013.

S.B. 27 (Chapter 319)

Senate Bill 27 requires the Attorney General to provide for the defense of a present or former State judicial officer or any other person named as a defendant in a civil action solely because of an alleged act relating to the public duties of a State judicial officer, employee, immune contractor, or legislator. The bill imposes a similar duty on the legal representative of a local government concerning the defense of local judicial officers, present or former employees, and others named as defendants.

Senate Bill 27 also prohibits the following tort actions, unless the State or local government is named as a party: (1) an action against a local or State judicial officer arising from an act within the scope of the person's public duties; and (2) an action against a defendant arising solely from an act relating to the public duties of a local or State judicial officer, local, or State employee, immune contractor, or legislator.

This measure also provides that it is unlawful, in exchange for compensation, to solicit a tort victim to employ an attorney at the scene of a traffic accident or a city or county jail or detention facility, or to conspire with another person to solicit a tort victim in these places.

This measure is effective on July 1, 2013.

S.B. 106 (Chapter 156)

Senate Bill 106 authorizes a juvenile court to enter a civil judgment against the child, parent, or guardian for the amount due when the court has ordered an administrative assessment, fee, restitution, or other payment and the amount is delinquent. However, the bill does not authorize entry of a civil judgment against a child who is under the age of 18 or who is outside the jurisdiction of the juvenile court.

Regardless of whether juvenile jurisdiction or probation is terminated, S.B. 106 grants the juvenile court continuing jurisdiction over any civil judgment entered, and it sets forth provisions on the collection and enforcement of the judgment.

Senate Bill 106 also authorizes a juvenile court to establish a restitution contribution fund and to require a monetary contribution to the fund in an agreement for informal supervision.

Similar to the provisions related to juvenile courts, this measure also authorizes an adult court to enter a civil judgment for a delinquent fine, administrative assessment, fee, or restitution, in favor of the State or local entity responsible for collecting. The bill specifies that money from collection fees may be used to hire necessary collection personnel, improve court operations with a self-help center, or provide security for a regional justice center.

This measure is effective on May 25, 2013.

S.B. 140 (Chapter 79)

Senate Bill 140 provides for the statutory creation, perfection, and attachment of a “retaining lien” for attorney’s fees by providing that the rights under such a lien may be adjudicated by a court at the request of the attorney having the lien, or any party who has been served with notice of the lien.

The measure also provides that in any civil action, the lien attaches to any file or other property properly left in the possession of the attorney by the client. The measure clarifies that the lien attaches to copies of the attorney’s file if the original documents received from the client have been returned to the client. Finally, the measure clarifies that a lien for attorney’s fees must not be construed as inconsistent with the attorney’s professional responsibilities to the client.

This bill is effective on July 1, 2013. The provisions apply to any fee for services rendered by an attorney before, on, or after the effective date of this measure.

S.B. 286 (Chapter 176)

Senate Bill 286 defines the right to free speech in direct connection with an issue of public concern to be communication made in a place open to the public or in a public forum. A person who engages in such communication is immune from any civil action for claims based upon that communication. If a civil action is sought and the person who engaged in the communication files a special motion to dismiss, the measure adds a process for the court to follow and provides that a court ruling on the motion must be made within seven judicial days after the motion is served upon the plaintiff.

If a court grants a special motion to dismiss, the measure provides that in addition to reasonable costs and attorney's fees, the court may award an amount up to \$10,000 to the person against whom the action was brought. If the court denies a special motion to dismiss and finds that the motion was frivolous or vexatious, the measure provides that the prevailing party shall receive reasonable costs and attorney's fees and may be granted an amount up to \$10,000 and any such additional relief as the court deems proper to punish and deter the filing of frivolous or vexatious motions. Finally, the measure provides that if the court denies a special motion to dismiss, an interlocutory appeal lies to the Supreme Court.

S.B. 420 (Chapter 265)

Senate Bill 420 authorizes a prosecuting attorney or an attorney for a defendant to issue subpoenas for witnesses to appear before a court for a preliminary hearing. Any subpoena issued by a defendant's attorney for a preliminary hearing must be calendared by filing a motion that includes a notice setting the matter for hearing not less than two full judicial days after the date on which the motion is filed. A prosecuting attorney may oppose the motion orally in open court. A properly calendared subpoena may be served on the witness unless the court quashes the subpoena.

The measure provides that a peace officer may accept delivery of a subpoena in lieu of service, via electronic means. A person who fails to obey a subpoena to appear for a preliminary hearing shall be deemed in contempt of court. Similar to current provisions providing that a person who fails to obey a subpoena of a court or prosecuting attorney is in contempt of court, the measure also provides that a person who fails to obey a subpoena of an attorney for a defendant is in contempt of court.

S.B. 463 (Chapter 343)

Senate Bill 463 provides for the implementation of the Court of Appeals pursuant to the provisions of Senate Joint Resolution No. 14 of the 2011 Legislative Session.

Senate Joint Resolution No. 14 of the 76th Session was approved in identical form by the 2011 and 2013 Sessions of the Legislature. If S.J.R. 14 of the 76th Session is approved by the voters at the 2014 General Election, S.B. 463 is effective on January 1, 2015.

CRIMINAL JUSTICE
(See also Courts and Judicial Procedures)

A.B. 156 (Chapter 295)

Assembly Bill 156 provides that a person may not petition the court to seal records related to a felony conviction for driving a vehicle or watercraft under the influence; driving a vehicle or watercraft under the influence resulting in death or substantial bodily harm; vehicular homicide; or homicide by watercraft.

Assembly Bill 156 also authorizes a person to petition the court, after the statute of limitations has run, ten years after the arrest, or pursuant to a stipulation between the parties, for the sealing of all records relating to his or her arrest and proceedings, if the prosecuting attorney declined to prosecute the charges. If the records are sealed, the bill authorizes the prosecuting attorney to file the charges before the statute of limitations has run and to inspect the records without having to petition the court.

This measure is effective on January 1, 2014.

A.B. 233 (Chapter 300)

Assembly Bill 233 authorizes a person to appeal a court order dismissing a post-conviction petition for genetic marker analysis of evidence in the custody of the State that may contain information relating to the investigation or prosecution that resulted in the conviction. An aggrieved person may appeal to Nevada's Supreme Court within 30 days after the entry of the order. The measure also provides that if a court orders a genetic marker analysis, the State may appeal the order to the Supreme Court.

A.B. 422 (Chapter 362)

Assembly Bill 422 requires the Director of the Department of Corrections, in consultation with the Department's medical director and Inspector General, to request an autopsy of an offender who dies while in custody, if the next of kin consents or does not notify the Director of an objection within 72 hours after the death.

This measure is effective on June 2, 2013.

A.B. 423 (Chapter 459)

Assembly Bill 423 requires the Division of Parole and Probation of the Department of Public Safety to disclose the factual content of a presentence investigation report and the Division's recommendations to the court, the defendant, the defendant's attorney, and the prosecuting attorney not later than a certain number of days before sentencing, unless the defendant waives the minimum period.

For the period beginning October 1, 2013, and ending February 28, 2014, the disclosure must take place at least seven working days before sentencing. For the period beginning March 1, 2014, and ending September 30, 2014, the disclosure must take place at least 14 working days before sentencing. And after October 1, 2014, the disclosure must take place at least 21 working days before sentencing.

S.B. 45 (Chapter 38)

Senate Bill 45 relates to the sealing of certain records of criminal history. The measure revises information that must be included in a petition to seal all records relating to a conviction. In addition, the measure revises the definition of an “agency of criminal justice” to include a subunit of any governmental agency and clarifies that the sealing of all records of a conviction includes those in the custody of such an agency of criminal justice.

This bill is effective on July 1, 2013.

S.B. 243 (Chapter 252)

Senate Bill 243 establishes the State DNA Database, which is administered by the Forensic Science Division of the Washoe County Sheriff’s Office. The measure provides that the Forensic Science Division shall act as a liaison between the Federal Bureau of Investigation (FBI) and other state agencies of criminal justice relating to Nevada’s participation in the FBI’s DNA Indexing System—“CODIS.”

Senate Bill 243 provides the procedures for submitting a biological specimen to a forensic laboratory for genetic marker analysis when a person is arrested for a felony. If a court or magistrate determines that probable cause did not exist for the person’s arrest, the biological specimen must be destroyed within five business days. The measure also provides that if a person is arrested for a felony and is not convicted, the person may make a written request to the Central Repository for Nevada Records of Criminal History to destroy the biological specimen and the DNA profile and purge the DNA record from the forensic laboratory, the State DNA Database, and CODIS.

The bill provides that any costs incurred relating to obtaining or destroying a biological specimen or purging a DNA profile or record are a charge against the county in which the person was arrested and must be paid from the county fund for genetic marker testing. The measure imposes an additional \$3 administrative assessment on a person convicted of a misdemeanor, gross misdemeanor, or felony to pay in part for the costs of obtaining specimens and conducting the analysis.

Finally, S.B. 243 establishes the Subcommittee to Review Arrestee DNA of the Advisory Commission on the Administration of Justice. The Subcommittee will consider issues relating to DNA of arrested persons and submit a report and recommendations to the Commission.

This measure is effective on July 1, 2013.

S.B. 423 (Chapter 279)

Senate Bill 423 requires the Director of the Nevada Department of Corrections (NDOC) to provide an offender, upon release and request, with a photo identification (ID) card issued by the NDOC. The photo ID card must include the name, date of birth, and a color picture of the offender. The measure further provides that an offender who is eligible to apply for a driver’s license or ID card through the Nevada Department of Motor Vehicles may submit the photo ID card received from the NDOC as proof of the offender’s full legal name and age.

This bill is effective on May 30, 2013, for purposes of performing preparatory administrative tasks necessary to carry out the provisions of this measure and on January 1, 2014, for all other purposes.

S.B. 478 (Chapter 346)

Senate Bill 478 requires the Director of the Department of Corrections to obtain a personal guarantee or surety bond and a detailed written analysis from a private employer before entering into any contract with the employer for the employment of offenders. The analysis must cover the estimated impact of the contract on private industry in Nevada.

The measure also provides that if any State-sponsored program for vocational training or employment of offenders which does not include a contract with a private employer incurs a net loss for two consecutive fiscal years, the Director must appear before the Committee on Industrial Programs, explain the reasons for the loss, provide a plan for the generation of profit in the next fiscal year, and if the program does not generate a profit in the third fiscal year, take appropriate steps to resolve the issue.

Senate Bill 478 requires the Director to submit:

- A report to the Committee on Industrial Programs identifying the impacts of any new program for the employment of offenders on private employers and labor;
- Any contract related to the employment of offenders to the State Board of Examiners for approval;
- A report every five years to the Director of the Legislative Counsel Bureau for distribution to the Committee on Industrial Programs including an analysis of existing contracts with private employers for the employment of offenders and the potential impact of those contracts on private industry in Nevada; and
- A report to each meeting of the Interim Finance Committee identifying any accounts receivable from a program for the employment of offenders.

Finally, this bill adds a second member representing organized labor to the Committee on Industrial Programs.

This measure is effective on July 1, 2013.

S.B. 519 (Chapter 501)

Senate Bill 519 authorizes the Director of the Department of Corrections, or his or her designee, to apply for a determination of eligibility for Medicaid on behalf of an offender, after informing the offender.

This measure is effective on June 11, 2013.

Crime and Punishment

A.B. 55 (Chapter 110)

Assembly Bill 55 imposes enhanced penalties for attempting or conspiring to commit embezzlement or obtain money or property of a value of \$650 or more by false pretenses against a person who is 60 years of age or older or a vulnerable person.

A.B. 67 (Chapter 426)

Assembly Bill 67 defines the crime of sex trafficking separately from the crime of pandering. The bill provides that a person who is guilty of sex trafficking of an adult has committed a category B felony, a person who is guilty of sex trafficking of a child has committed a category A felony, and the court may not grant probation to or suspend the sentence of a convicted person. The consent of a victim is not a defense in a sex trafficking prosecution, nor is the allegation that the defendant did not know or made a reasonable mistake concerning the victim's age.

Assembly Bill 67 authorizes a court to order a videotaped deposition of a victim of sex trafficking and establishes a rebuttable presumption that good cause exists for such an order. The bill authorizes the court to allow a videotaped deposition to be used as testimony at trial if the court determines the victim is unavailable as a witness. This measure also includes sex trafficking within the meaning of "crime against a child" and "sexual offense," for purposes of the registration of sex offenders, and designates an offender convicted of an offense involving sex trafficking against a child a Tier II offender.

Assembly Bill 67 authorizes a victim of sex trafficking or human trafficking to bring a civil action against a person who caused or profited from the act of trafficking. The plaintiff may recover regular, compensatory, and punitive damages. The bill also includes victims of sex trafficking within various statutes that provide aid to victims of crime, including compensation, confidentiality, fictitious addresses, restitution, and other types of aid.

The bill makes other related changes to the statutes on criminal procedure, crimes, and punishments, and grants the Attorney General concurrent jurisdiction to prosecute any offense involving pandering and sex trafficking, without leave of the court.

This measure is effective on July 1, 2013.

A.B. 97 (Chapter 292)

Assembly Bill 97 requires a district attorney to file a habitual criminal charge not less than two days before the start of the trial on the primary offense, if the charge is filed separately from the primary offense. The bill authorizes the defense and prosecution to come to a different agreement, authorizes the court to order a time extension for good cause, and also authorizes the prosecution to amend or supplement a habitual criminal count at any time before the sentence is imposed.

A.B. 102 (Chapter 120)

Assembly Bill 102 defines the crime of organized retail theft as intentionally committing, alone or with others, a series of thefts of retail merchandise against one or more merchants, with the intent to return or resell the merchandise for value.

A.B. 116 (Chapter 294)

Assembly Bill 116 adds concealing and aiding in the destruction or concealment of material evidence to the acts that make a person an accessory to a felony. The bill also adds the domestic partner of a principal offender to the list of persons who are not considered accessories after the commission of a felony or gross misdemeanor. The bill removes brothers, sisters, parents, grandparents, children, and grandchildren of a principal offender to the list of persons who may not be considered accessories after the commission of a felony, and it provides that such persons who are accessories are guilty of a gross misdemeanor.

A.B. 146 (Chapter 354)

Assembly Bill 146 provides that a person who provides care for a minor and knowingly obtains labor or services by causing or threatening to cause serious harm or by engaging in a pattern of conduct resulting in physical injury, sexual abuse, or sexual assault, or benefits financially from such labor or services, is guilty of holding a minor in involuntary servitude, a category A felony. The bill specifies that the consent of the victim is not a valid defense in a prosecution for this crime, and it clarifies that nothing in the bill prohibits a parent or guardian of a child from requiring the child to perform common household chores under the threat of reasonable discipline.

A.B. 194 (Chapter 133)

Assembly Bill 194 provides that holding a leasehold interest in real property destroyed or injured is not a defense to the crime of willfully and maliciously injuring the real or personal property of another.

A.B. 212 (Chapter 385)

Assembly Bill 212 prohibits a prisoner in a local jail from possessing or having custody of a portable telecommunications device. If the prisoner is in custody for a felony, a violation of this prohibition is a category D felony. If the prisoner is in custody for a misdemeanor or a gross misdemeanor, a violation is a misdemeanor or gross misdemeanor, respectively.

If a person is convicted of possessing a portable telecommunications device in a local jail and the underlying charge for which the person was in lawful custody or confinement is subsequently reduced, declined for prosecution, or dismissed, the measure authorizes the person to request a modification of the sentence. The bill also clarifies that a person does not have a right to a modification of a sentence, and the granting or denial of a request does not establish a basis for any cause of action against certain parties, including the State.

A.B. 352 (Chapter 202)

Assembly Bill 352 prohibits a person from knowingly advertising, making, possessing, purchasing, selling, or transporting a hoax bomb with intent to:

- Make a reasonable person believe it is an explosive or incendiary device;
- Cause alarm or reaction by an employee, officer, or volunteer of a fire or law enforcement agency; or
- Cause the evacuation of a building, whether or not a threat is conveyed.

The bill provides that a violation of this prohibition is a gross misdemeanor or, if used to cause the evacuation of a building, a category E felony or, if used in furtherance of a felony, a category C felony.

A.B. 377 (Chapter 387)

Assembly Bill 377 provides that a person who was employed or volunteering in a position of authority at a school and who has sexual conduct with a pupil is guilty of a felony under the following circumstances:

- The pupil was enrolled in or attending the school at which the person was employed or volunteering; or
- The person had contact with the pupil in the course of performing his or her duties as an employee or volunteer.

The measure provides that if the pupil is 16 or 17 years of age, the crime is a category C felony, and if the pupil is 14 or 15 years of age, the crime is a category B felony.

This measure is effective on July 1, 2013.

A.B. 415 (Chapter 488)

Assembly Bill 415 provides that the crime of burglary does not include the act of entering a commercial establishment during business hours with the intent to commit petit larceny, unless the person who enters has two or more previous convictions for petit larceny within the last seven years or a felony conviction. Further, the bill prohibits a person, under certain circumstances, from lodging in any building, structure, or place without permission if the property is the subject of a notice of default and election to sell or is placed on a registry of vacant, abandoned, or foreclosed property.

This measure also creates the Special Account for the Support of the Advisory Commission on the Administration of Justice. The Advisory Commission is required to review sentencing for all criminal offenses, the current system of parole, and potential legislation relating to offenders for whom traditional imprisonment is not considered appropriate, and report its findings to the Chairs of the standing Senate and Assembly Committees on Judiciary not later than June 1, 2014.

Finally, the measure authorizes each county to establish a community court pilot project within any of the county's justice courts to provide alternatives to sentencing for persons charged with certain misdemeanors.

A.B. 444 (Chapter 469)

Assembly Bill 444 requires the Legislative Auditor to conduct an audit of the fiscal costs of the death penalty. The Legislative Auditor must present a final written audit to the Audit Subcommittee of the Legislative Commission no later than January 31, 2015.

The bill is effective on June 10, 2013.

S.B. 37 (Chapter 97)

Senate Bill 37 provides that a person who willfully or maliciously removes, damages, or destroys any property maintained by a State or local government to obtain scrap metal is guilty of a crime. In addition, the measure expands the definition of "utility property" to include sewer service, storm water collection, and disposal service, and makes it a crime to intentionally steal, take, and carry away utility property. Finally, the measure requires a person who is convicted of a crime relating to obtaining scrap metal or utility property, in addition to any other penalty, to perform 100 hours of community service for a first offense, 200 hours of community service for the second offense, and up to 300 hours for any third or subsequent offense.

This bill is effective on May 23, 2013.

S.B. 103 (Chapter 69)

Senate Bill 103 revises the period of limitation for crimes relating to the sexual abuse of a child. The measure provides that an indictment must be found or an information or complaint must be filed before the victim of child sexual abuse is: (1) 36 years old if the victim discovers or reasonably should have discovered the sexual abuse by that age; and (2) 43 years old if the victim does not discover and reasonably should not have discovered the sexual abuse by 36 years of age.

The provisions of this measure apply to a person who: (1) committed the sexual abuse of a child before October 1, 2013, if the applicable period of limitation has commenced but has not yet expired on October 1, 2013; or (2) commits the sexual abuse of a child on or after October 1, 2013.

S.B. 139 (Chapter 22)

Senate Bill 139 adds crimes committed because of a person's actual or perceived gender identity or expression to the list of crimes for which: (1) an offender is subject to an additional penalty; (2) an offender may be charged with a gross misdemeanor for an otherwise misdemeanor offense; and (3) a victim may bring a civil action against the offender. The measure expands the list of crimes subject to these additional penalties based upon categories used by the Federal Bureau of Investigation to compile statistics concerning hate crimes.

Finally, the bill adds crimes committed on the basis of gender identity or expression to the data collected and analyzed by the Program for Reporting Crimes within the Department of Public Safety.

S.B. 169 (Chapter 229)

Senate Bill 169 limits punishment by imprisonment in the county jail for persons convicted of a gross misdemeanor to no more than 364 days. In addition, this measure authorizes a person convicted of a gross misdemeanor before October 1, 2013, and sentenced to a one year term in jail to petition the court for an order modifying the original sentence to a term of 364 days, for good cause shown.

Senate Bill 169 also reduces the length of time a person must wait to petition for the sealing of all records relating to a conviction for any gross misdemeanor from seven years to five years from the date of release from actual custody or discharge from probation, whichever occurs later.

S.B. 189 (Chapter 88)

Senate Bill 189 expands the definition of a “provider of health care” to include a medical student, dental student, dental hygienist student, and pharmacy student for purposes of enhanced penalties for the crimes of assault and battery against such a person.

S.B. 237 (Chapter 329)

Senate Bill 237 revises the definition of a “protected site” in Nevada to include any site, building, structure, object, or district listed in:

- The register of historic resources of a community;
- The State Register of Historic Places pursuant to *Nevada Revised Statutes* 383.085; or
- The National Register of Historic Places.

In addition, a protected site includes any such resource over 50 years in age located in a state or municipal park.

Senate Bill 237 also changes the penalty for a graffiti offense on a protected site from a category C felony to a category D felony.

S.B. 388 (Chapter 261)

Senate Bill 388 repeals the crime of solicitation of a minor to engage in acts constituting the “infamous crime against nature.” The measure revises the definition of “sexual conduct” and provides that the crime of luring a child includes contacting or communicating with the person believed to be a child with the intent to solicit that person to engage in sexual conduct.

The measure also removes reference to the “infamous crime against nature” and replaces it with a reference to “sexual activity” for provisions relating to certain offenders in Nevada’s Department of Corrections. Finally, this measure removes the reference to the “infamous crime against nature” for provisions relating to the Nevada National Guard.

Juvenile Crime and Delinquency

A.B. 202 (Chapter 483)

Assembly Bill 202 grants jurisdiction to the juvenile court over a child charged with committing murder or attempted murder, if the child was under the age of 16 when the crime was committed. The bill also authorizes a child who has been certified for transfer to adult court to petition the juvenile court for temporary placement in a facility for the detention of children during the pendency of the adult proceedings. In addition, the measure provides that a child may be certified for criminal proceedings as an adult upon a motion by the district attorney and after a full investigation if the child:

- Is charged with an offense that would have been a felony if committed by an adult and was 14 years of age or older at the time the offense was allegedly committed; or
- Is charged with murder or attempted murder and was 13 years of age or older when the murder or attempted murder was committed.

Assembly Bill 202 also requires the Legislative Committee on Child Welfare and Juvenile Justice to create a task force to study certification of juveniles as adults, housing of youthful offenders convicted of crimes as adults, and related subjects, and to submit a report and recommendations for legislation to the 78th Session of the Nevada Legislature.

The provisions relating to the Legislative Committee on Child Welfare and Juvenile Justice are effective on July 1, 2013. The sections of the measure relating to certification of a child as an adult under certain circumstances and those granting jurisdiction to the juvenile court over a child charged with committing murder or attempted murder, if the child was under the age of 16 when the crime was committed, are effective on October 1, 2014. The remaining sections of the bill are effective on October 1, 2013.

A.B. 207 (Chapter 422)

Assembly Bill 207 limits to 30 days the period for which the juvenile court may order a person who is at least 18 years of age but less than 21 years of age, and who is subject to the jurisdiction of the juvenile court, to be placed in county jail for a violation of probation or parole.

S.B. 31 (Chapter 155)

Senate Bill 31 authorizes a director of juvenile services, chief juvenile probation officer, or the Chief of the Youth Parole Bureau to share appropriate juvenile justice information, upon request, for purposes of ensuring the safety, permanent placement, rehabilitation, educational success, and well-being of a child. Information may be shared with the child's attorney, the district attorney, a court appointed special advocate, and other specified persons. Juvenile justice information is defined as information directly related to any child who is subject to the jurisdiction of the juvenile court.

The measure provides that the information released is confidential. If the information is requested for purposes of bona fide research on juvenile justice, the information must be provided in the aggregate, without personal identifying information. The measure also stipulates that the information may not be used to deny a child access to any service for which the child is eligible, and it authorizes an agency that provides child welfare services to charge a reasonable processing fee.

This measure is effective on July 1, 2013.

S.B. 107 (Chapter 324)

Senate Bill 107 authorizes a State, local, or regional facility for the detention of children to subject a child to corrective room restriction only if other less-restrictive options have been exhausted and only for specific purposes. The facility must conduct a safety check on a child subjected to corrective room restriction at least once every ten minutes, and it may not place a child on corrective room restriction for more than 72 consecutive hours.

Senate Bill 107 defines “corrective room restriction” as the confinement of a child to his or her room as a disciplinary or protective action. The measure requires each facility to submit a monthly report concerning children subjected to corrective room restriction to the Juvenile Justice Programs Office of the Division of Child and Family Services in the Department of Health and Human Services. The measure also directs the Advisory Commission on the Administration of Justice to conduct a study concerning detention and incarceration during the 2013-2014 Interim.

S.B. 108 (Chapter 191)

Senate Bill 108 provides that a child who violates a county or municipal ordinance related to curfews or loitering is to be adjudicated by a juvenile court as a child in need of supervision rather than as a delinquent child.

The measure decreases from eight to four days the length of time a child may remain in detention or shelter care pending the filing of a petition by district attorney in juvenile court, excluding Saturdays, Sundays, and holidays. The measure allows a juvenile court, for good cause shown by the district attorney, to authorize an additional four days for the filing of the petition, excluding Saturdays, Sundays, and holidays.

Finally, if a juvenile court finds that a suspension or delay in the issuance of a driver’s license of a child causes severe or undue hardship to the child or the immediate family, the court may order the Department of Motor Vehicles to issue a restricted driver’s license to the child.

S.B. 177 (Chapter 326)

Senate Bill 177 authorizes a board of county commissioners to adopt an ordinance prohibiting a child who is under the age of 18 from purchasing or attempting to purchase tobacco products, possessing or attempting to possess tobacco products, using tobacco products, or falsely representing his or her age to purchase, possess, or obtain tobacco products. A peace officer

may detain a child for a violation of such an ordinance and issue a citation, but the officer must not take the child into physical custody. A citation may be issued to a child who is an occupant of a vehicle, but only if the violation is discovered when the vehicle is halted for another alleged violation or offense.

A child who violates a county ordinance is a child in need of supervision and may be ordered by the juvenile court to pay a fine of \$25 for the first offense, \$50 for the second offense, and \$75 for the third or any subsequent offense. The court may also order the child to attend and complete a tobacco awareness and cessation program and order the child or the parent or guardian of the child, or both, to pay the reasonable costs for the child to attend the program. The measure provides that for a third or subsequent offense, the juvenile court may order the suspension of the child's driver's license for at least 30 days, but not longer than 90 days. The court may also order a restriction on a driver's license for a child who willfully fails to pay any fine or assessment related to a tobacco offense, and it may provide work and health care exemptions from the driver's license restrictions.

S.B. 414 (Chapter 338)

Senate Bill 414 prohibits a minor from knowingly and willfully using an electronic communication device to transmit or distribute an image of bullying committed against a minor with the intent to encourage, further, or promote bullying and to cause harm to the minor. The measure provides that for the first violation, the minor shall be identified as a child in need of supervision, not a delinquent child. For any second or subsequent violation, the measure provides that it is a delinquent act, and the court may order the detention of the minor.

Pardons, Parole, and Probation

A.B. 40 (Chapter 109)

Assembly Bill 40 authorizes the State Board of Parole Commissioners to enter into an agreement with the manager of an automated victim notification system in order to provide required notice when an offender requests to serve a term of residential confinement, the Board fixes the date of a parole hearing, or the Board makes a final decision on the parole of an offender.

This measure is effective on May 24, 2013.

A.B. 43 (Chapter 9)

Assembly Bill 43 provides that an offender sentenced to prison may not earn more credits for good behavior, labor, or study than the amount required to expire his or her sentence. The bill also states that this limitation must not be construed as retroactively reducing earned credits, if doing so would be unconstitutional under the *Constitution of the United States* or the *Nevada Constitution*.

This measure is effective on May 10, 2013.

A.B. 91 (Chapter 352)

Assembly Bill 91 allows a court to order a defendant to a program of regimental discipline if the defendant was convicted of a felony involving an act of violence and the district attorney stipulates to the defendant's eligibility for the program. The bill also allows only those defendants who have not been incarcerated in jail for more than a cumulative total of 365 days and who have never been incarcerated in prison to be placed in a program of regimental discipline.

Assembly Bill 91 also requires the Director of the Department of Corrections to make all reasonable efforts to accommodate a defendant in a program of regimental discipline and to consider the facts and circumstances of the offense when determining the defendant's eligibility.

S.B. 32 (Chapter 54)

Senate Bill 32 revises the powers and duties of the Director of the Department of Corrections (DOC) and makes various changes related to the Department of Public Safety (DPS). The measure authorizes the Director of the DOC to permit the distribution of money, from any money deposited in the individual account of an offender from any source other than the offender's wages, to a governmental entity for certain deductions.

When a request for the transfer of a person detained in a local law enforcement facility is received from a sheriff or chief of police of a city, S.B. 32 requires the Director to determine if the transport will be made by the staff of the DOC or staff of the county sheriff or the chief of police who requested the transfer.

Senate Bill 32 provides that an offender in custody with the Division of Parole and Probation of the DPS for residential confinement cannot reside in another state. In addition, the measure expands eligibility for participation in a program of residential confinement for certain abusers of alcohol or drugs who commit certain violations of law relating to operating or being in actual physical control of any vessel under power or sail.

The measure authorizes the Division of Parole and Probation, under certain circumstances, to receive and distribute restitution to victims. Finally, the measure repeals provisions governing the Prison Revolving Account.

This bill is effective on May 22, 2013.

S.B. 71 (Chapter 64)

Senate Bill 71 provides that when a court imposes consecutive sentences, those sentences must be aggregated if the crimes were committed on or after July 1, 2014, unless any of the sentences includes a sentence of life without the possibility of parole or death. In addition, this measure authorizes a prisoner who is serving consecutive sentences to request the Director of the Department of Corrections to aggregate any remaining sentences for which parole has not previously been considered. The aggregation of sentences does not apply to sentences for

offenses entered into at different times. This measure provides that for offenses committed and sentences aggregated on or after July 1, 2014, any credits earned to reduce sentences may only reduce the minimum term or minimum aggregate term imposed by the sentence by not more than 58 percent.

For cases where a prisoner was less than 16 years of age at the time of the offense for which he or she was imprisoned, this measure provides that the State Board of Parole Commissioners is not required to release the prisoner if he or she is determined to be a high risk to reoffend in a sexual manner or there is a reasonable probability that the prisoner will be a danger to public safety while on parole. Finally, if a prisoner who was less than 16 years of age at the time of an offense is paroled and then that parole is revoked, that prisoner must not be considered again for parole under these provisions of the law.

This bill is effective on July 1, 2014.

S.B. 101 (Chapter 145)

Senate Bill 101 expands the supervision of a department of alternative sentencing to include a “supervised releasee” who is a person charged with or convicted of a misdemeanor, gross misdemeanor, or felony and who has been released from custody before trial or sentencing, subject to the conditions imposed by the court. The measure also revises the qualifications of the chief of a department of alternative sentencing to include experience in pretrial or presentence release.

This bill is effective on July 1, 2013.

S.B. 104 (Chapter 70)

Senate Bill 104 replaces the requirement for prisoners convicted of sexual offenses to be evaluated by a panel with a requirement for such prisoners to be assessed by the Nevada Department of Corrections (NDOC) before their parole is granted or continued. The measure requires the NDOC to assess such prisoners with a currently accepted standard of assessment that will return a risk level to reoffend in a sexual manner using low, moderate, or high categories. The completed assessment must be provided to the State Board of Parole Commissioners not sooner than 120 days before a scheduled parole hearing and the findings must be considered by the Board before determining whether to grant or revoke the parole of the prisoner.

The measure requires training for any employee of the NDOC who completes the assessment, and it requires procedures be established to ensure the accuracy of each completed assessment and correct any errors prior to submitting the assessment to the Parole Board.

This bill is effective on July 1, 2013.

Victims of Crime

A.B. 40 (Chapter 109)

Assembly Bill 40 authorizes the State Board of Parole Commissioners to enter into an agreement with the manager of an automated victim notification system in order to provide required notice when an offender requests to serve a term of residential confinement, the Board fixes the date of a parole hearing, or the Board makes a final decision on the parole of an offender.

This measure is effective on May 24, 2013.

A.B. 307 (Chapter 142)

Assembly Bill 307 requires a county to pay any costs incurred by a hospital for a forensic medical examination of a victim of sexual assault. The bill also specifies that any costs incurred by a county for medical care provided to a victim within 72 hours after arriving for treatment and any costs for a forensic medical examination must be charged to the county where the offense was committed, and that the filing of a police report must not be a prerequisite to qualifying for a forensic medical examination.

Assembly Bill 307 also requires a victim of sexual assault to file a police report or submit to a forensic medical examination in order for the victim or the victim's spouse, relative, or close friend to be eligible for any additional treatment at county expense for physical injuries or emotional trauma suffered as the result of the sexual assault.

A.B. 311 (Chapter 427)

Assembly Bill 311 creates the Contingency Account for Victims of Human Trafficking to be administered by the Director of the Department of Health and Human Services. The bill authorizes a nonprofit agency or a local or State agency to apply to the Director for an allocation of money to be used for establishing or providing programs or services for victims of human trafficking. The bill also requires the existing Grants Management Advisory Committee to review the applications and make recommendations to the Director concerning allocations of money from the Contingency Account.

This measure is effective on July 1, 2013.

S.B. 26 (Chapter 51)

Senate Bill 26 creates within the Attorney General's Office the Victim Information Notification Everyday (VINE) System to consist of a toll-free telephone number and website through which crime victims and members of the public may register to receive automated information and notification concerning changes in the custody status of an offender. The Attorney General is directed to create a governance committee for the system, which may adopt regulations for its operation and oversight. To the extent that funds are available, each sheriff and chief of police, the Department of Corrections, the Department of Public Safety, and the State Board

of Parole Commissioners shall cooperate with the Attorney General to establish and maintain the system.

This bill is effective on July 1, 2013.

ECONOMIC DEVELOPMENT

A.B. 61 (Chapter 112)

Assembly Bill 61 makes various changes relating to economic development, including:

- Specifying when certain abatements must be approved either by the Executive Director of the Office of Economic Development or the Board of Economic Development;
- Revising the composition of the Board of Economic Development to include the Director of the Department of Employment, Training and Rehabilitation;
- Allowing the Executive Director of the Office of Economic Development to declare void any contract between the Office and a regional development authority;
- Removing the requirement for the Office of Economic Development to develop a State Plan for Inland Ports;
- Specifying that only counties or incorporated cities may apply for grants or loans from the Catalyst Fund; and
- Abolishing the Interagency Committee for Coordinating Tourism and Economic Development and the Advisory Council on Economic Development.

This bill is effective on May 24, 2013.

A.B. 125 (Chapter 454)

Assembly Bill 125 allows for the lease of State land to certain businesses at less than fair market value for the first year of the lease. In order to qualify for a discounted lease, the business must be seeking to locate or expand in the State, must be consistent with the State Plan for Economic Development, and must meet criteria related to number of employees, capital investment, wages, and/or health insurance and benefits. Further, leases entered into pursuant to the bill must be for a term of at least ten years.

The bill exempts such land leases from certain appraisal and procedural requirements. Also exempted from these requirements are any leases of less than 25,000 square feet of State land.

Finally, A.B. 125 adds specificity to certain State property inventories that are provided to the Administrator of the State Public Works Division.

This bill is effective on July 1, 2013.

A.B. 138 (Chapter 471)

Assembly Bill 138 allows a new or expanding business that makes a capital investment of at least \$1 million in a research program related to the field of endeavor of the business at the University of Nevada, Las Vegas; the University of Nevada, Reno; or the Desert Research Institute, or at least \$500,000 in certification, research, or training programs at Nevada State College or another smaller institution within the Nevada System of Higher Education to apply

to the Governor's Office of Economic Development for a partial tax abatement. Specifically, if the business meets certain eligibility requirements, it may receive a partial abatement of its personal property taxes for five years. The total amount of the abatement received may not exceed 50 percent of the personal property taxes imposed on the business during the period of the abatement or 50 percent of the amount of capital investment, whichever is less.

The measure is effective on July 1, 2013. The provisions of this bill authorizing the abatements expire by limitation on June 30, 2023.

A.B. 151 (Chapter 473)

Assembly Bill 151 requires that Nevada's Department of Transportation (NDOT) establish goals for the participation of disadvantaged business enterprises and local emerging small businesses in certain contracts for transportation projects. Included are contracts for the construction, reconstruction, improvement, or maintenance of highways estimated to cost \$250,000 or more that do not receive federal funding, and contracts for architectural, engineering, and planning services. The participation goals must be consistent with the goals required for similar projects that receive federal funding, and they must be based on information about the market for which the goals are set.

Finally, A.B. 151 requires NDOT to prepare a biennial report for the Governor and the Legislature explaining the establishment and achievement level of these goals.

This bill is effective on October 1, 2013, and expires by limitation on September 30, 2023, or 90 days after the date on which the NDOT Director transmits to the Governor and the Director of the Legislative Counsel Bureau a report indicating that disparities no longer exist in the awarding of contracts to disadvantaged business enterprises and a discontinuation of the goals would be in the best interest of this State, whichever occurs earlier.

A.B. 239 (Chapter 504)

Assembly Bill 239 makes changes to energy-related tax incentives. It authorizes the Director of the Office of Energy to charge and collect a fee from each applicant for a tax abatement. The bill provides that certain facilities which generate electricity from geothermal energy are eligible for a partial abatement of taxes, and it removes from eligibility in the abatement program facilities that provide for the transmission of renewable energy or geothermal resources. The bill also modifies requirements concerning a board of county commissioners approving an application for partial tax abatement before such an abatement is granted.

Assembly Bill 239 establishes the Economic Development Electric Rate Rider Program, a five-year program to encourage the location or relocation of new businesses by providing discounted rates for electricity. The Public Utilities Commission of Nevada (PUCN), in consultation with the Office of Economic Development, is required to administer the program and adopt regulations to establish the discounted rates and approve the contract terms for each applicant. The PUCN is also required to prepare and submit a report to the 78th Session of the Legislature concerning the program. The bill requires a utility to set aside not more than 50 megawatts of capacity for allocation pursuant to the program and to recover the amount of the discount given to each participant through the deferred energy accounting process.

This bill provides that a public utility is not required to include a utility facility in its integrated resource plan if the facility is not intended to serve customers in this State and the cost of the facility will not be included in the rates charged by the utility. Assembly Bill 239 allows a permit applicant for a utility facility, for which the applicant is required to obtain an environmental analysis from a federal agency, to file a notice with the PUCN regarding this environmental analysis, rather than an additional application.

The bill also revises the authority for the issuance of land use permits for a utility project. The measure requires a planning commission or governing body that is required to prepare and adopt a master plan to include in the master plan an aboveground utility plan. Such a governing body must establish a process for the issuance of: (1) permits for the construction of aboveground utility projects; (2) special use permits for the construction of aboveground utility projects that are to be constructed outside of the corridors identified in the master plan; and (3) special use permits for the construction of renewable energy generation projects with a nameplate capacity of ten megawatts or more.

This bill is effective on July 1, 2013.

A.B. 294 (Chapter 546)

Assembly Bill 294 provides for the certification of local emerging small businesses by the Office of Economic Development (OED) and sets forth certain criteria for that certification. The measure further requires the OED to post a list of the certified local emerging small businesses on its website and to adopt certain regulations relevant to the certification procedure. The OED must establish: (1) an outreach program for local emerging small businesses and State agencies seeking State purchasing contracts and contracts for public works of this state; and (2) goals concerning the participation of local emerging small businesses in those contracts. The OED, in cooperation with the Office of the Governor, shall establish an annual recognition program for the State agencies that meet certain goals related to local emerging small businesses.

The measure requires local governments in counties whose population is 100,000 or more (currently Clark and Washoe Counties), the Purchasing Division and the State Public Works Division, both of the Department of Administration, to submit reports twice each year to the OED concerning the participation of local emerging small businesses in certain contracts. On or before September 15 of each year, the OED must submit a report, relevant to local emerging small businesses, to the Governor and to the Director of the Legislative Counsel Bureau.

Finally, the threshold for requiring formal contracts for certain State purchases is increased from \$25,000 to \$50,000.

This bill is effective on June 12, 2013, for the purposes of adopting regulations and performing other preparatory administrative tasks, and on January 1, 2014, for all other purposes.

A.B. 333 (Chapter 168)

Assembly Bill 333 requires the Office of Economic Development and the Office of Energy periodically to conduct a cost/benefit analysis of economic development incentives previously approved by each respective office and in effect during the immediately preceding two fiscal years in accordance with a methodology prescribed by the Chief of the Budget Division, Department of Administration. The result of the agency's analysis must be reported to the Chief and included as part of the proposed State budget for each biennium. Any such report created is a public record.

The measure revises the information that must be included in certain reports regarding approved tax abatements or other economic development incentives which must be submitted to the Legislature. Finally, it modifies existing law requiring the Office of Economic Development to adopt regulations relating to the minimum level of benefits that certain businesses applying for a tax abatement must provide to employees to apply solely to health care benefits.

This measure is effective on July 1, 2013.

A.B. 388 (Chapter 538)

Assembly Bill 388 provides that certain facilities which generate electricity from geothermal energy are eligible for a partial abatement of taxes. The measure excludes from the calculation of portfolio energy credits the energy used by a portfolio energy system for its basic operations for any system placed into operation after December 31, 2015, under certain circumstances. It also revises the authority of a board of county commissioners relating to approving an application for a partial abatement of certain taxes for the generation of electricity from renewable energy. Finally, the bill also enacts certain provisions related to claims or causes of action relating to a renewable energy project located on Indian tribal land.

S.B. 165 (Chapter 491)

Senate Bill 165 creates a 10-year pilot program of transferable tax credits for qualifying film, television, or other media productions in Nevada. Producers may apply to the Governor's Office of Economic Development for the tax credits on or before December 31, 2017, if, among other things, the following criteria are met: (1) at least 60 percent of the total qualified expenditures and production costs will be incurred in Nevada; (2) the production costs exceed \$500,000; and (3) the production is in the economic interest of the State. The base amount for the transferable tax credit is 15 percent of the total qualified expenditures incurred in Nevada. An additional 2 percent, up to a total of 4 percent, may be earned if at least 50 percent of the production crew are Nevada residents, or if at least 50 percent of the production takes place in a county in which there was less than \$10 million in direct production expenditures in the past two years. Priority will be given to qualified productions that promote tourism in the State.

The tax credits may be transferred to a third party for use in connection with payment of the modified business tax, gaming percentage fee tax, insurance premium tax, or any combination thereof. The credits expire four years after the date of issuance. The maximum credit for a

production is \$6 million and the maximum number of credits that may be issued in a year is \$20 million plus unissued credits from the previous two fiscal years. Local governments are authorized to grant abatements of permitting or licensing fees to productions qualifying for tax credits. Any governing body of a city or county that grants an abatement and the Office of Economic Development shall submit reports to the Governor and the Legislature on the number of applications, qualified productions, tax credits, and related information, no later than October 1 of each year. The program expires on June 30, 2023.

The bill is effective on June 11, 2013, for the purpose of adopting regulations and performing any other preparatory administrative tasks, and on January 1, 2014, for all other purposes.

S.B. 209 (Chapter 257)

Senate Bill 209 requires the Board of Economic Development, in addition to the other recommendations it makes to the Office of Economic Development regarding the State Plan for Economic Development, to make recommendations on the development and implementation of a recruiting and marketing effort to attract professionals and businesses to this State. This measure also requires each regional development authority to present a similar recruiting and marketing plan to the Executive Director of the Office of Economic Development.

S.B. 309 (Chapter 180)

Senate Bill 309 urges the Nevada System of Higher Education and various business organizations, such as chambers of commerce, to establish mentoring programs for new, aspiring, or struggling business entrepreneurs, especially for those who are veterans, small businesses, or minority business owners. The measure also urges the various groups to work together to establish scholarship awards, based upon merit and need, and consider best practices for similar mentoring programs, including those that provide peer mentoring and training in management, to turn business ideas into viable businesses.

The bill is effective on May 27, 2013.

S.B. 345 (Chapter 235)

Senate Bill 345 creates a 17-member Advisory Council on Science, Technology, Engineering, and Mathematics (STEM) within Nevada's Department of Education. The Superintendent of Public Instruction, the Chancellor of the Nevada System of Higher Education, the Executive Director of the Office of Economic Development, and the Director of the Department of Employment, Training and Rehabilitation, or their designees, serve as ex officio members. The Advisory Council on STEM also includes 13 voting members who are educators or businesspeople in STEM fields appointed by legislative leadership and the Governor. Members serve without compensation.

Among other things, the Council is required to develop a strategic plan for the development of education resources in STEM to serve as a foundation for workforce development, college preparedness, and economic development. Finally, the Council must submit reports of its

activities to the Legislature, the State Board of Education, and the Governor with recommendations on STEM instruction and curriculum.

The bill is effective on July 1, 2013, and expires by limitation on June 30, 2017.

S.B. 357 (Chapter 532)

Senate Bill 357 enacts the Nevada New Markets Jobs Act. The measure allows certain business entities to receive a credit against the premium tax imposed on insurance companies in exchange for investing in a qualified community development entity. The bill requires certified development entities to make qualified low-income community investments in businesses located in severely distressed census tracts.

The bill sets forth the application procedures as well as the requirements the Department of Business and Industry must follow when determining whether to approve or disapprove an application. The measure also provides for the recapture of tax credits under the provisions of the bill if certain conditions are met, as well as an exception from recapture. The Director of the Department must review the qualified community development entities annually and report to the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, concerning the impact of the program on the economy and the compliance of the entities with the provisions of this bill.

Further, the measure sets forth the amount of the performance fee that a qualified community development entity must include with an application made to the Department and the procedure for obtaining a refund of such a fee.

This bill is effective on June 12, 2013, for the purpose of adopting regulations and performing any other preparatory administrative tasks and on October 1, 2013, for all other purposes.

EDUCATION

A.B. 79 (Chapter 114)

Assembly Bill 79 establishes the Nevada Early Childhood Advisory Council by the Governor. Membership of the Council is appointed by the Governor and consists of representatives as required by federal law, plus representatives from nonprofit organizations located in southern and northern Nevada that provide early childhood education programs.

Among other things, the Council is required to strengthen state-level coordination of early childhood education programs among various sectors, conduct periodic statewide needs assessments, and assess effectiveness of higher education institutions related to early childhood educators. Additionally, the Council shall develop recommendations for increasing student participation, developing core elements and standards, establishing statewide professional development for teachers, and increasing parental involvement.

This bill is effective on May 24, 2013.

A.B. 259 (Chapter 139)

Assembly Bill 259 makes various changes to the P-16 Advisory Council, including:

- Changing the name of the Council to the “P-20W Advisory Council” and highlighting its role in the early childhood and workforce sectors;
- Adding the Director of the Department of Employment, Training and Rehabilitation as an ex-officio member of the Council; and
- Broadening the role of the Council in using the statewide longitudinal data system to:
 1. Improve the college and career readiness of Nevada’s students;
 2. Assess the effective preparation of teachers and administrators; and
 3. Evaluate the return on investment of workforce development programs.

Additionally, A.B. 259 requires that one of the Governor’s appointees to the Council possess a background in early childhood education. It also expands the pool of candidates from which legislative leadership may choose their appointees to the Council to include individuals with experience in early childhood education.

For the purpose of the Governor’s revised appointment authority, this bill is effective on May 24, 2013. For all other purposes, it is effective on July 1, 2013.

A.B. 337 (Chapter 170)

Assembly Bill 337 strongly encourages the leadership of Nevada's school districts and schools to ensure that each school participates in the federal Fresh Fruit and Vegetable Program. The measure further encourages the establishment of a farm-to-school program and a school garden program to promote the consumption of fresh fruits and vegetables by Nevada's children.

This bill is effective on May 27, 2013.

A.B. 414 (Chapter 411)

Assembly Bill 414 requires a course of study in health education established by the State Board of Education to include instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator. This instruction must be provided, to the extent money is available for this purpose, to students enrolled in a high school, a middle school, or a junior high school including a charter school with such grade levels. These provisions also apply to a private school that offers a course of study in health.

Students with disabilities and those enrolled in a public, charter, or private school through a program of distance education are exempt from the requirements of the bill.

This bill is effective on July 1, 2013.

S.B. 58 (Chapter 321)

Senate Bill 58 eliminates or modifies limits on pupil enrollment in distance education programs. Pupils may enroll in such programs unless prohibited by statute or if the pupil fails to meet the qualifications and conditions established by the State Board of Education. If a pupil is otherwise qualified to enroll in a distance education program, the school district board of trustees must grant the requested permission to enroll. Additionally, the measure provides that the Superintendent of Public Instruction may grant permission for unlicensed personnel to supervise pupils attending a course of distance education while receiving instruction from a licensed educator remotely, through electronic means.

The bill is effective on June 1, 2013.

S.B. 163 (Chapter 86)

Senate Bill 163 requires that civics be taught in public and private elementary and secondary schools in Nevada as part of the required instruction in American government.

The bill is effective on July 1, 2013.

S.B. 328 (Chapter 464)

Senate Bill 328 requires the Executive Officer of the State Board for Career and Technical Education to appoint a person to oversee career and technical education programs in the public schools of this State.

The measure also requires that, before allocating any State money to provide leadership and training activities, 30 percent of the State money must be awarded as competitive grants to school districts and charter schools, and 5 percent of the State money must be distributed to certain pupil organizations for career and technical education. Following these distributions, the Board may authorize no more than 7.5 percent of the State funds appropriated in any one fiscal year to be used to provide leadership and training activities, with the balance of State funding being allocated as grants. The bill also sets forth criteria to be used in awarding these grants. The Board may request that the industry sector councils appointed by the Governor's Workforce Investment Board name a representative from each council to review and make recommendations to the Executive Officer concerning career and technical grant applications.

Finally, the bill provides for an evaluation of the effectiveness of the programs and requires that the results of the review be reported to the Board.

The bill is effective on July 1, 2013.

S.B. 344 (Chapter 234)

Senate Bill 344 authorizes certain hospitals and facilities licensed by the Health Division of the Department of Health and Human Services that provide residential treatment to children and operate a licensed private school to request reimbursement from the Department of Education (DOE) for the cost of providing educational services to a child. The DOE must verify the child is a patient or resident of the hospital or facility and attends the private school for more than seven school days.

The DOE shall determine the amount of reimbursement and withhold such an amount from the school district or charter school where the child would attend if the child were not a patient in the hospital or facility. The DOE must adopt necessary regulations to carry out these provisions. Finally, the measure authorizes the DOE, school districts, charter schools, and the Health Division to enter into cooperative agreements for the provision of educational services at such licensed hospitals and facilities.

This bill is effective on May 28, 2013, for purposes of entering into cooperative agreements, adopting regulations, and other necessary preparatory administrative tasks, and on July 1, 2013, for all other purposes.

S.B. 345 (Chapter 235)

Senate Bill 345 creates a 17-member Advisory Council on Science, Technology, Engineering, and Mathematics (STEM) within Nevada's Department of Education. The Superintendent of Public Instruction, the Chancellor of the Nevada System of Higher Education, the Executive Director of the Office of Economic Development, and the Director of the Department of Employment, Training and Rehabilitation, or their designees, serve as ex officio members. The Advisory Council on STEM also includes 13 voting members who are educators or businesspeople in STEM fields appointed by legislative leadership and the Governor. Members serve without compensation.

Among other things, the Council is required to develop a strategic plan for the development of education resources in STEM to serve as a foundation for workforce development, college preparedness, and economic development. Finally, the Council must submit reports of its activities to the Legislature, the State Board of Education, and the Governor with recommendations on STEM instruction and curriculum.

The bill is effective on July 1, 2013, and expires by limitation on June 30, 2017.

S.B. 382 (Chapter 239)

Senate Bill 382 revises provisions concerning the flammability of certain components and materials contained in new school buses. The measure delays compliance with these standards by applying them to new buses purchased after January 1, 2016. The bill also revises provisions concerning flammability standards that may be applied to components within the engine compartment of a new school bus. In lieu of meeting those standards, a bus may be purchased if the engine compartment contains an automatic fire suppression system that meets certain specifications.

The bill is effective on May 28, 2013.

S.B. 427 (Chapter 339)

Senate Bill 427 revises the definition of bullying and cyber-bullying to include harassment and intimidation, and it removes the separate references to harassment and intimidation throughout the statutes concerning a safe and respectful learning environment in public schools. The bill also requires a court or a department of juvenile services to inform school districts if the court or department determines a child enrolled in the district has engaged in bullying or cyber-bullying. Finally, the measure prohibits a member of a club or organization that uses school facilities from engaging in bullying and cyber-bullying on school premises.

The bill is effective on July 1, 2013.

S.B. 442 (Chapter 379)

Senate Bill 442 deletes and repeals various reporting requirements relating to school districts and public schools that are duplicative of other reports, are obsolete, or pose a significant burden on staff resources within schools and school districts.

The measure repeals the following statutes requiring:

- The Superintendent of Public instruction to provide copies of codified statutes related to education and send an annual memorandum to each school district and charter school governing body concerning legislative actions outlining the related duties of schools or school districts;
- Charter school governing bodies and school districts to establish a plan to implement the statutes, including parental notice of the changes;

- A pilot program for small learning communities in middle schools and junior high schools beginning next fiscal year;
- School district adoption of a policy for peer mentoring programs in middle schools and junior high schools;
- School district and charter school adoption of policies concerning certain pupil-led conferences;
- The establishment of small learning communities in certain large high schools;
- School districts that adopt a peer mentoring program for high schools to meet certain requirements for such a policy;
- Reports to the Department of Education concerning the results of the State criterion-referenced examinations for English, mathematics, writing, and science, and the reconciliation of the number of pupils taking the exams;
- School districts in a county with a population under 100,000 to conduct height and weight examinations of a representative sample of pupils;
- School districts to establish school attendance councils;
- Reports on bullying, which are consolidated into existing accountability reports;
- Reports related to an alternative school schedule; and
- Reports about the use of environmentally sensitive cleaning and maintenance products within the school district.

The bill is effective on July 1, 2013.

S.B. 453 (Chapter 269)

Senate Bill 453 allows a physician to issue an order for auto-injectable epinephrine to a public or private school for the treatment of anaphylaxis experienced by any student at the school during school hours. The bill further requires each public school, including charter schools, to obtain such an order from a physician and allows a school nurse or other designated employee, who has been properly trained, to possess and administer auto-injectable epinephrine to a student experiencing anaphylaxis.

This measure also requires each public or private school, to the extent feasible, to provide training concerning food allergies to certain employees and to develop a comprehensive action plan for anaphylaxis.

This bill is effective on July 1, 2013.

S.B. 467 (Chapter 448)

Senate Bill 467 removes the requirement that the Superintendent of Public Instruction hold a master's degree in an education field, authorizes the appointment of deputy superintendents as required by the Superintendent, and transfers certain duties from the Superintendent to the Department of Education. Additionally, the bill revises the allowable uses of money in the Account for Programs for Innovation and the Prevention of Remediation.

The measure also abolishes the Commission on Educational Excellence and deletes the requirement that any expenditure from the Education Gift Fund be approved by the Legislature or the Interim Finance Committee.

The bill is effective on June 10, 2013.

S.B. 481 (Chapter 431)

Senate Bill 481 extends through June 30, 2015, a temporary waiver of the minimum amount of money that school districts, charter schools, and University schools for profoundly gifted pupils must expend each fiscal year on textbooks, instructional supplies, and instructional software and hardware. The bill also temporarily waives the minimum amount of money school districts must expend each school year on library books, software for computers, the purchase of equipment relating to instruction, as well as any maintenance and repair of equipment, vehicles, buildings, and facilities.

This bill is effective on June 7, 2013.

Assessment, Testing, and Accountability

A.B. 224 (Chapter 457)

Assembly Bill 224 requires the Nevada Department of Education's system of accountability information to include, as funding for this purpose is available, a unique identifier for each student whose parent or guardian is a member of the Armed Forces of the United States, the reserves, or the National Guard.

This measure requires school districts to implement tracking in the 2013–2014 School Year and report their progress to the Legislative Committee on Education (LCE). It also requires a similar report from the Department to the LCE. Finally, the Department must submit a report to the 78th Session of the Nevada Legislature.

This bill is effective on July 1, 2014, for the purposes of the statewide compilation and reporting of the required data, and it is effective on June 10, 2013, for all other purposes.

A.B. 288 (Chapter 506)

Assembly Bill 288 eliminates the high school proficiency exam and requires the State Board of Education to select a college and career readiness assessment to determine the achievement and proficiency of high school students during 11th grade, beginning with School Year (SY) 2014–2015. It requires all school districts and charter schools to administer the assessment at the same time.

This measure also requires the State Board of Education to prescribe new criteria for receipt of a standard high school diploma, which must not include a student's performance on the college and career assessment, and must include a requirement that students successfully pass at least four end-of-course exams prior to receiving a standard high school diploma. The State Board of Education shall also prescribe the courses of study for which these exams will be required and must include the subject areas for which the State Board has adopted the Common Core State Standards.

Assembly Bill 288 also:

- Eliminates the "certificate of attendance" as a graduation outcome;
- Clarifies that students with disabilities may be exempt from the college and career assessment;
- Specifies how the outcomes of the assessment may be utilized;
- Requires that students must pass the end-of-course exams beginning in SY 2014–2015;
- Appropriates \$1.5 million for the costs associated with implementing the end-of-course exams as provided in this measure; and
- Requires accountability reporting related to the college and career assessment and the end-of-course exams, as well as the development of a plan to transition from the current to the proposed exam structure.

This bill is effective on June 11, 2013, for purposes of making the appropriation and for performing transitional and administrative tasks, and on July 1, 2013, for all other purposes.

A.B. 460 (Chapter 365)

Assembly Bill 460 removes the school accountability provisions contained in Chapter 385 (State Administrative Organization) of the *Nevada Revised Statutes*, and it requires Nevada's Department of Education (DOE) to establish a single statewide system of accountability for all public schools and districts, regardless of their Title I status.

The bill requires the new accountability system to continue to comply with the applicable requirements of federal law and sets forth certain elements that must be included in the system. It also requires the DOE to monitor the impact of eliminating certain mandated supplemental services and school choice options and report to the Legislative Committee on Education during the legislative interim.

This measure also calls for the reporting of student honor code violations at the high school level and the inclusion of the information in the annual accountability reports submitted by school districts and the State Board of Education.

This bill is effective on July 1, 2013.

S.B. 164 (Chapter 393)

Senate Bill 164 requires the State Board of Education and the board of trustees of each school district to include certain information about bullying incidents in their annual accountability reports, including incidents of bullying, cyber-bullying, harassment, and intimidation. The measure also requires each school to develop a plan for instructional delivery for the annual “Week of Respect” proclaimed by the Governor.

The measure further provides additional requirements for the training of school personnel, as well as for members of school boards of trustees. School-site administrators are required to receive training at least every three years from a program established by the Department of Education. Finally, parents are to be notified concerning incidents of bullying, cyber-bullying, harassment, and intimidation involving their child.

The bill is effective on July 1, 2013.

S.B. 392 (Chapter 262)

Senate Bill 392 requires the State Board of Education and school district boards of trustees to report at their public meetings, and annually to the Legislature, certain gifts or bequests that they accept. Reports must include the value of the gift, the name of the donor, any conditions placed on the use of the gift, and certain business relationships that might exist between the donor and the recipient board.

If a gift, or the combined gifts received from a single donor over a 12-month period, does not exceed \$100,000 in value, or if the gift is for a public broadcasting service, the reporting requirements of this bill do not apply.

The bill is effective on July 1, 2013.

S.B. 504 (Chapter 515)

Senate Bill 504 provides for a comprehensive program targeting the needs of English Language Learners (ELLs). The bill establishes the Legislature’s commitment to provide every child with a first-rate education and its intent to provide high-quality instruction and services to Nevada’s ELLs. The measure revises the school and district-level accountability reports to include information concerning the progression of pupils who are limited English proficient, including the number and percentage of such students; academic achievement levels compared with pupils who are proficient in English; and comparisons with other students concerning various outcome measures such as retention rates, graduation rates, and dropout rates.

The bill creates within the Department of Education a 16-member English Mastery Council to recommend criteria to the State Board of Education for teaching ELLs and requires school districts to develop policies that reflect those criteria. The Council must also make recommendations to the Superintendent of Public Instruction and the Commission on Professional Standards in Education about license endorsements for teachers of English as a Second Language, and recommend changes to the course of study offered by the Nevada System of Higher Education to improve training for those who plan to teach ELLs.

The Commission on Professional Standards in Education is required to adopt regulations for obtaining an endorsement to teach English as a second language, based upon the recommendations of the English Mastery Council. Should the Commission fail to act, the State Board of Education must adopt those regulations.

Finally, the bill appropriates \$50,000 from the State General Fund to the Department of Education for the Council's operation for each year of the 2013-2015 Biennium. The bill also appropriates \$24.95 million from the State General Fund to the Account for Programs for Innovation and the Prevention of Remediation for each year of the biennium. This money is allocated among the Clark County School District, the Washoe County School District, and the Department of Education for grants to the other 15 school districts to support certain programs for ELLs. For Clark and Washoe Counties, schools designated as "Zoom Schools" with high ELL populations and low achievement levels will receive comprehensive services as part of a wraparound package that provides free pre-kindergarten; expands full-day kindergarten classes; operates reading skills centers; and provides free summer or intersession academies. The majority of the funds for this program are directed at the two large urban districts, although \$1.497 million is set aside each fiscal year for grants to the other school districts and the State Charter School Authority. Reporting requirements are established for schools and districts receiving these funds.

The bill is effective on June 12, 2013, for the purpose of appointing the members of the English Mastery Council. The remaining provisions of the bill are effective on July 1, 2013. Provisions governing the activities of the English Mastery Council expire by limitation on June 30, 2019.

Charter Schools

A.B. 205 (Chapter 484)

Assembly Bill 205 requires Nevada's charter schools to operate under performance-based contracts, rather than written charters, and it further requires those contracts to include performance measures for:

- Student achievement and proficiency;
- Attendance and re-enrollment rates;
- Graduation rates, if applicable;
- Financial and governance outcomes; and
- Indicators which are specific to a school's mission.

Assembly Bill 205 prescribes the grounds for termination of a charter contract, which may include persistent underperformance as measured by the performance framework developed for the charter school or the Department of Education's statewide school performance framework.

This measure revises contents of the annual report that must be submitted by the sponsor of a charter school, and it clarifies the process by which a sponsor reviews and approves a charter application. This bill also requires the Department to adopt regulations related to its role as an authorizer of charter school sponsors.

Finally, A.B. 205 removes the provision that a charter school must serve at-risk pupils in order to extend certain enrollment preferences to the children of individuals affiliated with the charter school.

This bill is effective on June 11, 2013.

S.B. 384 (Chapter 335)

Senate Bill 384 enacts the Charter School Financing Law, and it authorizes the Director of the Department of Business and Industry to issue tax-exempt bonds and other obligations to fund the buildings and facilities necessary to operate a charter school. A charter school is thereby authorized to borrow money and encumber its property and assets, and to use public money to purchase property with the approval of its sponsor. In addition to other requirements, in order to qualify for bond financing, a charter school must receive one of the two highest ratings in the Department of Education's statewide school performance system for three consecutive years or have an equivalent rating in another state as determined by the Department of Education.

This measure also revises the provisions governing the closure of a charter school and includes provisions related to:

- Notice of the closure;
- Development of a plan for closure, including the maintenance of insurance coverage and an office with regular hours of operation;
- Measures to protect the school's assets, including a final audit; and
- Steps that ensure the proper conclusion of the charter school's financial affairs.

Finally, a charter school is authorized to incorporate as a nonprofit corporation.

The bill is effective on July 1, 2013.

S.B. 443 (Chapter 340)

Senate Bill 443 clarifies the duties of the Department of Education (DOE) and the Charter School Authority with regard to the application and authorization process for sponsors of charter schools. The measure adds applications submitted for schools sponsored by a college or university within the Nevada System of Higher Education to existing provisions governing the submission of applications to the DOE by other sponsors. The DOE is required to adopt regulations concerning the application and approval process for sponsorship, as well as the procedures it would follow to continue or revoke sponsorship. The regulations must specify the process the DOE uses to conduct a review every three years of the sponsors it has approved. In addition, the bill deletes statutory provisions allowing sponsors of a proposed charter school to request that the DOE review the charter school application to determine if it is complete and compliant.

Further, the measure revises provisions governing the duties of charter school governing bodies. Training duties for charter school governing board members is transferred from the DOE to the sponsors of charter schools. Under the bill, certain affidavits signed by the members of the governing body must be submitted to the school sponsor rather than to the DOE. Finally, the date by which the annual evaluation report a sponsor must submit to the DOE is changed from August 15 to October 1 of each year.

The bill is effective on July 1, 2013.

NOTE: See also Senate Bill 3 (Chapter 3) of the 27th Special Session.

Funding**S.B. 350 (Chapter 189)**

Senate Bill 350 expands the list of authorized purposes for which a school district may issue general obligations to include the purchase of motor vehicles and other equipment used for the transportation of pupils. If money from the issuance of general obligations is used to purchase such equipment and the equipment is subsequently sold, the bill requires the proceeds of the sale to be applied toward the retirement of the general obligations.

This bill is effective on July 1, 2013.

S.B. 500 (Chapter 500)

Senate Bill 500 creates a 15-member Task Force on K-12 Public Education Funding, and it sets forth the goal of the Nevada Legislature to equitably fund public education and to base its funding formula on the individual educational needs and demographic characteristics of its pupils. Those characteristics include, among other factors, pupils with disabilities, pupils from low-income families, and pupils who have limited proficiency in the English language. The composition of the Task Force consists of key stakeholders, including the Superintendent of Public Instruction, representatives from the school boards association, the school superintendents association, teachers, parents, and legislators. To the extent possible, the

appointing authorities will coordinate their selections to represent the geographic and ethnic diversity of the State. The Task Force will be staffed by the Legislative Counsel Bureau. The measure sets forth the duties of the Task Force to:

- Review the 2012 report titled “Study of a New Method of Funding for Public Schools in Nevada”;
- Survey weighted funding formulas used by other states;
- Develop a plan to implement a weighted formula in Nevada; and
- Provide recommendations to the next session of the Legislature.

The bill also authorizes the appointment of subcommittees and requires the Chair of the Task Force to appoint a technical advisory committee of school district personnel with knowledge, experience, or expertise in the area of K-12 public school finance. The Task Force must complete its work and provide sufficient detail to ensure the weighted formula will be used to prepare the school funding portion of the *Executive Budget* for the 2015-2017 Biennium.

This bill is effective on June 11, 2013, for the purposes of appointing the members of the Task Force, and on July 1, 2013, for all other purposes. The measure expires by limitation on June 30, 2015.

Higher Education

A.B. 130 (Chapter 455)

Assembly Bill 130 requires the Board of Regents of the University of Nevada to pay certain fees and expenses for undergraduate classes that are taken at a school within the Nevada System of Higher Education by dependent children of a member of a rescue or emergency medical services crew who is killed in the line of duty. This provision applies to salaried employees or volunteers and excludes those serving as contractors.

This bill is effective on June 10, 2013.

A.B. 260 (Chapter 505)

Assembly Bill 260 clarifies the statutory provisions governing the assessment of tuition charges within the Nevada System of Higher Education (NSHE). It revises the group of veterans against whom out-of-state tuition cannot be charged by:

- Removing the requirement that such veterans were, at some point, on active duty while stationed at a military installation in Nevada, or at an installation in another state with a specific nexus to Nevada;
- Adding a requirement that such veterans be honorably discharged within two years immediately preceding their matriculation at an institution within NSHE; and

- Authorizing the Board of Regents to grant more favorable exemptions if required to receive federal money.

This bill is effective on July 1, 2013.

A.B. 335 (Chapter 507)

Assembly Bill 335 creates the University of Nevada, Las Vegas (UNLV), Campus Improvement Authority. The area of the Authority consists of lands owned or leased by the Nevada System of Higher Education that are part of the UNLV campus or in the vicinity of the campus. The Authority shall be governed by an 11-member board consisting of members appointed by the Board of Regents, the Governor, the Senate Majority Leader, the Speaker of the Assembly, the Las Vegas Convention and Visitors Authority (LVCVA), and the other members of the Authority from a list of nominees provided by the LVCVA. If the Board of Regents fails to make its appointments prior to August 31, 2013, the bill shall expire.

The Authority shall study the need for, and the feasibility of, financing alternatives for a large events center and related infrastructure within the Authority's area, including recommendations on the type and general design of the center. The Board may also study the feasibility and financing alternatives of other undertakings. Up to 2 percent of the money received from the issuance of certain bonds may be used by UNLV to carry out the Authority's duties. The results of the study and recommendations must be reported to the Legislature no later than September 30, 2014.

The bill is effective on June 11, 2013, and expires on October 1, 2015, unless it expires earlier due to the failure of the Board of Regents to make appointments.

A.B. 501 (Chapter 514)

Assembly Bill 501 authorizes the Board of Regents of the University of Nevada to issue not more than \$85 million in general obligation bonds of the State of Nevada to finance the planning, improvement, refurbishing, and renovation of the Thomas and Mack Center at the University of Nevada, Las Vegas, and certain capital improvements at the University of Nevada, Reno.

This bill is effective on July 1, 2013.

S.B. 102 (Chapter 68)

Senate Bill 102 expands the requirement that the Board of Trustees of the College Savings Plans of Nevada award a Kenny C. Guinn Memorial Millennium Scholarship annually from one senior or rising senior to two such individuals, such that the scholarships are provided to one student enrolled in an academic institution in the north and to one student enrolled in the south. The bill lists the eligible institutions in each of the two geographic categories. Should the Board designate other eligible Nevada colleges and universities that award a bachelor's degree in education, it must indicate whether the institution represents the northern portion or the southern portion of the State.

The bill is effective on July 1, 2013.

S.B. 309 (Chapter 180)

Senate Bill 309 urges the Nevada System of Higher Education and various business organizations, such as chambers of commerce, to establish mentoring programs for new, aspiring, or struggling business entrepreneurs, especially for those who are veterans, small businesses, or minority business owners. The measure also urges the various groups to work together to establish scholarship awards, based upon merit and need, and consider best practices for similar mentoring programs, including those that provide peer mentoring and training in management, to turn business ideas into viable businesses.

The bill is effective on May 27, 2013.

S.B. 446 (Chapter 341)

Senate Bill 446 authorizes Nevada's three State Commissioners for the Western Interstate Commission for Higher Education to enter into reciprocity agreements for the purpose of authorizing certain postsecondary institutions located in other states to provide distance education to Nevada residents.

The bill is effective on July 1, 2013.

S.B. 470 (Chapter 533)

Senate Bill 470 increases certain fees collected by the Commission on Postsecondary Education. Fees include those for an initial license, changes in ownership, renewals of agent permits, and unlicensed out-of-state institutions to employ agents or offer experiential courses. A new fee for approval of an alcohol awareness program is set at \$500.

The bill is effective on July 1, 2013.

Personnel

A.B. 17 (Chapter 102)

Assembly Bill 17 revises provisions governing the exclusion of a school district employee from a facility or institution operated by the Department of Corrections in conjunction with the statewide program of education for incarcerated persons. The bill allows the Director of the Department of Corrections, upon good cause, to restrict a teacher's access to a correctional facility, for up to 30 days, while the teacher's case is being heard by an interagency panel.

The bill further clarifies that "good cause" cannot include disagreements that the Director may have regarding course content, but may include issues related to health and safety in a correctional facility. It also requires the Director to take steps to protect the health and safety of school district employees working in a correctional facility or institution.

This bill is effective on May 24, 2013.

S.B. 407 (Chapter 496)

Senate Bill 407 revises the timetable for implementation of the teachers and leaders performance evaluation system to delay implementation of the evaluation system and the associated performance pay program for an additional year. This delay will allow for a pilot testing program and a validation study, although school districts may choose to begin their program prior to that time. Decisions about an educator regarding employment status or disciplinary action may not be based upon the validation study. Additionally, the Teachers and Leaders Council is required to make recommendations to the State Board of Education concerning the evaluation of counselors, librarians, and other licensed educational personnel. Further, the measure provides for a pilot program for peer review evaluations in certain schools.

The bill also provides an observation schedule for educators as part of the evaluation system, based upon the designation of the educator from the previous school year. Additionally, student achievement data from the statewide database may not be used to evaluate a first-time probationary employee. The bill also clarifies the definition of school administrator for evaluation purposes. The State Board of Education is required to prescribe the student achievement data that will be used in the evaluation of educators beyond what is currently reported in the statewide longitudinal database. Finally, funding is provided to the Teachers and Leaders Council for the work of that Council, and the Department of Education is authorized to request work program revisions, under certain circumstances, for funding for the regional training programs to implement professional development concerning the new statewide performance evaluation system.

The section of the bill providing an appropriation to the Department of Education is effective on June 11, 2013. The remaining provisions of the bill are effective on July 1, 2013.

S.B. 447 (Chapter 342)

Senate Bill 447 amends the statutory budget submission process for the regional training programs, and it requires them to submit their proposed budgets to the Statewide Council for the Coordination of the Regional Training Programs for review and inclusion in the Department of Education's budget. Once the budgets are approved through the legislative process, revisions are to be processed through the Statewide Council and follow the same statutory procedures that apply to State agencies.

The measure also requires the regional training programs to provide developmental training for those professionals who conduct teacher or administrator evaluations in consultation with the Teachers and Leaders Council of Nevada. In addition, the regional training programs must provide targeted professional development based upon the results of teacher and administrator evaluations. The bill also requires the annual evaluation and report of the regional training programs to include additional information concerning the number of:

- Teachers who received training in parent engagement;
- Teachers or administrators who received training in conducting evaluations; and

- Teachers or administrators who received targeted professional development, based upon their evaluation results.

Senate Bill 447 further authorizes a teacher's aide or paraprofessional to monitor computer laboratories in place of a licensed teacher, unless prohibited by federal law. This measure authorizes district attendance officers to issue citations for habitual truancy. Finally, the bill increases from eight to nine the number of members of the Statewide Council and provides for the expiration of the terms of current members as of June 30, 2013, and appointment of new members.

Provisions concerning the expiration and appointment of members of the Statewide Council are effective on June 1, 2013. Other provisions are effective on July 1, 2013.

S.B. 510 (Chapter 7)

Senate Bill 510 temporarily changes from May 1 to May 15 the statutory deadline for the board of trustees of each school district in a county whose population is less than 700,000 (all counties except Clark County) to notify the postprobationary and probationary employees who are employed by the board of their reemployment status for the 2013-2014 year. The bill also changes from May 10 to May 28 the statutory deadline for those employees to notify the board of the acceptance of such reemployment for the 2013-2014 year.

This bill is effective on April 30, 2013, and it expires by limitation on July 1, 2013.

School District Operations

A.B. 224 (Chapter 457)

Assembly Bill 224 requires the Nevada Department of Education's system of accountability information to include, as funding for this purpose is available, a unique identifier for each student whose parent or guardian is a member of the Armed Forces of the United States, the reserves, or the National Guard.

This measure requires school districts to implement tracking in the 2013–2014 School Year and report their progress to the Legislative Committee on Education (LCE). It also requires a similar report from the Department to the LCE. Finally, the Department must submit a report to the 78th Session of the Nevada Legislature.

This bill is effective on July 1, 2014, for the purposes of the statewide compilation and reporting of the required data, and it is effective on June 10, 2013, for all other purposes.

A.B. 459 (Chapter 315)

Assembly Bill 459 authorizes a board of trustees of a school district to donate surplus personal property to other school districts in Nevada without regard to the notice, bidding, auction, or other requirements for the disposal of a local government's personal property. Likewise, this bill authorizes a school district to accept donations of surplus personal property from another district.

Assembly Bill 459 also clarifies the circumstances under which an oversight panel must hold meetings and submit reports to the Legislature.

This bill is effective on July 1, 2013.

S.B. 157 (Chapter 83)

Senate Bill 157 requires the board of trustees of each school district to establish criteria for determining budgetary priorities to improve the achievement of pupils and classroom instruction. This measure also requires a school district superintendent to use the criteria in making budgetary recommendations to the board, and it further requires the board to prioritize expenditures to ensure that the priorities are carried out.

This bill is effective on July 1, 2013.

NOTE: See also Assembly Bill 2 (Chapter 5) of the 27th Special Session.

Students and Parents

A.B. 210 (Chapter 196)

Assembly Bill 210 requires that, when developing an individualized education program for a pupil with a hearing impairment, the pupil's individualized education program team consider certain factors in order to achieve the best feasible instruction for the pupil.

The bill provides that a pupil with a hearing impairment cannot be denied the opportunity for instruction in a particular communication mode solely because the pupil's chosen mode of communication differs from that recommended by the individualized education program team. The bill further requires that, to the extent feasible, a school provide instruction to such pupils in more than one communication mode.

Finally, this measure requires the Department of Education to post certain data on its website within 30 days after submitting those data to the federal government.

This bill is effective on July 1, 2013.

A.B. 386 (Chapter 361)

Assembly Bill 386 establishes a pilot program in the Clark and Washoe County School Districts for the administration of mental health screenings to students enrolled in at least one secondary school in each school district. It also requires a parent to give his or her written consent to the proposed screening or the child will be exempt.

This measure requires the school districts to report program outcomes to the Legislative Committee on Education and Nevada's Department of Education, and the Department must subsequently compile the results and submit them to the 78th Session of the Nevada Legislature.

Assembly Bill 386 also:

- Ensures engagement and coordination with community stakeholders throughout the process of implementing the pilot program;
- Specifies that a school district does not have financial or referral responsibilities related to follow-up treatment that might be needed by a student who is screened; and
- Provides for aggregated data collection to inform the possible development of future programs, resources, or interventions.

This bill is effective on July 1, 2013.

S.B. 125 (Chapter 157)

Senate Bill 125 requires the Nevada Interscholastic Activities Association (NIAA) to adopt rules and regulations that provide the criteria to be used in determining whether to approve or disapprove all-star events without requiring the approval of any other organization. The NIAA must adopt these regulations on or before June 30, 2014. Before the effective date of the regulations the NIAA is authorized to approve the staging of, and participation in, an all-star event regardless of whether the event is approved by any other organization.

The bill is effective on May 25, 2013, for the purpose of adopting regulations and approving all-star events, and on July 1, 2014, for all other purposes.

S.B. 269 (Chapter 428)

Senate Bill 269 requires students to attend school in order to obtain and keep a driver's license. The measure sets forth reporting requirements for tracking habitual truants and provides that school principals or their designees supply a written statement verifying pupil attendance or indicating that a student has a hardship cause for driving, despite being habitually truant.

Sanctions related to the driving privilege are imposed for those deemed to be habitual truants. The bill also specifies the process for suspending a license or learner's permit and establishes a review and appeals process for license suspensions. Finally, the measure specifies the process the Department of Motor Vehicles must follow to issue driver's licenses and permits under the provisions of the bill.

The bill is effective on January 1, 2015.

S.B. 305 (Chapter 233)

Senate Bill 305 authorizes a public school pupil who is at least age 16 and in grade 11 or 12, to receive one elective credit toward graduation for completing a public or private internship program. The program must be approved by the school district board of trustees or the governing body of a charter school, and it must be at least 60 hours in duration. These boards are also required to approve the fields, trades, or occupations appropriate for the program and

establish application and verification requirements. A list of participating organizations, businesses, and agencies must be maintained.

The bill is effective on May 28, 2013, for the purpose of adopting regulations and preparing for the program, and on July 1, 2013, for all other purposes.

ELECTIONS

A.B. 35 (Chapter 287)

Assembly Bill 35 consolidates campaign finance reporting requirements for general elections and special elections held on the same day as a primary or general election. The measure expands campaign finance reporting requirements to recall elections and makes reporting for special elections more consistent with general election reporting. The bill clarifies terms used in categorizing contributions and expenditures, including that contributions and expenditures “against” a candidate must be reported in addition to those “for” a candidate. The measure makes clear that campaign finance reports are required even if a ballot question does not appear on the ballot, or a candidate informally ends his or her campaign, runs unopposed, or loses in the primary.

Candidates who are removed from the ballot or not elected, and public officers who resign from office and are not candidates for another office, must comply with the laws governing the disposition of unspent contributions. The bill creates a voluntary procedure for formally ending a campaign and streamlining compliance with applicable campaign finance laws.

Assembly Bill 35 eliminates or consolidates redundant provisions and repeals an obsolete provision on reporting in city elections. Finally, the bill clarifies that remedies and penalties for violations are cumulative and in addition to any other remedies and penalties set forth in the law, including criminal penalties.

Assembly Bill 35 is related to, and overlaps, changes to election and campaign finance laws in A.B. 48 of the 2013 Session. Both bills eliminate redundant provisions and add definitions to clarify campaign finance reporting obligations.

The bill is effective on July 1, 2013.

A.B. 48 (Chapter 425)

Assembly Bill 48 makes it a crime to vote or attempt to vote if the person: (1) knows he or she is not a qualified voter; or (2) is using the name of another person. These crimes are punishable as category D felonies. If a late vacancy occurs in a nonpartisan office, a person may become a candidate by filing a declaration of candidacy and paying the required fee no later than the fourth Friday in June. The bill changes the date for minor political parties to file their certificates of nomination to the last Tuesday in August.

The bill requires each county clerk to provide a certified list of candidates to the Secretary of State prior to the primary and general elections. If a voter registers by mail or computer and the voter registration card is returned by the Postal Service, the voter must present proof of residency before voting. The bill extends the deadline for online voter registration to the third Tuesday before an election and adds definitions for “committee sponsored by a political party” and “independent expenditure.” The threshold for reporting contributions or independent expenditures by persons and political parties or committees is increased from \$100 to \$1,000.

As to the Secretary of State, the bill:

- Changes the deadline to have regulations in place governing elections;
- Removes the requirement for the Legislative Commission to approve expense forms; and
- Changes the due date and content of compiled campaign finance reports.

The bill also makes changes consolidating reporting requirements, repealing an obsolete provision, and eliminating repetitive language.

The bill is effective on July 1, 2013.

A.B. 108 (Chapter 19)

Assembly Bill 108 provides that a person who is adjudicated to be mentally incompetent or a ward who is placed under a guardianship is not ineligible to vote unless the court makes a specific finding, based on clear and convincing evidence, that the person or ward lacks the mental capacity to vote.

Within 30 days after the issuance of an order determining mental incapacity to vote, the court must provide a certified copy of the order to the county clerk or registrar of voters, in the county in which the person or ward resides. Upon receipt of such an order, the clerk or registrar shall cancel the person's or ward's voter registration. If a court later finds that a person or ward has the mental capacity to vote, the court shall provide a certified copy of the order to the clerk or registrar who must reinstate the person's or ward's voter registration. Certified copies of such orders determining mental capacity to vote must also be provided to the Secretary of State's office within 30 days of issuance.

A.B. 175 (Chapter 8)

Assembly Bill 175 allows an overseas voter, and a uniformed-service voter and his or her spouse and dependents, to sign documents for voter registration, balloting, and other voting-related documents, using a digital or electronic signature.

The Secretary of State shall adopt regulations setting forth the duties of local elections officials upon receipt of military-overseas ballots.

This bill is effective on May 10, 2013, for the purpose of adopting regulations, and on January 1, 2014, for all other purposes.

A.B. 442 (Chapter 310)

Assembly Bill 442 sets forth the criteria that may be considered by the Secretary of State in determining whether to waive the daily penalty for a failure to file timely campaign finance or registration reports by certain candidates, committees, persons, political organizations, or other entities.

The bill is effective on July 1, 2013.

S.B. 246 (Chapter 259)

Senate Bill 246 requires a business or social organization to register with the Secretary of State as a committee for political action if that organization receives contributions or makes expenditures over certain amounts for the purpose of affecting the outcome of any election, including a ballot question. The measure clarifies that a political party and any committees sponsored by a political party are not considered committees for political action.

If an organization is formed with the primary purpose of affecting election outcomes, it must register and file reports when it receives contributions or makes expenditures in excess of \$1,500 in a calendar year. An organization formed for another purpose shall register when it receives contributions or makes expenditures to affect election outcomes in excess of \$5,000 in a calendar year, and, as to contributions, must report only those contributions made to affect election outcomes.

S.B. 325 (Chapter 184)

Senate Bill 325 requires an explanation of a ballot question to include a digest, consisting of a summary of existing laws directly related to the question, and a statement of the impact of the proposal on those laws. The digest must also indicate the effect of the ballot question on public revenues.

A question placed on a ballot by a governing body of a political subdivision must be written in easily understood language and include a digest. The measure requires governing bodies of all cities or counties to appoint committees to draft arguments in support of or opposition to ballot questions, including advisory questions.

Obsolete provisions requiring certain governing bodies to provide arguments for and against ballot questions are eliminated.

The bill is effective on July 1, 2013.

S.B. 393 (Chapter 263)

Senate Bill 393 revises provisions governing the procedure for filling a vacancy in a major political party nomination. Existing procedures for filling a vacancy that occurs after the primary election and before the fourth Friday in June of an election year apply only if the vacancy occurs because the nominee dies or is adjudicated mentally incompetent. If the vacancy occurs for any other reason, the nominee's name must remain on the ballot for the general election. If such a nominee is subsequently elected, a vacancy in office will exist, which will be filled pursuant to law.

S.B. 458 (Chapter 270)

Senate Bill 458 enacts the Uniform Faithful Presidential Electors Act. Electors who represent Nevada in the Electoral College must pledge to cast their votes for the President and Vice President of the United States according to the results of the popular vote in this State at the General Election. Nevada's Secretary of State is authorized to enforce the pledge of an

ELECTIONS (continued)

elector. In the event that an elector returns a ballot that does not conform to the pledge, the Secretary shall refuse to accept the ballot, declare the position of elector vacant, and appoint an alternate, who will also be bound by the pledge.

FAMILY TOPICS

A.B. 217 (Chapter 135)

Assembly Bill 217 requires a county department of juvenile justice services and an agency that provides child welfare services to obtain background information and a personal history for each applicant for employment and each employee to determine whether the applicant or employee has been convicted of or charged with specific crimes.

If the background check indicates the applicant or employee has pending charges, the bill authorizes the agency or department to deny or terminate employment. If the applicant or employee has been convicted of one of the listed crimes or has had a substantiated report of child abuse or neglect against him or her, the agency or department must deny or terminate employment. The bill provides that the applicant or employee must have an opportunity to correct any erroneous information. Employees may not have contact with a child in the course of their duties, may be placed on leave without pay, and may be the subject of disciplinary procedures during the period in which they seek to correct information contained in a criminal history.

This measure is effective on July 1, 2013.

A.B. 262 (Chapter 486)

Assembly Bill 262 provides that, in an action for child custody and visitation, the court may order the parties to pay reasonable attorney's fees, expert fees, and other costs, in proportions and at times determined by the court. The bill also authorizes the court to award attorney's fees to either party in an action for divorce, whether or not those fees are in issue under the pleadings.

A.B. 358 (Chapter 204)

Assembly Bill 358 enacts the Uniform Deployed Parents Custody and Visitation Act and replaces Nevada's existing laws on these subjects. When a parent of a child has received military deployment orders, the bill:

- Requires the parents to communicate regarding custody and visitation issues as soon as possible;
- Declares that no permanent custody order may be entered before or during deployment without the service member's consent; and
- Declares that the residence of the deploying parent is not changed by reason of the deployment.

When imminent deployment is not an issue, A.B. 358 prohibits a court from using a parent's past deployment or possible future deployment itself as a negative factor in determining the best interests of the child during a custody proceeding.

The measure also establishes a procedure for parents who agree to a custody arrangement during deployment to resolve the issues out of court and, in the absence of an agreement, provides for an expedited resolution of the issues in court. It also establishes procedures for the termination of temporary custody arrangements following a service member's return from deployment.

This measure is effective on January 1, 2014.

A.B. 389 (Chapter 209)

Assembly Bill 389 authorizes the court to make the child a party to an action to determine parentage, or to appoint a guardian ad litem for a minor child in such an action, if the court determines it is necessary. The bill also deletes existing provisions that require the district attorney or the Division of Welfare and Supportive Services, Department of Health and Human Services, to act as guardian ad litem.

A.B. 393 (Chapter 210)

Assembly Bill 393 provides that a child placed in foster care has the right to have contact with siblings unless it is contrary to the safety of that child and, to the extent practicable, have contact arranged on a regular basis, holidays, birthdays, and other significant life events. The bill further prescribes that a child placed in foster care has the right not to have contact or visitation with a sibling withheld as a form of punishment and, consistent with the age and developmental experience of the child, be notified of changes in the placement of a sibling.

A.B. 421 (Chapter 213)

Assembly Bill 421 modernizes Nevada's laws on assisted reproduction. The bill provides definitions of appropriate terms; identifies the circumstances in which a parent-child relationship is established and in which a person is (and is not) the parent of a child; and addresses the effect of a divorce or termination of a domestic partnership.

Assembly Bill 421 also provides that court hearings related to assisted reproduction are confidential; addresses the effect of noncompliance with a gestational agreement; provides that a gestational carrier or donor may receive reimbursement for expenses and economic losses; and requires consideration, if any, to be negotiated in good faith between the parties. The bill also repeals obsolete statutes.

S.B. 78 (Chapter 224)

Senate Bill 78 makes numerous changes related to guardianships. The bill provides that a court may require a guardian to complete any available training concerning guardianships. In addition, the measure requires a bank to accept a copy of a court order appointing a guardian and letters of guardianship as proof of guardianship and allow the guardian access to the appropriate account or assets of the ward.

The measure provides that certain documentation required for appointment of a guardian is required only if the proposed ward is an adult. In addition, the petition for guardianship must include information concerning whether the proposed guardian is a party to a civil or criminal

proceeding and whether the proposed guardian has filed for or received bankruptcy protection within the immediately preceding seven years. Following appointment of guardianship, the measure requires a guardian to inform the court of similar circumstances relating to the continued qualifications of the guardian. Upon receipt of such information, the court may remove the guardian and appoint a successor guardian, as deemed appropriate.

Senate Bill 78 clarifies that notice is required for any petition in a guardianship proceeding and specifically states the persons who must be provided with notice. The measure also clarifies the payment of attorney's fees, including expenses, under certain circumstances. The measure clarifies bidding procedures for the sale of real property and provides for the amount of time for the closure of guardianships when there is no probatable estate or trust. The measure revises provisions relating to temporary guardianship and clarifies that before placing a ward in a secured residential long-term care facility, the guardian of the person rather than the guardian of the estate must file a petition with the court. The measure revises provisions relating to a power of attorney to make health care decisions if the adult ward resides in a medical facility. Finally, the measure requires a guardian to notify certain parties of the death of the ward within 30 days after the death.

S.B. 131 (Chapter 325)

Senate Bill 131 authorizes the personal representative of a decedent to direct the termination of any account on any website providing social networking or web log, microblog, short message, electronic mail service, or other similar electronic or digital assets of the decedent. A personal representative is not authorized through this measure to direct the termination of any financial account of the decedent, including, without limitation, a bank account or investment account.

S.B. 141 (Chapter 227)

Senate Bill 141 requires an agency of criminal justice to disseminate a record of criminal history to a court appointed special advocate program in a county whose population is less than 100,000, as needed to ensure the safety of a child for whom a special advocate has been appointed by a court.

This bill is effective on July 1, 2013, and expires by limitation on June 30, 2015.

S.B. 314 (Chapter 408)

Senate Bill 314 provides that the liberty interest of a parent in the care, custody, and management of the parent's child is a fundamental right. This measure must not be interpreted as authorizing a parent to engage in unlawful conduct or to abuse or neglect a child, or as prohibiting courts, law enforcement officers, or child welfare agencies from acting in their official capacity within the scope of their authority.

This measure is effective on October 1, 2013, and applies to any statute, local ordinance, or regulation adopted or effective before, on, or after the effective date, and the implementation of such statutes, local ordinances, or regulations, except as otherwise provided by specific statute.

S.B. 419 (Chapter 264)

Senate Bill 419 authorizes a notary public who has obtained a certificate of permission from a county clerk to perform marriages. In addition, the measure authorizes a minister, other church or religious official, or a notary public to submit to the county clerk an application to perform a specific marriage in the county. In these instances, the measure provides the information to be included in the application and requires a \$25 application fee to accompany the application. A person may not obtain more than five authorizations to perform a specific marriage in any calendar year.

The measure authorizes a notary public to collect a fee of not more than \$75 for performing a marriage ceremony. The measure also increases the fee charged for the performance of marriages by a commissioner of civil marriage from \$45 to \$70 and by a justice of the peace from \$50 to \$75. Finally, the measure requires a temporary replacement for a minister or other church or religious official to pay an application fee of \$25 to the county clerk for written authorization to solemnize marriage.

Domestic Violence and Child Abuse

A.B. 82 (Chapter 115)

Assembly Bill 82 relates to the protection of children in certain judicial proceedings. In a custody hearing, a related hearing concerning the protection of children, or a hearing on termination of parental rights, a party is prohibited from presenting evidence of a child's previous sexual conduct for the purpose of challenging the child's credibility. This prohibition applies unless the following occurs:

- The attorney for the child has first presented evidence; or
- The child has testified concerning the presence or absence of such conduct on direct examination by the district attorney or the attorney for the child.

The bill also limits the scope of cross-examination or rebuttal to the evidence presented by the child's attorney or the child.

A.B. 115 (Chapter 12)

Assembly Bill 115 makes changes to the written statement that a peace officer investigating an act of domestic violence must provide to a suspected victim. The bill adds language to the written statement regarding an animal owned or kept by the suspected victim, the person who committed or threatened the act of domestic violence, or the minor child of either such person. The additional language in the written statement notifies the suspected victim that:

- He or she may seek a court order for the protection of the animal;
- The protective order may require the offender to stop injuring, taking possession of, or threatening the animal; and
- The court may issue future protective orders requiring compliance with arrangements for care or possession of the animal.

A.B. 154 (Chapter 127)

Assembly Bill 154 authorizes a multidisciplinary team reviewing the death of a child to use aggregated and unidentified data relative to the death of a child for research and prevention purposes. The bill consolidates the State administrative team into the Executive Committee to Review the Death of Children, which is required to review reports and recommendations of multidisciplinary teams. Additionally, this bill provides that certain administrators of child welfare agencies and agencies responsible for mental health and public safety serve as nonvoting members of the Executive Committee.

This bill is effective on July 1, 2013.

A.B. 155 (Chapter 253)

Assembly Bill 155 makes various changes related to the reporting of suspected child abuse and neglect. The bill requires mandatory reporters of child abuse to be informed in writing or by electronic communication of their duty as mandatory reporters. Current mandatory reporters must be informed either at the next renewal time for licensure, certificate or endorsement, and current nonlicensed reporters must be informed by December 31, 2013. After each regular session of the Legislature, the Legislative Committee on Health Care must review any additions to statutory chapters related to health care to determine if a licensee should be included as a mandatory reporter and must report any findings to the Legislature.

The bill provides that attorneys are not mandated to report suspected abuse or neglect of a child if the information was acquired through privileged communication with a client who:

- Has been or may be accused of committing the abuse or neglect; or
- Is the victim, is in foster care, and does not give consent to the report.

However, this bill does not relieve the attorneys of the duty to advocate for and take actions to protect the safety of their clients.

Also, the requirement for certain child welfare services or law enforcement agencies to investigate immediately a report concerning the possible abuse or neglect of a child solely because that child is five years of age or younger is removed. The bill increases the penalty for a second or subsequent failure of a mandatory reporter to report abuse or neglect to a gross misdemeanor. Lastly, the bill expands the “Safe Haven” provider definition to include volunteer fire departments and any ambulance service as receiving entities for “Safe Haven” babies.

A.B. 174 (Chapter 130)

Assembly Bill 174 authorizes a child welfare agency to recommend against further action and return a child to the custody of the person responsible for the child’s welfare, if the agency fails to petition the court for a preliminary protective hearing within ten days after a court issues an order keeping a child in protective custody. Alternatively, any party to the

proceeding may schedule an additional hearing with the court to determine whether to return the child to the custody of the person responsible for the child's welfare, pending further court action.

The bill requires notice of the additional hearing to be given to the parent or other person responsible for the welfare of the child. It also requires the court to hold the additional hearing to decide whether there is reasonable cause to believe it would be in the best interests of the child to keep the child outside of his or her home.

This measure is effective on May 24, 2013.

A.B. 284 (Chapter 301)

Assembly Bill 284 allows for the early termination of a rental agreement if a tenant, cotenant, or household member is a victim of domestic violence. The bill:

- Establishes notice requirements for an early termination;
- Establishes provisions concerning liability for unpaid rental amounts;
- Requires a landlord to install a new lock onto the dwelling of a victim of domestic violence under certain circumstances; and
- Establishes disclosure limitations to a prospective landlord of an early termination.

The measure establishes the form in which an affidavit submitted by a tenant or cotenant in support of a notice to terminate a rental agreement must be made. Further, the measure prohibits a landlord from taking retaliatory action against a tenant who terminates an agreement because he or she is a victim of domestic violence.

This bill is effective on July 1, 2013.

S.B. 30 (Chapter 53)

Senate Bill 30 grants to the Attorney General's multidisciplinary team to review the death of a victim of crime that constitutes domestic violence access to: (1) information contained in the Central Repository for Nevada Records of Criminal History; and (2) records of criminal history maintained by a criminal justice agency.

This bill is effective on July 1, 2013.

S.B. 97 (Chapter 66)

Senate Bill 97 specifies that a petition alleging a child is in need of protection must include the address of the primary residence of the child at the time of removal, rather than the address of the location where the child is placed after removal.

The measure clarifies that certain persons have the right to be heard at semiannual or annual court proceedings. Finally, in an annual review concerning the permanent placement of a child, the court is required to make certain determinations regarding out-of-state placement and transition services.

S.B. 98 (Chapter 67)

Senate Bill 98 makes various changes related to child welfare services. Specifically, this measure:

- Revises the criteria a court uses to determine whether a child welfare agency is required to make reasonable efforts to preserve and reunify the family of a child;
- Revises the definition of “reasonable efforts” as it relates to arranging appropriate, accessible, and available services that are designed to improve the ability of a family to provide a safe and stable home for each child in the family;
- Requires the court, when determining whether reasonable efforts have been made, to consider certain matters related to the health and safety of the child, certain efforts to prevent the need to remove the child from the home, and efforts to finalize the plan for the permanent placement of the child; and
- Requires the court to make certain determinations about whether a child welfare agency is required to make reasonable efforts or whether the child welfare agency has made those efforts on a case-by-case basis, based on specific evidence and to expressly state each determination in the court order.

S.B. 103 (Chapter 69)

Senate Bill 103 revises the period of limitation for crimes relating to the sexual abuse of a child. The measure provides that an indictment must be found or an information or complaint must be filed before the victim of child sexual abuse is: (1) 36 years old if the victim discovers or reasonably should have discovered the sexual abuse by that age; and (2) 43 years old if the victim does not discover and reasonably should not have discovered the sexual abuse by 36 years of age.

The provisions of this measure apply to a person who: (1) committed the sexual abuse of a child before October 1, 2013, if the applicable period of limitation has commenced but has not yet expired on October 1, 2013; or (2) commits the sexual abuse of a child on or after October 1, 2013.

S.B. 176 (Chapter 478)

Senate Bill 176 requires an agency that provides child welfare services to determine whether a report concerning the possible abuse or neglect of a child, which the agency has determined warrants an investigation, is substantiated or unsubstantiated. The bill deletes the requirement that a child welfare agency remove all references in its records to an investigation if the agency

determines the investigation was not warranted. The measure further removes spanking or paddling as an example of corporal punishment that is a reasonable exercise of discipline by a parent or guardian.

The agency is required to provide written notice to the person who has allegedly caused the abuse or neglect that it intends to place the person's name in the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child, and that the person has a right to request an administrative appeal.

The bill sets forth the process for the appeal and specifies certain items that must be included in an investigation report. The bill also clarifies that abuse reported to the Central Registry must have occurred after the child was born.

S.B. 258 (Chapter 260)

Senate Bill 258 creates the Task Force on the Prevention of Sexual Abuse of Children, which will meet no more than six times from July 1, 2013, through July 1, 2014. The bill provides procedures for governing the Task Force, and it requires the Task Force to make certain recommendations to the Governor and Legislature.

This bill is effective on July 1, 2013, and expires by limitation on July 1, 2014.

GAMING

A.B. 7 (Chapter 534)

Assembly Bill 7 revises the definition of “resort hotel” to provide that in a county whose population is 100,000 or more but less than 700,000 (currently Washoe County), an establishment must have more than 300 rooms available for sleeping accommodations.

In addition, the measure expands the membership of the Gaming Policy Committee to 11 members by adding a knowledgeable representative of academia. The bill also authorizes the Governor to appoint an advisory committee on gaming education, consisting of not more than five members, to:

- Evaluate gaming-related educational entities in Nevada and how they align with the technology and workforce needs of the gaming industry;
- Study the potential for using competencies and technologies developed by the educational entities in other industries; and
- Make recommendations to the Gaming Policy Committee.

Assembly Bill 7 also includes appropriations from the State General Fund to the State Gaming Control Board and the Nevada Gaming Commission for associated operating, travel, and staffing costs.

Provisions of this bill relating to the definition of “resort hotel” and appropriations are effective on July 1, 2013. Other provisions are effective on October 1, 2013.

A.B. 10 (Chapter 285)

Assembly Bill 10 provides that it is unlawful to use, possess with intent to use, or assist another person in using any software, hardware, or combination thereof that is designed to obtain an advantage at any game in a licensed gaming establishment or any game offered by a licensee or affiliate.

This measure is effective on June 1, 2013.

A.B. 114 (Chapter 2)

Assembly Bill 114 directs the Nevada Gaming Commission to adopt regulations authorizing the Governor to enter into an agreement with another state to enable patrons in Nevada and the other state to participate in interactive gaming offered by licensees in those states, and to take all necessary actions to implement such an agreement. The regulations must address any potential arrangements to share revenue between Nevada and another state and must be adopted in accordance with the Nevada Administrative Procedure Act.

This measure also provides that the Commission may not find certain persons suitable for an interactive gaming license within five years after the effective date. This prohibition applies to persons who knowingly and intentionally operated interactive gaming involving patrons in the

United States after December 31, 2006, unless they were continuously licensed by a state or the federal government. It also applies to a person who uses a tangible or intangible asset that was knowingly and intentionally used in interactive gaming involving patrons in the U.S. after December 31, 2006. The bill allows the Commission to waive this provision after investigation and a hearing if it finds that the person did not violate any state or federal law, and it allows a person applying for a waiver to seek judicial review of the Commission's determination.

Assembly Bill 114 also authorizes the Commission, by regulation, to prospectively increase or decrease the interactive gaming license fee and renewal fee for reasons set forth in the bill.

This measure is effective on February 21, 2013.

A.B. 127 (Chapter 10)

Assembly Bill 127 authorizes the Nevada Gaming Commission to adopt a seal for its use in identifying various licenses related to interactive gaming. The bill makes unauthorized use of the seal a misdemeanor, except for circumstances in which a person fraudulently counterfeits or forges and makes use of a seal, which is a category D felony. This measure also makes a person convicted of unauthorized use of the seal liable for a \$5,000 civil penalty for each violation, which is to be remitted to the Commission.

A.B. 360 (Chapter 508)

Assembly Bill 360 authorizes the Governor, upon the recommendation of the Nevada Gaming Commission, to enter into agreements with other governments allowing persons physically located in those jurisdictions to participate in interactive gaming conducted by one or more licensed operators of the signatory governments. The bill prohibits the Governor from entering into an agreement unless it provides for any potential arrangement for revenue sharing, permits effective regulation of interactive gaming, and meets other requirements. As used in the bill, "government" means any governmental unit other than the United States Government.

Assembly Bill 360 revises definitions of various terms relating to the regulation of gaming, and it transfers from the Commission to the State Gaming Control Board responsibility for determining the annual adjustment to financial reporting thresholds for nonrestricted licensees. The bill requires a person seeking to hold a 5 percent or less interest in certain gaming licensees to register with the Board, and it revises provisions relating to independent testing laboratories.

This measure also requires the Legislative Commission to conduct an interim study concerning the impact of technology on the regulation of gaming and the distinction between restricted and nonrestricted gaming licensees. The bill revises the dates on which the amendatory provisions of Senate Bill 416 of this Legislative Session apply to certain gaming licensees. Finally, A.B. 360 repeals a provision in S.B. 9 of this session that amended the definition of "gross revenue."

Certain provisions in A.B. 360 make changes to A.B. 114 of this session, which already was passed by the Legislature and signed into law by the Governor.

The provision repealing the definition of “gross revenue” from S.B. 9 is effective on June 1, 2013. The remainder of this measure is effective on June 11, 2013.

S.B. 9 (Chapter 389)

Senate Bill 9 revises definitions of various terms relating to the licensing and control of gaming. In addition, the measure transfers from the Gaming Commission to the Gaming Control Board responsibility for determining the annual adjustment to financial reporting thresholds for nonrestricted licensees. The measure requires that persons seeking to hold a 5 percent or less interest in certain gaming licensees register with the Board, and it repeals provisions under which a person was previously allowed up to 30 days after obtaining such an interest to register with the Board. Finally, the measure revises provisions relating to independent testing laboratories, including authorizing the Commission to require certain persons associated with registered independent testing laboratories to file an application for a finding of suitability.

This bill is effective on June 3, 2013.

S.B. 17 (Chapter 49)

Senate Bill 17 revises the deadlines for gaming licensees to file financial reports with the State Gaming Control Board and to file certain reports and pay fees to the Nevada Gaming Commission from the 24th to the 15th of each month.

This bill is effective on May 22, 2013, for the purpose of performing any preparatory administrative tasks necessary to carry out the provisions of the measure and on July 1, 2013, for all other purposes.

S.B. 409 (Chapter 242)

Senate Bill 409 exempts a person or establishment, under certain circumstances, from current prohibitions on: (1) accepting, receiving, or allowing another person to accept or receive a wager from a person physically present in Nevada; and (2) placing, sending, transmitting or relaying a wager to another person from within or outside Nevada. The exemption is initiated if the wager was made pursuant to an agreement with another state, or authorized agency thereof, entered into by the Governor of Nevada pursuant to Section 6 of Assembly Bill 114 of the 2013 Legislative Session (Chapter 2, *Statutes of Nevada*).

This bill is effective on May 28, 2013.

S.B. 416 (Chapter 396)

Senate Bill 416 clarifies that a “restricted license” or “restricted operation” means a State gaming license for the operation of not more than 15 slot machines and does not include a race book or sports pool. The measure clarifies that the acceptance and payment of wagers and transactions in person or through mechanical means, such as a kiosk or similar device, are

considered with the operation of a race book and sports pool, and the measure requires that a separate license be obtained for each location at which such an operation is conducted. The measure also clarifies that the exception to having a single license at one establishment applies only to these nonrestricted licenses at an establishment with 16 or more slot machines or at an establishment with any number of slot machines together with any other game, gaming device, race book, or sports pool.

The measure provides that in a county whose population is 100,000 or more (currently Clark and Washoe Counties) a restricted license may only be granted at certain establishments if they contain:

- A minimum of 2,500 square feet of space available for patrons;
- A permanent, physical bar; and
- A restaurant that meets certain requirements.

This bill is effective on July 1, 2013.

HEALTH CARE AND HUMAN SERVICES

A.B. 221 (Chapter 197)

Assembly Bill 221 requires the Director of the Department of Health and Human Services to issue a request for information by January 1, 2014, to determine availability and cost of technology, data verification, and resources to assist the Department in reducing waste, fraud, and abuse under Medicaid and the Children's Health Insurance Program (CHIP). The request for information must seek:

- Strategies for determining the validity of claims before payments are made to Medicaid and CHIP providers;
- Assessment of the capability of the technology to be integrated into the existing system; and
- Information on other fraud investigation services that combine a retrospective analysis of claims.

Additionally, the bill requires the Director to submit a report of the responses to the Legislative Committee on Health Care (LCHC), and the LCHC shall make any appropriate recommendations to the Department, including whether the Committee supports the Department entering into any contracts to carry out measures identified in the report.

This bill is effective on July 1, 2013.

A.B. 255 (Chapter 198)

Assembly Bill 255 requires the Legislative Auditor to conduct an audit concerning the use by the Department of Health and Human Services (DHHS) of certain assessments paid by counties. The assessments received by DHHS that are subject to the audit relate to services provided by the Health Division or the State Health Officer; activities of the Youth Parole Bureau and for certain facilities for the detention of children; and child protective services. A final written report must be submitted by the Legislative Auditor to the Audit Subcommittee of the Legislative Commission by January 31, 2015.

This bill is effective on May 28, 2013.

S.B. 53 (Chapter 42)

Senate Bill 53 requires the State Registrar of Vital Statistics to ensure the security and confidentiality of vital statistics in accordance with regulations adopted by the State Board of Health. The measure also provides that information relating to a certificate of birth may be released 125 years after the date of the birth, and information relating to a certificate of death may be released 50 years after the date of the death.

The measure prescribes the procedure for altering or amending a vital statistic and allows the State Registrar to deny an application to amend or alter a vital statistic under certain circumstances. If the documentation submitted by the applicant does not comply with the

requirements prescribed by the Board or if the State Registrar has cause to question the validity of the documentation, the application may be denied. If an application is denied by the State Registrar, the applicant may seek a court order to alter or amend the vital statistic.

Senate Bill 53 further revises various provisions relating to recordkeeping by the State Registrar and requires each local health officer to make a complete and accurate copy of each birth and death certificate registered. Finally, in cases where a person dies without medical attendance, the measure allows a funeral director to notify and refer the case to the coroner or the coroner's deputy, rather than a local health officer.

S.B. 54 (Chapter 220)

Senate Bill 54 prohibits a private building owner or governmental agency that owns or controls a building or property where a vending stand is established from requiring the Bureau of Services to Persons Who are Blind or Visually Impaired, Rehabilitation Division, Department of Employment, Training and Rehabilitation, or vending stand operator to pay any rent, fee, or assessment that is based on the square footage of the portion of the building or property where the vending stand is located. A private building owner or governmental agency is authorized to enter into an agreement with the Bureau to recover increases in utility or other costs where there is a direct and measurable increase in such costs as a result of the vending stand. Certain exemptions are granted to a contract or other agreement relating to a vending stand that is in effect prior to the effective date of this measure. Finally, the Bureau is required to provide an accounting of any money remaining in the Business Enterprise Account for Persons Who Are Blind to all licensed vending stand operators and distribute to each operator his or her proportionate share of such money.

The measure is effective on May 28, 2013.

S.B. 61 (Chapter 43)

Senate Bill 61 reduces the membership of the Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities within the Nevada Commission on Services for Persons with Disabilities from 11 to 9 members. The bill removes certain positions, and it reclassifies other positions to represent:

- A user of telecommunications relay services;
- A user of an interpreter or of realtime captioning; and
- A parent of a child who is deaf, hard of hearing, or speech-impaired.

The Subcommittee is authorized to create and annually review a strategic plan and to provide certain advice to the Aging and Disability Services Division of the Department of Health and Human Services and to the Department of Education. Finally, the measure provides the terms of service for current and future members of the Subcommittee.

The measure is effective on May 21, 2013.

S.B. 117 (Chapter 74)

Senate Bill 117 prohibits the Department of Taxation from issuing a subpoena to compel the production of books and papers that contain individually identifiable health information. The measure defines “individually identifiable health information” as information that identifies a natural person, or easily provides for the identification of a natural person, and relates to:

- The past, present or future physical or mental health or condition of the person; or
- The provision of health care to the person.

This bill is effective on July 1, 2013.

Mental Health**A.B. 80 (Chapter 409)**

Assembly Bill 80 creates the Task Force on Alzheimer’s Disease within the Department of Health and Human Services (DHHS). The Director of DHHS appoints seven voting members, and the Legislative Commission appoints two voting members, one from the Senate and one from the Assembly. The Task Force must carry out the State Plan to address Alzheimer’s disease as developed, revise the plan as needed, prioritize action steps, and research any other issues relevant to Alzheimer’s disease. Additionally, the Task Force must submit an annual report to the Governor and Director of the Legislative Counsel Bureau with findings and recommendations.

This bill is effective on July 1, 2013, and expires by limitation on June 20, 2017.

A.B. 287 (Chapter 537)

Assembly Bill 287 authorizes a court-ordered admission of certain persons with mental illness to a community-based program or outpatient services under certain circumstances. Among other conditions, the person must be at least 18 years old, have a history of noncompliance with treatment for mental illness, and be capable of surviving safely in the community with available supervision.

If a person who is involuntarily admitted to such a program fails to participate or carry out the treatment plan, the bill specifies specific information must be included with a petition to seek a court order requiring a peace officer to take into custody and deliver the person to the appropriate location for an evaluation from the Division of Mental Health and Developmental Services of the Department of Health and Human Services. The measure specifies that an appropriate location may not include a jail or prison.

The counsel who represented a person when he or she was involuntarily admitted to a program of community-based or outpatient services is required to represent the person until the person is released from the program. The court is required to serve notice to the counsel of any action taken involving the person. Additionally, the bill requires a person or responsible relative to pay costs relating to an involuntary admission to a program of community-based or outpatient services.

This bill is effective on July 1, 2013.

S.B. 338 (Chapter 186)

Senate Bill 338 changes various terms in the *Nevada Revised Statutes* related to mental health. Specifically, it replaces the terms “mental retardation” and “mentally retarded” with “intellectual disability” and with “intellectually disabled,” respectively. The bill also changes other words and terms in a similar manner.

The bill is effective on July 1, 2013.

Prescriptions and Pharmaceuticals

A.B. 39 (Chapter 108)

Assembly Bill 39 limits the sale or transfer of certain materials that can be used to manufacture methamphetamine to 9 grams to the same person within a 30-day period. The bill requires the State Board of Pharmacy to approve a real-time, stop sale system, if one is available, for use by pharmacies in this State to limit sales of these chemicals. After approval, a pharmacy will be required to use the system and will be prohibited from completing a sale or transfer if the system alerts that the transaction would be in violation of the law.

A.B. 95 (Chapter 482)

Assembly Bill 95 requires a pharmacist or practitioner to indicate a generic drug is being substituted for a drug prescribed by brand name on the prescription label, unless at the time of the initial substitution the person for whom the drug is dispensed elects not to have such an indication on the label.

This bill is effective on July 1, 2013.

A.B. 362 (Chapter 410)

Assembly Bill 362 requires the State Board of Pharmacy to establish, maintain, and adopt regulations for an HIV/AIDS Drug Donation Program. A drug used to treat the human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS) can be donated by any person to a participating pharmacy, medical facility, health clinic, or provider of health care if the drug is in the original, unopened, and sealed package and not adulterated or misbranded. A person who accepts a donated drug must sign a waiver of liability.

Immunity from civil and criminal liability is provided to a:

- Person donating a drug;
- Participating pharmacy;
- Medical facility;
- Health clinic; or

- Provider of health care handling a drug or a manufacturer of a drug, when reasonable care is exercised.

This bill is effective on June 5, 2013, for the purposes of adopting regulations and on October 1, 2014, for all other purposes.

S.B. 81 (Chapter 44)

Senate Bill 81 revises the Cancer Drug Donation Program by authorizing physicians to dispense a cancer drug donated for use in the Program.

Professions and Occupations (see also Commerce)

A.B. 72 (Chapter 113)

Assembly Bill 72 increases the number of members of the Nevada State Board of Veterinary Medical Examiners from seven to eight and requires that one member is a Nevada resident and veterinary technician with no less than five years of experience practicing in Nevada. The bill also increases the number of members required to constitute a quorum from four to five.

This bill is effective on July 1, 2013.

A.B. 73 (Chapter 160)

Assembly Bill 73 revises the information an applicant for a license to practice chiropractic must provide, modifies the passing score for the license examination, and makes changes to the duration of a license. The bill also makes changes to the definition of unprofessional conduct for purposes of professional discipline by the Chiropractic Physicians' Board of Nevada and allows the Board to waive certain continuing education requirements. Finally, A.B. 73 increases from \$25 to \$50 the maximum fee the Board may charge for a review of a course offered by a chiropractic school or college or a course of continuing education in chiropractic.

A.B. 132 (Chapter 125)

Assembly Bill 132 provides that a person employed by a licensed agency to provide personal care services in the home is not liable for civil damages as the result of a certain act or omission not amounting to gross negligence. This immunity from liability applies to a person who has successfully completed training in cardiopulmonary resuscitation or emergency care of a person in cardiac arrest and renders emergency assistance to an elderly or disabled person in good faith and in accordance with his or her training.

This measure is effective on July 1, 2013.

A.B. 170 (Chapter 383)

Assembly Bill 170 makes various changes relating to the advanced practice of nursing. The term "advanced practitioner of nursing" is replaced throughout the *Nevada Revised Statutes* with the term "advanced practice registered nurse." The bill requires the State Board of Nursing to issue a license to such a nurse, rather than a certificate of recognition; the requirements for issuance are unchanged.

Assembly Bill 170 prohibits an advanced practice registered nurse from prescribing a controlled substance listed in schedule II unless the nurse has at least two years or 2,000 hours of clinical experience or the controlled substance is prescribed utilizing a protocol approved by a collaborating physician.

This bill is effective on July 1, 2013.

A.B. 228 (Chapter 416)

Assembly Bill 228 authorizes a provider of health care who is licensed or certified in this State or in another state or territory to provide voluntary health care services without compensation if those services are provided in association with a sponsoring organization. The bill requires a sponsoring organization to register with the Health Division of the Department of Health and Human Services and file quarterly reports containing information on the services delivered by voluntary health care providers.

This bill is effective on June 6, 2013, for the purpose of adopting regulations and carrying out preparatory administrative tasks and on October 1, 2013, for all other purposes.

A.B. 277 (Chapter 140)

Assembly Bill 277 allows a dental hygienist with a special endorsement in public health dental hygiene to provide certain services without the supervision of an actively licensed dentist, under certain circumstances.

This bill is effective on July 1, 2013.

A.B. 341 (Chapter 171)

Assembly Bill 341 makes changes to the requirements for licensure by the Board of Homeopathic Medical Examiners and provides for licensure of graduates of a medical school located in the United Kingdom. It also makes many of the existing provisions related to homeopathic physicians applicable to advanced practitioners of homeopathy and homeopathic assistants. Additionally, A.B. 341 revises the educational program requirements for an advanced practitioner of homeopathy and a homeopathic assistant, and revises the number of homeopathic assistants who may be employed or supervised by a homeopathic physician.

A.B. 456 (Chapter 314)

Assembly Bill 456 requires that an advertisement for health care services include certain information regarding the qualifications of a health care professional to whom the advertisement pertains, including any license or certification held by the professional. Such advertisements must not include any deceptive or misleading information, and a health care professional must communicate his or her specific licensure to all current and prospective patients, including a written disclosure statement that is conspicuously displayed in the office. The measure requires a health care professional to comply, as applicable, with such advertising and disclosure statements in each office in which he or she practices, prescribes the format for certain advertisements and disclosures, and sets forth certain exceptions to such requirements.

The measure requires a health care professional, while providing care other than sterile procedures in a health care facility, to wear a name tag that indicates his or her specific licensure or certification. The bill also prohibits a health care professional from holding himself or herself out as “board certified” unless the name of the board is disclosed and that board meets certain requirements.

This bill is effective on January 1, 2014.

S.B. 153 (Chapter 81)

Senate Bill 153 makes various changes relating to the powers and duties of the Board of Occupational Therapy, including:

- Clarifying the authority of the Board to enforce regulations;
- Preparing and maintaining records of administrative proceedings;
- Determining the eligibility of an applicant for a license as an occupational therapist; and
- Investigating complaints against a licensee.

The bill increases the supervised fieldwork requirement for a license as an occupational therapist or occupational therapy assistant from 8 weeks to 16 weeks and removes the requirement limiting the number of times each year examinations may be offered by the Board. The Board may issue a license without examination to a person who is certified by the National Board for Certification in Occupational Therapy or its successor organization.

Senate Bill 153 removes the exemption from licensure for an occupational therapist practicing with a licensed occupational therapist. The bill also revises provisions concerning temporary licensure of an occupational therapist. A temporary license is valid for six months and may not be renewed more than once. The Board may establish the term of licensure by regulation, but the period may not be less than one year. The bill removes the requirement of a licensed occupational therapist from directly supervising aids or technicians as a cause for a misdemeanor conviction.

Finally, S.B. 153 revises the definition of occupational therapy and includes an occupational therapist within the term “provider of health care” to make him or her subject to the same requirements for standards of care, medical records, and medical devices as other providers of health care.

S.B. 199 (Chapter 230)

Senate Bill 199 provides that a person without a license who performs health care procedures or surgical procedures is guilty of a felony. If a procedure results in death, the crime is a category B felony, with no probation allowed, unless a greater penalty is provided by law. The measure also amends provisions of existing law imposing penalties for the practice of various medical professions without a license, to specify that the greater penalties provided in S.B. 199 must apply when appropriate.

S.B. 220 (Chapter 406)

Senate Bill 220 revises provisions relating to the disclosure of certain information by certain licensing boards. Specifically, the bill:

- Authorizes a member or any agent of the various licensing boards to enter any premises where a licensed, certified, or permitted person is practicing to determine whether any violation of the law governing that profession has occurred;
- Provides for the filing of anonymous complaints concerning certain professions with the appropriate board;
- Requires each of the various licensing boards to forward to the appropriate law enforcement agency any substantiated information submitted to the board concerning unlicensed activity;
- Revises existing criminal penalties for physicians, osteopathic physicians, nurses, and pharmacists; and
- Authorizes various licensing boards to impose administrative fines against, issue citations to, and issue and serve orders to cease and desist on persons who engage in the unlicensed practice of certain professions.

The bill requires the Board of Medical Examiners to adopt regulations governing the possession and administration of Botox by a medical assistant or any other person. In addition, the State Board of Cosmetology and the Board of Examiners for Long-Term Care Administrators are required to refer complaints concerning matters within the jurisdiction of certain other licensing boards to the other licensing boards.

Senate Bill 220 also requires that the Board of Cosmetology take reasonable actions to enable schools of cosmetology to receive federal financial assistance for their students. Before issuing a license to a school of cosmetology, the Board must determine whether the proposed school admits as regular students only persons who have received a certificate of graduation from high school, or the recognized equivalent of such a certificate, or who are beyond the age of compulsory school attendance. Finally, the bill specifies certain information that must be contained on the license issued by the Board.

Provisions requiring the Board of Cosmetology to take reasonable actions to enable schools of cosmetology to receive federal financial assistance for their students and provisions concerning the issuance of licenses for schools of cosmetology are effective on June 3, 2013. Other provisions of this bill are effective on October 1, 2013.

S.B. 319 (Chapter 332)

Senate Bill 319 authorizes a physician to substitute not more than two hours of continuing education credits in pain management or addiction care for the purposes of satisfying an equivalent requirement for continuing education in ethics.

The State Board of Osteopathic Medicine is required to have its licensees, as part of the continuing education requirements approved by the Board, complete at least two hours of credits in ethics, pain management or addiction care biennially.

S.B. 327 (Chapter 378)

Senate Bill 327 revises provisions authorizing the practice of medicine in Nevada by health care professionals regardless of whether the professionals are physically located in this State. A licensee of the Board of Medical Examiners who engages in telemedicine must maintain an electronic mail address with the Board. The measure authorizes service of process be made on a licensee who practices telemedicine by electronic mail, if the licensee consents in writing.

A physician who is issued a special purpose license by the Board of Medical Examiners and a registered nurse who is certified as an advanced practitioner of nursing to perform telemedicine may practice medicine without regard to whether they are located in this State. Senate Bill 327 revises provisions governing the practice of telemedicine by an osteopathic physician. The bill also revises provisions relating to telepharmacies, remote sites, and satellite consultation sites, and it requires the Board of Medical Examiners to adopt regulations concerning telemedicine regarding physician assistants.

The measure provides that a physician who is licensed in another state and is issued a special purpose license must comply with all applicable State laws and regulations of the Board of Medical Examiners and is subject to the jurisdiction of the courts of Nevada. In addition, the bill requires an osteopathic physician who practices telemedicine to comply with the applicable State laws and regulations of the State Board of Osteopathic Medicine and is subject to the jurisdiction of the courts of Nevada.

Finally, the bill authorizes the issuance of a restricted license to teach, research, or practice medicine to certain graduates of a foreign medical school, and it revises provisions relating to filling certain prescriptions.

Provisions of the bill requiring advanced practitioners of nursing to obtain certain certification to practice telemedicine are effective on July 1, 2014. Other provisions are effective on June 2, 2013.

S.B. 351 (Chapter 190)

Senate Bill 351 prohibits a health care provider or health facility that treats a patient for a condition for which the patient has filed or intends to file a civil claim to recover damages, or any business in which such a provider or facility has a financial interest, from acquiring a debt or lien for services that arise from the same claim and are provided to the patient by another facility.

A person who violates these provisions is guilty of a category E felony and may be further punished by a fine of not more than \$25,000 for each violation.

Public Health and Disease Prevention

A.B. 1 (Chapter 413)

Assembly Bill 1 requires the Director of the Department of Health and Human Services to include in the State Plan for Medicaid coverage of certain costs of emergency care, including dialysis, to stabilize patients with kidney failure.

This bill is effective on July 1, 2013.

A.B. 8 (Chapter 284)

Assembly Bill 8 revises various provisions governing the Division of Health Care Financing and Policy and the Division of Welfare and Supportive Services of the Department of Health and Human Services to more clearly reflect the duties of each division. The bill also replaces certain terminology to be consistent with federal law, abolishes the State Board of Welfare and Supportive Services, and makes permanent the authorization for the Department to contract with certain motor carriers to transport recipients of the Children's Health Insurance Program for services.

This bill is effective on June 1, 2013.

A.B. 28 (Chapter 60)

Assembly Bill 28 revises the definition of sentinel event to mean an event in Appendix A of the *Serious Reportable Events in Healthcare—2011 Update: A Consensus Report*, or subsequent revisions to the list of events, as published in the *National Quality Forum*. If the *National Quality Forum* ceases to exist, the last version of the publication will be considered the most current version.

A.B. 29 (Chapter 106)

Assembly Bill 29 creates within the Department of Health and Human Services (DHHS) the Committee to Review Suicide Fatalities consisting of ten members appointed by the Director of DHHS from among certain persons and groups. The Committee must adopt written protocols setting forth suicide fatalities that must be reported to the Committee and obtain data to determine trends, risk factors, and strategies for the prevention of suicide fatalities. Additionally, the Committee may conduct investigations, review death certificates, share information, petition a district court for issuance of subpoenas, recommend legislation, and issue special reports.

Each year the Committee must submit a report to the Director concerning activities of the Committee. Lastly, the bill requires the Coordinator of the Statewide Program for Suicide Prevention to employ at least one trainer for suicide prevention in any county whose population is greater than 700,000.

A.B. 69 (Chapter 65)

Assembly Bill 69 adds a requirement that proposed crematories in an incorporated city with a population of 60,000 or more, or unincorporated towns adjacent to such cities, must be located in zones for mixed, commercial, or industrial use and be at least 1,500 feet from any residential use zone. Also, crematories operated by a licensed cemetery or funeral home must be located in a commercial or industrial use zone or any other location as local zoning permits.

This bill is effective on October 1, 2013. The amendatory provisions of this bill do not apply to crematories in operation before October 1, 2013.

A.B. 144 (Chapter 126)

Assembly Bill 144 provides that an anatomical gift, made by an unemancipated minor who is at least 16 years old and possesses a driver's license or identification card, cannot be revoked or amended if both the donor and a parent or guardian have executed a form authorizing the anatomical gift.

This bill is effective on July 1, 2013.

A.B. 147 (Chapter 381)

Assembly Bill 147 requires a notice regarding the results of a mammogram to include a statement of the density of the patient's breasts and a notice prescribed by the State Board of Health that includes certain information relating to breast density, breast cancer, and the impact of breast density on the effectiveness of mammography. In addition, this bill authorizes the Health Division of the Department of Health and Human Services to impose an administrative fine for failure to provide such notice.

This bill is effective on June 2, 2013, for the purpose of adopting certain regulations and on January 1, 2014, for all other purposes.

A.B. 183 (Chapter 131)

Assembly Bill 183 allows any person 16 years of age to donate blood with the consent of his or her parent or guardian.

A.B. 200 (Chapter 298)

Assembly Bill 200 allows a farm to hold a farm-to-fork event, in certain circumstances and with limited frequency, without being considered a food establishment for purposes of inspections by a health authority. A farm must register with a local health authority in order to hold a farm-to-fork event and pay a fee, although the health authority shall not conduct inspections of the farm except in certain circumstances. Prior to food being consumed, event guests must be provided with a notice that indicates no inspection was conducted by a State or local health department, except for butchering and processing of rabbit meat or poultry.

This bill is effective on July 1, 2013.

A.B. 449 (Chapter 312)

Assembly Bill 449 allows the Health Division of the Department of Health and Human Services to retain certain fees received for vital records services in order to carry out those services instead of requiring those fees to be deposited in the State General Fund.

This bill also removes a provision that authorizes the Health Division to maintain an account in a bank or credit union for the purpose of refunding overpayments of fees for vital statistics.

This bill is effective on July 1, 2013.

S.B. 3 (Chapter 476)

Senate Bill 3 requires the board of county commissioners in counties with a population of less than 100,000 (currently all counties other than Clark and Washoe Counties) to remit money for medical assistance to indigent persons in an amount determined by the Director of the Department of Health and Human Services to be adequate for the State Plan for Medicaid to include the payment of the nonfederal share of certain expenditures relating to long-term care. However, the maximum amount remitted must not exceed an amount equivalent to 8 cents for each \$100 of assessed valuation of all taxable property in the county making the allocation.

This bill is effective on July 1, 2013.

S.B. 4 (Chapter 172)

Senate Bill 4 allows various public employees or volunteers for a public agency who come in contact with human blood or bodily fluids in the course of their official duties to request that a person or decedent who may have exposed them to a communicable disease be tested. The bill requires a court to determine that the employee or volunteer would require medical intervention if there is a positive test result before issuing an order for a test.

The measure also allows a judge or a justice of the peace hearing the petition to authorize certain persons acting on behalf of the employer or public agency to sign the name of the judge or justice of the peace on a duplicate order. Such an order is deemed to be an order of the court but must be returned to the judge or justice of the peace for endorsement. Failure by the judge or justice of the peace to endorse the order does not invalidate the order.

Finally, the measure also:

- Requires any records concerning such a petition or related proceedings to be sealed and kept confidential;
- Authorizes a court to establish rules to allow a judge or justice of the peace to conduct a hearing or issue an order by electronic or telephonic means;
- Authorizes justice courts and municipal courts to issue such orders; and

- Requires the person who receives test results to keep information related to the identity of the person tested and the results of the test confidential.

The measure is effective on May 27, 2013.

S.B. 80 (Chapter 173)

Senate Bill 80 makes various changes governing dairy products and dairy substitutes. Specifically, the measure authorizes the State Dairy Commission to impound and dispose of any adulterated milk or milk product or any misbranded milk or milk product and impose a civil penalty of not more than \$1,000 for a violation of certain provisions governing permits for the sale of milk and cream. Additionally, S.B. 80 revises membership qualifications for certain members of the Commission, and it allow the Commission to accept gifts and grants to promote and develop the economic viability of the dairy industry in this State. The bill also makes various changes to regulations relating to frozen desserts and distributors of fluid milk and cream.

Finally, the measure revises various definitions for certain dairy products and eliminates numerous provisions governing dairy products and dairy substitutes.

This bill is effective on July 1, 2013.

S.B. 92 (Chapter 391)

Senate Bill 92 requires any physician, midwife, or nurse attending or assisting any infant at childbirth at certain obstetric centers or hospitals, to examine the infant for critical congenital heart disease. The measure requires the examiner to report any results to the State Health Officer and discuss such results with the parents or other persons responsible for the infant. The measure provides an exception to the examination in the event of written parental objection.

This measure also requires hospitals, during the period between July 1, 2013, and March 1, 2014, to submit certain information to the Nevada Congenital and Inherited Disorders Screening Program of the Health Division of the Department of Health and Human Services. It further authorizes the Division to conduct a study of this information. If a study is conducted, the Division is required to submit a report and recommendations to the Legislative Committee on Health Care. The Committee must study the report and provide recommendations for legislation to the next session of the Legislature.

This bill is effective on July 1, 2013, for purposes of hospitals reporting to the Nevada Congenital and Inherited Disorders Screening Program and the subsequent reports to the Legislature, and on July 1, 2015, for all other purposes.

S.B. 100 (Chapter 226)

Senate Bill 100 revises the terms referring to three types of trained and certified emergency medical technicians for consistency with the terms used in the *National Emergency Medical Services Education Standards* released by the National Highway Traffic Safety Administration in 2009. The measure replaces the term “intermediate emergency medical technician” with “advanced emergency medical technician” and replaces the term “advanced emergency medical technician” with “paramedic.” In addition, the measure requires the certification training for these technicians to follow the curriculum or educational standards prepared by the United States Department of Transportation.

Finally, the measure provides that any person who holds a certificate as one of these three types of technicians on December 31, 2013, is exempt from the new training requirements through December 31, 2015.

The measure is effective on May 28, 2013, for the purpose of adopting regulations and performing any preliminary administrative tasks and on January 1, 2014, for all other purposes.

S.B. 206 (Chapter 152)

Senate Bill 206 establishes a cottage food operation as an entity that: (1) manufactures or prepares certain food items for sale; (2) meets certain requirements relating to the preparation, labeling, and sale of those food items; and (3) registers with the health authority. The measure prohibits a local government from adopting any ordinance or other regulation that prohibits a person from preparing food in a cottage food operation within the person’s private home. Finally, the measure adds a cottage food operation to the list of entities that are excluded from the definition of a “food establishment.”

The measure is effective on July 1, 2013.

S.B. 267 (Chapter 407)

Senate Bill 267 prohibits an owner or operator of a tanning establishment from allowing a person who is less than 18 years of age to use the tanning equipment. The measure requires an owner or operator to ensure that a qualified person be present at the establishment during operating hours and that each user be aware of and use certain safety equipment. Also, a person is prohibited from using the equipment unless he or she signs a statement of acknowledgment and uses protective eyewear while tanning.

An owner or operator must conspicuously post a warning sign informing users of certain safety procedures that must be followed while using the equipment. The measure establishes civil penalties for failing to post such signs.

A physician who prescribes the use of a phototherapy device, as well as any person prescribed the use of such a device by a physician, is exempt from these provisions.

This bill is effective on July 1, 2013.

S.B. 285 (Chapter 175)

Senate Bill 285 revises provisions governing requirements to obtain a permit to operate an air ambulance and to obtain a license to serve as an attendant on an air ambulance. Specifically, the bill provides that air ambulances based outside Nevada and attendants rendering services solely on such air ambulances are only exempt from these requirements if the operator:

- Delivers patients from a location outside Nevada to a location within Nevada; and
- Does not receive any patients within Nevada.

The measure also specifies that only the medical aspects of the operation of the air ambulance may be considered in determining whether to issue a permit to operate an air ambulance, and it precludes consideration of certain economic factors when making this determination. Inspections conducted concerning the issuance of a permit must be related only to the medical aspects of the operation of the air ambulance.

Finally, S.B. 285 eliminates the requirement that an owner of an air ambulance file a change in his or her schedule of rates before the change becomes effective.

S.B. 374 (Chapter 547)

Senate Bill 374 provides for registration by the Health Division of the Department of Health and Human Services of three types of medical marijuana establishments: (1) cultivation facilities; (2) facilities for the production of edible products; and (3) dispensaries. The measure establishes requirements for applying for a registration certificate, including a one-time nonrefundable application fee of \$5,000. The bill also establishes maximum registration fees to be collected by the Division for the issuance and renewal of registration certificates and agent registration cards.

The measure requires revenues generated from the fees to be used to support the costs of the Division in implementing the bill, including certification of an independent testing laboratory. Any excess revenues must be paid to the State Treasurer for credit to the State Distributive School Account. If there are insufficient revenues from registration fees to carry out the requirements of the bill, the measure authorizes the Director of the Department of Health and Human Services to request a temporary advance from the State General Fund until sufficient revenues are collected. The measure also imposes a 2 percent excise tax on retail and wholesale sales, three quarters of which is directed to the State Distributive School Account, and one quarter to defray program costs.

The measure authorizes the Division to issue not more than 40 registration certificates for dispensaries in a county whose population is 700,000 or more (currently Clark County); 10 in a county whose population is 100,000 or more but less than 700,000 (currently Washoe County); 2 in a county whose population is 55,000 or more, but less than 100,000 (currently Carson City); and 1 in each other county. The number of certificates issued may not provide more than one dispensary for every ten licensed pharmacies in a county, unless

there are fewer than ten pharmacies in the county. With respect to other nondispensary establishments, the Division is required to determine the appropriate number necessary to service and supply the dispensaries.

The measure provides for the security and oversight of an establishment and for the immediate revocation of a registration certificate under certain circumstances. The measure requires the Division to adopt regulations by April 1, 2014, to carry out the provisions of this measure, including a system to register and track attending physicians who advise their patients that the medical use of marijuana may mitigate the symptoms of effects of the patient's medical condition. Penalties are provided for knowingly or intentionally growing and processing marijuana.

Finally, S.B. 374 requires the Advisory Commission on the Administration of Justice to appoint a Subcommittee on the Medical Use of Marijuana of the Commission, which must include legislative and nonlegislative members, to evaluate and review various issues concerning the use and dispensation of marijuana for medical purposes.

This bill is effective on June 12, 2013, for purposes of requesting a temporary advance from the State General Fund, adopting regulations, and carrying out other preparatory administrative acts. The bill is effective on April 1, 2014, for all other purposes.

S.B. 410 (Chapter 497)

Senate Bill 410 authorizes a governmental entity, a nonprofit corporation, or a person who has a nonprofit corporation as a fiscal sponsor, to establish a program for the safe distribution and disposal of hypodermic devices. The bill further provides for the governance and training required of such program, and the devices, material, and information that a program may provide.

This measure confers civil liability exemptions related to the operation of a sterile hypodermic device program, as well as confidentiality for records obtained or created by a program.

Senate Bill 410 also removes hypodermic devices from the list of items considered drug paraphernalia, allows them to be sold without a prescription for any purpose not restricted by federal law, and protects from prosecution a person who possesses a trace amount of a controlled substance that is in or on a hypodermic device acquired from a program.

This bill is effective on July 1, 2013.

S.B. 449 (Chapter 268)

Senate Bill 449 increases from two years to four years the period within which a person remains subject to additional penalties for committing a third or subsequent offense involving the illegal disposal of cesspool or septic tank effluent or solid waste.

S.B. 450 (Chapter 499)

Senate Bill 450 revises the qualifications of the district health officer in a county whose population is 700,000 or more (currently Clark County). The officer must be licensed or eligible to be licensed to practice medicine and, if eligible, must obtain a medical license within 12 months of hire. Senate Bill 450 also requires the officer to have a master's degree, equivalent work experience, or certification or be eligible to obtain certification by the American Board of Preventive Medicine or the American Osteopathic Board of Preventive Medicine. The officer must also have five years of experience working in a management position for a local, state, or national public health agency.

The bill also extends the period of time within which a health care provider must make health care records available for inspection under certain circumstances. Additionally, the bill repeals a provision making it a misdemeanor for a physician to willfully fail or refuse to release such records for inspection.

This bill is effective on July 1, 2013.

S.B. 452 (Chapter 479)

Senate Bill 452 allows the Board of Trustees for the Fund for Hospital Care to Indigent Persons to enter into an agreement with the Division of Health Care Financing and Policy of the Department of Health and Human Services to transfer money from the Fund to the Division to be used:

- To provide enhanced rates of reimbursement for hospital care provided to recipients of Medicaid;
- To make supplemental payments to a hospital for care through increased federal financial participation; and
- To satisfy any portion of a county obligation to pay the nonfederal share of certain expenditures relating to long-term care.

Once such an agreement is entered into and any enhanced rate of reimbursement or supplemental payments are approved by the federal government, the measure requires the Board to continue to provide money pursuant to the agreement until the federal government approves reverting to the previous rate of reimbursement or payments.

In addition, S.B. 452 creates within the Fund the Hospital Assessment Account, which is to be administered by the Board. If an agreement is entered into between the Board and the Division, certain hospitals may be required to pay an annual assessment for deposit into the Account. Uncommitted funds that remain in the Account at the end of a fiscal year are to be reimbursed to each hospital proportionally based on the assessment amount each paid. Finally, the measure revises the allocation and use of certain funding provided by counties and certain hospitals to support indigent care.

The measure is effective on June 11, 2013.

S.B. 453 (Chapter 269)

Senate Bill 453 allows a physician to issue an order for auto-injectable epinephrine to a public or private school for the treatment of anaphylaxis experienced by any student at the school during school hours. The bill further requires each public school, including charter schools, to obtain such an order from a physician and allows a school nurse or other designated employee, who has been properly trained, to possess and administer auto-injectable epinephrine to a student experiencing anaphylaxis.

This measure also requires each public or private school, to the extent feasible, to provide training concerning food allergies to certain employees and to develop a comprehensive action plan for anaphylaxis.

This bill is effective on July 1, 2013.

Services and Facilities

A.B. 93 (Chapter 118)

Assembly Bill 93 requires an applicant for a license, or licensee, of a child care facility to notify the Health Division, Department of Health and Human Services, as soon as practicable but not later than 24 hours after:

- The licensee hires an employee of a child care facility;
- An employee begins residence at a child care facility; or
- An employee begins participation in an outdoor youth program.

This bill is effective on July 1, 2014.

A.B. 109 (Chapter 194)

Assembly Bill 109 sets forth the required qualifications of a licensee or person appointed by the licensee responsible for the daily operations of a child care facility that cares for 12 or more children. In addition, the licensee or person appointed by the licensee is required to apply to the Nevada Registry when initially licensed and upon annual renewal. The bill increases the amount of training required for all employees of a child care facility. Finally, directors approved by the Health Division of the Department of Health and Human Services before the effective date of this bill can obtain a waiver to bypass the requirements until January 1, 2016.

This bill is effective on May 28, 2013.

A.B. 331 (Chapter 25)

Assembly Bill 331 prohibits a provider of health care from requesting certain payment from a patient for any services rendered if the provider of health care fails to submit any claim to the patient's health care plan, under certain circumstances.

This bill is effective and applies only to services rendered pursuant to an agreement entered into on or after October 1, 2013.

A.B. 344 (Chapter 417)

Assembly Bill 344 requires the State Board of Health to adopt a Physician Order for Life-Sustaining Treatment (POLST) form. The bill prescribes who may execute and revoke a POLST form, resolves potential conflicts between the form and other advance directives, and provides similar immunities and protections to health care providers as with other advance directives.

Physicians must explain to a patient the availability of the POLST form and how it differs from an advance directive if: (1) a physician diagnoses a patient with a terminal condition; (2) a patient's life expectancy is less than 5 years; or (3) a patient requests it. Additionally, the bill:

- Prohibits life insurance or health care from being withheld due to an executed POLST form;
- Recognizes POLST forms executed in other states as valid in Nevada;
- Allows a POLST form to be included in the Registry of Advance Directives for Health Care; and
- Allows a patient to apply for a do-not-resuscitate identification card.

A.B. 348 (Chapter 306)

Assembly Bill 348 establishes certain requirements for the governance of a foster care agency, as well as certain requirements for the owners, members, volunteers, and vendors. A foster care agency must report certain information, execute contracts with a foster care provider with whom children are placed, and implement certain provisions for independent living foster homes, among other requirements.

S.B. 40 (Chapter 37)

Senate Bill 40 makes various changes to provisions relating to medical laboratories. The bill removes the requirement that an application for a medical laboratory license be made under oath and instead requires that an application must include proof of identity of the laboratory director. The State Board of Health is required to adopt regulations setting forth acceptable forms of proof of identity that a laboratory director must include in an application.

The Board is also required to adopt regulations concerning the qualifications for certification as an assistant in a medical laboratory. This measure provides that a licensed medical professional may perform a waived test without obtaining certification as an assistant in a medical laboratory.

Senate Bill 40 increases the administrative penalty from \$250 for a first offense and not more than \$500 for a subsequent offense to not more than \$10,000 that the Health Division of the Department of Health and Human Services may impose for a violation of provisions relating to medical laboratories. The Health Division is also authorized to require a person or laboratory to take necessary action to correct the violation.

Finally, the measure clarifies one situation in which a blood test is admissible in a hearing or criminal action by requiring that the blood must be withdrawn by a person, other than an arresting officer, who has completed a course of instruction qualifying him or her to take an examination in phlebotomy administered by the American Medical Technologists or the American Society for Clinical Pathology.

This measure is effective on May 21, 2013, for the purposes of adopting regulations and performing preparatory administrative tasks, and on January 1, 2014, for all other purposes.

S.B. 51 (Chapter 41)

Senate Bill 51 transfers the powers and duties related to the certification and regulation of intermediary service organizations from the Aging and Disability Services Division of the Department of Health and Human Services (DHHS) to the Health Division of DHHS and the State Board of Health, respectively.

The measure excludes a licensed operator of an agency providing personal care services in the home from the requirement of obtaining a certificate to operate an intermediary service organization. Further, the bill authorizes such an agency to provide certain medical services to persons with disabilities through its employees or by contractual arrangement.

The measure is effective on May 21, 2013.

S.B. 86 (Chapter 45)

Senate Bill 86 expands programs providing respite care or relief for informal caretakers to include any person with Alzheimer's disease or other related dementia regardless of the age of the person.

The bill is effective on May 21, 2013.

S.B. 99 (Chapter 323)

Senate Bill 99 requires a child welfare agency to obtain and examine the credit report of a child placed into its custody who reaches the age of 16 years, or within 90 days after placement of a 16-year-old child, and then at least once annually thereafter to identify any inaccuracies in the

credit report. Before obtaining the report, each child must be notified of the agency's requirement to obtain the report, and the agency must inform each child how to resolve inaccuracies on his or her credit report and the possible financial impact if an inaccuracy is left unresolved.

The agency must report any inaccurate information indicating a potential instance of identity theft or other crime to the Attorney General and continue to make a diligent effort to resolve each inaccuracy until corrected. If the child leaves custody of the agency, the agency then is required to notify the child or person responsible for the welfare of the child of any remaining inaccuracies, how to resolve such inaccuracies, and community services available to assist in the resolution. Finally, the Attorney General is authorized to investigate and prosecute the persons responsible for any instances of identity theft.

The measure is effective on July 1, 2013.

S.B. 167 (Chapter 149)

Senate Bill 167 establishes provisions for a hospital to be designated and recognized as a STEMI (ST-Elevation Myocardial Infarction) receiving center by the Health Division of the Department of Health and Human Services. The measure provides that a licensed hospital which is not designated as a STEMI receiving center may not advertise that the hospital is a STEMI receiving center. However, the bill does not prohibit any hospital from providing care to a victim of a heart attack, even if the hospital does not receive such a designation.

The measure is effective on January 1, 2014.

S.B. 362 (Chapter 395)

Senate Bill 362 prescribes certain provisions for health care facilities with more than 70 beds that are located in a county whose population is 100,000 or more (currently Clark and Washoe Counties). Specifically, the bill requires:

- The inclusion of certified nursing assistants (CNAs) on these facilities' staffing committees;
- The creation of documented staffing plans to include the number of CNAs in a unit and protocols to ensure adequate staffing in the event of an emergency;
- The facilities to be staffed in accordance with their plan; and
- The staffing committee to develop written policies governing when a CNA or a licensed nurse may refuse or object to a work assignment.

The measure prohibits a medical facility from retaliating or discriminating against a CNA or licensed nurse who requests to be relieved of, refuses, or objects to a work assignment. This bill also requires the Health Division of the Department of Health and Human Services to adopt necessary regulations to carry out certain provisions of the bill and to ensure general compliance with those provisions. Finally, it allows the Division to enforce the requirements of the measure as part of its existing inspection process.

S.B. 448 (Chapter 267)

Senate Bill 448 authorizes a county or district hospital to establish federally qualified health centers or rural health clinics as provided under federal law. It also instructs the Legislative Committee on Health Care to consider and evaluate methods to promote federally qualified health centers and rural health clinics as part of its review of health care during the upcoming legislative interim and to report its findings to the Legislature.

This bill is effective on July 1, 2013.

S.B. 502 (Chapter 480)

Senate Bill 502 authorizes the Health Division of the Department of Health and Human Services to establish a secure website to allow certain entities to conduct required background investigations using the website, and to charge fees for its use. Information accessible by entities using the website must be limited to that necessary for the background check.

The bill further requires these facilities, agencies, programs, and homes to conduct investigations of their employees, temporary employees, and independent contractors. This measure also exempts individuals from background checks under certain circumstances, and revises the list of crimes that prohibit licensure of covered entities.

The entities added for the purposes of conducting investigations of their employees include:

- An agency that provides personal care services in the home;
- An agency that provides nursing care in the home;
- A facility for intermediate care;
- A skilled nursing facility;
- A hospital;
- A home for individual residential care;
- A facility for adult day care;
- A facility for hospice care; and
- A nursing pool.

This bill is effective on July 1, 2013.

HOUSING AND REAL PROPERTY

A.B. 284 (Chapter 301)

Assembly Bill 284 allows for the early termination of a rental agreement if a tenant, cotenant, or household member is a victim of domestic violence. The bill:

- Establishes notice requirements for an early termination;
- Establishes provisions concerning liability for unpaid rental amounts;
- Requires a landlord to install a new lock onto the dwelling of a victim of domestic violence under certain circumstances; and
- Establishes disclosure limitations to a prospective landlord of an early termination.

The measure establishes the form in which an affidavit submitted by a tenant or cotenant in support of a notice to terminate a rental agreement must be made. Further, the measure prohibits a landlord from taking retaliatory action against a tenant who terminates an agreement because he or she is a victim of domestic violence.

This bill is effective on July 1, 2013.

A.B. 404 (Chapter 539)

Assembly Bill 404 revises certain exemptions from the requirements governing time shares and the regulation of time-share sales agents. The bill also makes changes to provisions governing the public offering of a time-share project and amendments to a time-share development plan. It increases various application and other fees collected by the Real Estate Division, Department of Business and Industry, relating to time shares. Finally, A.B. 404 makes additional revisions to the provisions governing the issuance of licenses or permits required to sell time-shares and to the regulation of advertising of time shares.

This bill is effective on July 1, 2013.

S.B. 122 (Chapter 75)

Senate Bill 122 increases the number of commissioners of a regional housing authority from 9 to 13, and it provides that 4 of the commissioners must represent tenants and be appointed, respectively, by the governing bodies of the three largest cities in the county. The fourth representative is to be appointed by Clark County. The bill also staggers the terms of the newly appointed tenant representatives so that their terms will not expire at the same time.

Provisions related to establishing staggered terms are effective on May 23, 2013. The remaining provisions of the bill are effective on July 1, 2013.

S.B. 383 (Chapter 334)

Senate Bill 383 revises provisions governing time shares. The measure requires a developer of a time share to file a public offering statement with the Real Estate Division of the Department of Business and Industry as part of the permit application process. The measure specifies the

disclosures and other information that must be included in the public offering statement. The measure also provides that before a contract for a time share is signed by the parties, the developer or his or her agents must provide a copy of the approved public offering statement, and an addendum covering any amendments submitted for approval, to the prospective purchaser.

S.B. 389 (Chapter 465)

Senate Bill 389 provides that the owner of a single-family dwelling which is subject to a mortgage or deed of trust may submit a written request to the servicer of the mortgage for a certified copy of the note, the mortgage, or deed of trust and each assignment. If the servicer does not provide the requested documents within 30 days of receipt or if the documents indicate that the mortgagee or beneficiary of the deed of trust does not have a recorded interest in or a lien on the single-family dwelling, the owner may report the servicer and the mortgagee or beneficiary to the Division of Mortgage Lending or the Division of Financial Institutions, in the Department of Business and Industry, as appropriate. The bill authorizes the Divisions to take whatever actions they deem necessary and proper, including enforcing any applicable laws or regulations or adopting additional regulations.

This bill is effective on June 10, 2013.

S.B. 493 (Chapter 400)

Senate Bill 493 revises provisions governing loans secured by a lien on real property in which investors hold the beneficial interests. The bill authorizes the holders of 51 percent or more of the ownership interest in the real property previously securing the loan to act on behalf of all of the holders of the ownership interests of record. The measure:

- Revises provisions concerning actions authorized to be taken by the holders of 51 percent or more of the balance of a loan or ownership interest in a property;
- Requires certain notification to be provided to each owner and beneficial interest holder; and
- Provides for the disposition of the minority beneficial interests in the event of foreclosure or receipt of a deed in lieu of foreclosure in which multiple holders have an interest.

The bill also revises provisions governing the reconveyance of a deed of trust. The measure establishes a procedure by which a trustor or successor in interest of the trustor may cause the trustee to reconvey the deed of trust. Finally, S.B. 493 defines the circumstances in which a purchaser of an estate or interest in real property is considered bona fide, and provides that certain conveyances are not deemed fraudulent behavior in favor of a bona fide purchaser unless the subsequent purchaser had actual knowledge, constructive notice, or reasonable cause to know of any intended fraud.

This bill is effective on July 1, 2013.

Common-Interest Communities (Homeowners' Associations)

A.B. 44 (Chapter 288)

Assembly Bill 44 prohibits a homeowners' association from regulating the manner in which containers for collection of solid waste or recyclables are stored on the premises of a residential unit with curbside service, except as provided in the bill itself. This measure authorizes a homeowners' association to adopt reasonable rules regarding the location, screening, and storage of containers when the containers are not in the collection area, and the conditions under which containers may be placed in the collection area. The measure allows such rules to require the storage of containers in the rear or side yard of a unit, if such locations exist.

Assembly Bill 44 requires any rules adopted by the association to allow the storage of containers outdoors and to comply with all applicable codes and regulations.

A.B. 370 (Chapter 418)

Assembly Bill 370 revises the procedures for resolving disputes over the application, enforcement, or interpretation of the governing documents of a common-interest community. The bill requires disputes to be submitted to mediation prior to commencement of civil action in court or, if the parties agree, to a referee program that may be established by the Real Estate Division, Department of Business and Industry.

Assembly Bill 370 requires the parties in a mediation to file written statements setting forth the issues in dispute, requires mediation to be completed within three hours unless the parties agree to extend the time, and establishes maximum fees that may be charged for mediation. The measure also authorizes the parties to enter into binding or nonbinding arbitration if the parties do not reach an agreement through mediation or a referee program.

A.B. 395 (Chapter 437)

Assembly Bill 395 prohibits a person associated with a common-interest community from willfully and without legal authority harassing, threatening, or engaging in a course of conduct against other persons associated with the community, if that conduct causes harm or serious emotional distress or the reasonable apprehension thereof, or creates a hostile environment for the other person. The prohibition applies to a community manager; an agent or employee of a community manager; a member of the executive board; an agent, employee, or officer of a homeowners' association; a unit's owner; and a guest or tenant of a unit's owner.

The bill provides that a person who violates this prohibition is guilty of a misdemeanor.

S.B. 130 (Chapter 77)

Senate Bill 130 requires the written notice from a homeowners' association concerning an alleged violation to include:

- Specific details of the alleged violation;

- A proposed solution to remedy the alleged violation; and
- A clear and detailed photograph of the alleged violation, under certain circumstances.

In addition, the measure provides that the person charged with the alleged violation must be provided a reasonable opportunity to resolve the alleged violation or to contest the alleged violation at a hearing.

This measure is effective on January 1, 2014.

S.B. 280 (Chapter 552)

Senate Bill 280 prohibits a homeowner's association from taking any action to collect a past due obligation from the owner of a unit in a common-interest community unless, not earlier than 60 days after an obligation becomes past due, the association mails to the unit's owner:

- A schedule of the fees that may be charged if the unit's owner fails to pay the past due obligation;
- A proposed repayment plan; and
- A notice of the right to contest the past due obligation at a hearing before the association's executive board and the procedures for requesting such a hearing.

This measure also authorizes the holder of the first security interest to establish an escrow or impound account for payment of homeowner's association assessments, with the consent of the unit's owner, and it authorizes a unit's owner or the holder of a security interest on the unit to request a statement of demand from the association to facilitate the sale of a unit.

Foreclosure

A.B. 273 (Chapter 536)

Assembly Bill 273 requires the trustee of a deed of trust to provide certain information to the borrower before exercising the power of sale on owner-occupied housing. The trustee must provide certain information and the notice for the Foreclosure Mediation Program both with the notice of default and election to sell ("NOD") and separately from the NOD. Assembly Bill 273 also revises the notice, informing the borrower that he or she will be enrolled in mediation if the borrower pays his or her share of the mediation fee.

If the borrower elects not to waive mediation and pays his or her share of the mediation fee within 30 days, the Mediation Administrator must notify the trustee and assign the matter to a mediator, and no further action to exercise the power of sale is allowed until the mediation is complete. If the property is located within a common-interest community, the measure prohibits a homeowners' association from foreclosing the association's lien on owner-occupied housing for which the lender has recorded a NOD and the trustee has not notified the

Mediation Administrator that no mediation is required or that mediation has been completed. The measure requires a unit's owner to continue to pay any obligation, other than a past due obligation during mediation. In addition, the bill requires the trustee to provide notice of compliance with the Foreclosure Mediation program to a homeowner's association.

Finally, the bill makes a \$100 appropriation from the State General Fund to the Account for Foreclosure Mediation.

Provisions concerning the appropriation are effective on July 1, 2013. The remainder of the bill is effective on October 1, 2013, and applies only to trust agreements for which a notice of default and election to sell is recorded on or after that date.

A.B. 300 (Chapter 302)

Assembly Bill 300 revises the information that must be included in the affidavit of authority to exercise the power of sale on a deed of trust. The bill requires the information in the affidavit to be based upon the direct, personal knowledge of the affiant, or personal knowledge acquired by a review of the business records of the beneficiary, the beneficiary's successor in interest, or the servicer of the obligations or debt secured by the deed. Among other information, the bill requires the affidavit to include a local or toll-free telephone number the borrower may call to receive information relating to the most current amounts due and a recitation of the information contained in the affidavit. Finally, the measure provides that the power of sale may not be exercised until the trustee has been instructed to exercise the power of sale.

This measure is effective on June 1, 2013.

S.B. 278 (Chapter 330)

Senate Bill 278 provides criteria for determining if residential property has been abandoned and establishes an expedited procedure for the exercise of a power of sale for such property.

If a beneficiary of a deed of trust has a reasonable belief that the residential property may be abandoned, the measure authorizes the beneficiary or its agent to enter the property, but not any dwelling or structure, without being liable for trespassing, to investigate. In addition, the measure requires each board of county commissioners and each governing body of an incorporated city to designate an agency or contractor to inspect real property upon request and to provide notice and certification if the real property is abandoned. The measure authorizes a fee of not more than \$300 for an inspection, service of notice, and certification.

The measure provides that if it is determined the real property is abandoned, the agency or contractor shall serve a notice by first-class mail to the debtor and post the notice on the front door of the residence. The notice must provide that unless a lawful occupant contacts the agency or contractor within 30 days, the agency or contractor will issue a certification that the property is abandoned, and the beneficiary may use the certification to seek an expedited procedure for the exercise of the trustee's power of sale.

A beneficiary who elects to use the expedited procedure must include with the notice of default a signed affidavit supporting the certification of abandonment. The measure authorizes a notice of sale to be recorded not less than 60 days, rather than three months, after the recording of the notice of default, and provides that the Foreclosure Mediation Program does not apply. If the trustee's sale of the abandoned residential property is not conducted within six months after the beneficiary received the certification, the notice of default, the affidavit, and the certification are deemed to be withdrawn, and the beneficiary is liable to the debtor for a civil penalty of not more than \$500.

S.B. 321 (Chapter 403)

Senate Bill 321 requires the lender of a residential mortgage loan to notify the borrower about foreclosure prevention alternatives at least 30 days before recording a notice of default (NOD). The lender must also contact the borrower, or make a good faith effort to do so, before recording a NOD, to explore options to avoid a foreclosure sale and must provide the borrower with information on foreclosure prevention alternatives not later than five business days after recording a NOD.

Senate Bill 321 requires a lender to acknowledge an application for a foreclosure prevention alternative within 5 business days of receipt, allow a borrower 30 days to correct an incomplete application, and provide a single point of contact for the borrower. If the borrower submits an application for a foreclosure prevention alternative, the bill prohibits the lender from recording a NOD during the period in which the application is being processed—the practice known as “dual-tracking”—and requires the servicer to submit an offer or a denial to the borrower within 30 days.

This bill also requires a mortgage servicer to withdraw a NOD if the borrower accepts a permanent foreclosure prevention alternative, if the notice of sale is not recorded within nine months after the NOD is recorded, or if the foreclosure sale is not conducted within 90 days after a notice of sale is recorded, unless those periods are tolled.

Senate Bill 321 also imposes all these requirements on an action to foreclose on a real mortgage in court and, for owner-occupied housing, makes a judicial foreclosure action subject to the Foreclosure Mediation Program.

This measure is effective on October 1, 2013, and applies to foreclosures for which a NOD is recorded or judicial action commenced on or after the effective date.

Manufactured Homes and Mobile Home Parks

A.B. 23 (Chapter 104)

Assembly Bill 23 clarifies that a provider of services related to the sale, installation, and occupancy of a manufactured home includes any person who provides such a service, regardless of whether the manufactured home is new or used.

This bill is effective on May 24, 2013.

S.B. 29 (Chapter 35)

Senate Bill 29 allows the Administrator of the Manufactured Housing Division of the Department of Business and Industry to waive the eligibility requirements for assistance from the Fund for Low-Income Owners of Manufactured Homes if the applicant demonstrates that his or her circumstances warrant such a waiver.

This measure is effective on May 21, 2013.

S.B. 154 (Chapter 82)

Senate Bill 154 requires the landlord of a manufactured home park to maintain, in good working order, any utility service apparatus located on each manufactured home lot, up to the disconnection point. A landlord is not required to maintain any such apparatus that has been damaged by the tenant of the lot. The measure requires that any maintenance to a utility service apparatus be performed by a person who is properly licensed.

This measure is effective on May 23, 2013.

INSURANCE

A.B. 120 (Chapter 123)

Assembly Bill 120 requires the Division of Insurance, Department of Business and Industry, to post on its website a list of companies that do not use an insurance score for the purposes of rating an applicant or calculating the premium for a policy of insurance for a passenger car or homeowner's insurance.

A.B. 213 (Chapter 456)

Assembly Bill 213 allows a service contract provider to qualify for the issuance of a certificate of registration by maintaining a reserve account that meets minimum requirements and by depositing security with the Commissioner of Insurance.

This bill is effective on January 1, 2014.

A.B. 226 (Chapter 458)

Assembly Bill 226 requires an issuer of policies of life insurance, annuities, benefit contracts, and retained asset accounts to perform a comparison, on at least a semiannual basis, of the names on the Death Master File of the Social Security Administration with the names of its insureds to identify potential matches. If a match is identified, the insurer is required to make a reasonable effort to confirm the death of the insured, annuity holder, or retained asset account holder, and determine whether death benefits are due under the terms of the policy or contract. The bill requires an insurer to make a reasonable effort to locate each beneficiary and provide that individual with the appropriate claim forms and instructions for making a claim.

This bill is effective on July 1, 2014.

A.B. 322 (Chapter 144)

Assembly Bill 322 removes the term "private" from the phrase "passenger car" for purposes of providing certain materials concerning personal injury claims under a policy of motor vehicle insurance.

A.B. 425 (Chapter 541)

Assembly Bill 425 makes various changes to the Nevada Insurance Code for the purposes of implementing certain provisions of federal law. It establishes a regulatory structure for exchange enrollment facilitators who will be certified by the Commissioner of Insurance and appointed as navigators or assisters by the Silver State Health Insurance Exchange.

This bill fulfills certain requirements related to implementation of a State-based health insurance exchange pursuant to the federal Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Public Law 111-152.

The provisions of the bill related to the regulation of exchange enrollment facilitators are effective on June 12, 2013. The provisions of the bill revising statutes to conform with federal law are effective on June 12, 2013, for the purpose of adopting regulations, and on January 1, 2014, for all other purposes.

A.B. 435 (Chapter 511)

Assembly Bill 435 makes changes to the assessment to fund the Special Investigative Account and revises requirements related to assuming reinsurance. The bill allows the Commissioner of Insurance to exempt certain domestic insurers and prepaid limited health service organizations from risk-based capital reports. It also makes changes to the Nevada Life and Health Insurance Guaranty Association by specifying that the Association is not required to cover certain policies and contracts related to Medicare or to revise the amounts of certain benefits.

Assembly Bill 435 removes the State's prospective opt out from uniform standards related to the regulation of long-term care insurance products. The measure also enacts provisions related to the corporate governance and investments of domestic insurers and makes changes to how insurers can be acquired. It modifies the information required to be submitted to the Commissioner related to an insurer's financial condition and corporate governance, and it revises provisions governing affiliate transactions.

The measure authorizes the Commissioner to approve a person who is not an insurer, a reinsurer, or a captive insurer as a sponsor of a captive insurer.

Assembly Bill 435 authorizes the Commissioner to convene a forum for communication and cooperation between regulators. The bill modifies the Commissioner's authority to examine an insurer and the method used to determine whether a dividend or distribution may be paid without the Commissioner's approval.

A.B. 437 (Chapter 216)

Assembly Bill 437 authorizes a title insurer to provide a closing protection letter to any party in a real estate transaction, not only the party purchasing title insurance. The bill restricts the acts or omissions that may affect the status of the title or the validity of the lien on the mortgage for the real estate subject to the transaction. A title insurer is restricted from providing indemnification for the type provided by the closing protection letter in any other manner. Additionally, A.B. 437 provides that a closing protection letter may indemnify the party to whom it is issued from acts or omissions by a person employed or approved by the title insurer to perform closing or settlement services.

S.B. 114 (Chapter 73)

Senate Bill 114 provides that a rate filing made by an insurer or rate service organization must include a proposed effective date for those rates and be filed with the Commissioner of Insurance not less than 30 days before the proposed effective date of those rates. A filing for a proposed rate increase or decrease may include a request that the Commissioner authorize an earlier effective date than the date proposed. If within 15 days after a proposal is filed the Commissioner determines that the proposal is incomplete, the Commissioner must notify

the insurer or rate service organization of that determination. The bill changes from 60 to 30 the number of days within which the Commissioner must approve or disapprove a proposed rate change after determining the proposal is complete. If the proposal is not approved, the Commissioner must submit a written notice to the insurer or rate service organization of the disapproval within that same 30-day period and provide the reasons why the proposal was disapproved. The insurer or rate service organization may, within 30 days of receiving a notice of disapproval, request a reconsideration of the proposal. The Commissioner must approve or disapprove the reconsidered proposal not later than 30 days after receipt of the request for reconsideration.

S.B. 266 (Chapter 375)

Senate Bill 266 prohibits each health care plan and insurance policy, other than the State Plan for Medicaid, that provides coverage for both chemotherapy administered intravenously or by injection and orally administered chemotherapy from making the monetary limits of coverage to the insured for orally administered chemotherapy different than other types of chemotherapy.

A health care plan or insurance policy is prohibited from requiring a copayment, deductible, or coinsurance amount for orally administered chemotherapy in a combined amount that is more than \$100 per prescription. A health care plan or insurance policy is further prohibited from meeting this requirement by increasing the costs of the other types of chemotherapy or by decreasing the monetary limits for chemotherapy under the policy or plan.

Senate Bill 266 is effective on October 1, 2013, and it applies prospectively to any insurance policy or health care plan delivered, issued for delivery, or renewed on or after January 1, 2015.

S.B. 318 (Chapter 183)

Senate Bill 318 requires the Nevada Commissioner of Insurance to conduct a study of claims, coverage, and payments under dental and health insurance policies. The Commissioner is required to present the study results to the Legislative Committee on Health Care on or before June 1, 2014.

This bill is effective on July 1, 2013.

S.B. 496 (Chapter 280)

Senate Bill 496 requires that an insurer file a portable electronics insurance policy form, including any certificate of coverage, with the Commissioner of Insurance before the insurer uses the form. However, any printed brochures or other written material made available to a prospective customer by a portable electronics vendor need not be filed with or approved by the Commissioner.

The bill allows an insurer who issues a portable electronics insurance policy to change a term or condition of the policy more than once in a six-month period. The measure also provides that an insurer who provides portable electronics insurance is deemed to have received the

payment of a premium when an enrolled customer makes a payment to the vendor. Additionally, S.B. 496 reduces from 15 days to 10 days the period within which an insurer must notify a vendor and an enrolled customer of its intent to terminate coverage after discovering fraud or material misrepresentation by the customer. Finally, the bill allows an insurer to immediately terminate coverage if the customer fails to pay a premium.

S.B. 497 (Chapter 272)

Senate Bill 497 prohibits a dental care plan from requiring a dentist to accept a fee set by the plan for any services other than services covered in the plan. In addition, a dental care organization or third-party administrator is prohibited from making available any dentists in its network to a dental care plan that sets fees for any dental care except covered services. The measure also requires a dentist to charge a patient the same fee for a covered service when reimbursement is not available as the dentist would have charged the patient pursuant to the terms of the policy if the benefit provided for the calendar year under the terms of the policy had not been exceeded.

This bill is effective on May 29, 2013.

Workers' Compensation

A.B. 90 (Chapter 117)

Assembly Bill 90 allows any person employed by an injured worker's labor organization, whether full-time or part-time, and who is not an independent contractor, to represent an individual before a hearing officer or in negotiations, settlements, hearings, or other meetings with an insurer concerning a claim.

A.B. 206 (Chapter 26)

Assembly Bill 206 requires that volunteer members of a search and rescue operation, acting under the direction of a sheriff in the conduct of any search and rescue operation, be covered at a deemed wage of \$2,000 per month for the purposes of receiving industrial insurance benefits.

This bill is effective on May 21, 2013.

S.B. 479 (Chapter 449)

Senate Bill 479 authorizes an insurer to carry forward credits against the premium tax paid for its policies of industrial insurance. The credits do not expire and may be carried forward into subsequent years until entirely used.

This bill is effective on July 1, 2013.

LABOR AND MANAGEMENT

A.B. 11 (Chapter 101)

Assembly Bill 11 narrows the scope of written reports required to be filed with the Division of Industrial Relations, Department of Business and Industry, by insurers concerning claims for certain occupational diseases by requiring that only claims made by firefighters, police officers, arson investigators, or emergency medical attendants are required to be reported.

This bill is effective on May 24, 2013.

A.B. 12 (Chapter 13)

Assembly Bill 12 removes a provision requiring an employee to provide notice to his or her employer before filing a complaint with the Division of Industrial Relations of the Department of Business and Industry regarding retaliatory action by the employer.

This bill is effective on May 18, 2013.

A.B. 181 (Chapter 548)

Assembly Bill 181 prohibits an employer from conditioning employment on a consumer credit report or other credit information. However, the bill provides certain exceptions to the prohibition, including, without limitation, an exception for circumstances in which the information is reasonably related to the position of employment. The measure establishes civil remedies available to a person affected by a violation committed by an employer. Further, the Labor Commissioner is authorized to impose an administrative penalty against an employer for each violation and to bring a civil action against the employer.

The measure makes it unlawful for an employer to require an employee or prospective employee to disclose a user name, password, or any other information that provides access to the person's social media account. It also prohibits an employer from discharging, disciplining, or discriminating against an employee or prospective employee who refuses to disclose this information. However, these provisions shall not prevent an employer from complying with any State or federal law or regulation or with any rule of a self-regulatory organization.

The bill expressly allows an employer to require disclosure of such information for the purpose of accessing the employer's own internal computer or information system.

A.B. 185 (Chapter 132)

Assembly Bill 185 allows the Labor Commissioner to enter into a memorandum of understanding with the Wage and Hour Division of the United States Department of Labor to promote compliance with labor laws of common concern.

S.B. 127 (Chapter 76)

Senate Bill 127 prohibits an employer from conditioning the employment of an employee or prospective employee on the person's consumer credit report or other credit information unless the information contained in the report or other credit information is reasonably related to the position of employment.

The measure establishes civil remedies available to a person affected by a violation committed by an employer. Further, the Labor Commissioner is authorized to impose an administrative penalty against an employer for each violation and to bring a civil action against the employer.

S.B. 208 (Chapter 371)

Senate Bill 208 expands the definition of "police officer" to include court bailiffs and deputy marshals of a district court or justice court. As a result, this bill makes applicable to court bailiffs and deputy marshals in district courts and justice courts certain provisions concerning:

- Coverage for industrial insurance;
- Exemption from service as grand or trial jurors;
- Compensation for police officers with temporary disabilities; and
- Certain programs for group insurance or other medical or hospital service for the surviving spouse or any child of police officers and firefighters.

S.B. 506 (Chapter 275)

Senate Bill 506 repeals an obsolete provision of *Nevada Revised Statutes* that excludes from the definition of "unlawful employment practice" any action or measure taken by an employer or certain other entities against a person who is a member of the Communist Party or any other organization required to register as a Communist organization by final order of the Subversive Activities Control Board pursuant to the Subversive Activities Control Act of 1950.

Unemployment

A.B. 482 (Chapter 367)

Assembly Bill 482 creates the Interest Repayment Fund as a special revenue fund to be used for payment of interest on advances made by the federal government to Nevada's Unemployment Compensation Fund. The bill requires the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to establish an assessment to be paid proportionately by certain employers that are subject to the provisions governing unemployment compensation. Money collected from this assessment will be deposited into the Interest Repayment Fund.

If the Administrator determines that the assessment is no longer necessary, he or she will notify the relevant employers and stop accepting payments. Any money remaining in the Interest Repayment Fund must be deposited into the Unemployment Compensation Fund after the payment of all interest payable on the advances from the federal government and after the Administrator determines that no further payments are anticipated.

This bill is effective on June 2, 2013.

S.B. 35 (Chapter 36)

Senate Bill 35 requires the Administrator of the Employment Security Division, Department of Employment, Training and Rehabilitation, to charge to an employer against whom a civil action is brought a fee to defray the cost for recording, copying, or certifying documents in such actions. The fee must be charged to the employer in accordance with fees charged by county recorders for such services and be paid into the Unemployment Compensation Administration Fund.

This measure eliminates obsolete references in the *Nevada Revised Statutes* to the Unemployment Compensation Service and the State Employment Service as administrative subdivisions within the Division.

This measure is effective on May 21, 2013.

S.B. 36 (Chapter 369)

Senate Bill 36 establishes provisions to collect money owed for the repayment of fraudulently obtained benefits or to recover amounts owed to the Employment Security Division of the Department of Employment, Training and Rehabilitation by persons who commit unemployment insurance fraud. The bill also establishes a method for the Division to collect fraudulently obtained benefits by attaching a person's paycheck if the person is not making a reasonable effort to make restitution to the Nevada Unemployment Trust Fund in monthly payments or in a lump sum remittance.

The measure prohibits relieving an employer's account for benefits improperly paid if he or she fails to provide all relevant facts or respond timely to a request for separation information. Finally, the bill provides that if a transferring employer is liable to the Division for unpaid contributions, interest, or forfeits, a percentage of that liability must also be transferred to the successor employer.

This bill is effective on June 2, 2013.

S.B. 515 (Chapter 450)

Senate Bill 515 authorizes the State Board of Finance, if requested by the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation, to issue special obligations bonds to:

- Repay federal advances relating to unemployment compensation;
- Create adequate balances in this State's account in the Unemployment Trust Fund of the United States Treasury; and
- Defray various expenses connected with the issuance and administration of the bonds.

The bill establishes various security provisions that purchasers of the bonds may rely on to ensure their repayment, procedures to govern the payment of bond-related obligations, and the purposes for which the money may be used. Additionally, the measure requires all employers who make unemployment compensation contributions to the State Treasury to also pay the special bond contributions until all outstanding bonds relating to the State's indebtedness to the federal government have been retired.

This bill is effective on June 10, 2013.

LEGISLATURE

A.B. 255 (Chapter 198)

Assembly Bill 255 requires the Legislative Auditor to conduct an audit concerning the use by the Department of Health and Human Services (DHHS) of certain assessments paid by counties. The assessments received by DHHS that are subject to the audit relate to services provided by the Health Division or the State Health Officer; activities of the Youth Parole Bureau and for certain facilities for the detention of children; and child protective services. A final written report must be submitted by the Legislative Auditor to the Audit Subcommittee of the Legislative Commission by January 31, 2015.

This bill is effective on May 28, 2013.

A.B. 350 (Chapter 30)

Assembly Bill 350 provides that a requirement to submit a report to the Legislature will expire by limitation after five years, unless the legislation with the reporting requirement contains a justification of the need for, or usefulness of, a longer reporting period.

The measure directs the Legislative Commission to review existing statutory requirements for reports to the Legislature that have been in existence for four years or more to determine whether the reporting requirements should be repealed, revised, or continued.

For the 2013–2014 Interim, the Legislative Commission shall review legislation enacted in the 2007, 2009, and 2011 Sessions. Based on its review using the criteria in A.B. 350, the Legislative Commission shall submit a report to the Legislature by January 15, 2015, with recommendations on the continuation, revision, or repeal of reporting requirements enacted in the past three sessions.

The bill is effective on July 1, 2013.

A.B. 412 (Chapter 509)

Assembly Bill 412 modifies the presession training for new legislators to address upcoming policy issues, requires written notification of the training to candidates, and allows for alternate means of recording and completing training sessions.

With respect to bill draft requests (BDRs), the measure reduces the number that may be requested by legislators and moves the first deadline for submitting BDRs from September 1 to August 1 of an even-numbered year. Deadlines for submittal of details for drafting are also moved to be consistent with these changes in the request deadlines and, in the case of interim committees and studies, the detail deadline is moved to November 1 prior to a session year.

The formula for distributing BDRs to standing committee chairs is modified to reduce the number of BDRs, and the allocation of BDRs to the Legislative Commission is reduced from 15 to 10. The BDRs allocated to the Governor and Executive Branch are increased from 100 to 110, and the requests must be submitted by August 1 preceding the regular session.

The number of BDRs allocated to other constitutional officers are also increased. A new category is created for cities with a population between 150,000 and 500,000 (currently Henderson, North Las Vegas, and Reno), and these cities are allocated two BDRs.

Finally, the allocations to mental health consortia and interagency child welfare committees are eliminated.

The bill is effective on June 11, 2013.

A.B. 444 (Chapter 469)

Assembly Bill 444 requires the Legislative Auditor to conduct an audit of the fiscal costs of the death penalty. The Legislative Auditor must present a final written audit to the Audit Subcommittee of the Legislative Commission no later than January 31, 2015.

The bill is effective on June 10, 2013.

A.B. 499 (Chapter 553)

Assembly Bill 499 corrects various errors in the *Nevada Revised Statutes* and the *Statutes of Nevada*.

This measure is effective on June 13, 2013.

A.B. 509 (Chapter 550)

Assembly Bill 509 adds references to the newly granted power of the Nevada Legislature to call special sessions under the provisions in Article 4, Section 2A of the *Nevada Constitution*. The measure updates and consolidates provisions related to the investigative powers of the Legislature and its interim and session committees, including the power to issue subpoenas. Finally, various redundant provisions are repealed.

The bill is effective on June 13, 2013.

A.B. 512 (Chapter 545)

Assembly Bill 512 makes technical corrections to bills previously passed during the 77th Legislative Session. The corrections are necessary to avoid conflicts between bills and to adjust effective dates as necessary and appropriate.

This measure is effective on June 12, 2013.

S.B. 105 (Chapter 71)

Senate Bill 105 enacts the Uniform Electronic Legal Material Act to provide for the authentication, preservation, and security of an electronic record of certain legal materials. The measure defines legal materials as the *Nevada Constitution*, the *Statutes of Nevada*, the *Nevada Revised Statutes*, and the *Nevada Administrative Code*. The measure defines the official publisher of these documents as the Legislative Counsel Bureau.

This bill is effective on January 1, 2014.

S.B. 178 (Chapter 150)

Senate Bill 178 authorizes the Nevada Silver Haired Legislative Forum to request for each regular session one legislative measure relating to matters within the scope of the Forum.

S.B. 187 (Chapter 4)

Senate Bill 187 revises the eligibility provisions concerning service on the Nevada Youth Legislature by limiting two-year term appointments to students in grades 9, 10, or 11. Students in grade 12 are eligible to be appointed to complete an unexpired term of one year or less created by a vacancy. The measure clarifies the term of office begins on the first school year following their appointment, and it shifts the appointment deadline from March 30 of each year to April 30 of each odd-numbered year. Finally, the bill specifies that a position becomes vacant if a student ceases to attend or graduates from high school. For a homeschooled member, a vacancy is created if the student completes a plan of instruction for grade 12 or ceases to receive instruction.

The measure is effective on March 29, 2013.

S.B. 405 (Chapter 337)

Senate Bill 405 eliminates the requirement that state agencies, district or juvenile courts, and local governments submit to the Legislature certain reports that have become obsolete or are redundant. The Director of the Legislative Counsel Bureau shall develop criteria for the elimination or revision of other obsolete or redundant reports, including consideration of the length of time the report has been required and the availability of the information from other sources. Each biennium, the Director shall recommend to the Legislative Commission reports for elimination or revision.

S.J.R. 8 (File No. 53)

Senate Joint Resolution No. 8 proposes to amend the *Nevada Constitution* to provide for annual regular legislative sessions, limited in odd-numbered years to not more than 90 legislative days within 120 calendar days and in even-numbered years to not more than 30 legislative days within 45 calendar days.

The measure proposes to remove the current constitutional provisions that limit payment of legislator salaries to the first 60 days of a regular session and the first 20 days of a special session, and proposes instead that legislators be compensated at regular intervals as set by law. The measure also proposes to remove the restriction of \$60 per session for office expenses, such as postage and stationery, and to appropriate funds for actual expenses that members may incur for each legislative session.

If approved in identical form during the 2015 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval at the 2016 General Election.

Legislative and Other Studies Directed by the Legislature

A.B. 227 (Chapter 299)

Assembly Bill 227 creates the Nevada Land Management Task Force consisting of 17 members appointed by the State's county commissions. Administrative support will be provided by the county commissions, in conjunction with the Nevada Association of Counties. The Task Force will meet during the 2013-2014 Interim to report on matters relating to the transfer of federal lands to the State, including:

- The identification of lands to be transferred by the federal government;
- A proposed plan for the administration and management of transferred federal lands; and
- An economic analysis and possible revenue impacts of transferred federal lands.

The Task Force must submit its findings and recommendations to the Legislative Committee on Public Lands no later than September 1, 2014, for inclusion in the Committee's final report.

The bill is effective on June 1, 2013, and expires on June 30, 2015.

A.B. 383 (Chapter 208)

Assembly Bill 383 requires the Audit Division of the Legislative Counsel Bureau to perform an audit of a board or a commission being reviewed by the Sunset Subcommittee of the Legislative Commission, if both the Sunset Subcommittee and the Legislative Commission recommend an audit. The Legislative Auditor shall not perform more than four such audits during a legislative interim.

The measure specifies that the three members of the Sunset Subcommittee who are appointed from the general public are nonvoting members, and the other six members are voting members. The number of boards or commissions that must be reviewed each interim is reduced from not less than 20 to not less than 10.

This measure is effective on May 28, 2013.

S.B. 264 (Chapter 92)

Senate Bill 264 requires the Advisory Commission on the Administration of Justice to include the following items relating to overcriminalization on an agenda for discussion:

- A review of all criminal sentences;
- A review of all criminal offenses, which may be duplicative or sanction the same or similar behavior;

- An evaluation of the reclassification of certain misdemeanor offenses to determine whether jail time is necessary and whether such offenses may be more appropriately classified as civil violations; and
- An evaluation of certain felony offenses to determine whether misdemeanor punishment may be more appropriate given the disparate impacts a felony conviction may carry. The measure provides that the Commission shall consider the lasting harm caused by the unlawful act, the blameworthiness accompanying the offense, and the impact on future public safety.

This measure is effective on July 1, 2013.

S.B. 318 (Chapter 183)

Senate Bill 318 requires the Nevada Commissioner of Insurance to conduct a study of claims, coverage, and payments under dental and health insurance policies. The Commissioner is required to present the study results to the Legislative Committee on Health Care on or before June 1, 2014.

This bill is effective on July 1, 2013.

S.B. 391 (Chapter 494)

Senate Bill 391 requires the Legislative Commission to appoint a six-member committee to study methods of governance and financing for Nevada community colleges. Members are appointed by legislative leadership of majority and minority parties of both houses. The bill provides a legislative declaration concerning the importance of community colleges to the State's economic development efforts; their presence in underserved rural communities; and their responsive nature to needs of employers and the surrounding communities within their service areas. The legislative committee is required to appoint at least two subcommittees to assist with the study. The Subcommittee on Governance and Funding consists of representatives of local government, the Board of Regents, K-12 public education, and legislators from the committee. The Subcommittee on Academics and Workforce Alignment consists of representatives of business and economic development sectors, including rural representation; the Board of Regents; the Department of Employment, Training and Rehabilitation; and legislators from the committee.

The measure sets forth the scope of review of the committee, including the option of shifting the administration of the system to another governmental entity, and if it is deemed advisable to do so, the committee is required to identify the best method of making such a transfer. Should such a transfer be deemed to be inadvisable, the measure calls for a review of other options for improving the governance structure and funding methods for Nevada's community colleges.

The bill is effective on July 1, 2013.

S.B. 395 (Chapter 467)

Senate Bill 395 requires the Advisory Commission on the Administration of Justice to identify and study the provisions of existing law imposing or authorizing a collateral consequence of conviction and any provisions of existing law allowing relief from those collateral consequences. The measure authorizes the Commission to rely on related findings from a study of Nevada's collateral consequences prepared by the National Institute of Justice and requires posting on the Commission's website a hyperlink to any such study.

S.B. 425 (Chapter 498)

Senate Bill 425 requires the Nevada Gaming Commission to study and review issues related to offering rebates on pari-mutuel wagers. If the Commission determines that it is in the best interests of Nevada and licensed gaming in Nevada to exempt certain bets, refunds, rebates, payoffs, or bonuses from the existing statute prohibiting them, it must adopt regulations to that effect by April 1, 2014. If, following its study and review, the Commission finds that such an exemption is not in the best interests of Nevada and licensed gaming in Nevada, it must report its findings at the next regularly scheduled meeting of the Legislative Commission.

This bill is effective on June 11, 2013.

S.B. 500 (Chapter 500)

Senate Bill 500 creates a 15-member Task Force on K-12 Public Education Funding, and it sets forth the goal of the Nevada Legislature to equitably fund public education and to base its funding formula on the individual educational needs and demographic characteristics of its pupils. Those characteristics include, among other factors, pupils with disabilities, pupils from low-income families, and pupils who have limited proficiency in the English language. The composition of the Task Force consists of key stakeholders, including the Superintendent of Public Instruction, representatives from the school boards association, the school superintendents association, teachers, parents, and legislators. To the extent possible, the appointing authorities will coordinate their selections to represent the geographic and ethnic diversity of the State. The Task Force will be staffed by the Legislative Counsel Bureau. The measure sets forth the duties of the Task Force to:

- Review the 2012 report titled "Study of a New Method of Funding for Public Schools in Nevada";
- Survey weighted funding formulas used by other states;
- Develop a plan to implement a weighted formula in Nevada; and
- Provide recommendations to the next session of the Legislature.

The bill also authorizes the appointment of subcommittees and requires the Chair of the Task Force to appoint a technical advisory committee of school district personnel with knowledge, experience, or expertise in the area of K-12 public school finance. The Task Force must

complete its work and provide sufficient detail to ensure the weighted formula will be used to prepare the school funding portion of the *Executive Budget* for the 2015-2017 Biennium.

This bill is effective on June 11, 2013, for the purposes of appointing the members of the Task Force, and on July 1, 2013, for all other purposes. The measure expires by limitation on June 30, 2015.

LOCAL GOVERNMENTS

Bills Applying Generally to Local Governments

A.B. 13 (Chapter 14)

Assembly Bill 13 requires the Local Government Employee-Management Relations Board to conduct a hearing within 180 days after the Board decides to hear a complaint.

This bill is effective on May 18, 2013.

A.B. 25 (Chapter 105)

Assembly Bill 25 provides that a designee of a board of county commissioners or of the governing body of a city may impose a special assessment for the costs of abatement and civil penalties related to a chronic or abandoned nuisance or a dangerous or noxious condition. The designee must periodically report certain information about each such assessment to the governing body. The measure also shortens from 12 months to 180 days the length of time that must elapse before a special assessment for civil penalties may be imposed, in some instances.

This measure is effective on May 24, 2013.

A.B. 145 (Chapter 472)

Assembly Bill 145 authorizes the establishment of a Complete Streets program by a regional transportation commission or a board of county commissioners in each county. A Complete Streets program is defined as one in which streets or highways are retrofitted for the primary purpose of adding or significantly repairing facilities that provide street or highway access. The program shall consider access for all users, including, without limitation, pedestrians, bicycle riders, persons with a disability, persons who use public transportation, and motorists.

The bill provides that a person may, upon initial registration or renewal of registration of a vehicle that is completed at a kiosk or via the Internet with the Department of Motor Vehicles (DMV), opt to make a voluntarily, nonrefundable \$2 contribution toward funding the Complete Streets program in the county in which the vehicle is registered. The board of county commissioners in a county that has established a Complete Streets program shall establish in the county treasury a Complete Streets fund to receive distributions of these contributions from the DMV and to accept other gifts and donations. The measure authorizes the DMV to retain a 1 percent commission to cover the cost of collecting and allocating donations to each county. The money collected must be used for projects that are part of a Complete Streets program including for the operation of a public transit system, but not for the purchase of vehicles or other hardware for a public transit system.

This bill is effective on June 11, 2013, for the purposes of adopting regulations and performing other preparatory administrative tasks. For all other purposes, the bill is effective upon the earlier of October 1, 2015, or the date on which the DMV Director provides notice that sufficient resources are available to carry out the provisions of this bill.

A.B. 249 (Chapter 138)

Assembly Bill 249 removes language providing for an appointed district attorney to serve the unexpired remainder of the four-year term. Instead, an appointed district attorney would have to comply with the statutory provisions that apply to appointments made to fill vacancies in most county offices.

A.B. 363 (Chapter 360)

Assembly Bill 363 adds litter, garbage, abandoned or junk vehicles, and junk appliances to the list of debris and rubbish that constitutes a public nuisance for the purposes of an ordinance adopted by a board of county commissioners. In a county whose population is 700,000 or more (currently Clark County), such an ordinance may authorize the county to request the operator of a tow car to abate a public nuisance by towing an abandoned or junk vehicle that is not concealed from ordinary public view if certain requirements relating to notice and the opportunity for a hearing are satisfied. A similar ordinance may be adopted by the governing body of a city in any county whose population is 700,000 or more.

The operator of a tow car who is requested by a city or county to tow a vehicle to abate a public nuisance or condition must comply with State laws regulating tow cars and the operators of tow cars. The owner of the vehicle towed pursuant to a request by a city or county to abate a public nuisance is responsible for the cost of removal and storage of the vehicle unless the vehicle is reported stolen.

A.B. 374 (Chapter 309)

Assembly Bill 374 authorizes a board of county commissioners to exempt from ordinances adopted by the board a person or organization that organizes an outdoor assembly licensed or otherwise authorized by a federal agency if the board is satisfied that the following requirements have been met:

- The licensing or permitting federal agency has ensured that conditions that would otherwise be governed by ordinance have been addressed; and
- The assembly will not present an unreasonable danger to the health or safety of any resident of the county.

Once entered into, the agreement may only be rescinded by mutual agreement of the parties to the agreement. No future board of commissioners may adopt any ordinance that is contrary to the agreement for the duration of the agreement.

An agreement entered into under A.B. 374 must require the person or organization holding an outdoor assembly to contact the county coroner if a death occurs at the assembly and to compensate the coroner for any related expenses.

An additional agreement or agreements may be entered into authorizing the county to provide other services and to receive compensation for such services.

Finally, the bill stipulates that none of its provisions shall be construed to limit the power of the Legislature.

This bill is effective on July 1, 2013.

A.B. 408 (Chapter 419)

Assembly Bill 408 requires a State agency to make a concerted effort to determine the impact of a proposed regulation and to conduct, or cause to be conducted, an analysis of the likely impact of it on small businesses. The governing body of a local government is similarly charged with determining the impact of a proposed rule on small businesses. A copy of the small business impact statement must be submitted to the Legislative Counsel when the adopted regulation is submitted, and the Legislative Counsel must return the regulation to the agency if it is not. The Legislative Commission or the Subcommittee to Review Regulations may reject a regulation if the small business impact statement submitted is inaccurate, incomplete, or did not adequately consider or significantly underestimated the economic effect of the regulation on small businesses.

The measure requires a State agency to include a statement of the reasons for the agency's conclusions regarding a regulation's impact on a small business in its small business impact statement, and the director, executive head, or other person who is responsible for the agency must sign the statement certifying that the information was prepared properly and is accurate to the best of his or her knowledge. There is a similar provision for a county manager, city manager, or other chief executive officer for the governing body of a local government to do the same with a proposed new rule.

Finally, a State agency must submit to the Legislative Counsel, for submission to the Legislative Commission or the Subcommittee, any petition it receives from a business that is aggrieved by a regulation.

This measure is effective on July 1, 2013.

S.B. 55 (Chapter 320)

Senate Bill 55 reorganizes 19 separate plans and other items that may be included in a master plan for comprehensive regional planning under current statute into eight different elements that a plan may include. The elements are as follows: (1) conservation; (2) historic preservation; (3) housing; (4) land use; (5) public facilities and services; (6) recreation and open space; (7) safety; and (8) transportation.

In counties whose population is 100,000 or more but less than 700,000 (currently Washoe County), if the governing body of a city or county adopts only a portion of a master plan, then it shall include:

- A conservation plan of the conservation element;
- A housing element; and
- A population plan of the public facilities and services element.

This bill is effective on June 1, 2013.

S.B. 66 (Chapter 222)

Senate Bill 66 makes various changes related to the powers and duties of counties. The measure allows a board of county commissioners in a county whose population is less than 15,000 (currently Esmeralda, Eureka, Lander, Lincoln, Mineral, Pershing, Storey, and White Pine Counties) to authorize the use of county equipment on the property of any local government within the county if: (1) the board deems by ordinance that the use is in the county's best interest; (2) the board and governing body of the local government enter into an interlocal agreement; and (3) a county employee operates the equipment. Further, a board of county commissioners in these same counties may authorize the use of county highway patrols and county equipment on any private road if the board declares an emergency or the board deems by ordinance that the use is in the county's best interest in the absence of a licensed private contractor who could perform the work.

The measure further allows a board of county commissioners in any county, in the absence of a licensed private contractor who could perform the work, to authorize the use of county highway patrols and snowplows on private roads if the board declares an emergency or the board deems that the use is in the county's best interest with certain exceptions.

Finally, a board of county commissioners in any county may require the owner of a private road to pay the county for certain costs.

This bill is effective on January 1, 2014.

S.B. 215 (Chapter 89)

Senate Bill 215 revises various provisions governing county assessors. Specifically, the measure:

- Changes the training required for an appraiser certified by the Department of Taxation from 36 hours every five years to 36 hours every three years;
- Authorizes a county assessor to waive the 10 percent penalty, if extenuating circumstances exist, for the failure of an owner to report a mobile home or manufactured home to the assessor within 30 days;
- Requires that an affidavit for exemption from the Governmental Services Tax be made with the Department of Motor Vehicles, instead of a county assessor; and

- Repeals the June 30, 2013, expiration date of provisions that allow 2 percent of certain taxes collected to be used by county assessors to acquire and improve technology.

This bill is effective on May 23, 2013, for the repeal of the expiration date, and on July 1, 2013, for all other purposes.

S.B. 216 (Chapter 90)

Senate Bill 216 revises various provisions related to county treasurers. Specifically, the bill provides that:

- An ex officio tax receiver is authorized to provide tax bills in an electronic format, in lieu of mailing a paper bill, if requested by the property owner or holder of the mortgage;
- The notification required prior to a tax lien sale must be published in a newspaper at least once a week for four consecutive weeks; it also specifies the content of the required notification; and
- A county treasurer may accept payment for delinquent taxes on a property up until three business days prior to a tax lien sale.

This bill is effective on July 1, 2013.

S.B. 233 (Chapter 153)

Senate Bill 233 repeals certain sections of *Nevada Revised Statutes* (NRS) that direct the governing bodies of certain counties and cities to establish a minimum distance between residential establishments, which include halfway houses for recovering alcohol and drug abusers and residential facilities for groups. In addition, the measure repeals the establishment of a registry of group homes and various related provisions.

The bill is effective on May 24, 2013.

S.B. 342 (Chapter 187)

Senate Bill 342 authorizes a city or county to establish by ordinance a simplified procedure for the vacation or abandonment of a street it owns for the purpose of conforming the legal description of real property to a recorded survey or map of the relevant area. Before proceeding with the simplified procedure, a governing body must provide written notice to utility and video service providers to ensure that any issues related to easements on the affected property can be addressed.

This bill is effective on May 27, 2013.

S.B. 364 (Chapter 542)

Senate Bill 364 makes permissive rather than mandatory the task of governmental agencies to ensure that personal information contained in documents submitted to the agency prior to 2007 is either kept confidential or removed from the documents. It also revises provisions concerning branch offices where marriage licenses may be obtained in a county with a population of 700,000 or more (currently Clark County) such that the county commission may, at the clerk's request, designate up to five branch offices where marriage licenses may be issued.

The bill also revises a prohibition against soliciting marriage ceremonies while on county courthouse property to apply to any county property where marriage licenses are issued, and technical revisions are made changing the word "revoked" to "removed" and the word "copies" to "original" in several places.

This bill is effective on July 1, 2013.

Bills Applying to Specific Local Entities

A.B. 9 (Chapter 349)

Assembly Bill 9 makes various revisions to the Charter of the City of Reno. The revisions include:

- Allowing for the creation of a Charter Committee;
- Expanding the prohibition against holding other employment or another office, which applies to the Mayor and City Council Members;
- Adding a definition of "appointive employee" to mean persons who are "special technical staff members who report directly to the City Manager";
- Authorizing the Mayor or any City Council Member to waive the payment of any part of his or her salary and benefits during any budget year;
- Prohibiting the Mayor or any City Council Member from giving orders to any subordinate of the City Manager, or dealing directly with such a person;
- Prohibiting the Council from reducing the term of office of any Municipal Judge;
- Providing that the general city election is to occur concurrently with the statewide general election; and
- Providing that after the Civil Service Commission serves a final decision, a person aggrieved by that decision has 180 days in which to file a petition with the county's district court.

This measure is effective on June 2, 2013.

A.B. 46 (Chapter 470)

Assembly Bill 46 authorizes the board of county commissioners of each county whose population is 100,000 or more but less than 700,000 (currently only Washoe County) to impose by a two-thirds vote, additional taxes for deposit in the county school district's fund for capital projects. Specifically, A.B. 46 authorizes a new sales and use tax in the county at the rate of one quarter of one percent of the gross receipts of retailers, and a new property tax at the rate of five cents on each \$100 of assessed valuation.

Any new sales and use tax must be administered in the same manner as the sales and use tax imposed by the Local School Support Tax Law. The authorized additional property tax is exempt from certain limits on the total combined property tax in any district and is also not subject to certain partial tax abatements.

Finally, the bill authorizes the school district in each county where these new taxes are imposed to pledge the proceeds of these new taxes, and a certain portion of the governmental services tax, to the payment of any bonds or obligations the school district issues for capital projects.

This bill is effective on June 11, 2013.

A.B. 87 (Chapter 291)

Assembly Bill 87 provides for consistency in certain zoning ordinances. Prior to March 1, 2014, in a county with a population between 100,000 and 700,000 (currently Washoe County), the county and the local governments in the county shall adopt consistent standards and specifications for the construction of any new school building or for any addition to or alteration of an existing school building. Those standards and specifications must be developed in conjunction with the school district of the county.

This measure is effective on July 1, 2013.

A.B. 131 (Chapter 353)

Assembly Bill 131 amends the Virgin Valley Water District Act by requiring that all members of the Board of the Virgin Valley Water District be elected from the service area of the water district. Two members of the Board must reside in and be elected by voters in the area south of the Virgin River, and three members must reside in and be elected by voters in the area north of the Virgin River. All five members of the Board serve 4-year terms, after two members' initial 2-year terms, which will establish staggered terms.

This measure is effective on January 1, 2014, for the purpose of filing a declaration of candidacy to serve as a member of the Board and on January 1, 2015, for all other purposes.

A.B. 223 (Chapter 485)

Assembly Bill 223 authorizes a constable, subject to approval by the board of county commissioners, to appoint clerical and operational staff. The bill provides that such staff do not have the powers of peace officers and may not possess a weapon or carry a concealed firearm while performing their duties for the constable.

A constable of a township whose population is 15,000 or more or containing a city with a population of 15,000 or more must be certified by the Peace Officer Standards and Training (POST) Commission as a category I or II peace officer within one year of taking his or her position. The POST Commission may grant a six-month extension of this requirement. A constable or deputy constable in a township whose population is less than 15,000 or that has within its boundaries a city with a population of less than 15,000 is prohibited from making arrests unless he or she is certified as a category I or II peace officer.

Assembly Bill 223 also authorizes a board of county commissioners to establish, by resolution or ordinance, penalties for the failure of a constable to file any oath, report, or other document required by law to be filed with the county or with the POST Commission. The bill further requires the constable's oath to be filed and recorded in the office of the county recorder in the county where the constable holds office.

Finally, the authority of the constable to issue a citation to the owner or driver of a vehicle that is not properly registered applies only to vehicles located in the constable's township at the time the citation is issued.

This measure is effective on July 1, 2013. Provisions requiring a constable to have POST certification within a year of taking office apply prospectively to a constable who is elected or appointed on or after the effective date of the bill.

A.B. 312 (Chapter 359)

Assembly Bill 312 revises the appointment process and terms of service for the members of the Charter Committee of Carson City. The measure provides that the Mayor, each Supervisor, and each member of the Senate and Assembly delegation representing the residents of Carson City appoint one member to the Committee. Each member serves at the pleasure of his or her appointing public officer throughout that public officer's term.

The bill also revises the duties of the Charter Committee. The Charter Committee will meet jointly with the Board of Supervisors to advise the Board in regard to the Committee's recommendations for amendments to the Charter. Should the Board elect to submit the Committee's recommendations to the Legislature, the Committee will assist in the preparation and presentation of the recommendations. If the Board chooses not to submit the Committee's recommendations to the Legislature as one of its approved measures, the Committee may vote to authorize one of its members to seek sponsorship of the measure by one of the legislators representing Carson City. The member is prohibited from representing that the Board approved or supported the measure.

This measure is effective on January 1, 2014.

A.B. 356 (Chapter 28)

Assembly Bill 356 encourages Carson City, any nonprofit organization, and any other interested stakeholder to work cooperatively with various State agencies to develop recommendations for the preservation of the Nevada State Prison in Carson City, Nevada, for use as a historical, educational, and scientific resource for the State of Nevada.

This measure is effective on July 1, 2013.

A.B. 382 (Chapter 207)

Assembly Bill 382 allows the governing body of a city, within a county whose population is 700,000 or more (currently Clark County) and which is home to an endangered or threatened species, to impose a fee, by ordinance, on the construction of a structure or the grading of land in the unincorporated areas of the county if the county has created an enterprise fund as specified. The enterprise fund must be established pursuant to current State law, and the money in the fund may be used only to pay the actual direct costs of the program or programs established to encourage the preservation of those species or subspecies in the county likely to have a significant impact upon the economy and lifestyles of the residents of the county if listed as endangered or threatened. The fee, collected at the same time and in the same manner as the fee for the issuance of a building permit, may be no more than \$550 per acre.

This measure is effective on May 28, 2013.

A.B. 413 (Chapter 540)

Assembly Bill 413 allows the board of county commissioners in a county whose population is 700,000 or more (currently Clark County) to adopt an ordinance by a two-thirds majority vote no later than October 1, 2013, imposing an additional tax on gasoline and special fuels sold in the county. The rate is required to be indexed based on the federal, state, and local rates for gasoline and special fuels, and it would be permitted to be indexed for three years. If such an ordinance is adopted, the indexing of federal and local rates may be continued beyond 2017 only if a ballot question on the 2016 General Election is approved by voters in the county.

The bill also requires a ballot question at the 2016 General Election to seek approval for an additional indexed tax rate. A statewide ballot question would seek approval of an additional indexed rate based on the current state gasoline and special fuel tax rates, with the proceeds deposited in the State Highway Fund. A separate question would be added to the ballot in all counties, except Clark and Washoe Counties, for approval of an indexed rate based on the current federal and local fuel tax rates, with the proceeds dedicated to transportation projects in that county.

Finally, the bill requires the Department of Motor Vehicles to establish by regulation a system to provide for the reimbursement and repayment of any amounts owed by a person under the International Fuel Tax Agreement as a result of the imposition of indexed fuel taxes, and creates an enterprise fund known as the Local Fuel Tax Indexing Fund to receive fees collected under the Agreement.

The bill is effective on June 12, 2013. However, sections authorizing the imposition of additional taxes in Clark County expire by limitation if an ordinance is not adopted by October 1, 2013.

S.B. 77 (Chapter 99)

Senate Bill 77 removes the prospective expiration for provisions relating to the issuance of marriage licenses by certain commercial wedding chapels that were passed by the Legislature during the 76th Legislative Session.

This bill is effective on May 23, 2013.

S.B. 121 (Chapter 6)

Senate Bill 121 authorizes the transfer of the Belmont Courthouse from State ownership to Nye County. The measure sets forth a number of conditions relating to this transfer, including the requirements that Nye County protect all historical and recreational value of the property and guarantee public access to the property. In addition, the County or any successor in title shall not sell, lease, encumber, or dispose of the property without authorization by a concurrent resolution of the Nevada Legislature. Any violation of these conditions will result in the reversion of the title to the property to the State of Nevada.

The bill is effective on April 23, 2013.

S.B. 135 (Chapter 333)

Senate Bill 135 revises provisions applying to developers of redevelopment projects if the project is within a redevelopment area of a city whose population is 500,000 or more (currently the City of Las Vegas). The bill requires public agencies that use redevelopment funds for a public work to submit an employment plan that includes certain information specified by State law. The bill requires an agency proposing to provide an incentive to a developer to withhold 10 percent of the incentive until certain employment, job creation, and reporting requirements are met, and it allows a developer to appeal the refusal to pay all or part of the incentive to the city council.

This bill is effective on July 1, 2013.

S.B. 217 (Chapter 372)

Senate Bill 217 provides that if the probable cost of a road or bridge construction project does not exceed \$100,000, a county with a population less than 100,000 (all counties except Clark and Washoe Counties) may advertise for bids and let contracts pursuant to existing statute or may perform its own work with county employees or day labor and using county equipment. If the probable cost of the work exceeds \$100,000, such a county is required to advertise for bids and let contracts pursuant to local government purchasing or public works statutes, except that, in a county whose population is less than 45,000 (currently Churchill, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing, Storey, and White Pine Counties), the board of county highway commissioners may instead determine to

perform the work with its own resources if the estimated cost of the project is between \$100,000 and \$250,000.

This bill is effective on July 1, 2013.

S.B. 272 (Chapter 94)

Senate Bill 272 provides for two separate revisions of the boundary line between Storey County and Washoe County upon the adoption of resolutions by the Board of County Commissioners of Storey County and the Board of County Commissioners of Washoe County approving the revisions.

The bill is effective upon the adoption of resolutions by the Board of County Commissioners of Storey County and by the Board of County Commissioners of Washoe County approving the boundary line revisions. The provisions of the bill expire by limitation on June 30, 2015, should either or both of the counties fail to adopt resolutions approving the boundary line revisions.

S.B. 284 (Chapter 174)

Senate Bill 284 requires a law enforcement agency in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to adopt policies and procedures governing the investigation of motor vehicle accidents in which peace officers employed by the law enforcement agency are involved.

If such a motor vehicle accident results in fatal injuries, the policies and procedures must require the investigation to be conducted by a law enforcement agency other than the agency that employs the peace officer involved in the accident, except under the following circumstances:

- Another law enforcement agency does not have comparable equipment and personnel to investigate the accident at least as effectively as the law enforcement agency that employs the peace officer involved in the motor vehicle accident;
- Another law enforcement agency is unavailable to investigate the motor vehicle accident; or
- Investigation of the motor vehicle accident by another law enforcement agency would delay the initiation of the investigation such that the integrity of the accident scene and preservation and collection of evidence may be jeopardized by such a delay.

The policies and procedures may allow for cooperation between the law enforcement agency and agencies in other jurisdictions for the investigation of such accidents.

This bill is effective on July 1, 2013.

S.B. 304 (Chapter 179)

Senate Bill 304 revises various provisions of the Charter of the City of Sparks. It clarifies that the authority of the City Manager to exercise control over the officers of the City applies only with respect to appointed officers. It also authorizes the City Council to employ special counsel to represent the City Council. The City Attorney shall have no responsibility or authority concerning the subject matter of an attorney employed as a special counsel.

The bill repeals certain sections of the Charter that are duplicated in the City's Civil Service regulations and elsewhere. Additionally, the City's Civil Service Commission is required to call a special meeting not later than 15 days after receiving notice from the City Manager, and it is required to hold at least one regular meeting each quarter.

This bill is effective on July 1, 2013.

S.B. 440 (Chapter 266)

Senate Bill 440 revises the Henderson City Charter to delete antiquated provisions and require, among other things, that the City's ward boundaries must be changed whenever the population of one ward exceeds that of any other by more than 5 percent. The measure also requires the City Council to fill vacancies in the offices of Mayor, City Council, or Municipal Judge by appointment within 60 days or by special election not later than 90 days after the vacancy occurs. The bill further provides that a candidate who is elected to office after a primary or general election must take office at the second regular City Council meeting in June, immediately following the general election.

The City Council may remove the City Manager for cause according to agreed upon terms of employment, and it may remove the City Attorney, City Clerk, or City Manager if the officer is found guilty of nonfeasance, misfeasance, or malfeasance in office. All executive officers must reside within the City, and the City Attorney must advise all City offices, departments, and divisions in matters with respect to the City.

The measure removes the 3 percent cap on real property taxes the City may levy, and it amends to whom the City's civil service classifications apply. Finally, it provides for the creation and duties of a Charter Committee.

S.B. 509 (Chapter 277)

Senate Bill 509 removes the requirement that the 2.5 percent room tax rate imposed within the City of Sparks, pursuant to Assembly Bill 205 of the 2003 Session, must expire upon the repayment of certain general or special obligation bonds. The bill also provides that the imposition and collection of this 2.5 percent rate after the repayment of certain general or special obligation bonds, as prohibited by A.B. 205, is authorized and ratified in all respects pursuant to this bill.

This bill is effective on May 29, 2013.

Financial Administration

A.B. 68 (Chapter 3)

Assembly Bill 68 revises provisions relating to the distribution of certain taxes to local governments. Specifically, this bill:

- Requires that, for any distribution of revenue by the Department of Taxation that is based on population estimates, the same certified population estimate is to be used for all twelve months of a fiscal year;
- Requires the annual inflation adjustment to the base allocation from the Local Government Tax Distribution Account to be based on the average percentage change in the Consumer Price Index over the five calendar years immediately preceding the year in which the annual base allocation is made. Beginning on July 1, 2014, this revised adjustment applies to the base allocation and any excess revenue that is allocated;
- Revises the formulas used to calculate the distribution of the tax proceeds remaining after all base distributions have been made to local governments, special districts, and enterprise districts;
- Changes the date by which a copy of an approved cooperative agreement between the governing bodies of two or more local governments must be transmitted to the Executive Director of the Department. Local governments and special districts that anticipate being parties to such an agreement must also provide to the Department a nonbinding notice of intent to enter into the agreement; and
- Makes several other technical revisions to reflect the changes described above.

This bill is effective on March 14, 2013, for the purposes of performing any necessary preparatory administrative tasks. The provision requiring the revised inflation adjustment to be applied to any excess revenue that is allocated is effective on July 1, 2014. Other provisions of the bill are effective on July 1, 2013.

A.B. 192 (Chapter 11)

Assembly Bill 192 removes the sunset date on the existing statute that authorizes a county clerk to charge a \$5 technology fee for filing and recording a bond of a notary public.

This measure is effective on May 10, 2013.

A.B. 418 (Chapter 212)

Assembly Bill 418 revises the formula for distributing, on or after July 1, 2013, the proceeds from a property tax that county commissioners, in a county with a population of 700,000 or more (currently Clark County), may levy at a rate not to exceed 5 cents per \$100 of the assessed valuation of the county. The proceeds are distributed among the county and the cities and towns in the county.

This measure is effective on July 1, 2013.

A.B. 503 (Chapter 461)

Assembly Bill 503 authorizes a local government's governing body to loan or transfer money in an enterprise fund if the ending fund balance of the general fund of the local government at the end of a fiscal year is less than 9 percent of the local government's total expenditures from the general fund during that fiscal year. The money loaned or transferred may be used exclusively for the purposes listed in the following order of priority to:

- Restore police and fire services;
- Restore the operation of libraries, parks, and other recreational services; and
- Settle any legal claim outstanding on the date on which the loan or transfer is authorized.

The authority to use the enterprise fund for these purposes applies only to a local government that has, during each of the five fiscal years immediately preceding the effective date of this act, made certain loans or transfers relative to an enterprise fund. Any local government that loans or transfers money in an enterprise fund, as authorized in this measure, must provide certain information at least quarterly in a report to the Committee on Local Government Finance as prescribed by regulations of that Committee.

Any local government that loans or transfers money in an enterprise fund must also provide a report to the Legislature on or before January 15, 2015. The Audit Division of the Legislative Counsel Bureau is required to review and provide comments on the report to the 78th Session of the Nevada Legislature.

This measure is effective on June 10, 2013, and expires by limitation on June 30, 2017.

S.B. 44 (Chapter 531)

Senate Bill 44 revises various provisions concerning grants or loans from the Disaster Relief Account (DRA). Specifically, the bill removes the requirement that a federal agency making a grant to the State DRA must be a disaster assistance agency, which will allow money granted or loaned from the DRA to be used to match a grant from any federal agency. The bill makes a similar change with respect to money from a local government fund established to mitigate a natural disaster, and it expands the purposes for which grant money may be used to include work on preventing or reducing the likelihood of damage or injury resulting from a future disaster.

Additionally, S.B. 44 revises the process for submitting and reviewing grant or loan requests from the DRA, and it requires State agencies and local governments to notify the Division of Emergency Management of the Department of Public Safety of their intent to request a grant or loan. The Division will then forward the notice to the State Board of Examiners and the Fiscal Analysis Division of the Legislative Counsel Bureau.

Finally, S.B. 44 extends the time period within which such a request must be submitted, and it requires that the request be submitted initially to the Division of Emergency Management and the Department of Taxation for review and comment. Agency comments are then transmitted

to the State Board of Examiners and the Fiscal Analysis Division. The State Board of Examiners then considers the request and makes a recommendation to the Interim Finance Committee.

This bill is effective on July 1, 2013.

S.B. 437 (Chapter 245)

Senate Bill 437 revises provisions concerning the filing of false or fraudulent claims for Medicaid to make Nevada's laws at least as effective at rewarding and facilitating certain actions as provisions of federal law.

The bill includes, among others, provisions:

- Limiting the award a court may make to certain persons upon a recovery concerning a false claim;
- Increasing the minimum and maximum amounts of civil penalties for which a person is liable who commits certain actions related to a false claim; and
- Requiring that if the Attorney General intends to settle a false claim action, the court must determine whether the proposed settlement is fair, adequate, and reasonable.

The bill also strengthens protections for an employee, contractor, or agent who is retaliated against by an employer as the result of any lawful action brought pursuant to this act.

This bill is effective on July 1, 2013.

Improvement and Special Districts

A.B. 50 (Chapter 415)

Assembly Bill 50 extends the termination date of the redevelopment plan adopted by the agency of a city whose population is 500,000 or more (currently the City of Las Vegas) from 45 to 60 years after the date on which the original redevelopment plan was adopted. Such a redevelopment agency must make available to the general public a detailed report concerning certain proposed expenditures for land or improvements by the agency at least 14 days before a meeting at which the governing body of the city is scheduled to consider the proposed expenditure. The measure adds certain information to annual reports that must be submitted by such a redevelopment agency to the Legislature and the governing board of a city, or a county, as applicable.

The measure provides for the set-aside and use of certain revenues from taxes imposed on property in a redevelopment area for education-related and other purposes. The measure also allows, by eliminating an existing prohibition, a city or county to create a tourism improvement district after October 1, 2009, that includes within its boundaries any property included within the boundaries of a redevelopment area.

If a tourism improvement district created after October 1, 2009, has within its boundaries any portion of a redevelopment area, a redevelopment agency and the governing body of a city or county are prohibited from providing financing or reimbursement of both the tourism district and the redevelopment area.

This measure is effective on June 6, 2013.

A.B. 231 (Chapter 136)

Assembly Bill 231 provides that a vacancy in the membership of a governing body of a town board or of a town advisory board must be filled by appointment by the applicable board of county commissioners. Additionally, the board of county commissioners shall appoint a member to fill a vacancy on a board of directors of a local improvement district, if the board of directors of the local improvement district fails to do so within 30 days.

This measure is effective on July 1, 2013.

A.B. 310 (Chapter 143)

Assembly Bill 310 allows an irrigation district to buy insurance or make other financial arrangements on behalf of its agents, officers, employees, delegates, and representatives for liability and expenses related to such persons' involvement with the district. The bill also raises the limit on indebtedness for an irrigation district from \$500,000 to \$1 million.

This bill is effective on July 1, 2013.

A.B. 417 (Chapter 211)

Assembly Bill 417 requires the legislative body of a community to create a revolving loan account administered by the redevelopment agency. Money in the revolving loan account may be used by the agency only to make loans at or below market rate to new or existing small businesses in the redevelopment area. A "small business" is defined as a business that employs not more than 25 persons. Loans may be made from the revolving loan account to small businesses located within the redevelopment area or persons wishing to locate or relocate a new small business in the redevelopment area per certain criteria, and the term of the loan must be five years or less. Each redevelopment agency must make certain annual reports to the Legislature concerning loans from the revolving loan account.

Prevailing wage requirements apply to certain projects when a redevelopment agency has provided: (1) property for development at less than the fair market value; (2) a loan to a small business from the revolving loan account at or below the market rate; or (3) financial incentives to a developer valued at more than a \$100,000.

Each redevelopment agency must adopt regulations for the application process, terms, and criteria for a loan from its revolving loan account. The measure authorizes a redevelopment agency in a city, located in a county whose population is 700,000 or more (currently Clark County), to adopt an ordinance providing for the recalculation of the total assessed value of property in a redevelopment area under certain circumstances. Finally, it provides for

the set-aside and use of certain revenues from taxes imposed on property in such a redevelopment area.

This measure is effective on May 28, 2013. The requirement for reports to the Legislature expire by limitation on December 31, 2017.

S.B. 406 (Chapter 468)

Senate Bill 406 prohibits, with certain exceptions, a municipality from pledging the proceeds of the Local School Support Tax to finance a project within a tourism improvement district (TID) created or revised on or after July 1, 2013. A municipality may create a TID within a redevelopment area, but is prohibited from using the financing and reimbursement methods of both the TID and redevelopment area for a project.

The owner of a project within a TID must provide to the Department of Taxation, upon request, information identifying retail facilities that open or close within the project. The bill also requires the semiannual report submitted to the Legislature by the Department concerning the businesses within a TID to provide information separately for each TID within the municipality unless reporting the information separately would disclose or result in the disclosure of information about an individual business. In such a case, the bill requires the report to provide information in the aggregate. The Department is not required to submit a semiannual report if one cannot be prepared in a manner that would not disclose or lead to the disclosure of information about an individual business.

No proceeds of the Local School Support Tax collected from retail facilities that locate within the boundary of a TID on or after July 1, 2013, may be used for financing or reimbursement of such a project. An exception to this prohibition is provided if the governing body of the municipality, with respect to any district created before July 1, 2013, obtains an opinion from independent bond counsel stating that applying the provision would impair an existing contract for the sale of bonds that were issued before July 1, 2013.

The bill sets forth bid solicitation requirements for developers and contractors and provides that statutory prevailing wage requirements apply to building projects within a TID as do existing statutory requirements regarding subcontractors.

This bill is effective on July 1, 2013.

Open Government

A.B. 65 (Chapter 193)

Assembly Bill 65 provides certain exceptions and exemptions to the Open Meeting Law (OML) and clarifies that any other provision of law which: (1) exempts a meeting, hearing, or proceeding from the requirements of the Open Meeting Law; or (2) otherwise authorizes or requires a closed meeting, hearing, or proceeding prevails over the general provisions of the OML.

The measure prohibits a member of a public body from designating a person to attend a meeting of the public body in the place of a member unless members of the public body are expressly authorized to do so by the provisions in law or other legal authority that created the public body. When permitted, any such designation must be in writing or made on the record at a meeting of the public body.

The bill provides that the Attorney General may decide not to commence prosecution of an alleged violation of the OML by a public body if the public body takes corrective action within 30 days of the alleged violation. The corrective action must take place in a public meeting for which the item has been clearly denoted on the agenda, and it is prospective.

A quorum of members may be present in person or by means of electronic communication as long as all members of the public body and the members of the public who are present at the meeting can hear or observe and participate in the meeting. Certain public bodies must upload supporting material to their website at the same time that the supporting material is provided to members of the public body or within 24 hours of the conclusion of the meeting when material is provided at the meeting. The measure codifies a definition for “deliberate.”

This measure is effective on July 1, 2013.

A.B. 445 (Chapter 363)

Assembly Bill 445 requires the Department of Administration to establish a location on the State’s official website on which public bodies must post notices of open meetings. Notices required by the Open Meeting Law must be posted on the State’s website not later than 9 a.m. of the third working day before the meeting. Such notices must include a link to the public body’s website or an e-mail address for contacting the public body. The Department must also establish a directory of public bodies and include it on the State’s official website in a clear and conspicuous location. The Department may adopt regulations as needed.

The State must have a designated location on its website in operation by January 1, 2014, for the posting of notices by State entities. Public bodies of local governments must begin posting notices of open meetings no later than July 1, 2014.

The bill is effective on January 1, 2014, with regard to the posting requirements, and on June 2, 2013, for all other purposes.

S.B. 74 (Chapter 98)

Senate Bill 74 requires a public officer or employee to prepare copies of public records for a member of the public upon request, rather than allowing the officer or employee to require that the requestor make the copies. Upon request, a member of the public must be provided with a copy of the minutes from, or a recording of, a public meeting free of charge. The fee for making copies that may be charged by certain entities is limited to 50 cents per page. Similarly, the fee that a county clerk may charge for preparing certain copies or for searching certain records is established at 50 cents per page unless the fee is waived by the county clerk.

S.B. 90 (Chapter 256)

Senate Bill 90 requires a state or local governmental entity to keep confidential certain information submitted with certain applications during the same period as it is maintained as confidential by the Division of Minerals, Commission on Mineral Resources.

This bill is effective on July 1, 2013.

S.B. 228 (Chapter 551)

Senate Bill 228 revises procedures of the Commission on Ethics. The bill adds definitions to the Nevada Ethics in Government Law for domestic partners and domestic partnerships, and clarifies other definitions. The bill includes presidents of public higher education institutions, school superintendents, and city and county managers as public officers for the purposes of the Ethics Law.

With respect to the procedures of the Commission, the bill provides for:

- Computation of deadlines;
- Temporary designation of a replacement for the Executive Director as needed;
- Retention of assessments received from local governments;
- Payment of the costs of subpoenas;
- Elimination of deadlines for written opinions;
- Confidentiality of certain documents; and
- Assignment of responsibility for collecting acknowledgments of ethical standards from public officers and dissemination of the explanation of the ethics standards to public employees.

The bill prohibits a member of a local legislative body from lobbying another local agency located in whole or in part in the county where the member lives. In addition, a member of a local legislative body shall not sell goods or services to a local agency governed by that local legislative body unless the member is the sole source of supply and certain procedures are followed. The Commission may provide relief from strict application of the prohibition under certain circumstances.

The bill sets forth factors to be considered by the Commission when determining whether a violation is willful and, if so, the amount of any civil penalty to be imposed. In applying these factors, the Commission must treat comparable situations in a comparable manner and ensure that the disposition of the matter bears a reasonable relationship to the severity of the violation. The measure eliminates provisions related to the inclusion of abstracts from hypothetical

opinions in the manual prepared by the Commission or in the annotations prepared by the Legislative Counsel Bureau. Finally, the bill removes the requirement to seek an opinion from the Commission as a condition of reliance upon the advice of legal counsel to avoid a determination of a willful violation.

Provisions relating to contracts, designation of public officers, and members of local legislative bodies are effective on January 1, 2014. All other provisions are effective on June 13, 2013.

Purchasing and Public Works

A.B. 85 (Chapter 24)

Assembly Bill 85 prohibits a local government; the Administrator of the Purchasing Division, Department of Administration; and a board of trustees of a school district from joining, using, or entering into a contract or agreement previously established by another public body with the vendor if a contractor's license is required for any portion of the contract or agreement.

This bill is effective on July 1, 2013.

A.B. 172 (Chapter 296)

Assembly Bill 172 revises certain requirements applied to bidders on public work projects who receive a bid preference: (1) the requirement that 50 percent of the design professionals working on a public work project must register their vehicles in Nevada applies only to those professionals on a design-build team; and (2) the requirement that 25 percent of the suppliers of materials used for a public work project must be located in Nevada is eliminated.

Assembly Bill 172 provides that a contractor is not deemed qualified to bid certain State and local public work projects if the person materially breached a public work contract costing at least \$25 million within the preceding year. The measure further provides that a contractor is not deemed qualified to receive a bidder preference from the State Contractors' Board for certain State and local public work projects if the person materially breached a public work contract costing at least \$5 million within the five preceding years.

Following the opening of bids, a two-hour deadline is imposed for the submittal of an affidavit to the public body or its authorized representative certifying compliance with bid preference requirements. Any contract for such a public work that fails to comply with the provisions of this bill is void.

This measure is effective on July 1, 2013.

A.B. 281 (Chapter 200)

Assembly Bill 281 revises provisions related to certain records about the workers that are required to be kept by a contractor and a subcontractor engaged on a public work project. Specifically, a contractor and subcontractor must include the gender and ethnicity of each such worker, but only if the worker agrees to supply such information voluntarily. Such records must be open at all reasonable hours to the inspection of the public body that awarded the contract and are considered public records of the public entity.

A.B. 283 (Chapter 487)

Assembly Bill 283 makes various changes to the public works' laws, including, but not limited to, revising certain requirements for bidding. It clarifies that a person who performs work that does not otherwise require licensure by the State Contractors' Board is not required to be licensed to provide services on a public work.

The measure requires a public body to appoint a panel, consisting of at least three but not more than seven members, a majority of whom must have experience in the construction industry, to evaluate and rank bids for a public work. After the bids have been ranked, the public body, or its authorized representative, must select at least two but not more than five of the highest-ranking applicants to interview. The public body or its representative may also appoint another panel, similarly comprised, to interview the top applicants. The measure modifies requirements governing the procedure that a construction manager at risk is required to use when selecting and contracting with subcontractors.

Counties with populations of less than 100,000 (currently all counties other than Clark and Washoe Counties) are limited to entering into two construction manager at risk (CMAR) public works contracts per calendar year. A public body must make the names of all CMAR applicants publicly available, and A.B. 283 lays out penalties applicable if a CMAR makes improper substitutions of subcontractors contrary to statute.

The bill extends the authority for the Department of Transportation to contract with a construction manager at risk for certain work on highways on and after July 1, 2013.

The bill also expands the definition of "horizontal construction" to include water treatment facilities and ancillary vertical components thereof and clarifies the applicability of Chapter 338 (Public Works) of the *Nevada Revised Statutes* to transportation-related contracts awarded by the Department of Transportation.

A construction manager at risk on a public work involving predominantly horizontal construction is required to perform at least 25 percent of the estimated cost of construction himself or herself, or use his or her own employees.

The Department of Transportation is required to conduct a study on the benefits to the State of Nevada entering into CMAR contracts for highway work and report back to the Legislature on or before January 31, 2017. Similarly, any public body that enters into a contract for a public work with a CMAR must, on or before January 1 of each year, report to the Legislature or the Legislative Commission, as appropriate, on the progress or explanation of any project entered into during the preceding year.

Finally, A.B. 283 sunsets all new provisions relating to CMAR's on July 1, 2017.

This measure is effective on July 1, 2013.

S.B. 142 (Chapter 392)

Senate Bill 142 requires the board of trustees of a school district to adopt a policy setting forth the process for evaluating whether certain work on a school building will be performed pursuant to a performance contract and sets forth requirements pertaining to that policy. The board of trustees must also cause to be prepared an annual report setting forth the annual cost-savings measures, if any, that were identified in a financial-grade operational audit and that were not included in a performance contract during the preceding year.

The bill also authorizes the Office of Energy to provide local governments with support relating to operating cost-savings measures and to charge and collect a fee for providing such support. Such fees are to be deposited in a separate account administered by the Director of the Office of Energy and used to pay the costs incurred in supporting local governments. A local government may include in a performance contract the amount of any fee charged by the Office of Energy.

A local government may enter into a contract with the Office of Energy or a third-party consultant for assistance in evaluating certain proposals and presentations from qualified service companies relating to performance contracts. Finally, the Office of Energy is required to provide local governments with information, resources, and support relating to cost-savings measures and performance contracts and to make this information available on its website.

This bill is effective on July 1, 2013.

S.B. 227 (Chapter 91)

Senate Bill 227 adds a natural gas project and a propane gas project to those projects that the governing body of a municipality is authorized to acquire, improve, equip, operate, and maintain. Additionally, the governing body may defray the costs of such a project, in whole or in part, through the issuance of general obligation bonds.

This bill is effective on May 23, 2013.

MILITARY

A.B. 364 (Chapter 307)

Assembly Bill 364 increases, from not more than 15 to not more than 39 working days in a calendar year, the period during which certain public officers or employees of the State who are active members of specified military groups must be relieved from their duties to serve under orders without loss of compensation. These provisions apply to officers and employees whose work schedules include Saturday or Sunday, and such an absence may not be part of the employees' annual vacation. The relevant military groups include the:

- United States Army Reserve;
- U.S. Naval Reserve;
- U.S. Marine Corps Reserve;
- U.S. Coast Guard Reserve;
- U.S. Air Force Reserve; or
- Nevada National Guard.

A.B. 448 (Chapter 311)

Assembly Bill 448 authorizes the Adjutant General to accept federal funding for personnel support and equipment supplies, arms, and facilities through the United States Property and Fiscal Officer for Nevada as authorized under federal law, and it requires that any money received be deposited in the State Treasury.

The bill also allows a security deposit to be required for the rental of a facility or an armory or space within an armory and authorizes the use of the money generated from the rental of such space to make repairs, construct new facilities, fund various military activities, and further community and state relations.

Finally, the bill deletes obsolete language referring to a \$100 payment that could be made to certain Nevada National Guard members upon their return from deployment to a combat zone.

This bill is effective on June 1, 2013.

S.B. 18 (Chapter 254)

Senate Bill 18 revises provisions governing personal and subject matter jurisdiction under the Nevada Code of Military Justice and modifies provisions governing nonjudicial punishment for servicemen and servicewomen. It also provides that certain persons found incompetent to stand trial by court-martial or not guilty by lack of mental responsibility be committed to the care of a suitable facility.

The bill also adds several crimes to the list of those triable by court-martial, adds prohibitions against discrimination based on gender or sexual orientation, provides that members of the Nevada National Guard who perform service during an emergency will be compensated according to their military grade and pay status, and exempts persons subject to the Code from liability for acts or omissions performed as part of their duty under the Code.

This bill is effective on May 29, 2013.

S.B. 365 (Chapter 237)

Senate Bill 365 provides that a person commits the crime of stolen valor and is guilty of a gross misdemeanor if the person knowingly, with the intent to obtain money, property, or another tangible benefit:

- Fraudulently represents himself or herself to be a recipient of certain military decorations or medals; and
- Obtains money, property, or another tangible benefit through such fraudulent representation.

Veterans

A.B. 58 (Chapter 433)

Assembly Bill 58 makes the Office of Veterans Services (OVS) a State department and makes corresponding changes to facilitate that restructuring. The Interagency Council on Veterans Affairs (ICVA) is created, and it must meet at least once every 3 months. The ICVA must identify and prioritize the needs of veterans, servicemen, servicewomen, and their families in this state and study the coordination of efforts of various entities to meet those needs. The ICVA shall submit a report of its findings and recommendations to the Governor and the Director of the Legislative Counsel Bureau on or before February 15 of each year.

The measure authorizes the Department of Veterans Services to purchase, construct, lease, renovate, or acquire by lease-purchase a veterans home in northern Nevada. Accordingly, the Gift Account for Veterans Homes becomes the Gift Account for the Veterans Home in Southern Nevada, and a second account, the Gift Account for the Veterans Home in Northern Nevada, is created.

The Division of State Parks, State Department of Conservation and Natural Resources, must, upon application, issue an annual permit for the free use of certain recreational areas to a veteran who is a State resident and has a permanent service-connected disability of 10 percent or more and has been honorably discharged from the Armed Forces of the United States.

A.B. 266 (Chapter 199)

Assembly Bill 266 defines “veteran” in Chapter 417 of the *Nevada Revised Statutes*, which is specific to Veterans’ Services, for the purpose of establishing who is entitled to certain privileges and benefits.

This measure is effective on July 1, 2013.

S.B. 230 (Chapter 327)

Senate Bill 230 requires the Administrator of the State Public Works Division of the Department of Administration to authorize the construction or installation of a memorial located on the Capitol Complex that is dedicated to Nevada’s fallen soldiers. The bill requires the American Legion Department of Nevada, or its successor organization, to establish a committee, in consultation with volunteers and the Nevada Veterans Services Commission, to design the memorial. The design must be submitted to the Administrator and the Commission for approval, and the Commission shall determine the criteria for the placement of names on the memorial.

Finally, S.B. 230 creates the Nevada Fallen Soldier Memorial Gift Account in the State General Fund to be administered by the Executive Director for Veterans Services and to be used for the design, construction, installation, and maintenance of the memorial. The measure authorizes the Executive Director and the Deputy Executive Director for Veterans Services to accept donations, gifts, or grants of money from any source for deposit to the Account.

The bill is effective on June 1, 2013.

NATURAL RESOURCES AND PUBLIC LANDS

A.B. 2 (Chapter 100)

Assembly Bill 2 makes various changes to provisions governing the Land Use Planning Advisory Council. It specifies that the Governor's appointments to the Council will represent each county based on nominations provided by the boards of county commissioners of the counties. In addition to 17 voting members appointed by the Governor, the bill provides that one nonvoting member will be appointed to the Council by the Nevada Association of Counties. The bill further provides that Council members who are also county commissioners may be appointed by the Governor to one other board, commission, or similar body.

Provisions of the bill concerning the expiration of current Council members' terms and the nomination and appointment of voting members to initial terms are effective on July 1, 2013. Other provisions of the bill are effective on January 1, 2014.

A.B. 20 (Chapter 286)

Assembly Bill 20 makes various changes related to agriculture. The bill:

- Revises provisions regarding certain State Department of Agriculture personnel and their duties;
- Expands the purposes for which money may be expended from the Livestock Inspection Account and for the Program for the Control of Pests and Plant Diseases;
- Revises notification requirements when a brand inspector determines that an animal is the legal property of a person other than the person offering that animal for inspection;
- Provides that a person may be certified by the Department as an actual producer of farm products other than any livestock, livestock product, or poultry;
- Changes provisions related to pest control, including increasing requirements for certain liability insurance and removing a requirement that each Nevada business location of a person licensed to engage in pest control must retain a primary principal who is responsible for the daily supervision of each category of pest control;
- Repeals a statute regarding a special tax on certain classes of livestock, and restores the same provisions to another chapter of *Nevada Revised Statutes*; and
- Repeals certain statutes relating to the Agricultural Loan Mediation Program, certain inspections by Department inspectors and peace officers, and the retention of cattle hides by certain persons slaughtering cattle.

This bill is effective on June 1, 2013.

A.B. 264 (Chapter 357)

Assembly Bill 264 makes a second or subsequent violation of the statutory prohibition against feeding stray or feral livestock a gross misdemeanor. The bill also establishes a gross misdemeanor for the taking up or possession of stray or feral livestock by a person who is not the owner and does not have the owner's consent. The bill provides that Nevada's State Department of Agriculture may provide for the management of strays and feral livestock and enter into a cooperative agreement for their management. Any such cooperative agreement must provide for the cooperating person or entity to hold the State of Nevada harmless from any claim or liability arising from an act or omission of the cooperating person or entity in carrying out the cooperative agreement.

A.B. 346 (Chapter 305)

Assembly Bill 346 requires that reclamation plans for mining operations and exploration projects must, if feasible, provide for at least one point of public nonmotorized access to the water level of a pit lake that has a predicted filled surface area of more than 200 acres. Such access must be provided when the pit reaches at least 90 percent of its predicted maximum capacity. The measure clarifies that any owner of a pit lake may make the final determination on the ultimate use of the property and provides that any private property owner who is consulted regarding access to a pit lake is under no obligation to allow access to that pit lake.

The bill also makes provisions regarding the responsibilities and liability of certain persons involved with the premises on which such a pit lake with public access is located, including past and present owners, operators, lessees, occupants, contractors, employees, and others. Such persons have no duty to keep the premises safe for entry or use, or to give warning of any hazardous conditions. These persons also do not assume responsibility or incur liability for injuries to any person or property caused by an act of a person who has permission to access the premises.

Finally, A.B. 346 provides that relevant reclamation plans that were filed before the bill takes effect must provide for public access to a pit lake as set forth in the bill. These plans may be amended and re-filed if it is determined that such access is warranted.

A.B. 381 (Chapter 206)

Assembly Bill 381 sets forth a legislative finding that St. Thomas, Nevada, contains unique, culturally important resources. It also encourages the Office of Historic Preservation of the State Department of Conservation and Natural Resources to collaborate with Partners in Conservation to identify and develop programs for the preservation and protection of the historical culture of St. Thomas. The bill clarifies that its provisions will not affect or prohibit any planning for or development of water resources, including the attainment of full storage capacity in Lake Mead.

St. Thomas was settled in 1865 and vacated in 1938, when the town was flooded by the rising waters that resulted from the Hoover Dam. The town was submerged under water for many years, surfacing only when reservoir levels were low. Given recent water levels at

Lake Mead, the foundations of the town have been visible for about ten years. St. Thomas is now part of the Lake Mead National Recreation Area, managed by the National Park Service. The organization mentioned in the bill—Partners in Conservation—is a nonprofit corporation that has indicated a desire to help preserve and protect St. Thomas’s historical culture.

This bill is effective on May 28, 2013.

S.B. 159 (Chapter 85)

Senate Bill 159 declares the Nevada Legislature’s support for a land exchange of the Gypsum Mine property, which is bounded in part by the Red Rock Canyon National Conservation Area, for federal lands of equal value located away from the Conservation Area. The bill urges Nevada’s Congressional Delegation to support and facilitate efforts to achieve the land exchange and transfer title of the Gypsum Mine property to the Bureau of Land Management so that it can be managed as part of the Conservation Area.

This bill is effective on May 23, 2013.

S.B. 436 (Chapter 399)

Senate Bill 436 creates the Nevada State Parks and Cultural Resources Endowment Fund to be administered by a committee consisting of the Administrator of the Division of State Parks, the Administrator of the Office of Historic Preservation, and three members appointed by the Governor.

The State Treasurer is to deposit in the Fund any money received from any person who wishes to contribute to the Fund. The Fund must only be used for the purposes of the enhancement of State parks and the preservation of the cultural resources of this State. Any interest earned on money in the Fund must be credited to the Fund. The principal of the Fund must not be spent, and only the interest earned on the principal may be used to carry out the provisions of the bill.

This bill is effective on June 3, 2013.

S.B. 465 (Chapter 429)

Senate Bill 465 increases the maximum per-head special tax rate the State Department of Agriculture may set for stock cattle, dairy cattle, hogs, pigs, and goats. The measure also increases from \$5 to \$10 the annual minimum tax that must be paid by each owner of livestock. Senate Bill 465 authorizes the Department, if it determines that an owner of livestock was not assessed the head tax in any year the tax was due, to assess the tax at any time within five years after the date on which it was due. The bill increases the penalty for failure to pay the tax and allows the Department to waive or reduce such penalties if it finds extenuating circumstances sufficient to justify the waiver or reduction. Finally, S.B. 465 prohibits the Department from providing inspection and other services to a livestock owner who is delinquent on the payment of the head tax.

The bill is effective on July 1, 2013.

Domestic Animals

A.B. 19 (Chapter 103)

Assembly Bill 19 abolishes the State Advisory Board of Trustees for the Trust Relating to the Fairground and transfers the duties of that Board to the Nevada Junior Livestock Show Board. The bill also adds a representative from the Reno Rodeo Association to the Nevada Junior Livestock Show Board.

This bill is effective on May 24, 2013.

A.B. 110 (Chapter 121)

Assembly Bill 110 provides that a dog may not be found to be dangerous or vicious based solely on its breed, and it prohibits a local authority from adopting or enforcing an ordinance or regulation that deems a dog dangerous based solely on its breed.

A.B. 246 (Chapter 356)

Assembly Bill 246 makes it a misdemeanor to sell, attempt to sell, offer for adoption, or transfer ownership of a live animal at a swap meet, except in counties and incorporated cities that have adopted an ordinance authorizing live animal sales at such events. The bill further provides that these ordinances must meet certain minimum criteria relating to the care of animals.

The provisions of A.B. 246 do not apply to:

- The sale or transfer of ownership of livestock;
- Any event where the primary purpose is to sell or auction agricultural implements;
- The adoption or transfer of ownership of a live animal if no fee is collected for the adoption or transfer and the animal has been appropriately vaccinated; or
- The adoption of dogs or cats at an outdoor event held by an animal shelter or rescue organization that is exempt under section 501(c)(3) of the *Internal Revenue Code*.

S.B. 72 (Chapter 401)

Senate Bill 72 prohibits a person from intentionally engaging in horse tripping for sport, entertainment, competition, or practice. In addition, a person shall not knowingly organize, sponsor, promote, oversee, or receive money for admission to a charreada or rodeo that includes horse tripping.

The bill defines “horse tripping” and provides that the term does not include tripping a horse or other equine animal in order to provide medical or other health care. The term also does not include catching an equine animal by the legs and then releasing it as part of a horse roping event for which a permit has been issued by the local government where the event is held.

The bill is effective on June 3, 2013.

S.B. 73 (Chapter 223)

Senate Bill 73 removes the provision that a report of an act of cruelty against an animal is confidential. The measure instead provides, except for the purposes of a criminal investigation or prosecution, that the willful release of any data or information concerning the identity of a person who made the report constitutes a misdemeanor.

This bill is effective on May 28, 2013.

S.B. 83 (Chapter 390)

Senate Bill 83 makes various changes to penalties relating to animal fighting. Specifically, the bill increases criminal penalties for:

- Willfully procuring or permitting a house, apartment, pit, or other place to be used for animal baiting or animal fighting, or knowingly being connected with such a place;
- Taking action in the furtherance of a fight between animals;
- Owning, possessing, training, promoting, or purchasing an animal with the intent to use it to fight another animal; and
- Selling an animal knowing that it will be used to fight another animal.

Penalties for these actions are increased from a gross misdemeanor to a category E felony for a first offense, and from a category E felony to a category D felony for a second offense.

Senate Bill 83 also increases penalties for knowingly attending a fight between animals in an exhibition or for amusement or gain. These penalties are increased from a misdemeanor to a gross misdemeanor for a first offense, and from a gross misdemeanor to a category E felony for a second offense. These same penalties apply to new provisions prohibiting a person from manufacturing, owning, possessing, purchasing, selling, bartering, exchanging, or advertising for sale certain sharp implements designed to be attached to certain fighting birds.

Environmental Matters

A.B. 176 (Chapter 355)

Assembly Bill 176 exempts a consignee from a requirement to provide the buyer or long-term lessee of a vehicle with evidence of compliance certifying that the vehicle is equipped with pollution control devices and complies with certain requirements of the State Environmental Commission. Instead, the bill requires the consignee to:

- Inform the buyer that he or she may be responsible for obtaining an emissions inspection or testing before the vehicle may be registered;
- Post a notice at the site of the consignment auction, in printed documents, or on a website if applicable, stating that the consignee is exempt from the requirement to obtain an emissions inspection or testing of any vehicle sold by consignment auction; and

- Make the vehicle available for inspection before the auction.

This bill is effective on June 2, 2013.

A.B. 461 (Chapter 513)

Assembly Bill 461 authorizes the Division of State Lands of the State Department of Conservation and Natural Resources (SDCNR) to establish and carry out programs to preserve, restore, and enhance sagebrush ecosystems on public and private land. Specifically, the bill requires the Division to:

- Oversee a program that awards credits for taking measures to protect, enhance, or restore sagebrush ecosystems;
- Identify and prioritize projects to improve sagebrush ecosystems;
- Suggest measures to avoid, minimize, and mitigate the impact of activities conducted in areas that include sage-grouse habitats; and
- Submit an annual progress report to the Sagebrush Ecosystem Council in the SDCNR.

The measure requires the Governor to appoint nine voting members to the Sagebrush Ecosystem Council. The measure identifies six nonvoting members of the Council, primarily representatives of federal and State land management agencies, and allows the Governor to appoint other nonvoting members to the Council. The Council must: (1) establish and carry out certain strategies and programs for the conservation of sage-grouse and for managing land that holds sagebrush ecosystems; (2) coordinate discussion among and provide advice to certain persons and governmental entities concerning the management of sagebrush ecosystems; and (3) submit a biannual report concerning its activities to the Governor.

Finally, the bill creates the Account to Restore the Sagebrush Ecosystem within the State General Fund, which may only be used to establish and fund programs to preserve, restore, and enhance sagebrush ecosystems.

The bill is effective on June 11, 2013.

A.B. 480 (Chapter 421)

Assembly Bill 480 requires the Tahoe Regional Planning Agency annually to provide the Governor and the Director of the Legislative Counsel Bureau with a copy of the Agency's most recent independent audit report and certain information about the Agency's expenditures and its progress in achieving certain performance measures and benchmarks.

The bill also requires the Agency to submit biennially its proposed budget to the Director of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau.

This bill is effective on June 7, 2013.

S.B. 148 (Chapter 80)

Senate Bill 148 revises requirements for the use of money in the Pollution Control Account by eliminating the program of grants to local governments derived from funds received in the Account in excess of \$1 million. Instead, this excess money is to be distributed directly, on an annual basis, to local air pollution control agencies in nonattainment or maintenance areas in an amount proportionate to the number of forms issued to emissions testing stations. As with the previously awarded grant money, this excess money must be used for programs related to the improvement of air quality.

The bill is effective on July 1, 2013.

S.B. 229 (Chapter 424)

Senate Bill 229 repeals most of the provisions of S.B. 271 of the 2011 Legislative Session, including the change in vote requirements for the Tahoe Regional Planning Agency's (TRPA) Governing Board and Nevada's certain withdrawal from the Tahoe Regional Planning Compact (Compact) dependent on certain actions by the State of California and the United States Congress. This repeal occurs upon enactment of legislation by the State of California that is effective on or before January 1, 2014, which includes the following amendments to the Compact:

- The TRPA must act in accordance with the requirements of the Compact and the implementing ordinances, rules, and regulations of the Compact when adopting or amending a regional plan and when taking an action or making a decision, and any party who challenges the "Regional Plan" or such an action or a decision of the TRPA has the burden of showing that the Plan violates those requirements; and
- The TRPA's planning commission and governing body shall ensure the "Regional Plan" of the TRPA reflects changing economic conditions and the economic effect of regulation on commerce.

Further, in its legislation, the State of California must agree: (1) to cooperate with the State of Nevada in seeking to have Congress ratify these changes to the Compact; (2) to find and declare support for the full implementation of the update of the "Regional Plan" adopted by the TRPA on December 12, 2012; and (3) to acknowledge the authority of either the State of California or the State of Nevada to withdraw from the Compact pursuant to the Compact or state laws. The Governor of the State of Nevada shall issue a proclamation when California has taken such action.

The provisions relevant to the vote requirements of the TRPA Governing Board; the lists of actions agreed to be undertaken, separately, by the States of California and Nevada; and the requirement for the Secretary of State to transmit certain copies of the measure are effective on June 6, 2013. The provisions relevant to any party who challenges the "Regional Plan" or certain actions or decisions of the TRPA and repealing the bulk of S.B. 271 of the 2011 Session are effective on January 1, 2014, if the Governor issues the described proclamation on or before this date. If the Governor does not issue such a proclamation on or before January 1, 2014, this act expires by limitation on January 2, 2014.

S.B. 390 (Chapter 466)

Senate Bill 390 requires the Division of Minerals of the Commission on Mineral Resources and the Nevada Division of Environmental Protection of the State Department of Conservation and Natural Resources to jointly develop a hydraulic fracturing program on or before July 1, 2014. The program must assess the effects of hydraulic fracturing on the waters of Nevada, require disclosure of chemicals used in hydraulic fracturing, and provide for public notice concerning fracturing activities. Finally, S.B. 390 requires the Commission on Mineral Resources to adopt regulations implementing the hydraulic fracturing program on or before January 1, 2015.

The measure is effective on June 10, 2013.

S.B. 399 (Chapter 336)

Senate Bill 399 revises the definition of “biodiesel” and defines “biomass-based diesel” and “biomass-based diesel blend.” The measure clarifies that it is unlawful to sell or deliver such fuels unless they meet certain requirements.

The bill also revises the definition of “special fuel” and specifies that the existing tax rate, applicable to special fuels, applies to certain fuel products. Finally, the bill provides volume conversion standards for compressed natural gas for tax purposes.

The bill is effective on June 1, 2013, for the purposes of adopting regulations and performing other preparatory tasks, and on January 1, 2014, for all other purposes.

S.B. 433 (Chapter 244)

Senate Bill 433 requires the State Board of Agriculture to adopt regulations on or before January 1, 2014, requiring the placement of a label on any motor vehicle fuel pump that draws fuel containing manganese or any manganese compound, including methylcyclopentadienyl manganese tricarbonyl (MMT). The bill also requires a person, other than a fuel retailer, who sells, delivers, or transports such fuel to provide documentation to the purchaser stating that the fuel contains manganese or a manganese compound and stating the volume of the compound.

The bill is effective on May 28, 2013, for purposes of adopting the required regulations and on January 1, 2014, for all other purposes.

Water

A.B. 128 (Chapter 124)

Assembly Bill 128 exempts the following persons from requirements to pay an aquatic invasive species (AIS) fee and display an AIS decal in Nevada:

- A person who operates a vessel on the Colorado River, Lake Mead, or Lake Mohave, if the vessel is registered in Arizona and Arizona has an AIS management program in effect; and

- A person who operates a vessel on Lake Tahoe or Topaz Lake, if the vessel is registered in California and California has an AIS management program in effect.

This bill is effective on May 24, 2013.

A.B. 483 (Chapter 318)

Assembly Bill 483 directs the State Engineer to charge a fee of not more than \$1,000 each for four applications made by the Department of Wildlife in 1975 to appropriate drain and flood waters in the Humboldt Sink for wildlife purposes. The bill sets forth a legislative finding that these fee limitations are necessary to allow the Department to maintain the wildlife and wetlands in the Humboldt Wildlife Management Area.

This bill is effective on June 1, 2013.

S.B. 65 (Chapter 57)

Senate Bill 65 expands the authority of the Division of Environmental Protection, State Department of Conservation and Natural Resources, to issue orders other than emergency orders to correct violations by public water system operators, if the Division has reason to believe that a person is engaged in, or is about to engage in, a practice which violates certain provisions relating to public water systems. The bill also authorizes the imposition of daily civil penalties of not more than \$5,000 and daily administrative fines of not more than \$2,500 against a laboratory for violations of certain regulations adopted by the State Environmental Commission or orders issued by the Division.

The bill is effective on May 22, 2013.

S.B. 133 (Chapter 146)

Senate Bill 133 allows a county to participate, in an advisory capacity, in the development and implementation of a monitoring, management, and mitigation plan (3M Plan), if the State Engineer requires such a 3M Plan as a condition of appropriating water for a beneficial use. The State Engineer must consider any comment, analysis, or other information submitted by the participating county before approving any 3M Plan, but is not required to include such comments and analyses in the plan. Finally, S.B. 133 specifies that a determination of the State Engineer regarding whether or not to include or follow such comments or analyses in the 3M Plan shall not be considered a decision that is subject to judicial review.

The bill is effective on May 24, 2013.

S.B. 134 (Chapter 147)

Senate Bill 134 authorizes a person to apply for a temporary permit to appropriate groundwater for watering livestock when the point of diversion is within a county, or a contiguous county, that is under a drought declaration. Any associated well must be plugged and sealed upon expiration of the temporary permit. A temporary permit issued for these purposes must not exceed one year in duration.

The bill also requires the Nevada Department of Wildlife, if it constructs or causes to be constructed a fence, to ensure that the fence is constructed and maintained in such a manner as to prevent livestock from being trapped in the fence. Finally, S.B. 134 requires each guzzler for use by wildlife to include a posted notice providing contact information that may be used to notify the person or agency that placed the guzzler if it is in disrepair.

The bill is effective on October 1, 2013. For any guzzler in use on or after October 1, 2013, the person or agency that placed the guzzler must comply with the notice requirements by October 1, 2014.

S.B. 434 (Chapter 283)

Senate Bill 434 authorizes any peace officer, without a warrant, to seize and take possession of any vessel which: (1) is being operated with any improper number or certificate of ownership; (2) the peace officer has probable cause to believe has been stolen; (3) has a hull number or other identifying mark that has been falsely attached, removed, defaced, altered, or obliterated; or (4) contains parts on which a manufacturer's identification number has been falsely attached, removed, defaced, altered, or obliterated. The measure permits a law enforcement agency to inspect a seized vessel to determine whether any person has presented satisfactory evidence of ownership. A vessel shall be deemed abandoned if the results of the inspection conclude that a number or identifying mark has been falsely attached, removed, or altered and no one has presented satisfactory evidence of ownership.

Finally, S.B. 434 increases, from \$500 to \$2,000, the property damage threshold that requires a vessel operator to file a report with the Nevada Department of Wildlife describing a collision, accident, or other casualty involving the vessel.

The bill is effective on July 1, 2013.

S.B. 468 (Chapter 271)

Senate Bill 468 increases fees for certain applications and permits collected by the Office of the State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources, and creates fees for several new categories relating to flood control detention basins, maps, wells, and certain applications relating to points of diversion and extensions. The bill also adds a fee of \$1,000 for issuing and recording each permit for an additional rate of diversion where no additional volume of water is granted. Applications for such permits must include information demonstrating the need for the additional diversion. Finally, S.B. 468 clarifies that fees collected by the State Engineer which were once credited to the State General Fund must now be deposited in the Water Distribution Revolving Account.

The bill is effective on July 1, 2013.

S.B. 505 (Chapter 274)

Senate Bill 505 repeals provisions in the *Nevada Revised Statutes* that establish the Columbia Basin Interstate Compact Commission of the State of Nevada.

The bill is effective on May 29, 2013.

Wild Animals

A.B. 168 (Chapter 129)

Assembly Bill 168 requires that one member of each county advisory board to manage wildlife must represent the interests of the general public. The bill requires the appointment of such a member as soon as practicable after the first board vacancy that occurs on or after July 1, 2013.

This measure also specifies that the other advisory board members must be appointed based on recommendations from ranchers and farmers in the county and from organizations that represent hunters, trappers, or anglers.

This bill is effective on July 1, 2013.

S.B. 11 (Chapter 48)

Senate Bill 11 makes it unlawful for a person to possess in Nevada any wildlife that was acquired, hunted, taken, or transported from another country or state in violation of a law or regulation of that country or state. A person who violates the new prohibitions set forth in S.B. 11:

- Is guilty of a misdemeanor punishable by a fine of not less than \$50 or more than \$500, or by imprisonment in the county jail for not more than 6 months, or by both;
- May be required to pay a civil penalty, the amount of which is based upon the type of wildlife involved; and
- May be required to surrender all licenses issued to the person under Title 45 of the *Nevada Revised Statutes*.

The bill is effective on July 1, 2013.

S.B. 82 (Chapter 225)

Senate Bill 82 acknowledges the various perspectives on the hunting of black bears in Nevada and urges proponents and opponents of the black bear hunt to engage in productive and meaningful discussions with the goal of achieving a consensus on the proper management of Nevada's black bear population. The measure also urges the continued management of black bears in Nevada by the Department of Wildlife in a way that conserves, sustains, and protects the black bear population in a healthy and productive condition and minimizes threats to public safety and damage to personal property. Finally, the bill urges Nevada's Board of Wildlife Commissioners to conduct its planned three-year comprehensive review of the black bear hunt following the 2013 bear hunting season, with the goal of evaluating certain scientific analyses and impacts of the hunt and making an unbiased and informed recommendation concerning the viability of hunting black bears in Nevada. This review is urged to be submitted to the Director of the Legislative Counsel Bureau for distribution to the Chairs of the Senate Committee on Natural Resources and the Assembly Committee on Natural Resources, Agriculture, and Mining.

This bill is effective on May 28, 2013.

S.B. 181 (Chapter 151)

Senate Bill 181 expands the availability of special group fishing permits to include nonprofit organizations that will use such permits for the benefit of adults with disabilities. The bill allows the Director of the Nevada Department of Wildlife to expedite an application for and the approval of a special fishing permit if it is determined that special circumstances exist.

The measure clarifies that in order to fish with a special group permit, a person must be in a relevant organization or must be supervised by and in the company of an officer or employee of the organization. In addition, at least one such officer or employee must have a valid Nevada fishing license and be present on site.

Finally, the bill removes restrictions that special fishing permits may authorize no more than 15 people to fish and that the Department may not issue more than two permits per year to the same organization.

The bill is effective on May 24, 2013.

S.B. 213 (Chapter 231)

Senate Bill 213 requires each trap, snare, or similar device used in the taking of wild mammals to be registered with and bear a number assigned by the Nevada Department of Wildlife (NDOW). This number must be affixed to or marked on the device in a manner specified by regulation of the Board of Wildlife Commissioners. The bill provides that any trap registration information maintained by NDOW is confidential unless required to be disclosed by law or a court order.

The bill further provides that a person who intentionally steals one or more traps with a total value of less than \$650, or who knowingly buys, receives, or possesses stolen traps with such a total value, is guilty of a gross misdemeanor. Stolen traps must be reported by the registrant to NDOW as soon as possible.

Senate Bill 213 also requires a registrant to provide written authorization in order for another person to possess or use the registrant's trap, snare, or similar device. A person who obtains such authorization must have it in his or her possession, along with a trapping license, when using the device.

Finally, the measure deletes from Nevada law the minimum nonlethal trap visitation time of once every 96 hours and instead requires the Board of Wildlife Commissioners to set the visitation times by regulation. The regulations must require visitation of the traps at least once every 96 hours. When setting these trap visitation requirements, the Commission must consider the proximity of the trap to populated or heavily used areas.

Provisions relating to trap registration, written authorization for certain trap use, and the visitation of traps are effective on May 28, 2013, for the purposes of adopting regulations and performing other preparatory tasks, and on July 31, 2013, for all other purposes. The remaining portions of the bill are effective on May 28, 2013.

S.B. 371 (Chapter 238)

Senate Bill 371 prohibits a person from intentionally feeding any big game mammal without written authorization from the Department of Wildlife. This prohibition does not apply to any employee or agent of the Department or the Animal and Plant Health Inspection Service of the United States Department of Agriculture. A person found guilty of intentionally feeding a big game mammal must be issued a written warning for a first offense, shall be punished by a fine of not more than \$250 for a second offense, and shall be punished by a fine of not more than \$500 for a third offense.

PUBLIC SAFETY

A.B. 223 (Chapter 485)

Assembly Bill 223 authorizes a constable, subject to approval by the board of county commissioners, to appoint clerical and operational staff. The bill provides that such staff do not have the powers of peace officers and may not possess a weapon or carry a concealed firearm while performing their duties for the constable.

A constable of a township whose population is 15,000 or more or containing a city with a population of 15,000 or more must be certified by the Peace Officer Standards and Training (POST) Commission as a category I or II peace officer within one year of taking his or her position. The POST Commission may grant a six-month extension of this requirement. A constable or deputy constable in a township whose population is less than 15,000 or that has within its boundaries a city with a population of less than 15,000 is prohibited from making arrests unless he or she is certified as a category I or II peace officer.

Assembly Bill 223 also authorizes a board of county commissioners to establish, by resolution or ordinance, penalties for the failure of a constable to file any oath, report, or other document required by law to be filed with the county or with the POST Commission. The bill further requires the constable's oath to be filed and recorded in the office of the county recorder in the county where the constable holds office.

Finally, the authority of the constable to issue a citation to the owner or driver of a vehicle that is not properly registered applies only to vehicles located in the constable's township at the time the citation is issued.

This measure is effective on July 1, 2013. Provisions requiring a constable to have POST certification within a year of taking office apply prospectively to a constable who is elected or appointed on or after the effective date of the bill.

A.B. 286 (Chapter 358)

Assembly Bill 286 requires a host organization or sponsor of a special event in a county whose population is 100,000 or more (currently Clark and Washoe Counties) with more than 2,500 persons but less than 50,000 persons in attendance or observation to provide certain medical personnel and emergency medical services under certain circumstances. In all counties where a special event is projected to be attended by 50,000 or more persons the host organization or sponsor of a special event is required to provide a first aid station, a dedicated advanced life support ambulance, and certain medical personnel onsite if certain factors apply. The required number of first-aid stations, dedicated advanced life support ambulances, and medical personnel, including skill level, varies upon the number of persons projected to attend or observe the special event along with certain other factors.

Additionally, the Health Division, Department of Health and Human Services, is authorized to impose administrative penalties against any person who violates the provisions.

A.B. 352 (Chapter 202)

Assembly Bill 352 prohibits a person from knowingly advertising, making, possessing, purchasing, selling, or transporting a hoax bomb with intent to:

- Make a reasonable person believe it is an explosive or incendiary device;
- Cause alarm or reaction by an employee, officer, or volunteer of a fire or law enforcement agency; or
- Cause the evacuation of a building, whether or not a threat is conveyed.

The bill provides that a violation of this prohibition is a gross misdemeanor or, if used to cause the evacuation of a building, a category E felony or, if used in furtherance of a felony, a category C felony.

A.B. 354 (Chapter 203)

Assembly Bill 354 prohibits the manufacture, sale, or distribution of an empty bottle or cup containing intentionally added Bisphenol A (BPA) if the bottle or cup is designed or intended to be filled with liquid, food, or beverage intended primarily for consumption by a child less than four years of age. The bill also prohibits the manufacture, sale, or distribution of infant formula or baby food stored in a container that contains intentionally added BPA.

The provisions of the bill relating to manufacturing, sale, or distribution of infant formula or baby food are effective on July 1, 2014. Other provisions of the bill are effective on January 1, 2014.

A.B. 472 (Chapter 435)

Assembly Bill 472 increases from \$100 to \$150 the maximum fee that may be established by the Director of the Department of Public Safety for the Program for the Education of Motorcycle Riders.

This bill is effective on July 1, 2013.

S.B. 76 (Chapter 255)

Senate Bill 76 authorizes a person to apply for and obtain one permit to carry all handguns owned by the person, after demonstrating competence with handguns. The bill revises the definition of “concealed firearm” to mean a loaded or unloaded handgun carried in a concealed manner, and it deletes the separate definitions of “revolver” and “semiautomatic firearm.”

S.B. 136 (Chapter 78)

Senate Bill 136 provides that homicide is justifiable when committed by a public officer, or a person acting under the command and in the aid of a public officer, when necessary in protecting against an imminent threat to the life of a person.

S.B. 243 (Chapter 252)

Senate Bill 243 establishes the State DNA Database, which is administered by the Forensic Science Division of the Washoe County Sheriff's Office. The measure provides that the Forensic Science Division shall act as a liaison between the Federal Bureau of Investigation (FBI) and other state agencies of criminal justice relating to Nevada's participation in the FBI's DNA Indexing System—"CODIS."

Senate Bill 243 provides the procedures for submitting a biological specimen to a forensic laboratory for genetic marker analysis when a person is arrested for a felony. If a court or magistrate determines that probable cause did not exist for the person's arrest, the biological specimen must be destroyed within five business days. The measure also provides that if a person is arrested for a felony and is not convicted, the person may make a written request to the Central Repository for Nevada Records of Criminal History to destroy the biological specimen and the DNA profile and purge the DNA record from the forensic laboratory, the State DNA Database, and CODIS.

The bill provides that any costs incurred relating to obtaining or destroying a biological specimen or purging a DNA profile or record are a charge against the county in which the person was arrested and must be paid from the county fund for genetic marker testing. The measure imposes an additional \$3 administrative assessment on a person convicted of a misdemeanor, gross misdemeanor, or felony to pay in part for the costs of obtaining specimens and conducting the analysis.

Finally, S.B. 243 establishes the Subcommittee to Review Arrestee DNA of the Advisory Commission on the Administration of Justice. The Subcommittee will consider issues relating to DNA of arrested persons and submit a report and recommendations to the Commission.

This measure is effective on July 1, 2013.

S.B. 262 (Chapter 394)

Senate Bill 262 prohibits the operation of a vehicle upon a State highway if the vehicle is equipped with a dynamic display unless the vehicle is equipped with technology that prevents the screen content from changing when the vehicle is in motion, in a turnout, or in any other location where changing the content may cause an undue distraction to other drivers. The bill also prohibits the use of such displays to project or otherwise show moving images, information, or other content.

Finally, S.B. 262 exempts from these prohibitions dynamic displays operated for personal and noncommercial uses and for purposes of traffic control by law enforcement, emergency responders, mass transit vehicles, and public utilities.

S.B. 268 (Chapter 93)

Senate Bill 268 requires a wireless telecommunications provider to provide, upon the request of a law enforcement agency, the most accurate call location information concerning the telecommunications device of a user to assist the law enforcement agency in an emergency

situation that involves the immediate risk of death or serious physical harm. The measure requires a wireless telecommunications provider to submit its emergency contact information to the Department of Public Safety to facilitate such requests from law enforcement agencies. The Department is required to maintain a database of the information and provide it to a law enforcement agency immediately upon request. Further, the Department is authorized to adopt regulations to carry out these provisions.

This bill is effective on May 23, 2013, for the purpose of adopting regulations, and on October 1, 2013, for all other purposes.

Police and Fire Protection

A.B. 424 (Chapter 460)

Assembly Bill 424 authorizes the State Fire Marshal and the State Board of Fire Services to issue a written administrative citation if the State Fire Marshal or the Board, based upon a preponderance of evidence, has reason to believe that a person has violated any statute or regulation relating to the State Fire Marshal. The Board is required to establish by regulation a tiered fine schedule not to exceed \$50,000, with at least three tiers, based on the severity and frequency for any such violation. The measure further establishes the procedure by which a person may contest a citation.

This measure is effective on June 10, 2013, for the purpose of adopting regulations and on January 1, 2014, for all other purposes.

S.B. 273 (Chapter 232)

Senate Bill 273 provides that in a county with a population less than 45,000 (currently Churchill, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing, Storey, and White Pine Counties), a deputy sheriff who has completed a 12-month probationary period may be terminated from employment for cause for failing to become certified by the Peace Officers' Standards and Training (POST) Commission within the statutorily required time, for losing POST certification, or for failing to maintain a valid driver's license.

This bill is effective on July 1, 2013.

S.B. 284 (Chapter 174)

Senate Bill 284 requires a law enforcement agency in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to adopt policies and procedures governing the investigation of motor vehicle accidents in which peace officers employed by the law enforcement agency are involved.

If such a motor vehicle accident results in fatal injuries, the policies and procedures must require the investigation to be conducted by a law enforcement agency other than the agency that employs the peace officer involved in the accident, except under the following circumstances:

- Another law enforcement agency does not have comparable equipment and personnel to investigate the accident at least as effectively as the law enforcement agency that employs the peace officer involved in the motor vehicle accident;
- Another law enforcement agency is unavailable to investigate the motor vehicle accident; or
- Investigation of the motor vehicle accident by another law enforcement agency would delay the initiation of the investigation such that the integrity of the accident scene and preservation and collection of evidence may be jeopardized by such a delay.

The policies and procedures may allow for cooperation between the law enforcement agency and agencies in other jurisdictions for the investigation of such accidents.

This bill is effective on July 1, 2013.

PUBLIC UTILITIES

A.B. 173 (Chapter 195)

Assembly Bill 173 prohibits an electric utility from making changes to a schedule or imposing a rate based on the time of day, day of the week, or time of year during which electricity is purchased by a residential consumer, unless the consumer has voluntarily subscribed to a program imposing such a rate.

This bill is effective on May 28, 2013.

A.B. 436 (Chapter 420)

Assembly Bill 436 requires the Public Utilities Commission of Nevada (PUCN) to adopt regulations specifying the information and criteria it will consider when reviewing a request to:

- Recover an amount based on the anticipated effects of a water conservation plan;
- Recover the costs of providing service without regard to the quantity of water sold; and
- Impose a surcharge to fund and encourage infrastructure investments.

This bill is effective on July 1, 2013.

A.B. 486 (Chapter 368)

Assembly Bill 486 allows certain telecommunication providers to apply to the Public Utilities Commission of Nevada (PUCN) for relief from the duty to provide basic network and business line service when certain alternative services are available. The measure prescribes the procedures to be followed by the PUCN in reviewing such an application and allows the PUCN to require providers to continue service under certain circumstances. The bill also gives the PUCN the authority to regulate certain telecommunication providers under provisions of federal and State law. Finally, A.B. 486 removes obsolete references to telegraph lines and equipment throughout the *Nevada Revised Statutes*.

This bill is effective on June 2, 2013.

S.B. 15 (Chapter 5)

Senate Bill 15 authorizes certain public utilities to request a waiver from the requirement to submit a resource plan to the Public Utilities Commission of Nevada. The utilities include those that furnish water for municipal, industrial, or domestic purposes or sewage disposal services, or both, and that have an annual gross operating revenue of \$1 million or more for at least one year during the immediately preceding three years. The request for a waiver must include proof that the public utility will not experience a significant increase in demand for its services or require the acquisition or construction of additional infrastructure during the three-year period covered by the resource plan the public utility would have submitted.

The measure requires the Commission to issue an order approving or denying the request within 45 days after receiving the request for a waiver. Additionally, the Commission is prohibited from approving a request for a waiver for consecutive three-year periods.

This measure is effective on April 2, 2013.

S.B. 41 (Chapter 55)

Senate Bill 41 provides that a small-scale provider of last resort may file with the Public Utilities Commission of Nevada (PUCN) a proposed change in any schedule of rates or services using a letter of advice in lieu of an application if the applicant:

- Demonstrates that the proposed change in schedule is required by, or directly related to, a regulation or order of the Federal Communications Commission; and
- Files the letter of advice not later than five years after the PUCN has issued a final order on a general rate application. A provider may request a waiver of the five-year period.

A commercial mobile radio service provider who seeks to merge with, directly or indirectly, acquire, or obtain control of a public utility doing business in Nevada is exempt, in certain circumstances, from obtaining authorization of the proposed transaction from the PUCN. The bill authorizes a person proposing such a transaction to request that the Regulatory Operations Staff of the PUCN and the Consumer's Advocate of the Bureau of Consumer Protection each waive the right to request an order from the PUCN requiring the filing of an application for authorization of the proposed transaction. If such a waiver is made, the person proposing the transaction is exempt from obtaining authorization from the PUCN.

The measure makes changes concerning lifeline and tribal link up provided by small-scale providers of last resort. The bill also expands the applicability of the reduction in telephone rates to include bundled service offerings as required under federal regulations.

This bill is effective on May 22, 2013.

S.B. 79 (Chapter 61)

Senate Bill 79 repeals section 710.600 of the *Nevada Revised Statutes*, which provides that, in any incorporated city having a commission form of government, all net profits derived from municipally owned and operated utilities may be expended, in the discretion of the governing body of such city, for general municipal purposes.

This bill is effective on July 1, 2013.

S.B. 498 (Chapter 347)

Senate Bill 498 authorizes certain telecommunication providers to access the databases created and maintained by the Department of Health and Human Services (DHHS) for the exclusive purpose of determining or verifying customers who are eligible for Lifeline service. Such

access is prohibited after an independent administrator is selected and able to inform these providers of their customers' eligibility to receive Lifeline service. An independent administrator may access the DHHS databases to the extent authorized by State and federal law and any other database created and maintained by a State agency for the purpose of determining or verifying the status of an eligible customer.

The bill repeals the requirement that DHHS provide each eligible telecommunication provider with a list of customers who are eligible for Lifeline service. Additionally, the measure repeals the requirement that an eligible telecommunication provider notify an eligible customer that he or she will receive Lifeline or Link Up services unless the customer specifically declines to receive the services.

Provisions repealing the requirement that DHHS provide a list of eligible customers to each provider are effective on January 1, 2014. All other provisions are effective on October 1, 2013.

Energy

A.B. 33 (Chapter 502)

Assembly Bill 33 revises provisions relating to rating systems adopted by the Director of the Office of Energy for purposes of granting partial tax abatements. The measure also repeals the partial tax abatement for certain buildings or structures renovated for use by manufacturers, and instead it allows any building or structure that has been newly constructed or renovated under certain rating standards to qualify for a partial tax abatement.

Additionally, A.B. 33 revises the requirements of a board of county commissioners in reviewing an application for partial tax abatement for renewable generation facilities. The bill requires a board to make a recommendation to the Director of the Office of Energy regarding the abatement and may only deny an application if:

- The board determines that the projected cost of the services to support the facility will exceed the revenue the local government would receive as a result of the abatement; or
- The projected financial benefits to the county from employment opportunities and capital investments will not exceed the projected lost tax revenue.

Finally, these provisions do not apply to a building or other structure for which a partial abatement has been received or for which an application for partial abatement has otherwise been submitted before the effective date of this act.

This bill is effective on June 11, 2013.

A.B. 199 (Chapter 134)

Assembly Bill 199 authorizes the Colorado River Commission (CRC) of Nevada to contract with certain new eligible customers based on an allocation of capacity and associated firm energy from a resource pool created pursuant to federal law, without subjecting the CRC to regulation by the Public Utilities Commission of Nevada (PUCN). The bill prohibits the CRC from serving any new customer located within the service territory of an electric utility that primarily serves densely populated counties in excess of the allocation made to that customer pursuant to federal law. Lastly, A.B. 199 requires the PUCN to establish a tariff for certain services provided by an electric utility for its sale of electric or transmission services, or both, to a customer of the CRC.

This bill is effective on May 24, 2013, for the purpose of adopting regulations and performing preparatory administrative tasks, and on October 1, 2013, for all other purposes.

A.B. 239 (Chapter 504)

Assembly Bill 239 makes changes to energy-related tax incentives. It authorizes the Director of the Office of Energy to charge and collect a fee from each applicant for a tax abatement. The bill provides that certain facilities which generate electricity from geothermal energy are eligible for a partial abatement of taxes, and it removes from eligibility in the abatement program facilities that provide for the transmission of renewable energy or geothermal resources. The bill also modifies requirements concerning a board of county commissioners approving an application for partial tax abatement before such an abatement is granted.

Assembly Bill 239 establishes the Economic Development Electric Rate Rider Program, a five-year program to encourage the location or relocation of new businesses by providing discounted rates for electricity. The Public Utilities Commission of Nevada (PUCN), in consultation with the Office of Economic Development, is required to administer the program and adopt regulations to establish the discounted rates and approve the contract terms for each applicant. The PUCN is also required to prepare and submit a report to the 78th Session of the Legislature concerning the program. The bill requires a utility to set aside not more than 50 megawatts of capacity for allocation pursuant to the program and to recover the amount of the discount given to each participant through the deferred energy accounting process.

This bill provides that a public utility is not required to include a utility facility in its integrated resource plan if the facility is not intended to serve customers in this State and the cost of the facility will not be included in the rates charged by the utility. Assembly Bill 239 allows a permit applicant for a utility facility, for which the applicant is required to obtain an environmental analysis from a federal agency, to file a notice with the PUCN regarding this environmental analysis, rather than an additional application.

The bill also revises the authority for the issuance of land use permits for a utility project. The measure requires a planning commission or governing body that is required to prepare and adopt a master plan to include in the master plan an aboveground utility plan. Such a governing body must establish a process for the issuance of: (1) permits for the construction of aboveground utility projects; (2) special use permits for the construction of aboveground

utility projects that are to be constructed outside of the corridors identified in the master plan; and (3) special use permits for the construction of renewable energy generation projects with a nameplate capacity of ten megawatts or more.

This bill is effective on July 1, 2013.

A.B. 388 (Chapter 538)

Assembly Bill 388 provides that certain facilities which generate electricity from geothermal energy are eligible for a partial abatement of taxes. The measure excludes from the calculation of portfolio energy credits the energy used by a portfolio energy system for its basic operations for any system placed into operation after December 31, 2015, under certain circumstances. It also revises the authority of a board of county commissioners relating to approving an application for a partial abatement of certain taxes for the generation of electricity from renewable energy. Finally, the bill also enacts certain provisions related to claims or causes of action relating to a renewable energy project located on Indian tribal land.

A.B. 428 (Chapter 510)

Assembly Bill 428 makes changes to renewable energy incentive programs. It places statewide limits on the incentives paid for the solar, wind, and waterpower programs and extends the prospective expiration of those programs from December 31, 2021, to December 31, 2025. The bill requires the Public Utilities Commission of Nevada (PUCN) to adopt regulations relating to market-based incentives for the Solar Energy Systems Incentive Program. Incentives for the Program must be performance-based, and the bill requires the participant to prove that the solar energy system has been installed and energized before receiving any incentive payment. The bill requires the PUCN to establish customer categories participating in the Program and authorizes the agency to adopt criteria and capacity limitations for participation in the Program. Program participants must be qualified for net metering in order to be eligible.

Similarly, A.B. 428 requires the PUCN to establish the categories for the Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program. The bill limits the total amount paid to program participants and establishes a maximum nameplate capacity of 500 kilowatts. The wind program incentive is based on the performance and amount of energy generated by the system. Eligibility for either program requires the system to qualify for net metering.

Assembly Bill 428 further requires each electric utility to create a Lower Income Solar Energy Pilot Program. The measure authorizes a utility to assess certain charges against net metering participants, and it requires the PUCN to open an investigatory docket to evaluate the costs and benefits attributable to net metering. Additionally, A.B. 428 requires the Consumer's Advocate to publish a report containing certain information if the office declines to represent the public interest in a proceeding to review a proposed rate of an electric utility. The bill establishes the Legislative Committee on Energy and sets out the membership, duties, powers, and responsibilities of the Committee. Finally, the bill extends by four years the expiration of provisions related to Wind Energy and Waterpower programs.

This bill is effective on June 11, 2013, for the purpose of adopting regulations or performing other preparatory administrative tasks. The provisions related to the creation of the Legislative Committee on Energy are effective on July 1, 2013. The remainder of the bill is effective on January 1, 2014.

S.B. 123 (Chapter 490)

Senate Bill 123 requires certain electric utilities to file with the Public Utilities Commission of Nevada (PUCN) a comprehensive plan for emissions reductions from coal-fired electric generating plants and for the replacement of such plants with increased capacity from renewable energy facilities and other electric generating plants. The measure prescribes the minimum requirements of such plans, including:

- The retirement or elimination of not less than 800 megawatts of coal-fired electric generating capacity on or before December 31, 2019;
- The construction or acquisition of, or contracting for, 350 megawatts of electric generating capacity from renewable energy facilities; and
- The construction or acquisition of 550 megawatts of electric capacity from other electric generating plants.

The measure provides for the recovery of certain costs incurred by an electric utility in carrying out an emissions reduction and capacity replacement plan. The bill prescribes the power and duties of the Division of Environmental Protection of the State Department of Conservation and Natural Resources with respect to such a plan.

If the PUCN deems inadequate any portion of a utility's emissions reduction and capacity plan or an amendment to the plan, the PUCN may recommend a modification to the plan or amendment, and the utility may accept the modification or withdraw the proposed plan or amendment. The PUCN is required after a hearing to review and accept or modify such a plan. Finally, the bill requires that any order issued by the PUCN accepting an element of such a plan must authorize a utility to construct or acquire and own electric generating plants necessary to implement it.

This bill is effective on June 11, 2013.

S.B. 252 (Chapter 423)

Senate Bill 252 revises provisions related to the Renewable Portfolio Standard (RPS). The measure limits the qualifications of a portfolio energy system for purposes of meeting the RPS to:

- Those systems placed into operation after July 1, 1997; or
- Those systems placed into operation before July 1, 1997, if the system was used to satisfy the requirement before July 1, 2009.

The bill also limits the qualifications of an energy efficiency measure for purposes of meeting the RPS to those measures installed on or before December 31, 2019. Further, S.B. 252 eliminates the 2.4 kilowatt-hour multiplication factor for each 1 kilowatt-hour actually generated or acquired from a solar photovoltaic system for purposes of calculating portfolio energy credits (PECs) for any system placed into operation after December 31, 2015. Similarly, the measure excludes from the calculation of PECs the energy used by a portfolio energy system for its basic operations for any system placed into operation after December 31, 2015.

The bill authorizes a provider of electric service that carries forward 10 percent to 25 percent more kilowatt-hours of electricity than the provider needs to satisfy the RPS for the subsequent calendar year to sell the excess electricity. Additionally, the measure requires a provider that carries forward 25 percent or more of the amount of PECs necessary to comply with the RPS for the subsequent year to make reasonable efforts to sell any excess credits.

Finally, S.B. 252 requires the Public Utilities Commission of Nevada to open an investigatory docket to study, examine, and review the process for the sale of PECs and to submit a written report of its findings to the 78th Session of the Nevada Legislature.

RESOLUTIONS AND MEMORIALS

Assembly Joint Resolutions

A.J.R. 1 (File No. 45)

Assembly Joint Resolution No. 1 recognizes the Upper Las Vegas Wash as a unique and nationally important paleontological, cultural, and biological site. The resolution expresses legislative support for designating the Wash as a national monument in order to conserve, protect, interpret, and enhance the site's resources for the benefit of present and future generations.

This measure is effective on May 28, 2013.

A.J.R. 3 (File No. 46)

Assembly Joint Resolution No. 3 expresses the Legislature's intent to establish and encourage the creation of a biomass industry in Nevada in order to expand efforts to manage pinyon-juniper woodlands and restore certain ecosystems on public lands. The measure also encourages Congress to extend the authority of the Bureau of Land Management and the United States Forest Service to enter into stewardship contracts or agreements for management and restoration projects on public lands beyond the current expiration date, and to extend the maximum length of those contracts or agreements to 20 years.

This resolution is effective on May 31, 2013.

A.J.R. 4 (File No. 35)

Assembly Joint Resolution No. 4 urges the Bureau of Land Management (BLM) and the United States Forest Service (USFS) to assist Nevada with the prevention and suppression of wildfires and repeat wildfires. The resolution states that wildfires negatively affect the ecosystem and cheatgrass has been a significant contributing factor to wildfire activity in the State. The measure further suggests that, among other options to decrease wildfire activity, the BLM and USFS should partner with local agencies and other interested parties, and also may consider partnering with the livestock industry, to determine whether increased grazing under certain circumstances would reduce the frequency of wildfires and enhance rangeland and forest conditions.

This resolution is effective on May 23, 2013.

A.J.R. 5 (File No. 36)

Assembly Joint Resolution No. 5 notes that Nevada has an abundance of natural and renewable resources, many of which are located on public lands that are managed and controlled by the federal government. The resolution urges Congress to ensure that such lands remain open and accessible to multiple uses. The measure also urges Congress to enact legislation to ensure that the State and affected local governments in the State receive a portion of the revenue

received by the federal government for activities conducted on those lands, including activities that generate electricity from geothermal resources.

This resolution is effective on May 23, 2013.

A.J.R. 6 (File No. 18)

Assembly Joint Resolution No. 6 recognizes the longstanding relationships of the United States and the State of Nevada with Israel and expresses the Legislature's support for Israel and Governor Sandoval's upcoming trade mission to Israel.

The resolution is effective on April 5, 2013.

A.J.R. 7 (File No. 37)

Assembly Joint Resolution No. 7 urges the National Park Service to recognize the importance of mid-20th century architecture in Nevada and to provide assistance in listing significant examples of such architecture in the National Register of Historic Places. The resolution also urges the Governor to proclaim May 20, 2014, as the day to acknowledge and celebrate important examples of mid-20th century architecture in Nevada.

This resolution is effective on May 23, 2013.

Assembly Concurrent Resolutions

A.C.R. 1 (File No. 4)

Assembly Concurrent Resolution No. 1 adopts the Joint Rules of the Senate and Assembly for the 2013 Legislative Session.

A.C.R. 3 (File No. 33)

Assembly Concurrent Resolution No. 3 expresses legislative support for the International Environmental Youth Campaign of the America's Schools Program in its efforts to develop and fund environmental education programs in K-12 schools through partnerships with businesses, organizations, and institutions. The resolution also urges the Campaign and its partners to continue their efforts to educate and inspire young people with respect to environmental issues and personal environmental responsibility.

A.C.R. 4 (File No. 14)

Assembly Concurrent Resolution No. 4 honors the brave Nevadans who made the ultimate sacrifice through their service, dedication, and commitment to this country in the Global War on Terrorism, which was launched in response to attacks on the United States on September 11, 2001. This measure honors all Nevadans who lost their lives serving this country in the name of freedom and justice, and it memorializes the three Nevadans who have given their lives since the 76th Legislative Session.

A.C.R. 5 (File No. 23)

Assembly Concurrent Resolution No. 5 memorializes former Assemblyman John W. Marvel, who passed away on March 16, 2013. He was born in Battle Mountain, Nevada, on September 11, 1926, and, after graduating as valedictorian of his class at Battle Mountain High School, served in the United States Army during World War II and was honored for his service with the Asiatic-Pacific Campaign Medal, the Army of Occupation Medal, and the World War II Victory Medal. After earning a bachelor of arts degree at the University of Nevada, Reno, in 1951, he built a career as business manager of and working cowboy with one of the largest ranching operations in Nevada history, W.T. Jenkins Co., which was founded by his grandfather, and later he acquired and operated the Dunphy Ranch in Eureka County for over two decades.

Mr. Marvel was first elected to the Nevada Assembly in 1978 and served for 30 years, including 15 regular and 11 special sessions. He was proudest of his legislative efforts to support education, to secure funding for the University of Nevada School of Medicine, and to reform the prison system, tax structure, and water laws of this State. He also served as Chairman of the Nevada Tax Commission and the Lander County Planning Commission and as a member of the Advisory Council to the National Public Land Law Review Commission and, after his legislative service, served on the Nevada Commission on Ethics.

This resolution extends the deepest condolences of the 77th Session of the Nevada Legislature to former Assemblyman Marvel's wife Willie, his children Sharon, John, and Michelle, and his brother Thomas.

A.C.R. 6 (File No. 28)

Assembly Concurrent Resolution No. 6 expresses the appreciation of the members of the Assembly and Senate of the 77th Legislative Session and commends the staff of the Legislative Counsel Bureau for meeting in the most efficient and professional manner possible the ever increasing challenges of providing nonpartisan, centralized services to members of the Legislature and their constituents.

A.C.R. 7 (File No. 49)

Assembly Concurrent Resolution No. 7 urges the Office of the Governor to continue the Legislature's involvement in analyzing the potential economic impact of listing the Greater Sage grouse as an endangered or threatened species, and in developing and implementing strategies to preclude such a listing.

A.C.R. 8 (File No. 44)

Assembly Concurrent Resolution No. 8 memorializes John J. McDonald, who passed away on February 6, 2013. He was born in Butte, Montana, and after serving in World War II, Mr. McDonald married his wife Doris in 1952. The young family moved to Las Vegas, Nevada in 1960, where Mr. McDonald worked as a card dealer for various casinos. At the time of his retirement in 1990, Mr. McDonald was a casino manager.

Mr. McDonald was a lifelong football fan and devoted his retirement to youth sports and ensuring local youth, regardless of background, had recreational opportunities. In the 1990s, Mr. McDonald worked with neighbors to advocate for the transformation of nearby vacant land to a youth football-designated complex. In 2001, the complex was opened as the All American Park, featuring six fields for youth football. In 2012, Mr. McDonald's efforts were recognized with the naming of the John J. McDonald Football Complex at All American Park.

This resolution extends the deepest condolences of the 77th Session of the Nevada Legislature to John J. McDonald's beloved family and countless friends.

A.C.R. 9 (File No. 55)

Assembly Concurrent Resolution No. 9 directs the State Controller to pay the sum of \$35 per service out of the Legislative Fund to members of the clergy who perform religious services for the Assembly and the Senate during the 77th Session of the Nevada Legislature.

The State Controller is also directed to pay the sum of \$2,000 to the coordinator of the clergy who facilitated the services for the Assembly and the Senate during the 77th Session of the Nevada Legislature.

NOTE: See also Assembly Concurrent Resolution 1 (Chapter 2) of the 27th Special Session.

Senate Joint Resolutions

S.J.R. 1 (File No. 41)

Senate Joint Resolution No. 1 expresses support for wild horses and burros by declaring that these animals are an integral part of the ecosystem and rangelands of the United States and the State of Nevada. The resolution notes that wild horses and burros are natural resources and cultural assets with the potential to promote tourism and job creation, particularly with the building of "eco-sanctuaries." The resolution notes that these animals depend on the understanding, cooperation, and fairness of all interested persons. In addition, the resolution expresses the Legislature's support for the preservation and protection of wild horses and burros and the development of wild horse and burro-related ecotourism. Finally, S.J.R. 1 encourages a spirit of cooperation between wild horse and burro advocates, private land owners, and the State Department of Agriculture.

The resolution is effective on May 28, 2013.

S.J.R. 5 (File No. 32)

Senate Joint Resolution No. 5 urges the United States Congress to pass the Marketplace Fairness Act, which would provide the states with the authority to require out-of-state retailers, such as online and catalog retailers, to collect and remit sales tax on purchases shipped into the state.

This resolution is effective on May 21, 2013.

S.J.R. 8 (File No. 53)

Senate Joint Resolution No. 8 proposes to amend the *Nevada Constitution* to provide for annual regular legislative sessions, limited in odd-numbered years to not more than 90 legislative days within 120 calendar days and in even-numbered years to not more than 30 legislative days within 45 calendar days.

The measure proposes to remove the current constitutional provisions that limit payment of legislator salaries to the first 60 days of a regular session and the first 20 days of a special session, and proposes instead that legislators be compensated at regular intervals as set by law. The measure also proposes to remove the restriction of \$60 per session for office expenses, such as postage and stationery, and to appropriate funds for actual expenses that members may incur for each legislative session.

If approved in identical form during the 2015 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval at the 2016 General Election.

S.J.R. 9 (File No. 54)

Senate Joint Resolution No. 9 urges the Director of the Bureau of Land Management (BLM) to expedite the process for approving special recreation permits (SRPs) for commercial and competitive uses of federal public lands in Nevada, when such uses are for nonmotorized events. The resolution also urges the Director of the BLM to amend the *Code of Federal Regulations* to further expedite the approval process for SRPs and asks Nevada's Congressional Delegation to use its best efforts to accelerate this process as well.

This resolution is effective on June 7, 2013.

S.J.R. 12 (File No. 42)

Senate Joint Resolution No. 12 urges the President of the United States to grant a posthumous pardon to John A. "Jack" Johnson, who in 1913 was convicted of violating the Mann Act, a conviction thought to be racially motivated. Mr. Johnson was the first African American to hold the title of Heavyweight Champion of the World. The conviction destroyed Mr. Johnson's reputation and diminished his athletic, cultural, and historical significance.

This resolution is effective on May 28, 2013.

S.J.R. 13 (File No. 43)

Senate Joint Resolution No. 13 proposes to amend the *Nevada Constitution* to provide that the State of Nevada and its political subdivisions shall recognize marriages of and issue licenses to couples, regardless of gender. Religious organizations and clergy have the right to refuse to perform marriages, and no person has the right to make a claim against a religious organization or clergy for such refusal. All legally valid marriages shall be treated equally under the law. The resolution also proposes to repeal existing provisions that only a marriage between a male and female person may be recognized and given effect in Nevada.

If approved in identical form during the 2015 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval at the 2016 General Election.

S.J.R. 14 (File No. 38)

Senate Joint Resolution No. 14 expresses the Nevada Legislature's support for the Lyon County Economic Development and Conservation Act, House Resolution 696, which was introduced in the 113th Congress on February 14, 2013. The Lyon County Economic Development and Conservation Act directs the Secretary of the Interior to convey land to the City of Yerington, which will allow the City to partner with Nevada Copper to develop roughly 12,500 acres of land surrounding Nevada Copper's Pumpkin Hollow Project. The resolution urges the passage of the Act and requires the transmission of this resolution to the Vice President of the United States, the Speaker of the House of Representatives, and each member of Nevada's Congressional Delegation.

The resolution is effective on May 24, 2013.

S.J.R. 15 (File No. 29)

Senate Joint Resolution No. 15 urges the United States Congress to enact comprehensive immigration reform. This reform legislation should address:

- Earned legal residency accompanied by a clear path to citizenship;
- The future immigration of families and workers;
- Improved immigration enforcement and border security; and
- A funding stream to address the entire fiscal impact on state governments.

This resolution is effective on May 8, 2013.

Senate Joint Resolutions—76th Session

S.J.R. 14—76th Session (File No. 47)

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

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

This measure was approved in identical form during the 2011 and 2013 Sessions of the Legislature. The measure will be submitted to the voters for final approval or disapproval at the 2014 General Election.

S.J.R. 15—76th Session (File No. 40)

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

This measure was approved in identical form during the 2011 and 2013 Sessions of the Legislature. The measure will be submitted to the voters for final approval or disapproval at the 2014 General Election.

Senate Concurrent Resolutions**S.C.R. 2 (File No. 9)**

Senate Concurrent Resolution No. 2 commemorates the 20th anniversary of the donation of precious art from the Republic of China (Taiwan) to the people of the State of Nevada, reaffirms the sister-state relationship between the State of Nevada and the Republic of China (Taiwan), and celebrates the donation of additional artwork to the Nevada Legislature under the Nevada Senate's SENarts initiative.

S.C.R. 3 (File No. 10)

Senate Concurrent Resolution No. 3, in recognition of the financial sacrifice of Nevada's public workforce during this biennium, directs the Accounting Unit of the Legislative Counsel Bureau (LCB) to withhold 4.8 percent of each legislator's salary for the 77th Regular Session. The money withheld is to be paid to the State Treasurer for credit to the unrestricted balance of the State General Fund. The Accounting Unit shall not reduce the salary of any legislator who did not vote in favor of passage of this resolution and who notifies the Director of the LCB that the legislator does not wish to have the withholding made from his or her salary.

S.C.R. 4 (File No. 34)

Senate Concurrent Resolution No. 4 encourages the Department of Health and Human Services and the Commissioner of Insurance to work with health care providers and insurers to develop a patient-centered medical home model of care and to adopt a payment system that allows for the implementation of this model of care in Nevada.

A copy of the resolution is required to be transmitted to the Director of the Department of Health and Human Services, the Commissioner of Insurance, and the Nevada Academy of Family Physicians.

S.C.R. 5 (File No. 13)

Senate Concurrent Resolution No. 5 commemorates the 150th anniversary of the State of Nevada. The resolution urges residents of Nevada to participate in the many statewide and community-based events and projects planned for the Sesquicentennial Year.

S.C.R. 6 (File No. 17)

Senate Concurrent Resolution No. 6 memorializes former State Senator William J. Raggio, who passed away on February 23, 2012. He was first elected District Attorney of Washoe County in 1958 and served in that office until 1970. Bill Raggio was first elected to the State Senate in 1972, and he went on to become the longest-serving State Senator in Nevada history, serving over 38 years in 19 regular sessions and 13 special sessions, which included 20 years as Senate Majority Floor Leader, the longest in Nevada history. Senator Raggio served diligently and honorably for many years as Chairman of the Senate Committee on Finance, Chairman and Vice Chairman of the Interim Finance Committee, and Chairman of the Legislative Committee on Education.

William J. Raggio was inducted into the Nevada Senate Hall of Fame on April 19, 2011, as a master negotiator, devoted public servant, and one of the greatest political figures in Nevada history. He was tireless in his commitment to the people of the State of Nevada and legendary in his ability to command nonpartisan politics from both parties for the good of the people of the State. He will long be remembered as one of Nevada's most devoted sons and outstanding citizens, with an ever-present sense of humor, whose honest efforts and genuine accomplishments will benefit many generations of Nevadans to come.

The resolution expresses the condolences of the members of the 77th Nevada Legislature to Mr. Raggio's friends and family, including his wife Dale, and daughters Leslie and Tracy.

S.C.R. 7 (File No. 30)

Senate Concurrent Resolution No. 7 encourages the selection of the State of Nevada as one or more of the six national test ranges under the 2012 National Defense Authorization Act, which directs the Federal Aviation Administration and other agencies to determine how to safely operate unmanned aircraft systems in shared national airspace. This resolution notes that Nevada has a long and distinguished history of directly contributing to the national security and defense of the United States, and that the State's military investments, military expertise, technically trained workforce, and geographic and climatic diversity have positioned this State well to retain its military operations and compete for next-generation technology projects.

S.C.R. 10 (File No. 50)

Senate Concurrent Resolution No. 10 memorializes fourth-generation Nevadan Dorothy Gallagher, who passed away on May 15, 2013. Mrs. Gallagher was a wife, mother, and long-time Nevada rancher until 1979, when the family ranches were sold. Shortly thereafter, Dorothy Gallagher was elected to her first term as a member of the Board of Regents of the University of Nevada where she served with honor and distinction for an unprecedented 28 years, including several years as Chair of the Board of Regents.

Mrs. Gallagher is remembered for her steadfast commitment not only to education, but to the State and its communities as well. The Legislature recognizes Dorothy Gallagher's exemplary achievements and extends its deepest condolences to her family, friends, and colleagues.

S.C.R. 12 (File No. 52)

Senate Concurrent Resolution No. 12 requests that the Governor return Senate Bill No. 508 of the 77th Legislative Session to the Senate for further legislative attention and consideration.

STATE GOVERNMENT

A.B. 57 (Chapter 17)

Assembly Bill 57 requires the Administrator of the Nevada Equal Rights Commission, instead of the Commission, to prepare and submit a biennial report concerning the activities of the Commission to the Governor and Director of the Legislative Counsel Bureau.

A.B. 74 (Chapter 535)

Assembly Bill 74 requires a person who wishes to conduct business as a document preparation service to register and post a bond with the Secretary of State. The bill requires a registrant to include a clear and conspicuous statement in any advertisement that the registrant is not an attorney authorized to practice in Nevada and may not provide legal advice or representation. Before a registrant provides any services to a client, the registrant and client must enter into a written contract that meets the requirements in the bill.

Assembly Bill 74 authorizes the Secretary of State to adopt necessary regulations; investigate alleged violations; issue cease-and-desist orders; deny, suspend, revoke, or refuse to renew a registration; or refer a matter for civil action in court to enforce the provisions of the bill. The Secretary of State must also establish a toll-free telephone number for complaints and post information about making complaints on the Internet.

This measure makes a willful violation of its provisions a misdemeanor for the first offense in a five-year period and a gross misdemeanor for a second or subsequent violation in a five-year period. It also authorizes a person who suffers a pecuniary loss to bring a civil action against the registrant.

Assembly Bill 74 also revises provisions concerning the administration of the Notary Public Training Account, and it requires the Secretary of State to deposit any excess fees received from trainees for credit to the State General Fund.

This measure is effective on June 12, 2013, for purposes of adopting regulations and performing other necessary administrative tasks, and on March 1, 2014, for all other purposes.

A.B. 99 (Chapter 293)

Assembly Bill 99 revises various provisions of the Uniform Law on Notarial Acts. The measure prohibits a notarial officer from performing a notarial act with respect to a document to which the officer or the officer's spouse or domestic partner is a party or in which either of them have a direct beneficial interest. The bill also establishes a standard for determining whether a notarial officer has personal knowledge of the identity of a person appearing before the notarial officer. A notary public is not required to have a person for whom he or she performs a notarial act sign a journal if he or she has performed a notarial act for the same person within the last six months, has personal knowledge of the person's identity, is an employee or coworker of the person, and the notarial act relates to a transaction performed in the ordinary course of the person's business. The bill specifically authorizes a notarial act to

be performed by a person who is authorized to perform such an act by the law of a federally recognized Indian tribe or nation.

This measure is effective on January 1, 2014.

A.B. 419 (Chapter 412)

Assembly Bill 419 increases the number of members of the Board of the Public Employees' Benefits Program from nine members to ten by adding an additional member who is retired from public employment and appointed by the Governor.

This measure is effective on June 5, 2013.

A.B. 481 (Chapter 366)

Assembly Bill 481 requires the Division of State Library and Archives of the Department of Administration to provide digital imaging services to local governments. These services must be provided by the Division on the same terms as are currently applicable to the provision of microfilming services to local governments.

This bill also provides that any money received by the Division for providing such services and any interest or income on the money: (1) must be accounted for separately in the State General Fund; (2) does not revert to the State General Fund at the end of any fiscal year; (3) must be carried forward to the next fiscal year; and (4) must be used exclusively for the repair or replacement of the equipment used by the Division to provide microfilming and digital imaging services.

This bill is effective on July 1, 2013.

S.B. 22 (Chapter 217)

Senate Bill 22 requires that if the State Supreme Court, a district court, or a justice court in Nevada makes a ruling holding that a provision of Nevada law violates the *Nevada Constitution* or the *United States Constitution*, the prevailing party in the case must provide the Attorney General with a copy of the ruling. The Attorney General is required to provide the Legislative Counsel with biennial reports containing all such rulings.

Senate Bill 22 also requires the State Controller to collect restitution for extradition expenses on behalf of the Office of the Attorney General and any other government entity to which restitution is ordered.

S.B. 23 (Chapter 62)

Senate Bill 23 establishes "Nevada Tribes Legislative Day" on the second Tuesday of February during every regular session of the Legislature. The Nevada Indian Commission is required to invite the Legislature, Governor, and other elected officials to recognize and pay tribute to the history, culture, and contributions of Native Americans to the prosperity and cultural diversity of Nevada and the United States. The Nevada Indian Commission will also schedule activities and discussions on this day between State and tribal leaders on issues of common interest.

This bill is effective on May 23, 2013.

S.B. 24 (Chapter 50)

Senate Bill 24 authorizes the Attorney General to establish a program and adopt regulations necessary to assist law enforcement and prosecuting attorneys in complying with Article 36 of the Vienna Convention on Consular Relations.

This bill is effective on July 1, 2013.

S.B. 25 (Chapter 218)

Senate Bill 25 authorizes the Attorney General to investigate and prosecute technological crimes, pursue the forfeiture of property in relation to these crimes, and bring action to enjoin or obtain equitable relief to prevent the occurrence or continuation of technological crimes. It also revises, from a two-thirds to a simple majority, the number of members of the Technological Crime Advisory Board who must vote to approve the appointment of the Board's Executive Director.

This bill is effective on July 1, 2013.

S.B. 48 (Chapter 40)

Senate Bill 48 adds 4 ex officio members to the current 11 members of the Commission on Tourism. The additional ex officio members are the chairs of four boards and commissions that are within the Department of Tourism and Cultural Affairs, including:

- The Commission for Cultural Affairs;
- The Board of Museums and History;
- The Nevada Indian Commission; and
- The Board of the Nevada Arts Council.

This bill is effective on May 21, 2013.

S.B. 322 (Chapter 493)

Senate Bill 322 removes the Attorney General from the Board of Directors of the Department of Transportation and adds a member from a highway district that includes a county whose population is 700,000 or more (currently Clark County). If one of the three constitutional offices is vacant, the Secretary of State shall serve ex officio on the Board until the vacancy is filled.

This bill is effective on January 1, 2014.

S.B. 476 (Chapter 249)

Senate Bill 476 provides that payment for a special counsel employed by the Attorney General may come from available federal grants or a permanent fund in the State Treasury other than the State General Fund.

This bill is effective on May 28, 2013.

S.B. 488 (Chapter 250)

Senate Bill 488 continues the temporary elimination of the Consumer Affairs Division of the Department of Business and Industry, and the Commissioner of Consumer Affairs, for the 2013–2015 Biennium. It also continues the transfer of the powers and duties of the Division and Commissioner to the Office of the Attorney General.

This bill is effective on May 28, 2013.

Administrative Procedure and Process

A.B. 16 (Chapter 20)

Assembly Bill 16 creates the State Administrative Manual (SAM) in statute. The measure establishes certain procedural requirements to be met by the Director, or the Chief of the Budget Division, Department of Administration, as applicable, in connection with the adoption, amendment, or repeal of policies and procedures to be compiled and published in the SAM.

This bill is effective on January 1, 2014.

A.B. 252 (Chapter 29)

Assembly Bill 252 makes various changes to the Nevada Administrative Procedure Act. The measure requires an agency to submit a notice of any meeting or workshop relating to the adoption of a regulation to the Director of the Legislative Counsel Bureau (LCB) at the same time that the agency posts notice of the meeting or workshop on the website maintained by the LCB. If any regulation is not adopted within two years after the date on which it is submitted to the Legislative Counsel, the executive head of an agency is required to appear before the Legislative Commission to explain the failure to do so.

An agency must include a clear and concise explanation of the need for the adopted regulation when submitting the required informational statement with any proposed regulation. The Legislative Commission or the Subcommittee to Review Regulations may object to a regulation if the agency did not provide a satisfactory explanation of the need for the regulation or if the informational statement is insufficient or incomplete. The provisions of this bill apply retroactively to any regulation that has been proposed but not adopted before July 1, 2013, and to any regulation adopted on or after July 1, 2013.

This measure is effective on July 1, 2013.

A.B. 408 (Chapter 419)

Assembly Bill 408 requires a State agency to make a concerted effort to determine the impact of a proposed regulation and to conduct, or cause to be conducted, an analysis of the likely impact of it on small businesses. The governing body of a local government is similarly charged with determining the impact of a proposed rule on small businesses. A copy of the small business impact statement must be submitted to the Legislative Counsel when the adopted regulation is submitted, and the Legislative Counsel must return the regulation to the agency if it is not. The Legislative Commission or the Subcommittee to Review Regulations may reject a regulation if the small business impact statement submitted is inaccurate, incomplete, or did not adequately consider or significantly underestimated the economic effect of the regulation on small businesses.

The measure requires a State agency to include a statement of the reasons for the agency's conclusions regarding a regulation's impact on a small business in its small business impact statement, and the director, executive head, or other person who is responsible for the agency must sign the statement certifying that the information was prepared properly and is accurate to the best of his or her knowledge. There is a similar provision for a county manager, city manager, or other chief executive officer for the governing body of a local government to do the same with a proposed new rule.

Finally, a State agency must submit to the Legislative Counsel, for submission to the Legislative Commission or the Subcommittee, any petition it receives from a business that is aggrieved by a regulation.

This measure is effective on July 1, 2013.

S.B. 105 (Chapter 71)

Senate Bill 105 enacts the Uniform Electronic Legal Material Act to provide for the authentication, preservation, and security of an electronic record of certain legal materials. The measure defines legal materials as the *Nevada Constitution*, the *Statutes of Nevada*, the *Nevada Revised Statutes*, and the *Nevada Administrative Code*. The measure defines the official publisher of these documents as the Legislative Counsel Bureau.

This bill is effective on January 1, 2014.

S.B. 274 (Chapter 95)

Senate Bill 274 adds the Division of Welfare and Supportive Services, the Aging and Disability Service Division, and the Health Division of the Department of Health and Human Services to the entities authorized to execute contracts or agreements with certain governmental or private entities. The measure also authorizes the division that executed the contract or agreement to provide staff, services, and resources without payment to further the contract or agreement. The bill specifies certain responsibilities of the division that executed the contract or agreement and the private nonprofit corporation and clarifies that entering into such a contract

or agreement does not waive any immunity from liability or limitation on liability that is provided by law.

The measure is effective on May 23, 2013.

S.B. 364 (Chapter 542)

Senate Bill 364 makes permissive rather than mandatory the task of governmental agencies to ensure that personal information contained in documents submitted to the agency prior to 2007 is either kept confidential or removed from the documents. It also revises provisions concerning branch offices where marriage licenses may be obtained in a county with a population of 700,000 or more (currently Clark County) such that the county commission may, at the clerk's request, designate up to five branch offices where marriage licenses may be issued.

The bill also revises a prohibition against soliciting marriage ceremonies while on county courthouse property to apply to any county property where marriage licenses are issued, and technical revisions are made changing the word "revoked" to "removed" and the word "copies" to "original" in several places.

This bill is effective on July 1, 2013.

Financial Administration

A.B. 327 (Chapter 167)

Assembly Bill 327 requires the Director of the Department of Administration to establish a telephone number to receive information relating to abuse, fraud, and waste with respect to the receipt and use of public money. Written notice of the telephone number must be posted on the website maintained by the Department and in each public building of an agency.

This measure is effective on July 1, 2013.

A.B. 463 (Chapter 543)

Assembly Bill 463 clarifies the definition of a "stale claim" and provides expanded authority to State agencies related to the payment of stale claims for payroll expenses. The bill also authorizes a person designated by the Clerk of the State Board of Examiners to perform certain duties of the Clerk for the payment of stale claims or the payment of claims from the Reserve for Statutory Contingency Account on behalf of the Board.

This bill is effective on June 12, 2013.

S.B. 21 (Chapter 462)

Senate Bill 21 requires the State Controller to pay certain State officers and employees through an electronic payment system and requires, with some exceptions, those officers and employees to receive their pay electronically. The Board of Regents of the University of Nevada is authorized to create a similar system for academic staff and employees of the Nevada System of Higher Education.

The bill provides a uniform interest rate applicable to debts assigned by State agencies to the Controller for collection and provides that the Controller is not required to refund overpayments to the State of less than \$10 unless a refund is timely requested in writing.

Certain licensing agencies are prohibited from renewing licenses, certifications, registrations, permits, or other authorizations that grant the authority to engage in certain professions or occupations if: (1) the person owes a debt to a State agency that has been assigned to the State Controller for collection or; (2) the person has not provided required information to those licensing agencies. These provisions do not apply to professions or occupations regulated by the Department of Motor Vehicles, the Division of Insurance, the Commissioner of Insurance, or local governments.

This bill also revises costs and fees debtors must pay for collection of a debt owed to the State, whether collected by the Controller or a contracted debt collector, and provides that if the Controller sells a debt, the money received must be deposited in the Debt Recovery Account in the State General Fund. Further, if the State Controller collects money owed to an agency and cannot determine where to transfer that money, it must be deposited in the Debt Recovery Account. An agency may contest in writing the Controller's determination to deposit such money in that Account, and the Controller must establish by regulation a fee that certain payees must pay to the Controller if they refuse to accept electronic payment of an account payable.

Provisions of this bill concerning electronic payment of certain employees and debt collection are effective on July 1, 2013. All other provisions are effective on July 1, 2013, for the purpose of adopting regulations and performing other preparatory administrative tasks, and on January 1, 2014, for all other purposes.

S.B. 32 (Chapter 54)

Senate Bill 32 revises the powers and duties of the Director of the Department of Corrections (DOC) and makes various changes related to the Department of Public Safety (DPS). The measure authorizes the Director of the DOC to permit the distribution of money, from any money deposited in the individual account of an offender from any source other than the offender's wages, to a governmental entity for certain deductions.

When a request for the transfer of a person detained in a local law enforcement facility is received from a sheriff or chief of police of a city, S.B. 32 requires the Director to determine if the transport will be made by the staff of the DOC or staff of the county sheriff or the chief of police who requested the transfer.

Senate Bill 32 provides that an offender in custody with the Division of Parole and Probation of the DPS for residential confinement cannot reside in another state. In addition, the measure expands eligibility for participation in a program of residential confinement for certain abusers of alcohol or drugs who commit certain violations of law relating to operating or being in actual physical control of any vessel under power or sail.

The measure authorizes the Division of Parole and Probation, under certain circumstances, to receive and distribute restitution to victims. Finally, the measure repeals provisions governing the Prison Revolving Account.

This bill is effective on May 22, 2013.

S.B. 44 (Chapter 531)

Senate Bill 44 revises various provisions concerning grants or loans from the Disaster Relief Account (DRA). Specifically, the bill removes the requirement that a federal agency making a grant to the State DRA must be a disaster assistance agency, which will allow money granted or loaned from the DRA to be used to match a grant from any federal agency. The bill makes a similar change with respect to money from a local government fund established to mitigate a natural disaster, and it expands the purposes for which grant money may be used to include work on preventing or reducing the likelihood of damage or injury resulting from a future disaster.

Additionally, S.B. 44 revises the process for submitting and reviewing grant or loan requests from the DRA, and it requires State agencies and local governments to notify the Division of Emergency Management of the Department of Public Safety of their intent to request a grant or loan. The Division will then forward the notice to the State Board of Examiners and the Fiscal Analysis Division of the Legislative Counsel Bureau.

Finally, S.B. 44 extends the time period within which such a request must be submitted, and it requires that the request be submitted initially to the Division of Emergency Management and the Department of Taxation for review and comment. Agency comments are then transmitted to the State Board of Examiners and the Fiscal Analysis Division. The State Board of Examiners then considers the request and makes a recommendation to the Interim Finance Committee.

This bill is effective on July 1, 2013.

S.B. 56 (Chapter 463)

Senate Bill 56 amends provisions relating to certain State financial data that the State Controller is required to make available to the public on the Controller's website. The bill requires that information relating to expenditures and revenues of the State be made available for the current fiscal year and the immediately preceding fiscal year rather than for the current biennium and the immediately preceding biennium. The bill also changes the designation of various "funds" to "accounts" and provides that money remaining in certain accounts at the end of the fiscal year does not revert to the State General Fund.

This bill is effective on June 10, 2013.

S.B. 437 (Chapter 245)

Senate Bill 437 revises provisions concerning the filing of false or fraudulent claims for Medicaid to make Nevada's laws at least as effective at rewarding and facilitating certain actions as provisions of federal law.

The bill includes, among others, provisions:

- Limiting the award a court may make to certain persons upon a recovery concerning a false claim;
- Increasing the minimum and maximum amounts of civil penalties for which a person is liable who commits certain actions related to a false claim; and
- Requiring that if the Attorney General intends to settle a false claim action, the court must determine whether the proposed settlement is fair, adequate, and reasonable.

The bill also strengthens protections for an employee, contractor, or agent who is retaliated against by an employer as the result of any lawful action brought pursuant to this act.

This bill is effective on July 1, 2013.

S.B. 438 (Chapter 246)

Senate Bill 438 authorizes the Colorado River Commission of Nevada to borrow up to \$35 million through the issuance of bonds to prepay the cost of electrical capacity and energy generated at Hoover Dam. This money may also be used to pay, finance, or refinance a portion of the capital costs associated with operating the Hoover Dam. These new bonds may be issued in the form of general or special obligation securities by the Commission no later than June 30, 2028. The bill authorizes the Commission to determine the amount and timing of the issuance of these securities and clarifies that the limitations on their issuance do not apply to those securities issued under the State Securities Law for the purpose of refunding the securities under the bill.

The bill is effective on July 1, 2013.

S.B. 489 (Chapter 251)

Senate Bill 489 extends the deadline by which the State Board of Finance can issue general obligation bonds to protect, preserve, and obtain the benefits of the property and natural resources of this State from June 30, 2014, to June 30, 2019.

This bill is effective on May 28, 2013.

Open Government

A.B. 31 (Chapter 414)

Assembly Bill 31 requires the head of each agency, bureau, board, commission, department, division, or any other unit of the Executive Department of State Government, except the Nevada System of Higher Education, to designate one or more employees of the agency to act as records official for the agency.

The measure requires the Administrator of the Division of State Library and Archives, Department of Administration, in cooperation with the Attorney General, to prescribe by regulation:

- The form to be used to request a public record from an agency;
- The form to be used by the agency to respond to a public record request; and
- The procedures that a records official must follow when complying with a public record request.

These forms and procedures must be available on the agency's website. Finally, the measure compiles a list of existing statutory exceptions to the Nevada Public Records Act within one section of the *Nevada Revised Statutes*.

A.B. 45 (Chapter 18)

Assembly Bill 45 eliminates the requirement that the Administrator of the Division of State Library and Archives, Department of Administration, must maintain custody of and carefully preserve the description of the State Seal and other such seals and expired official bonds approved by the Governor. The measure expands the inspection authority of the Administrator to include confidential or privileged information, with certain requirements, in records in the custody of State or local governmental agencies and prohibits the Administrator from disclosing any such confidential or privileged information. The Division is authorized to provide microfilming and digital imaging services for the records of the Legislative and Judicial Branches of State Government, upon request.

Finally, A.B. 45 eliminates certain duplicative provisions found in State law.

This measure is effective on May 20, 2013.

A.B. 65 (Chapter 193)

Assembly Bill 65 provides certain exceptions and exemptions to the Open Meeting Law (OML) and clarifies that any other provision of law which: (1) exempts a meeting, hearing, or proceeding from the requirements of the Open Meeting Law; or (2) otherwise authorizes or requires a closed meeting, hearing, or proceeding prevails over the general provisions of the OML.

The measure prohibits a member of a public body from designating a person to attend a meeting of the public body in the place of a member unless members of the public body are expressly authorized to do so by the provisions in law or other legal authority that created the public body. When permitted, any such designation must be in writing or made on the record at a meeting of the public body.

The bill provides that the Attorney General may decide not to commence prosecution of an alleged violation of the OML by a public body if the public body takes corrective action within 30 days of the alleged violation. The corrective action must take place in a public meeting for which the item has been clearly denoted on the agenda, and it is prospective.

A quorum of members may be present in person or by means of electronic communication as long as all members of the public body and the members of the public who are present at the meeting can hear or observe and participate in the meeting. Certain public bodies must upload supporting material to their website at the same time that the supporting material is provided to members of the public body or within 24 hours of the conclusion of the meeting when material is provided at the meeting. The measure codifies a definition for “deliberate.”

This measure is effective on July 1, 2013.

A.B. 445 (Chapter 363)

Assembly Bill 445 requires the Department of Administration to establish a location on the State’s official website on which public bodies must post notices of open meetings. Notices required by the Open Meeting Law must be posted on the State’s website not later than 9 a.m. of the third working day before the meeting. Such notices must include a link to the public body’s website or an e-mail address for contacting the public body. The Department must also establish a directory of public bodies and include it on the State’s official website in a clear and conspicuous location. The Department may adopt regulations as needed.

The State must have a designated location on its website in operation by January 1, 2014, for the posting of notices by State entities. Public bodies of local governments must begin posting notices of open meetings no later than July 1, 2014.

The bill is effective on January 1, 2014, with regard to the posting requirements, and on June 2, 2013, for all other purposes.

S.B. 20 (Chapter 154)

Senate Bill 20 makes various changes concerning the State Publications Distribution Center. The measure requires every State agency and local government to provide an electronic version of its publications, upon release, to the Center unless it is only available in paper form, in which case the State agency must provide 10 copies and the local government must provide 6 copies, both reduced from 12, to the Center. Certain local government records already scheduled for disposition under local government records retention statutes are excluded.

The bill revises provisions concerning the release of documents in an electronic format by State and local government entities subsequent to those entities providing copies in paper form to the Center to require the submittal of an electronic version. Finally, the measure establishes requirements for the submission of documents in an electronic format to the Center.

The bill is effective on May 25, 2013.

S.B. 39 (Chapter 219)

Senate Bill 39 clarifies that certain exceptions to Nevada's Open Meeting Law provided to the Nevada Commission on Homeland Security also apply to all committees appointed by the Chair of the Commission on Homeland Security. Any such committee must have prior approval of the Nevada Commission on Homeland Security prior to holding a closed meeting.

S.B. 74 (Chapter 98)

Senate Bill 74 requires a public officer or employee to prepare copies of public records for a member of the public upon request, rather than allowing the officer or employee to require that the requestor make the copies. Upon request, a member of the public must be provided with a copy of the minutes from, or a recording of, a public meeting free of charge. The fee for making copies that may be charged by certain entities is limited to 50 cents per page. Similarly, the fee that a county clerk may charge for preparing certain copies or for searching certain records is established at 50 cents per page unless the fee is waived by the county clerk.

S.B. 90 (Chapter 256)

Senate Bill 90 requires a state or local governmental entity to keep confidential certain information submitted with certain applications during the same period as it is maintained as confidential by the Division of Minerals, Commission on Mineral Resources.

This bill is effective on July 1, 2013.

S.B. 228 (Chapter 551)

Senate Bill 228 revises procedures of the Commission on Ethics. The bill adds definitions to the Nevada Ethics in Government Law for domestic partners and domestic partnerships, and clarifies other definitions. The bill includes presidents of public higher education institutions, school superintendents, and city and county managers as public officers for the purposes of the Ethics Law.

With respect to the procedures of the Commission, the bill provides for:

- Computation of deadlines;
- Designation of a temporary replacement for the Executive Director as needed;
- Retention of assessments received from local governments;

- Payment of the costs of subpoenas;
- Elimination of deadlines for written opinions;
- Confidentiality of certain documents; and
- Assignment of responsibility for collecting acknowledgments of ethical standards from public officers and dissemination of the explanation of the ethics standards to public employees.

The bill prohibits a member of a local legislative body from lobbying another local agency located in whole or in part in the county where the member lives. In addition, a member of a local legislative body shall not sell goods or services to a local agency governed by that local legislative body unless the member is the sole source of supply and certain procedures are followed. The Commission may provide relief from strict application of the prohibition under certain circumstances.

The bill sets forth factors to be considered by the Commission when determining whether a violation is willful and, if so, the amount of any civil penalty to be imposed. In applying these factors, the Commission must treat comparable situations in a comparable manner and ensure that the disposition of the matter bears a reasonable relationship to the severity of the violation. The measure eliminates provisions related to the inclusion of abstracts from hypothetical opinions in the manual prepared by the Commission or in the annotations prepared by the Legislative Counsel Bureau. Finally, the bill removes the requirement to seek an opinion from the Commission as a condition of reliance upon the advice of legal counsel to avoid a determination of a willful violation.

Provisions relating to contracts, designation of public officers, and members of local legislative bodies are effective on January 1, 2014. All other provisions are effective on June 13, 2013.

S.B. 236 (Chapter 258)

Senate Bill 236 requires each State agency, as soon as reasonably practicable, but not later than June 30, 2015, to make available on a website maintained by the agency an electronic version of each of the agency's administrative forms in a format allowing the forms to be completed, downloaded, and saved electronically and submitted securely to the agency via the Internet.

The bill authorizes a State agency to utilize any program, software, or technology in the manner it deems appropriate and to cooperate with another State agency to comply. An agency may also comply with the bill's provisions in phases over time in order to meet the deadline, and the agency may apply to the Interim Finance Committee for a waiver from the bill's requirements. The waiver must be granted if it is determined that extenuating circumstances exist or that the cost of complying would place too heavy a burden on the agency's operations.

Upon receiving a written request from any other State agency, an agency is authorized to provide a copy of any record maintained by the State agency other than a record that is declared by law to be confidential.

This bill is effective on May 29, 2013.

Purchasing and Public Works

A.B. 41 (Chapter 16)

Assembly Bill 41 moves the provisions governing contracting with current and former State employees out of personnel laws and into State purchasing laws. The measure requires the using agency to submit a written disclosure to the State Board of Examiners (SBOE) regarding the services to be provided and to specify when approval by the SBOE must occur.

The measure raises the threshold for requiring formal contracts for purchases by the State from \$25,000 to \$50,000. It further increases the delegated authority of the Clerk of the SBOE from \$10,000 to \$50,000 for contracts, including those contracts necessary to preserve life and property, which is raised from \$25,000 to \$50,000. New language is added to prohibit an agency from splitting a contract to avoid the competitive bid process.

Further, a contract is void if it does not comply with statutory and regulatory provisions. Both the head of the using agency and the employee entering the contract are personally liable for the costs of services delivered pursuant to the void contract.

This measure is effective on May 18, 2013.

A.B. 59 (Chapter 111)

Assembly Bill 59 formalizes and renames existing components of the State Public Works Division (SPWD), Department of Administration, to create a Public Works—Compliance and Code Enforcement Section and a Public Works—Professional Services Section within the SPWD. Each of the sections will be led by one of the existing deputy administrators. The Administrator of the SPWD is authorized to adopt necessary regulations for these two new sections and to recommend to the State Public Works Board the adoption of such regulations.

The bill eliminates the requirement that a proposal for the construction of a State building include operating costs for personnel and other expenses of operation for the building. Further, the measure repeals the requirement that the SPWD compile a report concerning State building projects that are financed by general obligation bonds, revenue bonds, or medium-term obligations for each fiscal year and submitted annually to the Legislature.

This measure is effective on May 24, 2013.

A.B. 85 (Chapter 24)

Assembly Bill 85 prohibits a local government; the Administrator of the Purchasing Division, Department of Administration; and a board of trustees of a school district from joining, using, or entering into a contract or agreement previously established by another public body with the vendor if a contractor's license is required for any portion of the contract or agreement.

This bill is effective on July 1, 2013.

A.B. 172 (Chapter 296)

Assembly Bill 172 revises certain requirements applied to bidders on public work projects who receive a bid preference: (1) the requirement that 50 percent of the design professionals working on a public work project must register their vehicles in Nevada applies only to those professionals on a design-build team; and (2) the requirement that 25 percent of the suppliers of materials used for a public work project must be located in Nevada is eliminated.

Assembly Bill 172 provides that a contractor is not deemed qualified to bid certain State and local public work projects if the person materially breached a public work contract costing at least \$25 million within the preceding year. The measure further provides that a contractor is not deemed qualified to receive a bidder preference from the State Contractors' Board for certain State and local public work projects if the person materially breached a public work contract costing at least \$5 million within the five preceding years.

Following the opening of bids, a two-hour deadline is imposed for the submittal of an affidavit to the public body or its authorized representative certifying compliance with bid preference requirements. Any contract for such a public work that fails to comply with the provisions of this bill is void.

This measure is effective on July 1, 2013.

A.B. 281 (Chapter 200)

Assembly Bill 281 revises provisions related to certain records about the workers that are required to be kept by a contractor and a subcontractor engaged on a public work project. Specifically, a contractor and subcontractor must include the gender and ethnicity of each such worker, but only if the worker agrees to supply such information voluntarily. Such records must be open at all reasonable hours to the inspection of the public body that awarded the contract and are considered public records of the public entity.

A.B. 283 (Chapter 487)

Assembly Bill 283 makes various changes to the public works' laws, including, but not limited to, revising certain requirements for bidding. It clarifies that a person who performs work that does not otherwise require licensure by the State Contractors' Board is not required to be licensed to provide services on a public work.

The measure requires a public body to appoint a panel, consisting of at least three but not more than seven members, a majority of whom must have experience in the construction industry, to evaluate and rank bids for a public work. After the bids have been ranked, the public body, or

its authorized representative, must select at least two but not more than five of the highest-ranking applicants to interview. The public body or its representative may also appoint another panel, similarly comprised, to interview the top applicants. The measure modifies requirements governing the procedure that a construction manager at risk is required to use when selecting and contracting with subcontractors.

Counties with populations of less than 100,000 (currently all counties other than Clark and Washoe Counties) are limited to entering into two construction manager at risk (CMAR) public works contracts per calendar year. A public body must make the names of all CMAR applicants publicly available, and A.B. 283 lays out penalties applicable if a CMAR makes improper substitutions of subcontractors contrary to statute.

The bill extends the authority for the Department of Transportation to contract with a construction manager at risk for certain work on highways on and after July 1, 2013.

The bill also expands the definition of “horizontal construction” to include water treatment facilities and ancillary vertical components thereof and clarifies the applicability of Chapter 338 (Public Works) of the *Nevada Revised Statutes* to transportation-related contracts awarded by the Department of Transportation.

A construction manager at risk on a public work involving predominantly horizontal construction is required to perform at least 25 percent of the estimated cost of construction himself or herself, or use his or her own employees.

The Department of Transportation is required to conduct a study on the benefits to the State of Nevada entering into CMAR contracts for highway work and report back to the Legislature on or before January 31, 2017. Similarly, any public body that enters into a contract for a public work with a CMAR must, on or before January 1 of each year, report to the Legislature or the Legislative Commission, as appropriate, on the progress or explanation of any project entered into during the preceding year.

Finally, A.B. 283 sunsets all new provisions relating to CMAR’s on July 1, 2017.

This measure is effective on July 1, 2013.

S.B. 404 (Chapter 241)

Senate Bill 404 requires any business that enters into a contract with the State of Nevada to have a State business license. It also prohibits any subcontractor from receiving public money for subcontracts for public works or projects for the construction or maintenance of highways unless the subcontractor holds a State business license.

The bill further provides that certain advertising practices misrepresenting the geographic location of a vendor or provider of floral or ornamental products or services constitute deceptive trade practices and makes similar conforming changes in statute relating to the deceptive trade practices.

Reorganization

A.B. 53 (Chapter 59)

Assembly Bill 53 repeals the requirement that hospitals report information on traumatic brain injuries to the Aging and Disability Services Division of the Department of Health and Human Services. The bill also abolishes the Subcommittee on Traumatic Brain Injuries of the Nevada Commission on Services for Persons with Disabilities.

The bill is effective on May 23, 2013.

A.B. 58 (Chapter 433)

Assembly Bill 58 makes the Office of Veterans Services (OVS) a State department and makes corresponding changes to facilitate that restructuring. The Interagency Council on Veterans Affairs (ICVA) is created, and it must meet at least once every 3 months. The ICVA must identify and prioritize the needs of veterans, servicemen, servicewomen, and their families in this state and study the coordination of efforts of various entities to meet those needs. The ICVA shall submit a report of its findings and recommendations to the Governor and the Director of the Legislative Counsel Bureau on or before February 15 of each year.

The measure authorizes the Department of Veterans Services to purchase, construct, lease, renovate, or acquire by lease-purchase a veterans home in northern Nevada. Accordingly, the Gift Account for Veterans Homes becomes the Gift Account for the Veterans Home in Southern Nevada, and a second account, the Gift Account for the Veterans Home in Northern Nevada, is created.

The Division of State Parks, State Department of Conservation and Natural Resources, must, upon application, issue an annual permit for the free use of certain recreational areas to a veteran who is a State resident and has a permanent service-connected disability of 10 percent or more and has been honorably discharged from the Armed Forces of the United States.

A.B. 59 (Chapter 111)

Assembly Bill 59 formalizes and renames existing components of the State Public Works Division (SPWD), Department of Administration, to create a Public Works—Compliance and Code Enforcement Section and a Public Works—Professional Services Section within the SPWD. Each of the sections will be led by one of the existing deputy administrators. The Administrator of the SPWD is authorized to adopt necessary regulations for these two new sections and to recommend to the State Public Works Board the adoption of such regulations.

The bill eliminates the requirement that a proposal for the construction of a State building include operating costs for personnel and other expenses of operation for the building. Further, the measure repeals the requirement that the SPWD compile a report concerning State building projects that are financed by general obligation bonds, revenue bonds, or medium-term obligations for each fiscal year and submitted annually to the Legislature.

This measure is effective on May 24, 2013.

A.B. 158 (Chapter 128)

Assembly Bill 158 renames the State Program for Fitness and Wellness to be the State Program for Wellness and the Prevention of Chronic Disease. The bill also makes a corresponding name change to the Advisory Council for the State Program. The scope of the Advisory Council is expanded to include, among other topics, behavioral health, nutrition, obesity, tobacco use, and the prevention of various chronic diseases, such as asthma, cancer, and diabetes. Membership of the Advisory Council is expanded from 9 to 13 members.

The duties of the Health Division, Department of Health and Human Services, are revised to include:

- Preparing periodic burden reports that measure the impact of a health problem or chronic disease;
- Making recommendations for programs that reduce incidences of chronic disease; and
- Working with community organizations on chronic disease prevention.

This bill is effective on July 1, 2013.

A.B. 465 (Chapter 388)

Assembly Bill 465 renames the Records and Technology Division of the Department of Public Safety as the General Services Division. The bill also expands the duties of the Division to include providing dispatch services and maintaining Department records.

This bill is effective on July 1, 2013.

A.B. 488 (Chapter 489)

Assembly Bill 488 consolidates the Health Division and the Division of Mental Health and Developmental Services of the Department of Health and Human Services (DHHS) into a new Division of Public and Behavioral Health. Responsibilities of the former Division of Mental Health and Developmental Services relating to developmental services are transferred to the Aging and Disability Services Division of the DHHS as are early intervention services formerly part of the Health Division. This bill changes the name of the Commission on Mental Health and Developmental Services to the Commission on Behavioral Health. In addition, A.B. 488 abolishes the position of the State Health Officer and provides for the appointment of a Chief Medical Officer who will, in addition to other duties, take over the responsibilities of the State Health Officer. Finally, this bill make various conforming changes to existing law to carry out these organizational revisions.

The bill is effective on July 1, 2013.

A.B. 493 (Chapter 58)

Assembly Bill 493 abolishes the Nevada Commission on Sports. Any balance remaining in the Account for Physical Fitness and Sports must not be committed for expenditure after June 30, 2013, and must be reverted to the State General Fund on or before September 20, 2013.

The provisions relevant to the Account for Physical Fitness and Sports are effective on May 23, 2013. The repeal of all the statutory provisions relevant to the Nevada Commission on Sports is effective on July 1, 2013.

A.B. 495 (Chapter 63)

Assembly Bill 495 abolishes the Committee on Co-Occurring Disorders.

This bill is effective on July 1, 2013.

S.B. 46 (Chapter 56)

Senate Bill 46 changes the name of the Motor Pool Division of the Department of Administration to the Fleet Services Division and makes the Fleet Services Division a permanent division of the Department.

This bill is effective on May 22, 2013.

S.B. 464 (Chapter 430)

Senate Bill 464 renames the Division of Measurement Standards within the State Department of Agriculture as the Division of Consumer Equitability and renames the State Sealer of Weights and Measures as the State Sealer of Consumer Equitability.

The bill is effective on July 1, 2013.

S.B. 466 (Chapter 344)

Senate Bill 466 transfers authority over certain food and nutrition education and assistance programs from the Department of Education to the Director of the State Department of Agriculture.

This bill is effective on July 1, 2013.

S.B. 469 (Chapter 345)

Senate Bill 469 transfers the State Dairy Commission from the Department of Business and Industry to the State Department of Agriculture.

This bill is effective on July 1, 2013.

S.B. 490 (Chapter 432)

Senate Bill 490 transfers powers and duties relating to the Supplemental Food Program—including use of the Donated Commodities Account—from the Administrator of the Purchasing Division of the Department of Administration to the Director of the State Department of Agriculture. The bill also allows the Director to donate commodities that have reached the end of their useful lives to organizations created for religious, charitable, or educational purposes.

This bill is effective on July 1, 2013.

State Employees

A.B. 303 (Chapter 303)

Assembly Bill 303 authorizes the Board of the Public Employees' Benefits Program (PEBP) to approve the payment of an additional amount, from any money that is available for that purpose, to increase the subsidy for a retired person with State service who obtains his or her health insurance coverage through an individual medical plan offered pursuant to Medicare.

This measure is effective on July 1, 2013.

A.B. 321 (Chapter 201)

Assembly Bill 321 requires each State agency to provide its employees with information relating to the Merit Award Program.

This measure is effective on July 1, 2013.

A.B. 364 (Chapter 307)

Assembly Bill 364 increases, from not more than 15 to not more than 39 working days in a calendar year, the period during which certain public officers or employees of the State who are active members of specified military groups must be relieved from their duties to serve under orders without loss of compensation. These provisions apply to officers and employees whose work schedules include Saturday or Sunday, and such an absence may not be part of the employees' annual vacation. The relevant military groups include the:

- United States Army Reserve;
- U.S. Naval Reserve;
- U.S. Marine Corps Reserve;
- U.S. Coast Guard Reserve;
- U.S. Air Force Reserve; or
- Nevada National Guard.

S.B. 518 (Chapter 452)

Senate Bill 518 establishes the State's share of the costs of premiums or contributions for group health insurance for active State officers and employees who participate in the Public Employees' Benefits Program. The State's share is \$688.37 per month for Fiscal Year (FY)-2014 and \$695.35 per month for FY 2014-2015. The bill also establishes the base amount used to calculate the State's share for the cost of premiums or contributions for group insurance for retired public officers and employees. The base amount is \$452.26 per month for FY 2013-2014 and \$462.20 per month for FY 2014-2015. Finally, the bill establishes the share of the cost of qualified medical expenses for individual Medicare insurance plans through the Program that the State and local governments are required to pay for retired public officers and employees.

This bill is effective on July 1, 2013.

TAXATION

A.B. 68 (Chapter 3)

Assembly Bill 68 revises provisions relating to the distribution of certain taxes to local governments. Specifically, this bill:

- Requires that, for any distribution of revenue by the Department of Taxation that is based on population estimates, the same certified population estimate is to be used for all twelve months of a fiscal year;
- Requires the annual inflation adjustment to the base allocation from the Local Government Tax Distribution Account to be based on the average percentage change in the Consumer Price Index over the five calendar years immediately preceding the year in which the annual base allocation is made. Beginning on July 1, 2014, this revised adjustment applies to the base allocation and any excess revenue that is allocated;
- Revises the formulas used to calculate the distribution of the tax proceeds remaining after all base distributions have been made to local governments, special districts, and enterprise districts;
- Changes the date by which a copy of an approved cooperative agreement between the governing bodies of two or more local governments must be transmitted to the Executive Director of the Department. Local governments and special districts that anticipate being parties to such an agreement must also provide to the Department a nonbinding notice of intent to enter into the agreement; and
- Makes several other technical revisions to reflect the changes described above.

This bill is effective on March 14, 2013, for the purposes of performing any necessary preparatory administrative tasks. The provision requiring the revised inflation adjustment to be applied to any excess revenue that is allocated is effective on July 1, 2014. Other provisions of the bill are effective on July 1, 2013.

A.B. 413 (Chapter 540)

Assembly Bill 413 allows the board of county commissioners in a county whose population is 700,000 or more (currently Clark County) to adopt an ordinance by a two-thirds majority vote no later than October 1, 2013, imposing an additional tax on gasoline and special fuels sold in the county. The rate is required to be indexed based on the federal, state, and local rates for gasoline and special fuels, and it would be permitted to be indexed for three years. If such an ordinance is adopted, the indexing of federal and local rates may be continued beyond 2017 only if a ballot question on the 2016 General Election is approved by voters in the county.

The bill also requires a ballot question at the 2016 General Election to seek approval for an additional indexed tax rate. A statewide ballot question would seek approval of an additional indexed rate based on the current state gasoline and special fuel tax rates, with the proceeds

deposited in the State Highway Fund. A separate question would be added to the ballot in all counties, except Clark and Washoe Counties, for approval of an indexed rate based on the current federal and local fuel tax rates, with the proceeds dedicated to transportation projects in that county.

Finally, the bill requires the Department of Motor Vehicles to establish by regulation a system to provide for the reimbursement and repayment of any amounts owed by a person under the International Fuel Tax Agreement as a result of the imposition of indexed fuel taxes, and creates an enterprise fund known as the Local Fuel Tax Indexing Fund to receive fees collected under the Agreement.

The bill is effective on June 12, 2013. However, sections authorizing the imposition of additional taxes in Clark County expire by limitation if an ordinance is not adopted by October 1, 2013.

A.B. 466 (Chapter 544)

Assembly Bill 466 requires the Executive Director of the Department of Taxation, on or before November 10 of each even-numbered year, to prepare and submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report of tax expenditures. The bill defines a tax expenditure as “any law of this State that exempts, in whole or in part, certain persons, income, goods, services or property from the impact of established taxes, including, without limitation, tax abatements, tax credits, tax deductions, tax deferrals, tax exemptions, tax exclusions, tax subtractions and preferential tax rates.”

This measure is effective on June 12, 2013.

A.B. 491 (Chapter 443)

Assembly Bill 491 extends until July 1, 2015, the deposit in the State General Fund of increases in the governmental services tax (GST) resulting from the 2009 change in the depreciation schedule on used cars. Commencing on July 1, 2015, those increases will be deposited in the State Highway Fund. The measure redirects approximately \$20.8 million in GST commissions and \$4.1 million in GST penalties, collected by the Department of Motor Vehicles, to the State General Fund for unrestricted use for Fiscal Year (FY) 2014-2015. The cap on administration expenses for the State Highway Fund is increased to 32 percent for FY 2014-2015 only, after which it reverts back to 22 percent.

Provisions relating to deposits of increases in the GST are effective on June 10, 2013, and the remaining provisions are effective on July 1, 2013.

S.B. 7 (Chapter 46)

Senate Bill 7 requires the Department of Taxation to prepare technical bulletins that are intended to educate the public on various issues related to their businesses and the taxes administered by the Department. The Department must also publish technical bulletins related to written opinions from the Attorney General that were requested by the Department. The

technical bulletins must be written in simple, nontechnical language and must be approved by the Nevada Tax Commission prior to being published on the Department's website. The technical bulletins are also exempt from the Nevada Administrative Procedures Act governing administrative regulations.

This bill is effective on May 22, 2013.

S.B. 8 (Chapter 47)

Senate Bill 8 changes the definition of wholesale price for tobacco products, other than cigarettes. The bill clarifies that the wholesale price means the established price that is paid by the wholesaler, irrespective of whether the wholesaler is purchasing the tobacco directly from the manufacturer or from an affiliate of the manufacturer.

This bill is effective on July 1, 2013.

S.B. 165 (Chapter 491)

Senate Bill 165 creates a ten-year pilot program of transferable tax credits for qualifying film, television, or other media productions in Nevada. Producers may apply to the Governor's Office of Economic Development for the tax credits on or before December 31, 2017, if, among other things, the following criteria are met: (1) at least 60 percent of the total qualified expenditures and production costs will be incurred in Nevada; (2) the production costs exceed \$500,000; and (3) the production is in the economic interest of the State. The base amount for the transferable tax credit is 15 percent of the total qualified expenditures incurred in Nevada. An additional 2 percent, up to a total of 4 percent, may be earned if at least 50 percent of the production crew are Nevada residents, or if at least 50 percent of the production takes place in a county in which there was less than \$10 million in direct production expenditures in the past two years. Priority will be given to qualified productions that promote tourism in the State.

The tax credits may be transferred to a third party for use in connection with payment of the modified business tax, gaming percentage fee tax, insurance premium tax, or any combination thereof. The credits expire four years after the date of issuance. The maximum credit for a production is \$6 million and the maximum number of credits that may be issued in a year is \$20 million plus unissued credits from the previous two fiscal years. Local governments are authorized to grant abatements of permitting or licensing fees to productions qualifying for tax credits. Any governing body of a city or county that grants an abatement and the Office of Economic Development shall submit reports to the Governor and the Legislature on the number of applications, qualified productions, tax credits, and related information, no later than October 1 of each year. The program expires on June 30, 2023.

The bill is effective on June 11, 2013, for the purpose of adopting regulations and performing any other preparatory administrative tasks, and on January 1, 2014, for all other purposes.

S.B. 400 (Chapter 495)

Senate Bill 400 provides for the imposition of an excise tax upon mineral extraction for the privilege of engaging in mineral extraction in the State of Nevada and clarifies that the excise tax upon mineral extraction is not an ad valorem or property tax upon the value of the mineral extracted. The bill preserves, without change, the amounts appropriated to each local government or other local taxing entity from the revenue generated by the excise tax upon mineral extraction and royalties. The measure also preserves, without change, the existing tax rates applied to royalties and each extractive operation. Finally, S.B. 400 maintains, with certain technical revisions, the methods, standards and procedures used by the Department of Taxation to determine and certify the gross yield and net proceeds, and to impose and collect the excise tax upon mineral extraction and royalties.

This bill is effective on November 25, 2014, if Senate Joint Resolution No. 15 of the 76th Session is approved and ratified by the voters at the 2014 General Election.

S.B. 475 (Chapter 518)

Senate Bill 475 makes the following changes to the administration of State finances:

- Delays from July 1, 2013, to July 1, 2015, the reset of the Modified Business Tax to 0.63 percent. The bill further provides that the first \$85,000 in wages paid quarterly by an employer that is not a financial institution is exempt from the tax, and wages paid in excess of \$85,000 are taxed at 1.17 percent. The rate resets to 0.63 percent on all taxable wages effective July 1, 2015; and
- Extends from June 30, 2013, to June 30, 2015: (1) the advance payment of the tax on the net proceeds of minerals; (2) the 0.35 percent increase in the Local School Support Tax; and (3) the increase from \$100 to \$200 in the Business License Fee.

This bill is effective on June 12, 2013.

S.B. 509 (Chapter 277)

Senate Bill 509 removes the requirement that the 2.5 percent room tax rate imposed within the City of Sparks, pursuant to Assembly Bill 205 of the 2003 Session, must expire upon the repayment of certain general or special obligation bonds. The bill also provides that the imposition and collection of this 2.5 percent rate after the repayment of certain general or special obligation bonds, as prohibited by A.B. 205, is authorized and ratified in all respects pursuant to this bill.

This bill is effective on May 29, 2013.

S.B. 516 (Chapter 451)

Senate Bill 516 revises and expands the procedures and licensing requirements of wholesale dealers of cigarettes, nonparticipating manufacturers and the Office of the Attorney General, related to the statutory enforcement of the tobacco Master Settlement Agreement. The bill

requires the Department of Taxation to notify wholesale dealers when a manufacturer or brand of cigarettes is added to or removed from the directory of cigarette manufacturers. The measure also stipulates that a wholesale dealer shall not purchase cigarettes for resale from a manufacturer not listed in the directory. The bill also:

- Expands the provisions governing the importation of cigarettes and provides that an importer is jointly and severally liable for certain escrow deposits;
- Authorizes the State to enter into an agreement with an Indian tribe to enforce and administer provisions related to the licensing, taxing, and manufacturing of tobacco products;
- Defines qualified tribal land and requires that each cigarette package sold by an Indian tribe bear a tribal stamp issued by the Department of Taxation;
- Authorizes the State to release to an Indian tribe, pursuant to a compact with the tribe, not more than 50 percent of the funds from cigarettes sold on or after January 15, 2015. The funds must be deposited into a qualified escrow account for the purposes of public safety and social services; and
- Authorizes the Department of Taxation to temporarily suspend or permanently revoke the license of a wholesale dealer for failure to file a monthly report, pay certain taxes, or cure certain liabilities; for selling unauthorized cigarettes; or for importing or exporting any unauthorized cigarettes.

Certain provisions concerning reporting requirements and provisions authorizing the release of deposits in tribal escrow accounts are effective on January 1, 2014. The remaining provisions of the bill are effective on July 1, 2013.

S.J.R. 15—76th Session (File No. 40)

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

This measure was approved in identical form during the 2011 and 2013 Sessions of the Legislature. The measure will be submitted to the voters for final approval or disapproval at the 2014 General Election.

Property Tax

A.B. 66 (Chapter 481)

Assembly Bill 66 increases from 10 days to 30 days the requirement for giving notice to interested persons if the State Board of Equalization proposes to increase the valuation of certain properties or a classes of properties in a county. The notice must be made by first-class mail.

An appeal or complaint proceeding shall continue to require 10 days' notice by registered or certified mail or by personal service.

The bill is effective on July 1, 2013.

A.B. 138 (Chapter 471)

Assembly Bill 138 allows a new or expanding business that makes a capital investment of at least \$1 million in a research program related to the field of endeavor of the business at the University of Nevada, Las Vegas; the University of Nevada, Reno; or the Desert Research Institute, or at least \$500,000 in certification, research, or training programs at Nevada State College or another smaller institution within the Nevada System of Higher Education to apply to the Governor's Office of Economic Development for a partial tax abatement. Specifically, if the business meets certain eligibility requirements, it may receive a partial abatement of its personal property taxes for five years. The total amount of the abatement received may not exceed 50 percent of the personal property taxes imposed on the business during the period of the abatement or 50 percent of the amount of capital investment, whichever is less.

The measure is effective on July 1, 2013. The provisions of this bill authorizing the abatements expire by limitation on June 30, 2023.

S.B. 281 (Chapter 96)

Senate Bill 281 provides a tax exemption on real property for the Thunderbird Lodge Preservation Society through June 30, 2033.

This bill is effective on July 1, 2013.

S.B. 301 (Chapter 331)

Senate Bill 301 amends provisions governing tax liens. It deletes references to the sale of a tax lien and requires the county treasurer to assign a tax lien if the property owner and the assignee enter into a written agreement. The bill sets forth the mandatory and permissible terms of such an agreement. Provisions are also added to specify the duties of the county treasurer and the duties of an assignee based on the assignment of the tax lien.

The bill authorizes an assignee to bring an action against the owner for the recovery of delinquent taxes, penalties, interest, fees, and costs, or to pursue any other remedy authorized by the assignee's agreement with the owner. Certain existing limitations on the enforcement of a right secured by a mortgage or other lien upon real estate are not applicable to an action brought by an assignee against an owner to recover delinquent taxes or brought pursuant to an agreement between the assignee and the owner. Additionally, an assignee may not initiate an action for the collection of delinquent taxes and other amounts owed any sooner than the earliest date by which the county could commence such an action pursuant to current law.

This bill is effective on July 1, 2013.

Sales and Use Tax

A.B. 46 (Chapter 470)

Assembly Bill 46 authorizes the board of county commissioners of each county whose population is 100,000 or more but less than 700,000 (currently only Washoe County) to impose by a two-thirds vote, additional taxes for deposit in the county school district's fund for capital projects. Specifically, A.B. 46 authorizes a new sales and use tax in the county at the rate of one quarter of one percent of the gross receipts of retailers, and a new property tax at the rate of five cents on each \$100 of assessed valuation.

Any new sales and use tax must be administered in the same manner as the sales and use tax imposed by the Local School Support Tax Law. The authorized additional property tax is exempt from certain limits on the total combined property tax in any district and is also not subject to certain partial tax abatements.

Finally, the bill authorizes the school district in each county where these new taxes are imposed to pledge the proceeds of these new taxes, and a certain portion of the governmental services tax, to the payment of any bonds or obligations the school district issues for capital projects.

This bill is effective on June 11, 2013.

A.B. 506 (Chapter 549)

Assembly Bill 506 provides that a complimentary portion of any food, meal, or nonalcoholic drink provided on a complimentary basis, in whole or in part, to employees, patrons, or guests of a retailer are not subject to sales tax. Additionally, such a complimentary portion does not lose its status as food for human consumption, thus it would also be exempt from the use tax.

This bill is effective on June 13, 2013, and applies to food, meals, and non-alcoholic drinks provided on a complimentary basis on and after the effective date of this bill.

S.B. 152 (Chapter 228)

Senate Bill 152 provides that the right of a retailer to claim a deduction or refund under the Sales and Use Tax Act is not affected by: (1) the assignment of a debt by the retailer to an entity that is part of an affiliated group that includes the retailer; (2) the writing off by the entity of the debt as a bad debt; and (3) the eligibility of the entity to deduct the bad debt under federal law. The bill makes corresponding changes to the Local School Support Tax Law and defines what constitutes an affiliated group. Finally, the Department of Taxation must adopt regulations necessary to carry out the provisions of this bill.

This bill is effective on May 28, 2013, for the purposes of adopting regulations and performing other preparatory administrative tasks, and on July 1, 2013, for all other purposes.

NOTE: See also Senate Bill 1 (Chapter 1) of the 27th Special Session.

NOTE: See also Assembly Bill 1 (Chapter 4) of the 27th Special Session.

TRANSPORTATION

A.B. 18 (Chapter 351)

Assembly Bill 18 allows Nevada's Department of Transportation (NDOT) and certain local governments to enter into agreements for the relinquishment or trade of any portion of a State highway or local road. Before a relinquishment or trade may take place, the parties must agree in writing to terms of the trade, including requirements for bringing the highway or local road into good repair or, if necessary, for ensuring equitable compensation or equitable trade considerations.

The bill also requires NDOT, in cooperation with local governments, to adopt regulations governing procedural documents that address the process by which portions of roadways are to be relinquished.

A.B. 145 (Chapter 472)

Assembly Bill 145 authorizes the establishment of a Complete Streets program by a regional transportation commission or a board of county commissioners in each county. A Complete Streets program is defined as one in which streets or highways are retrofitted for the primary purpose of adding or significantly repairing facilities that provide street or highway access. The program shall consider access for all users, including, without limitation, pedestrians, bicycle riders, persons with a disability, persons who use public transportation, and motorists.

The bill provides that a person may, upon initial registration or renewal of registration of a vehicle that is completed at a kiosk or via the Internet with the Department of Motor Vehicles (DMV), opt to make a voluntarily, nonrefundable \$2 contribution toward funding the Complete Streets program in the county in which the vehicle is registered. The board of county commissioners in a county that has established a Complete Streets program shall establish in the county treasury a Complete Streets fund to receive distributions of these contributions from the DMV and to accept other gifts and donations. The measure authorizes the DMV to retain a 1 percent commission to cover the cost of collecting and allocating donations to each county. The money collected must be used for projects that are part of a Complete Streets program including for the operation of a public transit system, but not for the purchase of vehicles or other hardware for a public transit system.

This bill is effective on June 11, 2013, for the purposes of adopting regulations and performing other preparatory administrative tasks. For all other purposes, the bill is effective upon the earlier of October 1, 2015, or the date on which the DMV Director provides notice that sufficient resources are available to carry out the provisions of this bill.

A.B. 151 (Chapter 473)

Assembly Bill 151 requires that Nevada's Department of Transportation (NDOT) establish goals for the participation of disadvantaged business enterprises and local emerging small businesses in certain contracts for transportation projects. Included are contracts for the construction, reconstruction, improvement, or maintenance of highways estimated to cost

\$250,000 or more that do not receive federal funding, and contracts for architectural, engineering, and planning services. The participation goals must be consistent with the goals required for similar projects that receive federal funding, and they must be based on information about the market for which the goals are set.

Finally, A.B. 151 requires NDOT to prepare a biennial report for the Governor and the Legislature explaining the establishment and achievement level of these goals.

This bill is effective on October 1, 2013, and expires by limitation on September 30, 2023, or 90 days after the date on which the NDOT Director transmits to the Governor and the Director of the Legislative Counsel Bureau a report indicating that disparities no longer exist in the awarding of contracts to disadvantaged business enterprises and a discontinuation of the goals would be in the best interest of this State, whichever occurs earlier.

A.B. 165 (Chapter 162)

Assembly Bill 165 prohibits the Director of the Department of Motor Vehicles from providing personal information to individuals or companies for the purpose of marketing extended vehicle warranties. The bill also eliminates the authority of the Director to release personal information for use in the bulk distribution of surveys, marketing material, or solicitations.

This bill is effective on July 1, 2013.

A.B. 263 (Chapter 164)

Assembly Bill 263 requires that, rather than consider only a person's experience relating to public transportation projects, the Director of the Department of Transportation also consider any other comparable experience a person may have when determining if the person is sufficiently qualified to bid on certain highway construction projects. The bill also requires persons wishing to bid on certain smaller transportation projects to submit certain information to the Director before the Director furnishes the person with the necessary forms and information to submit a bid on the project.

This bill is effective on July 1, 2013.

A.B. 282 (Chapter 141)

Assembly Bill 282 revises provisions governing surety bonds related to motor vehicle sales. This bill provides that surety bond compensation is for the use and benefit of a consumer injured by the action of a broker, dealer, distributor, manufacturer, rebuilder, or their representative or salesperson.

This bill is effective on July 1, 2013.

A.B. 305 (Chapter 165)

Assembly Bill 305 requires the Board of Directors of Nevada's Department of Transportation to prescribe regulations specifying the operational requirements for commercial electronic

variable message signs. The operational requirements for these signs must conform to regulations promulgated by the Secretary of the United States Department of Transportation.

This bill is effective on May 27, 2013, for the purpose of adopting regulations, and on January 1, 2014, for all other purposes.

A.B. 309 (Chapter 474)

Assembly Bill 309 directs the Department of Motor Vehicles (DMV) to establish, implement, and operate an “electronic lien system” to process the notification and release of security interests in a vehicle. To carry out this directive, the DMV is further required to:

- Enter into contracts with one or more suppliers interested in furnishing electronic lien services to the DMV;
- Establish conditions and requirements for any contracts between the DMV and the suppliers who will furnish the electronic lien services;
- Ensure that contracts include provisions that specifically prohibit the contractors from using information concerning vehicle titles for marketing or solicitation purposes; and
- Ensure that a service provider not be required to provide confidential or proprietary information to any other service provider.

Finally, the DMV must submit to the 78th Session of the Nevada Legislature a report concerning the implementation of the electronic lien system.

This bill is effective on June 11, 2013.

A.B. 447 (Chapter 512)

Assembly Bill 447 allows the Director of Nevada’s Department of Transportation (NDOT), with the approval of NDOT’s Board of Directors, to authorize a private person to erect or construct, sponsor, operate, or maintain a facility or a sign at a rest area under contract with NDOT. The bill also raises the limits on fines for violating certain provisions or regulations governing roadside parks or safety rest areas. The maximum fine for a first offense is increased from \$100 to \$1,000, and the maximum fine for each subsequent offense is increased from \$500 to \$5,000.

This bill is effective on July 1, 2013.

A.B. 453 (Chapter 364)

Assembly Bill 453 provides for the registration of two or more vehicles as a fleet if they are all covered by a commercial liability policy. This bill also provides that verification of the required liability insurance for fleet vehicles is satisfied when an insurer submits to the Department of Motor Vehicles the policy number and the name of the registered owner of those vehicles.

S.B. 14 (Chapter 33)

Senate Bill 14 authorizes the Director of the Department of Transportation to reduce the maximum vehicle weight limit on any State-owned road or bridge for the purpose of public safety. The weight limit reductions are not to exceed a period of 180 days. The Director must notify the Department of Transportation's Board of Directors within 60 days of making any weight limit reductions.

This bill is effective on May 21, 2013.

S.B. 175 (Chapter 87)

Senate Bill 175 revises provisions governing the manner in which a chemical solution or gas is determined to have the chemical composition necessary for accurately calibrating a device for testing a person's breath to determine the concentration of alcohol in a person's breath. Specifically, S.B. 175 allows a person who is certified to calibrate a device by the Director of the Department of Public Safety to confirm the concentration of alcohol contained in the solution or gas and make an affidavit or declaration identifying and stating that the solution or gas has the chemical composition that is necessary for use in accurately calibrating, or verifying the calibration of, the device.

This bill is effective on May 23, 2013. The amendatory provisions of this bill do not affect tests to determine the concentration of alcohol in a person's breath that are performed before the effective date of this bill.

S.B. 217 (Chapter 372)

Senate Bill 217 provides that if the probable cost of a road or bridge construction project does not exceed \$100,000, a county with a population less than 100,000 (all counties except Clark and Washoe Counties) may advertise for bids and let contracts pursuant to existing statute or may perform its own work with county employees or day labor and using county equipment. If the probable cost of the work exceeds \$100,000, such a county is required to advertise for bids and let contracts pursuant to local government purchasing or public works statutes, except that, in a county whose population is less than 45,000 (currently Churchill, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing, Storey, and White Pine Counties), the board of county highway commissioners may instead determine to perform the work with its own resources if the estimated cost of the project is between \$100,000 and \$250,000.

This bill is effective on July 1, 2013.

Drivers' Licenses

S.B. 19 (Chapter 34)

Senate Bill 19 enables the Department of Motor Vehicles to revoke the license of a person convicted under a city or county ordinance of driving under the influence under the same or similar laws as set forth in the *Nevada Revised Statutes*.

This bill is effective on July 1, 2013.

S.B. 143 (Chapter 148)

Senate Bill 143 directs the Department of Motor Vehicles to add at least one question to the written driver's license examination concerning the Nevada law prohibiting the use of cell phones or other handheld devices while driving.

This bill is effective on May 24, 2013, for purposes of adopting any necessary regulations and performing any other preparatory tasks, and on January 1, 2014, for all other purposes.

S.B. 244 (Chapter 374)

Senate Bill 244 requires the Department of Motor Vehicles (DMV) to place a designation of veteran status on an instruction permit, driver's license, or identification card upon request. The person making the request must prove his or her veteran status by submitting a copy of a "Certificate of Release or Discharge from Active Duty," indicating an honorable discharge from the Armed Forces. The bill also requires the DMV to forward a monthly list of veterans to the Office of Veterans' Services for communication purposes. To be included on the list, each veteran must consent to the release or disclosure of certain information.

This bill is effective on January 1, 2014.

S.B. 303 (Chapter 282)

Senate Bill 303 provides for the issuance of driver authorization cards by the Department of Motor Vehicles (DMV). The bill allows an applicant to present various documents, including, without limitation, a birth certificate or passport issued by a foreign government, as proof of his or her name and age. The applicant must also provide certain documents to prove residency in this State.

The driver authorization card must be of the same design as a driver's license and contain only the minimum number of changes from that design as necessary to comply with the federal REAL ID Act. A driver authorization card expires one year after it is issued or renewed.

This bill prohibits the Director of the DMV from releasing any information relating to an individual's legal presence to any person or federal, State, or local governmental entity for any purpose relating to the enforcement of immigration laws. Additionally, the driver authorization card shall not be used to determine eligibility for any benefits, licenses, or services issued or provided by this State or its political subdivisions.

Finally, S.B. 303 appropriates from the State Highway Fund to the DMV approximately \$1.6 million over the 2013-2015 Biennium for the costs of developing and issuing driver authorization cards.

The bill is effective on May 31, 2013, for the purpose of adopting regulations and for performing other preparatory administrative tasks. Provisions concerning the appropriation are effective on July 1, 2013, and all other provisions are effective on January 1, 2014.

S.B. 503 (Chapter 273)

Senate Bill 503 authorizes the Department of Motor Vehicles (DMV) to issue driver's licenses and identification cards that expire on the eighth anniversary of the person's birthday or the eighth anniversary of the date of issuance. The bill allows the DMV to charge twice the amount of certain fees for such licenses or cards.

This bill also provides for the issuance of a nonresident commercial driver's license or nonresident commercial learner's permit if the person is a resident of a state that is prohibited from issuing commercial driver's licenses pursuant to federal regulation.

Provisions related to issuing driver's licenses and identification cards on an eight-year cycle are effective on January 1, 2014. The remaining provisions of this bill are effective on July 8, 2014.

Motor Vehicles and Motor Carriers

A.B. 14 (Chapter 350)

Assembly Bill 14 revises various provisions governing persons who are engaged in the sale of vehicles. Specifically, the bill:

- Deletes a provision requiring that the application for licensure of a salesperson who holds a temporary permit be denied if that person ceases to be employed as a salesperson by a licensed and bonded dealer, lessor, or rebuilder, thus allowing that person to resume the application process upon finding employment elsewhere; and
- Expressly prohibits the person from engaging in the activity of a salesperson during the period in which the person is not employed as a vehicle salesperson.

Additionally, A.B. 14 allows the Department of Motor Vehicles (DMV) to remove the suspension of a registration of a motor vehicle without requiring the owner of the vehicle to pay a fee or administrative fine under certain circumstances. The registered owner of the vehicle must prove to the satisfaction of the DMV that the vehicle was dormant during the period in which the DMV was unable to verify liability insurance coverage in order to have the suspension removed without a penalty.

This bill is effective on June 2, 2013.

A.B. 198 (Chapter 163)

Assembly Bill 198 repeals provisions of existing law requiring a vehicle that is acquired for use as a taxicab in a county that is not subject to regulation by the Taxicab Authority to be new or have not more than 30,000 miles on its odometer. The bill also repeals provisions requiring those taxicabs to be retired from service after a certain length of time.

This bill is effective on July 1, 2013.

A.B. 336 (Chapter 475)

Assembly Bill 336 provides for an extended term of vehicle registration for certain trailers. The bill allows for an optional three-year registration period for certain trailers, other than commercial trailers and semitrailers. The person who registers the trailer for a three-year period must pay upon registration all applicable fees and taxes that would have been due if the trailer was registered for one year and then renewed for two consecutive years.

The bill also allows a person to register a commercial trailer or semitrailer upon payment of a one-time flat registration fee of \$110. The fee includes \$24 to be distributed to the State Highway Fund for registration and \$86 to be distributed to the county in which the vehicle is domiciled to cover the basic governmental services tax. Such a registration is nontransferable if the person transfers ownership of the trailer, and it is valid until the owner either transfers ownership of the trailer or cancels the registration of the trailer and surrenders the license plates to the Department of Motor Vehicles.

This bill is effective on January 1, 2015.

A.B. 454 (Chapter 434)

Assembly Bill 454 requires that a report of sale or a report of lease required to be submitted to the Department of Motor Vehicles (DMV) by a seller of new vehicles, a long-term lessor of new vehicles, a seller of used or rebuilt vehicles, or a long-term lessor of used or rebuilt vehicles be submitted by way of electronic transmission. This bill also provides that failure of a seller or lessor to submit the original of those documents to the DMV within a certain time period is no longer a crime.

This bill is effective on July 1, 2014.

S.B. 12 (Chapter 31)

Senate Bill 12 clarifies that certain individuals associated with a motor carrier, or applicants to operate as a motor carrier, must submit fingerprints to the Nevada Transportation Authority (NTA) for the purposes of a background check. The individuals must authorize the NTA to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation (FBI).

S.B. 158 (Chapter 84)

Senate Bill 158 prohibits indemnification clauses in motor carrier transportation contracts that require one party to indemnify and hold harmless another party for that other party's own negligence or wrongful acts. Provisions of this bill do not apply to an agreement that provides for the interchange, use, or possession of intermodal chassis or other intermodal equipment.

This bill is effective on October 1, 2013, and applies only to contracts entered into on or after October 1, 2013.

S.B. 210 (Chapter 402)

Senate Bill 210 directs the Nevada Transportation Authority (NTA) to issue permits to drivers operating in industries under its authority. Provisions of the bill require a driver to submit fingerprints for the purpose of a criminal background check. To qualify for the permit, a driver is required to hold a valid commercial driver's license and provide proof of employment or a letter of intent by a certificated carrier. Additional provisions authorize the NTA to refuse a driver's permit if the applicant has been convicted of a felony in the previous five years, or a felony involving a sexual offense at any time before the date of the application. The NTA may also deny an application if a driver has been convicted of driving under the influence in the immediate three-year period. The NTA will establish a fingerprint processing fee, which is to be paid by the applicant. Finally, the bill defines "charter bus transportation."

This bill is effective on June 3, 2013, for the purposes of adopting regulations or performing other preparatory administrative tasks and on January 1, 2014, for all other purposes.

S.B. 302 (Chapter 376)

Senate Bill 302 provides that if a taxicab company regulated by the Nevada Transportation Authority requires an employee or lessee to submit to a test for the presence of alcohol or a controlled substance and the person tests positive, the taxicab company is required to:

- Maintain a record of the results of the test;
- Provide a record of the results of the test to the Authority; and
- Release a record of the test results to another taxicab company upon request.

The results of such a test must be recorded only as positive or negative, and they must not be maintained by a taxicab company or the Authority for a period of more than one year.

S.B. 313 (Chapter 377)

Senate Bill 313 clarifies the definition of "autonomous technology" by excluding certain driver assistance features unless the combined effect of all such features enables the vehicle to be driven without the active control or monitoring of a human operator.

The bill requires that prior to the testing of a vehicle equipped with autonomous technology, the entity performing the test must submit a \$5 million instrument of insurance, surety bond, or proof of self-insurance to the Department of Motor Vehicles.

Other provisions of S.B. 313 require that while testing an autonomous vehicle on a highway in this State:

- A capable human operator must be in the driver's seat monitoring the safe operation of the autonomous vehicle; and

- The vehicle must be equipped with a means to engage and disengage the autonomous technology and a visual indicator that indicates when the autonomous technology is operating the vehicle.

Finally, the bill provides that a manufacturer of a motor vehicle which has been converted by a third party into an autonomous vehicle cannot be held legally liable for damages caused by the conversion.

This bill is effective on July 1, 2013.

S.B. 317 (Chapter 182)

Senate Bill 317 clarifies that it is an unfair act or practice for a manufacturer or distributor of vehicles and certain related entities to require a dealer to agree to any terms or conditions of a franchise agreement that waive certain provisions of Nevada law governing franchises for sales of motor vehicles. The bill further provides that any waiver of such provisions is void and unenforceable.

This bill is effective on July 1, 2013.

S.B. 335 (Chapter 185)

Senate Bill 335 requires a person seeking to be employed or to enter into a contract or lease to drive a taxicab in a county under the jurisdiction of the Nevada Transportation Authority (NTA), which is all counties except Clark County, to obtain a medical examiner's certificate indicating the prospective driver meets certain health requirements. The person must provide a copy of the medical examiner's certificate to the taxicab motor carrier, and the certificate expires two years after the date of issuance and may be renewed. The bill also defines a medical examiner as a physician or a chiropractic physician, either of whom can provide a certificate for any prospective taxicab driver under the jurisdiction of the NTA or the Taxicab Authority.

This bill is effective on January 1, 2014.

S.B. 428 (Chapter 397)

Senate Bill 428 requires operators of tow cars to accept cash, money orders, credit cards, debit cards, and any other electronic transfer of money as payment for towing services. To comply with this provision, the bill authorizes an operator of a tow car to enter into contracts with issuers of credit cards and debit cards to provide for the acceptance of such cards for the payment of rates, fares, and charges. The measure authorizes a tow car operator to offer a customer a discount for making payment in cash.

S.B. 429 (Chapter 398)

Senate Bill 429 allows a taxicab company to place an advertisement on the exterior of each of its taxicabs as long as its taxicabs are readily distinguishable from taxicabs of other taxicab companies.

S.B. 432 (Chapter 243)

Senate Bill 432 requires each operator of a taxicab business to post a sign in each taxicab that it operates notifying passengers of the maximum penalties for committing an assault or battery upon a taxicab driver.

S.B. 456 (Chapter 380)

Senate Bill 456 authorizes an insurance company to designate certain vehicle storage lots to which vehicles insured by the insurance company must be towed under certain circumstances. A vehicle storage lot must maintain adequate, accessible, and secure storage and comply with all standards a law enforcement agency may adopt pursuant to State law to protect the health, safety, and welfare of the public. A tow car operator who tows a vehicle to a vehicle storage lot is entitled to payment at the time the vehicle is delivered. Additional provisions require law enforcement officers to make a good faith effort to determine the identity of the insurance company that provides coverage for the owner of such a vehicle and to make a good faith effort to communicate that information to the operator of the tow car before the vehicle is towed. The provisions of this bill only apply to a county whose population is 700,000 or more (currently Clark County).

This bill also expresses the sense of the Legislature that certain provisions of this bill constitute an exercise of the safety regulatory authority of this State with respect to motor vehicles.

This bill is effective on June 2, 2013.

Traffic Laws

A.B. 21 (Chapter 159)

Assembly Bill 21 clarifies that an occupant of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation, or the occupant of the living quarters of a house coach or house trailer, other than the driver of such a vehicle, is allowed to possess an open container of an alcoholic beverage while that vehicle is upon a State highway.

The bill also clarifies the accident reporting duties and responsibilities of the Department of Motor Vehicles and the Department of Public Safety (DPS). Finally, the bill provides that accident reports may be filed electronically.

A.B. 117 (Chapter 122)

Assembly Bill 117 allows a person driving a motorcycle, moped, or trimobile or riding a bicycle or an electric bicycle to proceed into an intersection against a red traffic signal if:

- The person stops as required by the signal;
- The person waits for two complete cycles of the lights or lighted arrows and the signal does not change because of a malfunction or the failure of the signal to detect the presence of the vehicle;
- No other device at the place prohibits a turn, if applicable; and

- The person yields the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection.

The bill also provides that, if the person commits certain violations while proceeding into an intersection against a red signal that result in an injury to another person, the violations create a rebuttable presumption of facts necessary to impose civil liability.

S.B. 224 (Chapter 373)

Senate Bill 224 imposes a fee of \$100, in addition to any other penalty, if a person is convicted of driving under the influence of intoxicating liquor or a controlled substance. The money collected from the fee must be used to support a specialty court program established to facilitate testing, treatment, and oversight of certain persons who suffer from a mental illness or abuse alcohol or drugs. The measure provides for the imposition of community service if a defendant is unable to pay the fee.

The bill also authorizes the Office of Court Administrator to accept money from gifts, grants, and other sources for courts that provide specialty court programs and requires a court that provides a specialty court program to submit reports on the program to the Court Administrator.

This bill is effective on July 1, 2013, and expires by limitation on June 30, 2015.

S.B. 343 (Chapter 188)

Senate Bill 343 creates a new category of off-highway vehicle (OHV). The bill requires the owner of a large all-terrain vehicle to provide proof of insurance that meets the requirements of insurance on an automobile. The bill defines “large all-terrain vehicle” and provides for a new registration sticker or decal distinguishable from the sticker or decal of a standard off-highway vehicle. Additionally, either the owner of a large all-terrain vehicle can register as a standard OHV (as currently required) or the owner can choose the new designation, which allows him or her to go on certain roads designated by a city or county.

Transportation Fees and Taxes

A.B. 464 (Chapter 441)

Assembly Bill 464 authorizes the Department of Motor Vehicles to establish by regulation a fee for the issuance of an identifying device (decal) required by the International Fuel Tax Agreement (IFTA) for special fuel users in a motor vehicle that is operated or intended to operate interstate. The fee amount is not to exceed the estimated administrative costs of issuing the device.

This bill also revises the rate of interest to be paid by a special fuel user who fails to file a tax return or pay any excise tax by the date due from 1 percent per month to the rate established by the Department in accordance with the provisions of the IFTA.

The bill is effective on July 1, 2013.

S.B. 170 (Chapter 370)

Senate Bill 170 authorizes a body shop, under certain circumstances, to impose a charge for storage of a motor vehicle that is in the possession of the body shop for repairs. Any such storage charge must not exceed an amount that is one and one-half times the average prevailing rate for storage charged by body shops in the same geographic area. In cases of nonconsensual tows, a body shop must make a reasonable attempt to contact the vehicle's owner and notify the owner of the vehicle's location and charges imposed for storage.

A body shop must report its vehicle storage rates to the Department of Motor Vehicles via an online survey. This bill also requires that body shops and garages notify customers of the forms of payment they accept and whether there is an additional charge for using a credit card or a discount for paying with cash.

This bill is effective on July 1, 2013.

S.B. 430 (Chapter 438)

Senate Bill 430 requires an operator of a taxicab or limousine to charge, collect, and remit to the Nevada Transportation Authority (NTA) or the Taxicab Authority, as appropriate, a technology fee for each compensable trip. The technology fees must be used by the NTA and the Taxicab Authority to implement technological improvements in safety, reliability, and efficiency, including a computerized real-time data system. The bill allows the NTA and the Taxicab Authority to operate a computerized real-time data system or enter into a contract for the service. If a contract is entered into, each respective regulating authority must ensure the information and data collected is under the control of the authority. The bill establishes the minimum performance criteria and operational capabilities that a computerized real-time data system must demonstrate before such a system can be implemented.

On or before February 1, 2015, the NTA and the Taxicab Authority shall each submit a report to the Legislature describing the implementation and operation of the computerized real-time data system.

This bill is effective on July 1, 2013.

Vehicle Registration

A.B. 24 (Chapter 439)

Assembly Bill 24 provides for the issuance of a special license plate to commemorate the 150th anniversary of Nevada's admission into the Union. In addition to certain other fees and taxes, a \$25 fee for the initial issuance of the plates and a \$20 fee for each renewal is to be distributed to the Nevada Cultural Affairs Foundation and used for a 150th anniversary celebration and related projects.

The bill allows legislators, upon paying an applicable fee, to request a plate with the combined characteristics of a commemorative plate and the special legislative plate designation.

This bill also deletes a requirement that a redesign of license plates ordered by the Director of the Department of Motor Vehicles (DMV) be in colors that are predominately blue and silver, and contain letters and numbers that are of the same size. Additionally, A.B. 24 deletes a requirement that a license plate contain a certain number of characters and provides instead that the Director will determine the number of characters to be contained on each license plate.

Finally, the bill requires that an annual report concerning the revenues received and expenditures made in connection with the issuance of the commemorative plates be submitted to the Director of the Legislative Counsel Bureau for transmission to the Legislature or the Legislative Commission, as appropriate.

This bill is effective on June 7, 2013.

A.B. 111 (Chapter 23)

Assembly Bill 111 requires that special license plates for disabled veterans be inscribed with the international symbol of access.

This bill is effective on May 21, 2013.

A.B. 129 (Chapter 161)

Assembly Bill 129 authorizes certain persons to apply for the issuance of license plates specially designed to honor peace officers who have received one or more of several specified medals, or the equivalent thereof. The special license plates may also be issued to a family member of a peace officer who received posthumously the Medal of Honor, or the equivalent thereof.

This bill is effective on July 1, 2013.

A.B. 167 (Chapter 503)

Assembly Bill 167 requires a nonresident entity that owns a vehicle operated in this State by an employee, independent contractor, or any other person, for the purpose of engaging in the business of the nonresident owner, to apply for a nonresident business permit from the Department of Motor Vehicles (DMV) within ten days after commencing such operation. The bill requires the nonresident owner to pay a fee of \$200 for the first vehicle permit and \$150 for each additional permitted vehicle. The nonresident owner must also submit proof that the vehicle is currently registered, insured, and tested for emissions in the state, country, or other place the owner is a resident.

Assembly Bill 167 requires the DMV to issue an indicator to a nonresident owner who properly permits a vehicle. The indicator must be displayed on the vehicle, is nontransferable, and expires after one year. A person who violates the provisions of the bill is guilty of a misdemeanor and shall be punished by a fine of no more than \$500 for the first offense and \$750 for the second and each subsequent offense.

Finally, A.B. 167 does not apply to vehicles rented or leased on a short-term basis.

This bill is effective on June 11, 2013, for the purposes of adopting regulations and performing preparatory administrative tasks, and on January 1, 2014, for all other purposes.

A.B. 189 (Chapter 297)

Assembly Bill 189 creates a new tier of not more than 5 special license plates that may be issued by the Department of Motor Vehicles, in addition to the existing 30 special license plates, if the applicant posts a surety bond in the amount of \$20,000 and demonstrates the issuance of at least 3,000 plates to illustrate the viability of the plates.

This bill is effective on June 1, 2013, for the purpose of performing preparatory administrative tasks, and on July 1, 2013, for all other purposes.

A.B. 244 (Chapter 137)

Assembly Bill 244 sets the minimum number of active registrations for special license plates at 1,000 for all special license plates.

A.B. 455 (Chapter 313)

Assembly Bill 455 makes various changes to requirements and processes concerning special license plates. Specifically, the bill:

- Revises and expands the types of information that must be provided to the Department of Motor Vehicles (DMV) in an application for a special license plate;
- Requires that the Commission on Special License Plates compile and make publicly available certain information regarding special license plates that the Commission has recommended for approval;
- Changes from September 1 to July 1 the deadline by which certain charitable organizations that receive additional fees from special license plates must provide to the Commission and the DMV certain contact information; and
- Revises the process of determination, hearing, appeal, and potential adverse action if a charitable organization that receives additional fees from special license plates is found to have failed to provide certain required information or to have committed improper practices of financial administration.

This bill is effective on July 1, 2013.

A.B. 473 (Chapter 436)

Assembly Bill 473 provides for an additional fee to be paid to the Department of Motor Vehicles (DMV) to defray the cost of producing license plates. The fee, which is to be determined by regulation of the DMV, must be deposited into a newly created License Plate Production Account within the State Highway Fund.

This bill is effective on July 1, 2013.

S.B. 13 (Chapter 32)

Senate Bill 13 authorizes the Department of Motor Vehicles (DMV) to suspend the registration of a motor vehicle if the payment for the registration fee is returned to the DMV or is otherwise dishonored. The bill requires the immediate return of the certificate of registration and license plates upon suspension. The DMV is required to notify the registered owner of the impending suspension and provide instruction for reinstatement. The registration must be reinstated upon payment of applicable registration and license plate fees, Governmental Services Tax, and any late fees or penalties.

This bill is effective on May 21, 2013.

S.B. 109 (Chapter 477)

Senate Bill 109 makes various changes concerning off-highway vehicles (OHV). The bill creates an OHV dealer plate, similar to an automobile dealer plate, that allows dealers to operate unregistered vehicles for the purposes of demonstrations or test drives. The bill also provides that:

- The Commission on Off-Highway Vehicles, rather than the Department of Motor Vehicles, prescribes the form of the registration sticker or decal for off-highway vehicles, and it revises provisions regarding the size of the sticker or decal; and
- Registration of an OHV is not required if it is registered in another state and not located in Nevada for more than 15 days; and
- OHVs operated during daylight hours are exempted from certain requirements related to head lamps and tail lamps.

This bill also creates new exemptions from the off-highway vehicle registration process for vehicles:

- Operated solely in an organized race, festival, or other event conducted under the direction of a sanctioning body or by permit;
- Operated or stored on privately owned or leased land;
- Operated while engaged in an approved search-and-rescue operation; or
- Having an engine displacement of not more than 70 cubic centimeters.

This bill is effective on July 1, 2013.

27TH SPECIAL SESSION

June 4, 2013

A.B. 1—27th Special Session (Chapter 4)

Assembly Bill 1 makes various changes relating to tax abatements and deferments. Specifically, the bill:

- Removes provisions concerning qualifications for partial abatement of property taxes, business taxes and sales and use taxes that apply solely to businesses that further the development and refinement of intellectual property, patents, or copyrights into commercial projects;
- Changes or clarifies conditions that must be met to qualify for abatements;
- Allows businesses locating within an activated foreign trade zone to receive a partial abatement of up to 75 percent of personal property taxes for up to ten years;
- Increases from \$100,000 to \$1 million the minimum required sales price to receive a deferral of sales taxes, and adds additional conditions that must be met in order to become eligible to receive the deferral;
- Specifies limits on the partial abatement of taxes that may be received for new or expanding businesses located in certain economic development zones; and
- Provides additional abatements from property and sales taxes, for not more than 15 years, for data centers located in certain economic development zones and committed to investing \$100,000,000 during the effective period of the abatement.

This bill is effective on June 13, 2013, for the purpose of adopting regulations and performing necessary preparatory administrative tasks, and on July 1, 2013, for all other purposes.

A.B. 2—27th Special Session (Chapter 5)

Assembly Bill 2 requires Nevada's school districts to post on their websites, and provide to the Department of Education, a quarterly report of the average daily attendance in their schools and the ratio of pupils per licensed teacher in grades Kindergarten, 1, 2, and 3. The report must also detail whether a school has an approved alternative class-size reduction plan and if there are any variances from the authorized class-size ratios.

The bill also increases the prescribed class-size ratios, as follows:

- In kindergarten and grades 1 and 2, the ratio is increased from 15:1 to 16:1; and
- In grade 3, the ratio is increased from 15:1 to 18:1.

For purposes of calculating these ratios, a teacher who teaches multiple classes may only be counted once. School districts that exceed the prescribed ratio in any quarter must request a variance from the State Board of Education for the following quarter, and the State Board of Education must, in turn, report this information to the Interim Finance Committee.

This bill is effective on June 13, 2013, for the purpose of performing preparatory tasks, and on July 1, 2013, for all other purposes.

S.B. 1—27th Special Session (Chapter 1)

Senate Bill 1 makes various changes to the Clark County Sales and Use Tax Act of 2005. Specifically, this bill:

- Suspends until July 1, 2016, provisions that prohibit sales and use tax revenues from supplanting or replacing existing funding for police departments;
- Requires additional reports to be filed relating to the expenditure of revenues during the period in which these provisions are suspended;
- Resets the base year for determining when the use of these sales tax revenues supplant or replace existing revenues;
- Authorizes the imposition of an additional sales and use tax rate of up to 0.15 percent in Clark County that may be imposed on or after October 1, 2013, but before July 1, 2016. In order to become effective, the rate must be approved by a two-thirds majority of the Clark County Commission;
- Establishes provisions for the expenditure of the proceeds from the 0.15 percent tax rate dependent upon employing an equal number of police officers in unfilled budgeted positions using money other than the proceeds from the 0.15 percent sales tax rate. The County Treasurer must be satisfied that a police department meets these requirements to allocate the money;
- Establishes provisions for a police department to apply for and be granted a waiver by the Committee on Local Government Finance from the unfilled budgeted position requirements, under certain conditions;
- Allows any other police department meeting the unfilled budgeted position requirements or receiving a waiver, to apply for the allotment of any proceeds from the 0.15 percent tax rate that the County Treasurer determines should not be allocated to a police department failing to meet the position requirements or receiving a waiver; and
- Requires the Committee on Local Government Finance on or before September 1 of each year to submit a report to the Legislative Commission regarding the number of waivers granted during the preceding fiscal year and the reasons for such waivers.

This bill is effective on June 13, 2013, and expires by limitation on October 1, 2025.

S.B. 2—27th Special Session (Chapter 2)

Senate Bill 2 appropriates \$2 million from the State General Fund to the Millennium Scholarship Trust Fund.

This bill is effective on July 1, 2013.

S.B. 3—27th Special Session (Chapter 3)

Senate Bill 3 transfers the responsibility for managing the Account for Charter Schools from the Department of Education to the State Public Charter School Authority. The bill also specifies that a loan made to a charter school must not exceed a sum equal to \$500 per pupil enrolled or to be enrolled in the school, or \$200,000, whichever is the lesser amount.

This bill is effective on June 13, 2013.

A.C.R. 1—27th Special Session (File No. 1)

Assembly Concurrent Resolution No. 1 adopts the Joint Rules of the Senate and the Assembly for the 27th Special Session of the Nevada Legislature.

VETOED BILLS

No Vote Taken (Sustained by Inaction)

S.B. 180 (Vetoed May 30, 2013)

Senate Bill 180 provides that if a court finds that an employee has been injured as the result of certain unlawful employment practices, it must award to the employee, in addition to any other legal or equitable relief, damages, lost wages and benefits, costs and attorney's fees to the extent consistent with Title VII of the Civil Rights Act.

NOTE: Neither House of the Legislature took a vote to sustain or override the Governor's veto during the 2013 Legislative Session.

S.B. 198 (Vetoed May 31, 2013)

Senate Bill 198 revises provisions relating to the practice of chiropractic. The measure provides that a chiropractic assistant may perform certain ancillary service under indirect supervision if:

- The services are performed on an established patient;
- The supervising chiropractic physician is reasonably accessible by telephone, facsimile, or other electronic means; and
- The services are performed in the primary practice of the supervising chiropractic physician or a hospital.

A chiropractor who employs one or more assistants who perform such services must maintain certain liability insurance.

The measure requires the Chiropractic Physicians' Board of Nevada to adopt regulations concerning the circumstances under which a chiropractic assistant may perform services under indirect supervision. The Board is authorized to impose disciplinary actions against a chiropractic assistant.

NOTE: Neither House of the Legislature took a vote to sustain or override the Governor's veto during the 2013 Legislative Session.

S.B. 421 (Vetoed May 31, 2013)

Senate Bill 421 revises the grounds on which challenges for cause may be taken in the jury selection process for civil actions. It allows challenges to be taken on grounds of a financial interest, a substantial opinion as to the merits, and bias for or against any party. The measure also requires the court in both civil actions and criminal proceedings to excuse a juror who is more likely than not to be biased.

NOTE: Neither House of the Legislature took a vote to sustain or override the Governor's veto during the 2013 Legislative Session.

Return to 2015 Session

A.B. 126 (Vetoed June 3, 2013)

Assembly Bill 126 requires an owner or operator of any restaurant or similar retail food establishment that is part of a chain with 15 or more locations within this State to disclose the same nutritional information as required by federal law for such a chain with 20 or more locations. The bill also provides that an owner or operator of a restaurant or similar retail food establishment who violates these provisions is subject to a civil penalty of tiered fines.

NOTE: Will be returned to the 2015 Legislature for the veto to be sustained or overridden.

A.B. 150 (Vetoed June 13, 2013)

Assembly Bill 150 creates the Legislative Committee on Governmental Oversight and Accountability as a statutory interim committee. The Committee may evaluate and comment upon issues related to governmental agencies, including accountability programs, governmental oversight, financing methods, and any other matter affecting governmental agencies.

NOTE: Will be returned to the 2015 Legislature for the veto to be sustained or overridden.

A.B. 209 (Vetoed June 6, 2013)

Assembly Bill 209 provides that raw milk certified by the county milk commission where it is produced can be sold anywhere in the State. A county milk commission is required to adopt regulations relating to the labeling of certified raw milk, daily testing, liability insurance, and the establishment of certain fees and charges to defray costs. The bill also prohibits raw milk from being imported to Nevada.

NOTE: Will be returned to the 2015 Legislature for the veto to be sustained or overridden.

A.B. 218 (Vetoed June 6, 2013)

Assembly Bill 218 defines “bona fide fringe benefit” for the purposes of State laws applicable to public works as a benefit in the form of a contribution that is made not less frequently than monthly to an independent third party pursuant to a fund, plan, or program:

- Which is established for the sole and exclusive benefit of a worker and his or her family and dependents; and
- For which none of the assets will revert to, or otherwise be credited to, any contributing employer or sponsor of the fund, plan, or program.

The term includes, without limitation, benefits for a worker that are determined pursuant to a collective bargaining agreement and included in the determination of the prevailing wage by the Labor Commissioner.

A contractor or subcontractor engaged on a public work may discharge any part of his or her obligation to pay prevailing wages to a worker by providing bona fide fringe benefits in the name of the worker if certain conditions are met. One of those conditions is that the bona fide fringe benefits are paid equally for all hours worked in a calendar year by the worker for the contractor or subcontractor. The Labor Commission must, after providing notice and an opportunity for a hearing: (1) impose an administrative penalty against a contractor or subcontractor who fails to provide bona fide fringe benefits to a worker in a manner or an amount required by law; (2) require the contractor or subcontractor to make the affected worker whole by paying to the worker as wages any amounts disallowed as bona fide fringe benefits; (3) report the violation to the Attorney General; and (4) notify certain governmental and other entities of the violation.

NOTE: Will be returned to the 2015 Legislature for the veto to be sustained or overridden.

A.B. 240 (Vetoed June 7, 2013)

Assembly Bill 240 provides that comparative negligence is not a bona fide issue if the trier of fact finds no comparative negligence on the part of the plaintiff or the plaintiff's decedent.

NOTE: Will be returned to the 2015 Legislature for the veto to be sustained or overridden.

A.B. 345 (Vetoed June 6, 2013)

Assembly Bill 345 provides that wildlife in Nevada must be managed according to the best science available. In addition to existing uses for money generated by a \$3 fee on game-tag applications, the bill allows a portion of such money to be used for research relating to injurious predatory wildlife and for management activities relating to the protection of game-animal species that are at risk of or historically subject to excessive predation. The bill specifies that at least 50 percent of the money credited to the Wildlife Fund Account from this fee must be used specifically for predator control. The bill further requires the Board of Wildlife Commissioners to establish certain policies for programs, activities, and research related to predatory wildlife.

NOTE: Will be returned to the 2015 Legislature for the veto to be sustained or overridden.

A.B. 391 (Vetoed June 7, 2013)

Assembly Bill 391 revises provisions relating to the installation of certain renewable energy systems on property owned or occupied by a public body to ensure competitive bidding requirements are followed. The measure requires a contractor or a subcontractor who enters into a contract under the Green Jobs Initiative to provide written certification to the Labor Commissioner that prevailing wages are paid as required.

Assembly Bill 391 also specifies that a cooperative association, nonprofit corporation or association, any other utility, or any entity controlled by such an organization is subject to the full jurisdiction, control, and regulation of the Public Utilities Commission of Nevada if it:

- Operates without a certificate of public convenience and necessity;
- Supplies energy services to persons other than its own members;
- Offers energy services outside its service territory;
- Qualifies as a utility outside the service territory; or
- Has violated any other provision related to its certificate of public convenience and necessity.

NOTE: Will be returned to the 2015 Legislature for the veto to be sustained or overridden.

A.B. 440 (Vetoed June 7, 2013)

Assembly Bill 440 extends the deadline for online and in-person voter registration to 5 p.m. on the Friday immediately preceding election day. The bill clarifies that persons who register during early voting are eligible to vote during the early voting period.

The bill also provides that a registered voter may opt to receive a copy of the sample ballot electronically, rather than through the U.S. Postal Service.

NOTE: Will be returned to the 2015 Legislature for the veto to be sustained or overridden.

A.B. 441 (Vetoed June 3, 2013)

Assembly Bill 441 authorizes county and city clerks to create one or more polling places on election day at which any registered voter may vote in person, without regard to his or her precinct.

NOTE: Will be returned to the 2015 Legislature for the veto to be sustained or overridden.

S.B. 185 (Vetoed June 13, 2013)

Senate Bill 185 increases from \$348.360 million to \$427.715 million the existing principal amount of bonds and other securities that may be issued by the Board of Regents to finance certain capital construction projects at the University of Nevada, Reno.

NOTE: Will be returned to the 2015 Legislature for the veto to be sustained or overridden.

S.B. 221 (Vetoed June 13, 2013)

Senate Bill 221 requires that a person who wishes to transfer a firearm to another person, who does not hold a permit to carry a concealed firearm, must coordinate with the holder of a federal firearms license to perform a background check on the person who wishes to acquire the firearm. A fee of not more than \$30 may be charged for the background check. The bill also specifies certain types of firearms and circumstances of transfer that are not subject to the provisions of the bill.

A person who fails to comply with the provisions of the bill is prohibited from possessing a firearm for two years after the date of conviction and is guilty of a gross misdemeanor. However, such a failure does not give rise to any civil cause of action. Criminal penalties are also provided for other violations, including providing a false statement or false identification for a transfer or attempted transfer of a firearm.

This measure also prohibits a person from owning or possessing a firearm if he or she:

- Is prohibited by federal law from possessing a firearm; or
- In a court of law, has been found or entered a plea of guilty but mentally ill, or has been acquitted by reason of insanity.

Finally, S.B. 221 requires that mental health professionals take certain steps to report an explicit, specific, and imminent threat reported by persons under their care, and in these circumstances the measure provides such professionals with certain protections from civil or criminal liability.

NOTE: Will be returned to the 2015 Legislature for the veto to be sustained or overridden.

S.B. 312 (Vetoed June 7, 2013)

Senate Bill 312 makes the Department of Motor Vehicles responsible for regulating and registering organizations that wish to sponsor and conduct victim impact panels. Each meeting of a victim impact panel sponsored by a registered sponsor must be conducted by a qualified coordinator and have security personnel on-site. Victims who wish to make a presentation as a member of a victim impact panel must submit information to the sponsor concerning the events that caused the harms suffered by the victim. The measure also establishes various procedures for the receipt and disbursement of money generated from fees for attending meetings of panels, administrative fines, and civil penalties.

Senate Bill 312 requires victim impact panels to be held at the courthouse under the direction and supervision of a justice of the peace, municipal court judge, or district court judge or to be conducted by a registered sponsor in a judicial district that has prepared and maintains a list of registered sponsors.

NOTE: Will be returned to the 2015 Legislature for the veto to be sustained or overridden.

S.B. 373 (Vetoed June 3, 2013)

Senate Bill 373 authorizes a judge to make a written order permitting a judgment debtor to pay a judgment in installments if the court determines the person is unable to pay the full amount. In addition, the measure increases the percent of a judgment debtor's take-home pay that is exempt from garnishment from 75 percent to 85 percent if the gross annual salary or wage of the debtor is \$40,000 or less. The measure also provides that if an annuity is listed on a loan application or was pledged as payment for a loan, the creditor may seek to recover payment from the annuity.

The measure provides that a judgment debtor who is a Nevada resident may bring a civil action against an out-of-state judgment creditor who inappropriately garnishes the judgment debtor's bank account or any other personal property located in this State. A judgment debtor who prevails in such an action may recover from the judgment creditor damages equal to two times any amount paid to the creditor through the writ of garnishment and reasonable attorney's fees and costs.

NOTE: Will be returned to the 2015 Legislature for the veto to be sustained or overridden.

S.B. 457 (Vetoed June 3, 2013)

Senate Bill 457 proposes revisions to the charters of Carson City, Henderson, Reno, and Sparks. The bill provides that a candidate be voted upon in a primary or general election only by the voters of the ward.

In Reno, the office of the at-large council member is eliminated. The Reno City Council is required to re-establish ward boundaries to create a sixth ward. At the effective date, the bill provides that those elected from wards shall continue to represent those wards for the remainder of the term of office. The at-large council member shall be deemed to represent the sixth ward for the remainder of the term.

NOTE: Will be returned to the 2015 Legislature for the veto to be sustained or overridden.

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ASSEMBLY STANDING COMMITTEES AND LEADERSHIP

Seventy-Seventh Session—2013

(The Chair is named first, the Vice Chair second, followed by majority party members in alphabetical order, and then minority party members in alphabetical order.)

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Seventy-Seventh Session—2013

(The Chair is named first, the Vice Chair second, followed by majority party members in alphabetical order, and then minority party members in alphabetical order.)

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