

# NEVADA LEGISLATURE

SEVENTY-EIGHTH SESSION  
2015

~ ALSO INCLUDED ~

TWENTY-EIGHTH SPECIAL SESSION  
SEPTEMBER 10-11, 2014

## SUMMARY OF LEGISLATION



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## INTRODUCTION

The 2015 Regular Session of the Nevada Legislature considered 1,013 new bills—498 from the Assembly and 515 from the Senate. Additionally, 2 initiative petitions were considered, and 14 vetoed bills were returned from the 2013 Regular Session to consider. Of these bills and initiative petitions, 556 bills were approved. The Governor vetoed 7 bills, all of which will be returned to the 2017 Session for possible veto overrides. The Governor signed all of the remaining bills; therefore, 549 bills became law. The 78th Legislative Session adjourned sine die on June 1.

Prior to the 2015 Regular Legislative Session, a special session was held in 2014 to expand incentives for certain businesses (Tesla Motors) to locate to Nevada in alignment with Nevada's economic development policy; revise provisions concerning the Economic Development Electric Rate Rider Program; limit the availability of certain insurance premium tax credits; and provide for the direct sale of electric vehicles by manufacturers in certain instances. During the 28th Special Session, four bills were considered by the Legislature, all of which were passed and signed into law.

The *Summary of Legislation* reviews each of the bills and joint and concurrent resolutions passed by the 2015 Regular and 28th 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 2015*. 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 2015 Regular Session are effective on October 1, 2015.**

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 already will 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 2015 Session, please consult the *Index and Tables* for the 78th Legislative Session.

Research Division  
Legislative Counsel Bureau  
November 2015





## **APPROPRIATIONS AND AUTHORIZATIONS**

### **Capital Improvement Budget Bills**

#### **A.B. 491 (Chapter 549)**

Assembly Bill 491 provides for the implementation of the State's Capital Improvement Program (CIP) for the 2015-2017 Biennium. The bill contains funding of approximately \$215.3 million for new construction, renovation, advance planning, equipment maintenance, and ongoing and deferred maintenance projects.

During the 2015-2017 Biennium, the CIP is funded primarily from the issuance of \$121.5 million in general obligation bonds and \$6.4 million in State General Fund appropriations. The measure authorizes the utilization of \$43.6 million in federal funds for projects for the Office of the Military and the Department of Veterans Services, and it authorizes the utilization of \$5.6 million in excess funding reallocated from projects approved in prior Capital Improvement Programs. The bill also contains an appropriation of \$5.2 million in State Highway Fund revenues for Nevada's Department of Motor Vehicles (DMV) and Department of Public Safety projects. The remaining \$33.2 million is made up of authorized agency and donor funds, including \$5 million toward the Special Capital Construction Fund for Higher Education for deferred maintenance projects in the Nevada System of Higher Education.

Taken together, these funds represent approximately a \$112.6 million increase in funding over the \$102.7 million approved for the 2013-2015 Biennium.

Assembly Bill 491 provides approximately \$134.2 million to support nine construction projects in the 2015 Capital Improvement Program. Notable projects include construction of a new 38,500 square foot DMV service office at the East Sahara complex in Las Vegas for \$23 million; construction of a new 102,000 square foot Northern Nevada State Veterans Home in Sparks to provide long-term nursing care for veterans and their spouses in Northern Nevada for \$48.2 million; and construction of a 93,500 square foot Hotel College Academic Building at the University of Nevada, Las Vegas, for \$48.8 million.

For the biennium, \$67.2 million is designated for various maintenance projects for existing State facilities. This includes \$12.5 million for statewide projects including roofing repairs, advance planning and design projects, paving, fire and life safety, and accessibility projects. Maintenance projects totaling \$26.5 million for the Department of Corrections will provide replacement doors, locks, and control panels, boilers, HVAC systems, electrical and lighting upgrades, refrigeration and freezer units, and a central plant renovation. Additionally, the bill includes \$15 million to address deferred maintenance projects for institutions of the Nevada System of Higher Education.

Finally, A.B. 491 establishes a 15.45 cent property tax levy for debt service in each year of the biennium for general obligation bonds issued to finance the CIP. The measure also includes a

remaining 1.55 cent levy to 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. Question No. 1 required 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 2013-2015 Biennium. The 2 cent levies above the historic 15 cent levy are not subject to the \$3.64 local government property tax cap.

This bill is effective on July 1, 2015, for purposes of State General Fund appropriations and the issuance of general obligation bonds to pay the actual expenses of preserving or protecting certain historical buildings and on June 12, 2015, for all other purposes.

## **Education Budget Bills**

### **S.B. 515 (Chapter 537)**

Senate Bill 515 provides funding for K-12 public education for the 2015-2017 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 2015-2017 Biennium. The bill also appropriates money for purposes relating to basic support of school districts and class-size reduction and other educational purposes. Additionally, S.B. 515 temporarily diverts money from the State Supplemental School Support Account to the DSA for funding operating costs and other expenditures of school districts.

Specifically, S.B. 515 appropriates \$2.843 billion (\$2.195 billion from the State General Fund and \$648.3 million from other sources) for support of elementary and secondary education in Nevada. This appropriation includes sufficient funding to meet enrollment projections and increase the per-pupil basic support level by 1.7 percent over the biennium. The measure increases the statewide average basic support per pupil from \$5,676 in Fiscal Year (FY) 2014-2015 to \$5,710 in FY 2015-2016 and \$5,774 in FY 2016-2017.

Beyond the basic, per-pupil funding appropriated, special categorical funding has been set aside for several programs. Special education is funded in the amount of \$138.6 million in FY 2015-2016 and \$168.1 million in FY 2016-2017, with approximately \$4 million of this amount being reserved over the biennium for the State Board of Education to assign to school districts that have unexpected needs and to charter schools. With the enactment of S.B. 508 this session, the methodology used to distribute funding for students with disabilities will be changed beginning in FY 2016-2017 from special education units to weighted funding on a per-pupil basis. However, the FY 2016-2017 funding total will remain at \$168.1 million.

Continued financial support of the State's class-size reduction program is also contained in S.B. 515. The bill appropriates \$306.3 million to achieve student-to-teacher ratios of 17 to 1 in first and second grades and 20 to 1 in third grade; each ratio has been increased by one student from the prior biennium. The flexibility allowing school districts to increase class size by up to two students in grades 1 through 3 is discontinued as of June 30, 2015, as approved by the 2013 Legislature.

Senate Bill 515 also contains appropriations and authorizations of funding for the following programs during the FY 2015-2017 Biennium:

- \$173.5 million to expand statewide the full-day kindergarten program, including \$2 million to assist school districts with the purchase of portable classrooms needed to implement the full-day kindergarten program;
- \$15.2 million for the Regional Professional Development Programs to train teachers and administrators; and
- \$6.6 million for competitive grants to school districts and community-based organizations for early childhood education.

In addition, \$131.1 million is appropriated to the Other State Education Programs Account—more than twice the amount from the previous biennium. This money will fund various projects and programs, including educational technology, peer mediation, career and technical education, library books, public broadcasting, and National Board Certification for teachers and counselors. Other items funded from the Account include:

- \$36.6 million for adult education programs;
- \$10.4 million to continue to support participation by gifted and talented students in programs incorporating educational technology;
- \$8 million for a grant program to help high school students enroll in college courses to get dual enrollment credit and to create a competitive science, technology, engineering, and mathematics grant program;
- \$16.8 million for a block grant program to hire contract social and mental health workers for certain schools;
- \$5 million to improve underperforming schools;
- \$10.4 million for the new Charter School Harbormaster program to attract high-quality persons and charter management organizations to Nevada; and
- \$27.2 million to implement the new Read by Three program, in support of early literacy in targeted schools.

Funding over the FY 2015-2017 Biennium for a number of additional new and/or expanded education programs is provided in S.B. 515, including:

- \$100 million for the Zoom schools program, which provides literacy supports for young English language learners;

- \$50 million for a new Victory schools program to support literacy programs at Nevada's poorest underperforming schools;
- \$10 million to fund incentive pay for newly hired teachers;
- \$9.8 million to establish the Great Teaching and Leading Fund to invest in high-quality professional development, leadership development, and an improved teacher pipeline; and
- \$5 million to create a special education contingency account to help schools with unanticipated expenses.

This bill is effective on July 1, 2015.

**NOTE:** See also Senate Bill 391 (Chapter 334).  
See also Senate Bill 405 (Chapter 335).  
See also Senate Bill 432 (Chapter 389).  
See also Senate Bill 474 (Chapter 535).  
See also Senate Bill 491 (Chapter 485).  
See also Senate Bill 508 (Chapter 536).

## **State Budget Bills**

### **A.B. 489 (Chapter 472)**

Assembly Bill 489 is known as the State Employee Salary Act and provides for the compensation of State employees. The measure establishes the maximum allowable salaries for employees in the unclassified and classified medical service of the State. The bill also makes appropriations from the State General Fund and the State Highway Fund for pay increases for various groups of State employees including those in the nonclassified, classified, unclassified, and classified medical service, and for professional and classified employees of the Nevada System of Higher Education. These increases include a 1 percent increase for Fiscal Year (FY) 2015-2016 and a 2 percent increase for FY 2016-2017.

The bill authorizes the Department of Health and Human Services and the Department of Corrections to provide callback pay for employees in unclassified medical positions and pharmacists to perform on-call responsibilities to ensure 24-hour coverage in psychiatric facilities. The measure also authorizes the State Gaming Control Board to continue the credential pay plan, which provides up to \$5,000 annually for unclassified State Gaming Control Board employees who possess a current Nevada certified public accountant certificate or a license to practice law, or who 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.

This bill is effective on July 1, 2015.

**A.B. 490 (Chapter 484)**

Assembly Bill 490 is known as the Authorized Expenditures Act and grants authority for specific State agencies to collect and expend monies from the State General Fund and other sources, including certain tobacco Master Settlement Agreement funds. The total expenditure authorized by this bill for ongoing operations is \$11.7 billion for the 2015-2017 Biennium, which includes approximately \$644.4 million in authorized expenditures by Nevada's Department of Transportation from the State Highway Fund.

The measure includes authorizations for expenditures by the State Gaming Control Board and the Nevada Gaming Commission in the amount of \$61.4 million. The bill also authorizes the State Public Defender to collect various amounts from certain counties for the use of the services of the State Public Defender's Office.

The measure increases from approximately \$24.9 million to approximately \$28.8 million the amount of certain commissions and penalties collected or retained by Nevada's Department of Motor Vehicles (DMV) that must be transferred to the State General Fund for unrestricted use for the remainder of Fiscal Year (FY) 2014-2015.

Assembly Bill 490, along with the General Appropriations Act (S.B. 514), the State employee salary bill (A.B. 489), the school funding bill (S.B. 515), and the capital improvements program bill (A.B. 491), are the products of deliberations by the Assembly Committee on Ways and Means and the Senate Committee on Finance. While not specified in A.B. 490, many of the specific decisions concerning agency programs were discussed in great detail by these committees as part of the budget review process and as budget closing decisions. A summary of selected major program decisions linked to these expenditure authorizations follows.

**Elected Officials**

**Office of Energy (Governor's Office)**—The bill authorizes \$1.5 million of Renewable Energy Abatement Tax revenue in FY 2015-2016 to implement the Direct Energy Assistance Loan (DEAL) program to provide interest-free loans to State employees to carry out energy efficiency measures in their homes. In addition, the measure includes the Governor's recommendation to authorize Renewable Energy Abatement Tax revenue totaling \$3.2 million over the 2015-2017 Biennium to continue operation of the Performance Contract Audit Assistance program and the Home Energy Retrofit Opportunity for Seniors program.

**Office of the Attorney General**—The measure includes authorization to use National Mortgage Settlement funds of \$9.3 million over the Biennium to continue funding the Housing Call Center, Financial Guidance Center, and Legal Services contracts for the Home Again program.

**Judicial Branch**—The bill includes approval to replace State General Fund appropriations of \$478,308 in each year of the 2015-2017 Biennium with fees from misdemeanor and felony

convictions of driving under the influence to serve additional participants in specialty court programs. Also approved is a transfer of National Mortgage Settlement funds of \$625,697 in FY 2015-2016 for the continuation of the Foreclosure Mediation Program through the 2015-2017 Biennium, with the program terminating on June 30, 2017.

### **Finance and Administration**

**Department of Administration**—The measure contains \$89.4 million in authorized expenditures for the Division of Enterprise Information Technology Services for the 2015-2017 Biennium. In addition, the Legislature approved replacing the existing State-owned microwave communications system with an outsourced, leased system to be funded with user fees.

### **Education**

**Department of Education**—Funding for public schools is considered separately in the school funding bill (S.B. 515), which contains funding for basic support, class-size reduction, full-day kindergarten, English language learners, teacher and administrator training, teacher incentives, early childhood education, educational technology, career and technical education, adult education, and other State education programs. This bill approves a total of \$528.6 million in federal revenue authority over the 2015-2017 Biennium, which includes a new federal Nevada Ready! High Quality Preschool Development grant in the amount of \$8.7 million in FY 2015-2016 and \$11.9 million in FY 2016-2017.

**Nevada System of Higher Education**—Revenue from all sources allocated for higher education totals \$1.7 billion for the 2015-2017 Biennium. Authorized expenditures of revenues not appropriated from the State General Fund or the State Highway Fund total \$606.8 million, or 36.4 percent of total funding, and include student registration fees, nonresident tuition, student application fees, federal and county revenues, operating capital investment income, and an interagency transfer of funds from the Department of Employment, Training and Rehabilitation.

The policy adopted by the 2013 Legislature continues—that non-State General Fund revenues should not offset the amount of State General Fund appropriations for State supported operating budgets for the Nevada System of Higher Education. Finally, institutions are allowed to expend any increases in nonresident tuition, registration fee, and miscellaneous student fee revenues above budgeted authority without having to receive approval from the Interim Finance Committee (IFC) for such increases.

### **Commerce and Industry**

**Department of Business and Industry**—For the Department of Business and Industry (B&I), the bill approves total authorized funding of \$258.6 million over the 2015-2017 Biennium, including funding for centralizing the B&I Las Vegas offices and establishing a “one-stop shop” Business Center in FY 2016-2017. In addition:

- The measure includes an allocation from the Fund for Workers' Compensation and Safety in the amount of \$2.6 million over the 2015-2017 Biennium to replace aging databases used for claim indexing, licensing, and enforcement activities in the Division of Industrial Relations. Additionally, funding is authorized to replace the 12-year-old Weatherization Assistance Program database with a web-based management information system.
- To allow the Nevada Athletic Commission to become a self-funded agency beginning in the 2015-2017 Biennium, the measure authorizes license fees of \$1.5 million in each year and the establishment of an operating reserve of \$1.6 million by the end of FY 2016-2017.
- The measure authorizes a decrease of reserves by \$1 million over the 2015-2017 Biennium to replace the core legacy systems used by the Taxicab Authority for licensing, inspections, dispatch, and medallion tracking.
- Revenues of \$33.5 million are authorized for the Governor's Office of Economic Development, including \$9.1 million for the State Small Business Credit Initiative program and \$5.2 million for the Rural Community Development program.
- The measure also includes approval for the Division of Tourism's projected growth in room tax revenue of 1.2 percent in FY 2015-2016 when compared to projected FY 2014-2015 receipts, and 2.9 percent in FY 2016-2017 when compared to projected FY 2015-2016 receipts. Authorized room tax revenue totals \$41.9 million over the biennium.
- The measure also includes authorized funds for an approved room tax transfer of \$175,000 in each fiscal year of the 2015-2017 Biennium from the Division of Tourism to the Nevada Arts Council. Room tax transfers of \$100,000 in each year of the biennium are authorized to fund the Tourism Development account, which provides matching grants to rural communities to improve tourism infrastructure.

### **Health and Human Services**

**Director's Office (Department of Health and Human Services)**—Funding is authorized for the Director's Office within the Department of Health and Human Services, approving the Healthy Nevada Fund spending plan recommended by the Governor for the Grants Management Unit, which allocates tobacco settlement funds totaling \$17.4 million over the biennium, including:

- \$1.5 million for suicide prevention and immunization;
- \$1.4 million for the Nevada 2-1-1 System;
- \$4.6 million for food security;

- \$5.7 million for family resource centers and differential response;
- \$3.2 million for disability grants; and
- \$1 million in administrative costs.

**Aging and Disability Services Division**—The bill also approves \$275.2 million in non-State General Fund revenue sources for the Aging and Disability Services Division. Additionally, funding totaling \$12.4 million, including \$6 million in Medicaid funding, was approved to increase the monthly caseload for the Autism Treatment Assistance Program. The pilot Dental Benefit program approved by the 2013 Legislature was eliminated, and the tobacco settlement funding totaling approximately \$6.7 million over the biennium is authorized to subsidize the cost of prescription drugs for Senior Rx and Disability Rx program members. Additionally, the measure authorizes \$5.8 million, which includes \$2.4 million in tobacco settlement funds, 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. Additional funding totaling \$7.3 million, which includes \$3.6 million in Medicaid funding, is also approved for a provider rate increase of 2.5 percent in FY 2015-2016 and 3.4 percent in FY 2016-2017 for providers of Residential Support and Jobs and Day Training services.

**Division of Health Care Financing and Policy**—The measure approves non-State General Fund revenues for the Division of Health Care Financing and Policy totaling \$6.05 billion over the 2015-2017 Biennium. The funding provides for Medicaid program caseloads projected at approximately 588,000 in FY 2015-2016 and 577,000 in FY 2016-2017. Several discretionary provider reimbursement rate increases were approved for the Medicaid and Check Up programs, including:

- A rate increase for physicians, physician assistants, and certified nurse practitioners to align reimbursement rates more closely with the 2014 Medicare fee schedule beginning in FY 2015-2016;
- An increase in the acute inpatient hospital services reimbursement rate by 2.5 percent in FY 2015-2016 and an additional 2.5 percent in FY 2016-2017;
- An increase in the reimbursement rate for Intellectual Disabilities and Related Conditions Waiver services by 5.7 percent over the biennium; and
- A 25 percent increase in the reimbursement rate for home-based nursing services beginning in FY 2016-2017.

To address a recent federal mandate requiring states to provide behavior intervention services to children with autism spectrum disorder, the measure contains funding to implement coverage for applied behavior analysis services, beginning in January 2016. In the



2015-2017 Biennium, the Division anticipates that 1,900 children will receive applied behavior analysis services funded by the Division.

The enhanced Managed Care Organization payment program approved by the IFC during the last interim period will continue, providing additional Medicaid reimbursements to safety net medical service providers for targeted services including inpatient and outpatient hospital services and mental health services provided to Medicaid recipients enrolled in a managed care organization. The enhanced payment program is projected to provide additional Medicaid reimbursements totaling \$122.1 million over the 2015-2017 Biennium to safety net providers, including the University Medical Center of Southern Nevada and the Division of Public and Behavioral Health.

The Legislature approved implementing a number of cost saving measures for the Medicaid program, generating cost savings totaling \$65.3 million over the biennium, including a Health Care Guidance program to provide care management for certain fee-for-service recipients with chronic conditions; reducing the dental fluoride provider reimbursement rate; reducing the nonemergency transportation broker capitation rate; implementing policy changes to ensure that personal care services and basic skills training are medically necessary; implementing a federally mandated asset verification system for aged, blind, and disabled Medicaid recipients; continuing the expansion of the preferred drug list until June 30, 2017; increasing third-party liability recoveries; and increasing improper payment recoveries.

Assuming an uncapped average monthly Check Up caseload of 16,670 in FY 2015-2016 and 16,667 in FY 2016-2017, the measure also includes funding for expanding Check Up eligibility to allow State employees who meet existing income eligibility requirements to enroll their children in the program beginning in January 2016.

**Division of Public and Behavioral Health**—The bill authorizes \$445.9 million in non-State General Fund revenue for the Division of Public and Behavioral Health over the 2015-2017 Biennium. These revenues include federal grant funds, fees, reimbursements, interagency transfers, and indirect cost assessment revenues. A programmatic transfer is approved of the Newborn Screening Program and Metabolic Screening fees of \$5.7 million over the 2015-2017 Biennium to the University of Nevada School of Medicine. Additionally, funding is provided for the newly created Medical Marijuana Establishments budget to assure separation and transparency in the medical marijuana programs.

The measure assumes a projected decrease in Medicaid managed care reimbursements of \$21.3 million over the 2015-2017 Biennium for both the Northern Nevada Adult Mental Health Services (NNAMHS) and Southern Nevada Adult Mental Health Services (SNAMHS) budgets combined. The decrease in Medicaid managed care reimbursements is offset by approval of several expenditure reductions due to decreased caseload projections for the NNAMHS and SNAMHS budgets combined.

The measure approves the transfer of four federal grant programs totaling \$15 million in federal funds over the 2015-2017 Biennium from the Behavioral Health Administration budget to the Behavioral Health Prevention and Treatment budget.

The Legislature also approved revenue and expenditure authority for the federal Substance Abuse Prevention and Treatment (SAPT) block grant located in the Behavioral Health Prevention and Treatment budget, including \$16.5 million in each year of the 2015-2017 Biennium. The agency must submit quarterly reports to the IFC regarding the status of the SAPT block grant's required maintenance of effort.

The measure also provides authorization for tobacco settlement monies totaling \$5.5 million over the biennium to continue funding to support select behavioral health programs on both the NNAMHS and SNAMHS campuses, including programs such as the Program for Assertive Community Treatment team in southern Nevada, home visiting programs in both the north and the south, mental health court in southern Nevada, the Community Triage Center in southern Nevada, and the southern Nevada Mobile Outreach Safety Team. Tobacco settlement monies also continue the support of ten medium security forensic beds at the Dini-Townsend Hospital on the NNAMHS campus.

**Division of Welfare and Supportive Services**—The bill authorizes revenues of \$479.3 million over the 2015-2017 Biennium for the Division of Welfare and Supportive Services. The measure incorporates projected reductions in Temporary Assistance for Needy Families (TANF) caseloads for the upcoming biennium from the caseloads recommended in the *Executive Budget* for a savings of approximately \$14.3 million in federal TANF funding over the biennium.

The bill authorizes \$800,000 over the biennium to replace the existing Child Support Enforcement Program's Collection and Distribution System with a new software application. In addition, the Legislature approved \$12.7 million over the biennium to provide childcare assistance to qualified low-income Nevada families.

**Division of Child and Family Services**—Non-State General Fund revenues for the Division of Child and Family Services are approved totaling \$256.4 million over the 2015-2017 Biennium. These revenues include federal grants and county assessments, which support projected caseload increases in foster care and adoption subsidies, child protective services, and juvenile justice services. Additionally, authorized tobacco settlement funds totaling \$4.9 million over the 2015-2017 Biennium are expected to support the Mobile Crisis Units in the Southern Nevada Child and Adolescent Services and Northern Nevada Child and Adolescent Services budgets.

### **Employment, Training and Rehabilitation**

**Department of Employment, Training and Rehabilitation**—For the Department of Employment, Training and Rehabilitation, the measure authorizes total non-State General Fund revenues of \$318.8 million for the 2015-2017 Biennium, which is a decrease of 14.9 percent when compared to the legislatively approved amounts for the 2013-2015 Biennium. For the Rehabilitation Division, the bill authorizes \$949,829 in federal Section 110 grant funding over the biennium for two new federally funded CareerConnect programs provided by the

Truckee Meadows Community College and Western Nevada College. The CareerConnect programs will assist students with disabilities in developing the academic preparation and job skills necessary to successfully obtain employment.

### **Public Safety**

**Department of Motor Vehicles**—The bill provides for technology fee revenue of \$9.8 million over the 2015-2017 Biennium in the System Modernization budget to begin the replacement of the DMV computer system. The technology fee revenue is generated by a new \$1 technology fee that is charged on each transaction performed by DMV customers. The replacement of the DMV's computer system is estimated to cost approximately \$109.4 million over the five-year implementation period. Also approved were revenues generated from the implementation of a new eight-year, rolling reissuance of license plates authorized in A.B. 484, which the DMV projects will generate fee revenue of \$2.1 million in FY 2016-2017.

**Department of Public Safety**—For the Department of Public Safety (DPS), \$187.6 million was authorized in non-State General Fund and non-State Highway Fund revenue sources. The bill also approves continued funding of \$2.9 million for the Nevada Highway Patrol's Mobile Data Computer project through the 2015-2017 Biennium. Recommended project funding is split 50 percent from a transfer from Nevada's Department of Transportation (95 percent federal funding and 5 percent State Highway Fund appropriations), with the remaining 50 percent of funding provided by DPS forfeitures. Mobile data computers allow officers to access various data including computer aided dispatch service and records management.

### **Infrastructure**

**State Department of Conservation and Natural Resources**—Authorized total funding of \$198.2 million over the 2015-2017 Biennium is provided for the State Department of Conservation and Natural Resources. The measure authorizes funds for the creation of the Bureau of Industrial Site Cleanup within the Division of Environmental Protection to address, among other things, the cleanup of perchlorate and other hazardous substances released from the former Kerr-McGee Tronox site in southern Nevada. In addition, a new Industrial Site Cleanup budget is approved, which includes funding from Settlement Income totaling \$8.6 million and funding from the transfer from the non-executive Hazardous Waste Management budget totaling \$3.6 million over the 2015-2017 Biennium.

**Nevada's Department of Transportation**—For the Department of Transportation, the measure authorizes funding of \$647.7 million in FY 2015-2016 and \$648 million in FY 2016-2017, including \$413.8 million in each year of the 2015-2017 Biennium to support highway and other capital construction. The bill also includes authorization for the sale of highway revenue bonds of \$100 million in FY 2015-2016 and \$150 million in FY 2016-2017 for the construction of Project NEON in Las Vegas to improve traffic flow in the "spaghetti bowl" area.

### **Special Purpose Agencies**

**Public Employees' Benefits Program**—The measure also authorizes a total of \$493.2 million for FY 2015-2016 and \$477.3 million for FY 2016-2017 (including reserves and balance forwards) for the Public Employees' Benefits Program (PEBP). With the exception of the elimination of the wellness program effective in FY 2015-2016, the plan design for the 2015-2017 Biennium does not change from FY 2014-2015. To accomplish this goal, the bill approves excess reserve expenditures of \$48.2 million in FY 2015-2016 and \$57.3 million in FY 2016-2017 to continue all of the plan design elements adopted by the PEBP Board for FY 2014-2015 and to fund projected inflationary and trend changes over the 2015-2017 Biennium. Further, the bill authorizes expending the \$8.1 million in savings from the PEBP Board's elimination of the wellness program to reduce the monthly State contribution and participants' monthly out-of-pocket premium costs in both FY 2015-2016 and FY 2016-2017.

The State's contribution for active employee group insurance is \$701.73 per month for FY 2015-2016 and \$699.25 per month for FY 2016-2017. The State's base subsidy for non-Medicare retiree health insurance is \$425.57 in FY 2015-2016 and \$451.15 in FY 2016-2017. For Medicare retirees, the base subsidy is \$11 per month per year of service credit for most retirees, with a one-time additional contribution of \$1 per month per year of service in FY 2016-2017.

**Department of Veterans Services**—Approximately \$55.4 million in revenues is authorized for the Department of Veterans Services for the 2015-2017 Biennium, which is an increase of \$14.4 million, or 35 percent, from the \$41 million authorized for the 2013-2015 Biennium. The increases are primarily due to a projected increase in Medicaid Charges revenue collected on behalf of Veterans' Home residents and additional reimbursements received from the federal Veterans Administration for care of the Home's veteran residents. In addition, the bill contains approval for a \$1.1 million increase in Cemetery/Interment Fee revenue compared to the 2013-2015 Biennium to support the anticipated increase in burials at the veterans' cemeteries.

**Silver State Health Insurance Exchange**—Approval for fee revenue for the Silver State Health Insurance Exchange is authorized, totaling \$12.7 million during the 2015-2017 Biennium. The 2015-2017 Biennium will be the first biennium in which the Exchange will operate as a self-sustaining agency.

Provisions of the bill concerning increasing the amount of funds transferred from the DMV to the State General Fund are effective on June 9, 2015. All other provisions are effective on July 1, 2015.

### **S.B. 514 (Chapter 534)**

Senate Bill 514 is the General Appropriations Act to support Nevada State Government during the 2015-2017 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 \$4.4 billion during the biennium, including approximately \$2.17 billion for Fiscal Year (FY) 2015-2016 and \$2.27 billion for FY 2016-2017. The State Highway Fund appropriations total nearly \$282.8 million, including \$140.1 million in FY 2015-2016 and \$142.7 million in FY 2016-2017.

The measure also repeals the expiration of certain statutory provisions that would have expired due to voter approval in the 2014 election of an intermediate court of appeals within the judicial system. Among other provisions, these statutes increased from five to seven the number of justices of Nevada's Supreme Court, and they provided for the election of the two additional justices and their successors.

Senate Bill 514, along with the General Authorizations Act (A.B. 490), the State employee salary bill (A.B. 489), the school funding bill (S.B. 515), and the capital improvements program bill (A.B. 491), are the products of deliberations by the Assembly Committee on Ways and Means and the Senate Committee on Finance. While not specified in the bill, many of the decisions concerning agency programs were discussed in greater detail by these committees as part of the budget process and as budget closing decisions.

The total General Fund appropriation of \$4.4 billion over the 2015-2017 Biennium represents an increase of approximately \$433.8 million when compared to State General Fund appropriations approved by the 2013 Legislature for the 2013-2015 Biennium. The State Highway Fund appropriations of \$282.8 million over the 2015-2017 Biennium represent an increase of approximately \$28.2 million from the previous biennium. A summary of selected major program decisions linked to these appropriations follows.

### **Elected Officials**

**Governor**—The measure approves State General Fund appropriations of \$10.6 million over the 2015-2017 Biennium to support the new Office of Finance within the Office of the Governor, consisting of the Budget Division and the Division of Internal Audits. Additionally, \$2.7 million in State General Fund appropriations is approved for the Office of Nuclear Projects. Of that amount, \$1.5 million is approved to continue technical expert assistance regarding the legal and administrative proceedings relating to the establishment of a high-level nuclear waste repository at Yucca Mountain.

**Attorney General**—Funding in the amount of \$34.2 million in State General Fund appropriations is approved for the Office of the Attorney General over the 2015-2017 Biennium. Of this amount, \$26 million continues the support of the Attorney General Administrative Fund; \$5 million supports the Special Fund to continue legal activities regarding the establishment of a high-level nuclear waste repository at Yucca Mountain; \$1.3 million continues support of the Bureau of Consumer Protection; \$1.2 million supports extradition activities; and \$682,233 supports the Crime Prevention Budget.

**Secretary of State**—Funding to replace the Electronic Secretary of State (ESoS) application software and related hardware is approved for a total estimated cost of \$21.9 million over a five-year period. For the 2015-2017 Biennium, the bill appropriates \$12.1 million from the State General Fund for the ESoS replacement project. State General Fund appropriations for the Office of the Secretary of State total \$41.8 million over the 2015-2017 Biennium.

**State Controller**—A total of \$11.2 million in State General Fund support is approved for the Office of the State Controller, including \$1.3 million over the 2015-2017 Biennium for the purchase of a business intelligence system to replace the current Discoverer system, and \$169,381 to add videoconferencing capabilities to the State Computer Training Facility. Also approved is \$104,000 in State General Fund support over the 2015-2017 Biennium for auditing services related to the Government Accounting Standards Board (GASB) Statement 68, which deals with accounting and financial reporting by State and local governments for pension plans.

**Judicial Branch**—The bill provides State General Fund support totaling \$74.9 million over the 2015-2017 Biennium for the Judicial Branch, a 19.6 percent increase compared to the legislatively approved amount of \$62.7 million over the 2013-2015 Biennium. The majority of the increase is attributable to the new Court of Appeals budget (\$4.4 million) and appropriating State General Fund money to the Specialty Court budget (\$6.2 million), which was previously supported with non-State General Fund revenues. The bill also approves State General Fund appropriations totaling \$1.7 million over the 2015-2017 Biennium for the Judicial Discipline Commission budget.

### **Finance and Administration**

**Fleet Services Division (Department of Administration)**—The measure approves State General Fund appropriations of \$3.1 million and State Highway Fund authorizations of \$325,072 over the 2015-2017 Biennium to purchase 146 replacement vehicles and 130 new vehicles for Fleet Services for assignment to various State agencies.

**Department of Taxation**—The measure appropriates \$56.1 million in State General Fund support for the Department of Taxation over the 2015-2017 Biennium.

### **Education**

**K-12 Education**—Funding for public schools is considered separately in the school funding bill (S.B. 515), which contains funding for basic support, class-size reduction, full-day kindergarten, English language learners, teacher and administrator training, teacher incentives, early childhood education, educational technology, career and technical education, adult education, and other State education programs.

With regard to the Department of Education budgets, the bill approves State General Fund support totaling \$58.4 million over the 2015-2017 Biennium. Of this amount, \$27.1 million funds statewide examinations; \$10.3 million funds match requirements for the federal Nevada Ready! High Quality Preschool Development grant; \$7.2 million funds data systems

management, including support for the System for Accountability Information in Nevada; \$4.5 million funds staffing costs of the Office of the Superintendent and District Support Services; \$1.4 million supports administrative expenses of the State's Career and Technical Education program; and \$375,000 funds an increase in operational expenses for the Nevada Commission on Educational Technology to administer the Nevada Ready 21 technology plan.

**Nevada System of Higher Education**—Of the total revenues received by NSHE, \$1.1 billion, or 63.6 percent, are State General Fund appropriations contained in this measure. In calculating continued funding for the seven State-supported instructional budgets, the measure continues with the funding formula adopted by the 2013 Legislature, distributing State General Fund appropriations based on the NSHE institutions' FY 2013-2014 Weighted Student Credit Hours. In addition, the measure funds Weighted Student Credit Hour caseload adjustments, including the removal of "F" grades for non-attendance/efforts, with State General Fund appropriations of \$12.2 million in each fiscal year of the 2015-2017 Biennium. In approving the funding formula budgets, the bill includes Small Institution funding for Great Basin College and Western Nevada College and the funding of the operations and maintenance of research space at the University of Nevada, Las Vegas, and the University of Nevada, Reno. In addition, State General Fund appropriations of \$5 million are included in the Appropriations Act to provide mitigation funding in the 2015-2017 Biennium for Great Basin College (\$3 million) and Western Nevada College (\$2 million). The bill also includes approved performance funding levels as a 10 percent (\$40.4 million) and 15 percent (\$61 million) set-aside of State General Fund appropriations for the performance funding pool in FY 2015-2016 and FY 2016-2017, respectively.

The legislation continues the policy adopted by the 2013 Legislature that non-State General Fund revenues should not offset the amount of State General Fund appropriations for State-supported operating budgets for the Nevada System of Higher Education.

Regarding the expansion of medical education, the measure provides for start-up costs for the development of a medical school at the University of Nevada, Las Vegas, with State General Fund support of \$1.2 million in FY 2015-2016 and \$7.1 million in FY 2016-2017. Additional State General Fund appropriations of \$18.4 million over the biennium are included to support the start-up costs for the new medical school. State General Fund appropriations of \$3.8 million over the biennium are included to support the expansion of undergraduate and graduate medical education for the University of Nevada School of Medicine.

The Desert Research Institute's (DRI) budget is funded based upon implementation of the new DRI funding formula model. The formula, as approved, is a sliding scale calculation, with State General Fund appropriations based on the level of grant activity awarded to the Desert Research Institute. In addition, State General Fund appropriations of \$954,624 over the biennium are included to mitigate the reduction in total State General Fund appropriations that would otherwise be experienced as the result of the implementation of the new DRI funding formula. Further, State General Fund appropriations of \$1 million over the biennium

are included to fund personnel and operating expenditures to establish the International Center for Excellence in Gaming Regulation.

Finally, the bill includes State General Fund appropriations of \$5 million over the 2015-2017 Biennium to support the new Silver State Opportunity Grant Program. The program provides grants to pay a portion of the cost of education for eligible students enrolled in a State or community college within the NSHE.

### **Commerce and Industry**

**State Department of Agriculture**—The bill contains State General Fund appropriations totaling \$6.5 million over the 2015-2017 Biennium to support the State Department of Agriculture, representing an increase of 49.8 percent from the \$4.3 million legislatively approved for the 2013-2015 Biennium. The increase is related to State General Fund appropriations of \$1 million in each year of the 2015-2017 Biennium to provide start-up grant funding to public schools to implement Breakfast After the Bell programs provided for in S.B. 503. The Breakfast After the Bell programs address childhood hunger and increase the State's participation rate in the national School Breakfast Program.

**Gaming Control Board**—The measure includes \$4.2 million in State General Fund appropriations over the 2015-2017 Biennium to continue the modernization project of the State Gaming Control Board's information technology system and \$1.3 million for new positions to keep pace with evolving technology and to meet the regulatory demands for inspecting gaming devices.

**Office of Economic Development (Governor's Office)**—The legislation approves State General Fund support of \$38 million over the 2015-2017 Biennium for the Governor's Office of Economic Development, including \$740,846 to fund the agency's financial obligation related to the computer system for the Nevada Center of Excellence for water resources. The bill continues State General Fund appropriations of \$10 million over the 2015-2017 Biennium for the Knowledge Account, as well as a State General Fund appropriation of \$4 million in FY 2015-2016 to restore funding transferred from the Knowledge Account to the State General Fund in FY 2014-2015 to meet State obligations. Although the Legislature did not approve the Governor's recommendation for State General Fund appropriations for the Catalyst Account, a State General Fund appropriation of \$7 million in FY 2015-2016 was provided to restore funding transferred from the Catalyst Account to the State General Fund in FY 2014-2015 to meet State obligations.

**Department of Tourism and Cultural Affairs**—In the budget for the Department of Tourism and Cultural Affairs, the measure provides State General Fund appropriations of \$7.1 million over the 2015-2017 Biennium, which is an increase of 13.2 percent when compared to the legislatively approved amounts for the 2013-2015 Biennium. These appropriations support a portion of the expenditures for the Division of Museums and History, the Nevada Arts Council, Nevada Humanities, the Nevada Indian Commission, and the new Stewart Indian School Living Legacy budget.



**Health and Human Services**

**Aging and Disability Services Division (Department of Health and Human Services [DHHS])**—The bill appropriates \$288.1 million in State General Fund revenue for the Aging and Disability Services Division. Additional funding of \$6.3 million in State General Fund appropriations is approved to increase the monthly caseload for the Autism Treatment Assistance Program from the 572 children approved by the 2013 Legislature for FY 2014-2015 to 836 children by the end of FY 2016-2017. The measure approves \$3.4 million in State General Fund appropriations to provide monthly cash assistance to low-income families who in their homes care for relatives who have profound or severe mental disabilities or have children under six years of age who have developmental delays. Based on expected caseload growth across the three regional centers, the bill provides additional funding of \$16.1 million in State General Fund appropriations for Residential Support, Family Support/Respite, and Jobs and Day Training expenditures. The bill also provides additional funding totaling \$3.7 million in State General Fund appropriations for a provider rate increase of 2.5 percent in FY 2015-2016 and 3.4 percent in FY 2016-2017 for providers of Residential Support and Jobs and Day Training services. Additionally, State General Fund appropriations of \$5 million are included to implement a property tax rebate program for senior citizens.

**Division of Health Care Financing and Policy (DHHS)**—The bill appropriates from the State General Fund \$1.18 billion over the 2015-2017 Biennium to support the functions of the Division of Health Care Financing and Policy. The funding provides for Medicaid program caseloads projected at approximately 588,000 in FY 2015-2016 and 577,000 in FY 2016-2017. Several discretionary provider reimbursement rate increases for the Medicaid and Nevada Check Up programs are approved, including a rate increase for physicians, physician assistants, and certified nurse practitioners to align reimbursement rates more closely with the 2014 Medicare fee schedule beginning in FY 2015-2016; an increase in the acute inpatient hospital services reimbursement rate by 2.5 percent in FY 2015-2016, and an additional 2.5 percent in FY 2016-2017; an increase in the reimbursement rate for Intellectual Disabilities and Related Conditions Waiver services by 5.7 percent over the biennium; and a 25 percent increase in the reimbursement rate for home-based nursing services beginning in FY 2016-2017. The discretionary provider reimbursement rate increases require State General Fund support totaling \$48.5 million over the 2015-2017 Biennium. The Appropriations Act contains additional State General Fund appropriations of \$4.6 million in FY 2015-2016 to increase the reimbursement rate for acute inpatient hospital services to a total of 5 percent, effective July 1, 2015.

To address a recent federal mandate requiring states to provide behavior intervention services to children on Medicaid with autism spectrum disorder, the bill includes State General Fund monies totaling \$15.6 million over the biennium to implement coverage for applied behavioral analysis services beginning in January 2016. In the 2015-2017 Biennium, the Division anticipates that approximately 1,900 children will receive applied behavior analysis services funded by the Division.

Budget amendments are approved to continue an enhanced managed care organization payment program approved by the Interim Finance Committee during the interim to provide additional Medicaid reimbursements to safety net medical service providers for targeted services provided to Medicaid recipients enrolled in a managed care organization, including inpatient and outpatient hospital services and mental health services. The enhanced payment program is projected to provide additional Medicaid reimbursements totaling \$122.1 million over the biennium to safety net providers, including the University Medical Center of Southern Nevada and the Division of Public and Behavioral Health. The enhanced payment program is expected to generate a net benefit to the State of \$9.4 million over the biennium, reducing the need for State General Fund appropriations by the same amount in the Medicaid budget.

Assuming an uncapped average monthly Nevada Check Up caseload of 16,670 in FY 2015-2016 and 16,667 in FY 2016-2017, the measure also includes funding for expanding Nevada Check Up eligibility to allow State employees who meet existing income eligibility requirements to enroll their children in the program beginning in January 2016. The measure provides for State General Fund support totaling \$148,655 over the biennium. The bill also contains State General Fund appropriations of \$3.3 million over the 2015-2017 Biennium to implement the first portion of the third and final phase of the Medicaid Management Information System replacement project.

**Division of Public and Behavioral Health (DHHS)**—The bill contains State General Fund appropriations of \$12.5 million over the 2015-2017 Biennium to reopen the Stein Hospital on the Southern Nevada Adult Mental Health Services (SNAMHS) campus. The anticipated opening date is delayed from October 1, 2015, to mid-November 2015.

The bill increases State General Fund appropriations by \$1.8 million over the 2015-2017 Biennium to meet projected transitional housing caseload growth needs for clients in the Southern Nevada Mental Health Court program. The measure provides State General Fund appropriations totaling \$690,048 to increase funding for additional contracted psychiatric residents from the University of Nevada School of Medicine on the SNAMHS campus, as recommended by the Governor's Behavioral Health and Wellness Council. The bill also includes State General Fund appropriations of \$401,500 over the 2015-2017 Biennium to increase funding for psychiatric residents from the University of Nevada School of Medicine to provide moonlighting coverage outside of regular operating hours at the Dini-Townsend Hospital, including on-call, after hours, weekends, and holidays.

In the Rural Clinics budget, the bill includes State General Fund appropriations of \$1.8 million over the 2015-2017 Biennium to fund positions and associated costs throughout rural clinics in order to reduce caseload staffing ratios. Also included are State General Fund appropriations of \$161,189 over the 2015-2017 Biennium to relocate rural clinics in Battle Mountain, Fallon, and Lovelock and expand rural clinics in Elko, Fernley, and Douglas County. The relocation or expansion of these rural clinics will co-locate behavioral and public health services at one address, preferably in or near a hospital.

**Division of Welfare and Supportive Services (DHHS)**—The measure contains State General Fund appropriations of \$168.9 million over the 2015-2017 Biennium for the Division of Welfare and Supportive Services. State General Fund monies totaling \$49.2 million over the 2015-2017 Biennium are approved for the Temporary Assistance for Needy Families (TANF) budget, primarily to support TANF caseloads projected at 28,570 cases in FY 2015-2016 and 28,780 in FY 2016-2017. The measure also contains \$2.2 million to fund the projected increase in assistance to the aged, blind, and adult group care facility caseloads. An additional \$5.2 million is appropriated for the Child Assistance and Development budget for the 2015-2017 Biennium, which is the minimum TANF Block Grant maintenance of effort requirement.

**Division of Child and Family Services (DHHS)**—The bill includes State General Fund appropriations of \$253.1 million over the 2015-2017 Biennium for the Division of Child and Family Services. Funding is approved to support projected caseload increases in foster care and adoption subsidies. Funding for child welfare services is approved for Clark and Washoe Counties in the form of block grants, with the provision that additional funds may be requested for adoption subsidy costs.

The measure includes funding for a specialized foster care program for the three child welfare agencies over the 2015-2017 Biennium, with total funding of \$6.5 million for Clark County Child Welfare, \$3.3 million for Washoe County Child Welfare, and \$1 million for Rural Child Welfare. The funding for the urban counties is provided through block grants, which is anticipated to increase the State General Fund allocation to the block grants in future years by \$3 million per year for Clark County and \$1.4 million per year for Washoe County. Additionally, the Summit View Youth Correctional Center is reopened as a State-operated facility with \$3.3 million in State General Fund appropriations over the 2015-2017 Biennium.

**Department of Employment, Training and Rehabilitation**—The bill includes total State General Fund appropriations for the Department in the amount of \$11.2 million for the 2015-2017 Biennium. State General Fund support in the amount of \$2.3 million is approved to establish the new Nevada P20 Workforce Reporting budget as recommended by the Governor. The new budget will house the centralized costs for maintaining the State Longitudinal Data System. In addition, a State General Fund appropriation of \$129,041 is approved for a new Chief Compliance Investigator in the Equal Rights Commission budget. The position specializes in the investigation of discrimination within Nevada schools, and it provides statewide training with a focus on the prevention of bullying and discrimination based on race, sexual orientation, religion, and gender identity.

### **Public Safety**

**Department of Corrections**—The measure approves State General Fund support totaling \$521.5 million for the Department of Corrections over the 2015-2017 Biennium. The funding provides for housing an average of 12,890 inmates in FY 2015-2016 and 12,948 inmates in FY 2016-2017.

**Department of Motor Vehicles (DMV)**—The bill approves State Highway Fund appropriations of \$58.1 million in FY 2015-2016 and \$51.8 million in FY 2016-2017 to support the operations of the DMV. State Highway Fund appropriations of \$11.2 million in FY 2015-2016 and \$14.1 million in FY 2016-2017 are transferred to the Interim Finance Committee's Contingency Account for vendor costs associated with customizable off-the-shelf software for the DMV's system modernization project. This project replaces the DMV's computer system and is estimated to cost approximately \$109.4 million over the five-year implementation period.

**Department of Public Safety**—The bill approves State General Fund appropriations of \$107.2 million and State Highway Fund appropriations of \$137.5 million over the biennium. Included in the State Highway Fund appropriation is \$741,340 over the 2015-2017 Biennium to replace portable 800 MHz radios for Highway Patrol officers.

**Criminal History Repository**—State General Fund appropriations of \$2.4 million over the 2015-2017 Biennium are approved to fund phase two of the Nevada Criminal Justice Information System modernization project, which is the replacement of the core Computerized Criminal History repository.

### **Infrastructure**

**Tahoe Regional Planning Agency (TRPA)**—For the TRPA, the bill approves State General Fund appropriations totaling \$3.3 million over the 2015-2017 Biennium. Of this amount, \$375,000 in each year is designated for Nevada's share of the TRPA's Aquatic Invasive Species Boat Inspection program for Lake Tahoe. State General Fund appropriations of \$345,000 in FY 2015-2016 and \$25,000 in FY 2016-2017 provide for Nevada's share of costs associated with TRPA's requirement to monitor and report on environmental thresholds in the Lake Tahoe Basin.

**State Department of Conservation and Natural Resources**—The measure approves State General Fund appropriations totaling \$57.3 million over the 2015-2017 Biennium. Of this amount, \$4.1 million is designated to fund the Governor's major budget initiative for the Sagebrush Ecosystem program. A total of \$2.9 million of that \$4.1 million is to be used to establish a Conservation Credit System to mitigate the impact of the ecosystem and to fund contract services to assist the State with National Environmental Protection Act compliance and permitting issues.

### **Special Purpose Agencies**

**Office of the Military**—The bill approves State General Fund support for the Office of the Military totaling \$7.6 million for the 2015-2017 Biennium. Also approved is the Governor's recommendation to eliminate the Servicemen's Group Life Insurance premium reimbursement program in the Patriot Relief budget.

**Department of Veterans Services**—The bill approves State General Fund support for the Department of Veterans Services totaling \$3.6 million for the 2015-2017 Biennium.

This bill is effective on June 11, 2015, for the purpose of carrying forward certain fund balances in the 2015-2017 Biennium and on July 1, 2015, for all other purposes.

**NOTE:** See also Senate Bill 227 (Chapter 387).  
See also Senate Bill 503 (Chapter 544).

## **Other Appropriations and Authorizations**

### **A.B. 234 (Chapter 368)**

Assembly Bill 234 requires social studies standards of content and performance established by the Council to Establish Academic Standards for Public Schools to include multicultural education. The Council must consult with members of the community who represent the racial and ethnic diversity of this State in developing the standards. The measure also requires the Commission on Professional Standards in Education to adopt regulations establishing multicultural course content and credit requirements for teachers. A teacher who is initially licensed on or after July 1, 2015, must submit proof of the completion of a course in multicultural education with the first application for renewal of his or her license to teach. This bill also appropriates \$8,406 from the State General Fund to the Department of Education for costs to reprogram the Department's teacher licensure system and to adopt regulations related to multicultural education.

This bill is effective on July 1, 2015.

### **A.B. 265 (Chapter 17)**

Assembly Bill 265 appropriates \$5,000 from the State General Fund to the Nevada Supreme Court for unexpected expenses related to the Commission on Judicial Selection.

The bill is effective on April 2, 2015.

### **A.B. 437 (Chapter 289)**

Assembly Bill 437 appropriates \$1 million from the State General Fund to the Reserve for Statutory Contingency Account to restore the balance in the Account.

This bill is effective on May 30, 2015.

### **A.B. 438 (Chapter 462)**

Assembly Bill 438 appropriates \$255,815 from the State General Fund to the Division of Forestry of the State Department of Conservation and Natural Resources for employee retirement buyouts, terminal leave payments, and other termination-related costs for eliminated positions within the Intergovernmental All-Risk Fire Management Program.

This bill is effective on June 9, 2015.

**A.B. 442 (Chapter 188)**

Assembly Bill 442 makes a supplemental appropriation in the amount of \$7,150 from the State General Fund to the Office of the Lieutenant Governor for payroll and other costs associated with the 2015 Legislative Session.

This bill is effective on May 25, 2015.

**A.B. 443 (Chapter 390)**

Assembly Bill 443 appropriates \$2,004,232 from the State General Fund to the Legislative Counsel Bureau. Funds must be allocated as follows: (1) \$776,460 for dues and registration for national organizations; and (2) \$1,227,772 for one-time building maintenance and information technology purposes.

This bill is effective on July 1, 2015.

**A.B. 465 (Chapter 187)**

Assembly Bill 465 makes a supplemental appropriation of \$20,000 from the State General Fund to the Nevada Highway Patrol division of the Department of Public Safety for projected costs of visiting dignitary protection assignments.

This bill is effective on May 25, 2015.

**A.B. 467 (Chapter 290)**

Assembly Bill 467 makes a supplemental appropriation of \$1,193,577 from the State General Fund to the Department of Corrections for an unanticipated shortfall in transfers from the Inmate Welfare Account for prison medical care for Fiscal Year 2014-2015.

This bill is effective on May 30, 2015.

**A.B. 468 (Chapter 276)**

Assembly Bill 468 makes a supplemental appropriation of \$2,395,367 from the State General Fund to the Department of Corrections for shortfalls in projected personnel costs.

This bill is effective on May 29, 2015.

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

Senate Bill 1 makes an appropriation of \$18 million from the State General Fund to the Legislative Fund for the costs of the 2015 Legislative Session.

This bill is effective on February 9, 2015.

**S.B. 111 (Chapter 533)**

Senate Bill 111 requires each uniformed peace officer employed by the Nevada Highway Patrol who routinely interacts with the public to wear a personal event recording device while on duty. The bill also requires the Nevada Highway Patrol to adopt policies and procedures governing the use of the device and appropriates \$1,260,106 over the 2015-2016 Biennium to carry out the program.

Provisions of the bill relating to the appropriation are effective on July 1, 2015. Other provisions are effective on June 11, 2015, for the purpose of adopting policies and procedures and on January 1, 2017, for all other purposes.

**S.B. 133 (Chapter 486)**

Senate Bill 133 creates the Teachers' School Supplies Reimbursement Account and requires the Department of Education to annually apportion money in the Account among school districts and charter schools based upon the number of teachers employed by each. It also requires the board of trustees of each school district and the governing body of each charter school to:

- Establish a special revenue fund for the deposit of money received from the Account;
- Establish a procedure for the distribution of funds to teachers;
- Provide permanent teachers up to \$250 annually, as determined by the Department, to offset out-of-pocket expenses for certain school supplies; and
- Collect receipts submitted by teachers and retain them until the end of the next fiscal year.

Unspent funds revert to the Account at the end of each fiscal year, and the Department may accept gifts, grants, bequests, and donations from any source for deposit in the Account. The bill also allows a person, whose claim to recover unclaimed property of less than \$500 is approved, to donate the money to the Account.

Finally, S.B. 133 appropriates \$2.5 million during each year of the 2015-2017 Biennium from the State General Fund to the Account.

This bill is effective on July 1, 2015.

**S.B. 332 (Chapter 473)**

Senate Bill 332 appropriates \$1 million in each year of the 2015-2017 Biennium from the State General Fund to the Clark County School District to carry out a program of teacher peer assistance and review.

This bill is effective on July 1, 2015.

**S.B. 427 (Chapter 101)**

Senate Bill 427 appropriates \$169,000 from the State General Fund to the Office of the Extradition Coordinator in the Office of the Attorney General to replenish Fiscal Year (FY) 2014-2015 extradition funds used in 2014 and to supplement funds for FY 2014-2015 due to increased extradition costs.

This bill is effective on May 18, 2015.

**S.B. 428 (Chapter 427)**

Senate Bill 428 appropriates \$1,140,613 from the State General Fund to the Division of Forestry of the State Department of Conservation and Natural Resources for the replacement of emergency response and firefighting equipment and vehicles. It also appropriates \$1,795,518 from the State General Fund to the Department for the replacement of critical equipment and vehicles, including equipment and vehicles used by the forestry conservation camps to move crews quickly out of dangerous situations.

This bill is effective on July 1, 2015.

**S.B. 429 (Chapter 186)**

Senate Bill 429 provides a supplemental appropriation in the amount of \$62,026,744 from the State General Fund to the Distributive School Account for a shortfall resulting from an unanticipated increase in K-12 enrollment for School Year (SY) 2013-2014 and SY 2014-2015.

This bill is effective on May 25, 2015.

**S.B. 467 (Chapter 393)**

Senate Bill 467 appropriates \$7,679,026 from the State Highway Fund to the Nevada Highway Patrol division of the Department of Public Safety to replace fleet vehicles that have exceeded the mileage threshold and appropriates \$326,592 from the State Highway Fund to the Nevada Highway Patrol to purchase fleet motorcycles to replace other types of fleet vehicles that have exceeded the mileage threshold.

This bill is effective on June 8, 2015.

**S.B. 469 (Chapter 60)**

Senate Bill 469 makes a supplemental appropriation of \$588,000 from the State General Fund to the Nevada Supreme Court for an unanticipated shortfall in revenue due to a deficit in the collection of administrative assessments.

This bill is effective on May 13, 2015.



**S.B. 490 (Chapter 271)**

Senate Bill 490 requires the State Controller to transfer \$28,061,106 from the Account to Stabilize the Operation of the State Government (also known as the Rainy Day Fund) to the State General Fund to address a shortfall in Fiscal Year 2014-2015.

The bill is effective on May 28, 2015.

**S.B. 497 (Chapter 392)**

Senate Bill 497 appropriates money from the State General Fund to restore balances in various accounts in the amounts indicated:

- \$2 million to the State Claims Account;
- \$100,000 to the Emergency Account;
- \$2.5 million to the Reserve for Statutory Contingency Account; and
- \$9 million to the Contingency Account.

This bill is effective on July 1, 2015.

**S.B. 511 (Chapter 388)**

Senate Bill 511 establishes the Teach Nevada Scholarship Program to provide scholarships to students pursuing teaching degrees at a university, college, or other provider of an alternative licensure program in this State. The bill creates the Teach Nevada Scholarship Program Account and appropriates from the State General Fund to the Account \$2.5 million in each year of the 2015-2017 Biennium to provide grants to fund the scholarships.

This bill further appropriates from the State General Fund to the Account for Programs for Innovation and the Prevention of Remediation \$5 million in each year of the 2015-2017 Biennium to provide incentive pay and professional development for newly hired teachers during their first two years of employment. To qualify, a teacher must work in a designated Title I school or a school rated as underperforming pursuant to the statewide system of school accountability.

This bill is effective on July 1, 2015.



## **COMMERCE**

### **A.B. 4 (Chapter 143)**

Assembly Bill 4 allows a winery in any county in Nevada to import wine or juice for fermentation, mixing with other wine, or aging in this State; sell wine at retail; or serve wine or any other alcoholic beverage by the glass on its premises. The measure allows a winery licensed on or before the bill's effective date to sell or serve its wine and other alcoholic beverages at the location of the winery and one other location. The amount of wine sold at the second location may not exceed 50 percent of the total wine sold by the winery. Wineries licensed subsequent to the bill's passage will not be allowed to sell at a second location and will not be allowed to serve alcoholic beverages.

The bill also restricts the amount of wine that may be sold at retail or served by the glass by a winery using less than 25 percent of grapes grown within the State to no more than 1,000 cases in any calendar year. Wineries licensed on or before the effective date of this bill will have ten years to comply with this restriction. Finally, A.B. 4 prohibits a winemaker licensee from retailing alcoholic beverages or producing wine on the premises of another winery and allows the State Board of Agriculture to adopt regulations necessary and consistent with federal law regarding wine labeling.

### **A.B. 51 (Chapter 362)**

Assembly Bill 51 requires broker-dealers and investment advisers to complete periodic training in the identification and reporting of exploitation of older persons and vulnerable persons. The bill also provides for enhanced civil penalties for the violation of securities laws where the victim is an older person or a vulnerable person.

The bill authorizes the Administrator of the Securities Division of the Office of the Secretary of State to adopt, by regulation or order, filing requirements, registration exemptions, and licensing requirements consistent with the federal Jumpstart Our Business Startups Act, including regulations relating to the creation and oversight of funding portals for the purchase of securities.

This bill is effective on July 1, 2015.

### **A.B. 179 (Chapter 55)**

Assembly Bill 179 expands the definition of "personal information" for the purpose of requiring business entities that collect such information to provide certain security measures to ensure the information is protected. The revised definition includes:

- A driver authorization card number;
- A medical identification number or health insurance identification number; and

- A user name, unique identifier, or e-mail address, in combination with a password, access code, or security question and answer that would permit access to an online account.

The bill is effective on July 1, 2015.

**A.B. 389 (Chapter 458)**

Assembly Bill 389 deems the client company of an employee leasing company to be the employer of the employees it leases for purposes of unemployment insurance. The measure also revises the definition of “employee leasing company,” allows such a company to submit consolidated financial statements for purposes of applying for a certificate of registration, and repeals provisions requiring an employee leasing company to maintain a physical presence in this State.

**A.B. 419 (Chapter 136)**

Assembly Bill 419 clarifies that the provisions of the Uniform Unclaimed Property Act do not apply to tangible property held in a safe-deposit box or other safekeeping depository that is not maintained by a bank or other financial institution or a safe-deposit company.

This bill is effective on July 1, 2015.

**A.B. 481 (Chapter 528)**

Assembly Bill 481 makes various changes to the enforcement of laws prohibiting deceptive trade practices. The measure requires the Director of the Department of Business and Industry or his or her designee to administer the revolving account for the Consumer Affairs Division and further authorizes the deposit of grants received into the account; such funds are to be used to defray the costs of the Division.

With regard to certain powers provided to the Department of Business and Industry, A.B. 481 revises the requirements for service of subpoenas by the Commissioner or Director of the Department and allows the Director to assess an administrative fine against a person found to be engaging in a deceptive trade practice. The bill also allows a court to provide injunctive relief to prevent deceptive trade practices by a person who is not cooperating with an investigation.

The bill creates, from July 1, 2015, to June 30, 2017, the Consumer Affairs Unit within the Department to perform certain duties previously assigned to the Division.

The bill is effective on June 10, 2015, for the purposes of adopting regulations and performing any other preparatory administrative tasks. Provisions concerning the temporary creation of the Consumer Affairs Unit also are effective on June 10, 2015. All other provisions are effective on July 1, 2015.

**S.B. 242 (Chapter 241)**

Senate Bill 242 enacts the Payday Lender Best Practices Act, which adopts certain provisions of the Community Financial Services Association of America's Best Practices for the Payday Loan Industry. The provisions of this bill apply to a licensee operating a deferred deposit loan service, a high-interest loan service, or a title loan service.

**S.B. 246 (Chapter 190)**

Senate Bill 246 increases from 20,000 cases to 40,000 cases the quantity of spirits that a craft distillery may manufacture for export to another state in a calendar year. This bill allows a craft distillery to serve samples not to exceed four ounces per person, per day, and it increases the quantity of spirits that may be sold to a person at retail for off-premises consumption from two bottles of spirits per person, per month to one case of spirits per month, not to exceed six cases in a year. This measure authorizes a craft distillery to donate and transport spirits manufactured at the craft distillery for charitable or nonprofit purposes or to transfer certain bulk spirits to another supplier. Such a charitable donation or bulk transfer is not included in the 10,000 cases per year that a craft distillery is permitted to sell and transport within the State. Finally, the bill creates a civil cause of action for a person damaged by existing law relating to the manufacturing, importing, wholesaling, and retailing of alcoholic beverages.

This bill is effective on May 27, 2015.

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

**A.B. 50 (Chapter 400)**

Assembly Bill 50 repeals and reenacts provisions governing the solicitation of charitable and other contributions by all charitable organizations and nonprofit organizations in this State. A charitable organization is prohibited from soliciting charitable contributions or having charitable contributions solicited on its behalf in this State, unless the organization is registered with the Secretary of State. Certain organizations may be exempted from registration requirements. The information and financial report filed by each charitable organization will be made public and posted on the Secretary of State's website. If a charitable organization fails to file the information and financial report required for registration, the Secretary of State will provide written notice of the alleged violation. In addition, if a violation has occurred, the organization may not be allowed to transact business in the State or the matter may be referred to the Attorney General. The Attorney General may seek an injunction or other equitable relief and may recover a civil penalty.

This bill is effective on June 8, 2015, for the purposes of adopting regulations and performing preparatory administrative tasks and on October 1, 2015, for all other purposes.

**A.B. 364 (Chapter 457)**

Assembly Bill 364 requires the Secretary of State to establish common business registration information that may be used by State and local agencies and health districts to conduct necessary transactions with businesses in this State and cause the State business portal to exchange common business registration information among these entities. The bill authorizes

these entities, to the extent feasible, to integrate their electronic applications processes into the State business portal. The bill also requires the Secretary of State to suspend the State business license of a sole proprietor if the Secretary of State receives a copy of a court order providing for the suspension.

This bill is effective on July 1, 2015.

**S.B. 36 (Chapter 280)**

Senate Bill 36 provides an exemption to State business licensing requirements such that an out-of-state business providing vehicles or equipment to assist with a wildfire, flood, earthquake, or other emergency on a short-term basis need not hold a State business license and may legally pay an employee who provides services according to the provisions of the bill.

This bill is effective on May 29, 2015.

**S.B. 39 (Chapter 263)**

Senate Bill 39 requires the Secretary of State to assign a unique business identification number to certain persons, and it requires a State business license contain the assigned business identification number. In addition, the measure:

- Requires certain persons who are exempt from obtaining a State business license to obtain a certificate of exemption from the Secretary of State each year;
- Requires that the penalty for conducting business without obtaining a license be assessed for each year the business was conducted without a license; and
- Applies the penalty for not renewing a license until the person cancels his or her business license.

If the person has not conducted business during the period in question, the Secretary of State shall waive any fees or penalties that have accrued.

The bill expands a registered agent's responsibility to receive and forward any process, notice, or demand and to maintain certain documents for a represented entity. It also allows service of process on a business by serving the registered agent and specifies the service is valid, regardless of whether the business is in default or revoked status or whether there are any debts or disputes between the business and the registered agent.

Senate Bill 39 also allows the Secretary of State to halt the accrual of fees for a domestic or foreign business whose charter or certificate has been revoked. Similarly, the bill expands provisions concerning the renewal of a charter or certificate to additional domestic and foreign entities. Finally, the bill exempts from the annual State business license fee certain nonprofit unit-owners' associations.

**S.B. 59 (Chapter 521)**

Senate Bill 59 requires the Secretary of State to establish common business registration information that is used by State and local agencies and health districts and to cause the State business portal to make that information available to such entities that conduct necessary transactions with businesses in the State. It also allows these entities, to the extent practicable, to:

- Integrate their electronic application systems with the State business portal;
- Use the portal to accept and disseminate information necessary for the issuance of business licenses, registrations, permits, or similar authorizations;
- Make related applications available on the Internet; and
- Integrate those applications with the business portal.

The bill also clarifies that any information deemed confidential under State or federal law need not be disseminated and, similarly, that records and files collected as common business registration information are confidential, unless an exception applies.

The bill requires the Secretary of State to issue a unique business identification number to any entity or person doing business in the State, whether they are required to have a business registration or are exempt from the requirement. The system for issuing these identification numbers must interface with the business portal. Any applicant who applies to any State or local agency or health district for any license, permit, or similar authorization must include the business identification number with the application.

Certain provisions governing city and county business licenses are amended to reflect that industrial insurance information is now provided through the State business portal. Additionally, the Department of Employment, Training and Rehabilitation will now make certain information that is necessary for operating and maintaining the business portal available to the Secretary of State. Finally, the bill repeals obsolete provisions relating to the collection and filing of certain business information by State and local entities.

This bill is effective on July 1, 2015.

**S.B. 329 (Chapter 513)**

Senate Bill 329 exempts a person from liability for the use of certain words or conduct relating to partnerships, joint ventures, or other similar relationships, if the words or conduct are used for the sole purpose of a business development undertaken by a corporation or limited-liability company.

This bill is effective on June 10, 2015.

**S.B. 384 (Chapter 256)**

Senate Bill 384 authorizes a court to appoint a guardian for minors or incompetents who are family members or beneficiaries of a trust or estate represented by the family trust company. The measure provides for the designation of a person to represent and bind a beneficiary of a trust administered by a family trust company. Newly enacted duties of fiduciaries in other titles of *Nevada Revised Statutes* do not apply to family trust companies, and existing provisions only apply to the extent they are not incompatible with existing law governing family trusts or any terms of the trust. The measure provides for the confidentiality of certain trust documents in a court proceeding and for a rebuttable presumption of good faith for the actions of certain fiduciaries. A licensed family trust is subject to the supervision of the Commissioner of Financial Institutions. Further, the bill provides that a family trust company enjoys a presumption of good faith in its transactions and dealings, and certain transactions by such a company are presumed to not be conflicts of interest. Finally, the measure revises certain reporting requirements for family trust companies.

This bill is effective on May 27, 2015.

**S.B. 446 (Chapter 514)**

Senate Bill 446 revises provisions related to business law. This bill:

- Establishes a framework for the ratification of certain corporate actions;
- Clarifies the ability to establish various powers, designations, limitations, and restrictions for classes and series of stock;
- Provides that stockholder meetings may be held remotely;
- Revises incorporation language across *Nevada Revised Statutes* for consistency;
- Eliminates the provision of effective dates for the formation of limited-liability companies and limited partnerships; and
- Aligns the effect of a conversion with that of a merger.

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

**A.B. 89 (Chapter 546)**

Assembly Bill 89 enacts provisions relating generally to the employment of veterans and enacts certain other provisions relating generally to professionals. The measure requires the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to gather and report aggregate unemployment data concerning veterans to the Interagency Council on Veterans Affairs on a quarterly basis. The bill also requires a regulatory body to prepare and submit an annual report to the Council on the



number of veterans who have applied for a license, who have been issued a license, or who have renewed a license.

Assembly Bill 89 explicitly allows private employers to adopt employment policies that provide a hiring preference on the basis of an applicant being a veteran or the spouse of a veteran, subject to review by the Nevada Equal Rights Commission. Additionally, A.B. 89 provides for an exemption from the driving skills test in order to receive a commercial driver's license for persons with military experience in driving such vehicles.

The bill authorizes certain qualified physicians, osteopaths, podiatrists, and other providers of health care and professionals to obtain a license by endorsement to practice in Nevada if the provider or professional:

- Holds a valid and unrestricted license by endorsement to practice in the District of Columbia or another state or territory of the United States;
- Is an active member or veteran of, or the spouse or surviving spouse of an active member or veteran of, the Armed Forces of the U.S.; and
- Meets certain other requirements.

Additionally, certain regulatory bodies must grant a license by endorsement to a qualified professional who is licensed in another state or territory and is also an active member, veteran, spouse of an active member, or surviving spouse of a veteran of the Armed Forces of the U.S., to practice his or her respective profession in this State.

A qualified health care professional who receives a license by endorsement is entitled to at least a 50 percent reduction in the fee for the initial issuance of a license or an examination as a prerequisite to licensure. The measure also authorizes certain regulatory bodies to enter into a reciprocal agreement with the corresponding regulatory authority in another state or territory of the U.S. for the purpose of authorizing a licensee to practice concurrently in Nevada and another jurisdiction under certain circumstances.

The bill is effective on July 1, 2015.

#### **A.B. 126 (Chapter 386)**

Assembly Bill 126 adds licensed nail technologists to the list of persons exempt from licensure as a massage therapist if the nail technologist is massaging hands, feet, forearms, or lower legs within his or her scope of practice. The measure removes the requirement that an applicant for a license to practice massage therapy pass an examination administered by a board accredited by the National Commission for Certifying Agencies, instead requiring the Board of Massage Therapists to approve a nationally recognized competency examination.

The bill also limits to two years the period during which an expired or inactive license may be restored or renewed under certain circumstances. Finally, the bill provides that the Board may refuse to issue a license or initiate disciplinary action against a licensee based on a conviction for any crime involving moral turpitude regardless of when the conviction occurred, and it adds a requirement that a licensee or applicant report to the Board any unethical or unprofessional conduct as it relates to the practice of massage therapy within 30 days of becoming aware of the conduct.

**A.B. 137 (Chapter 106)**

Assembly Bill 137 allows the State Contractors' Board to discipline a licensed contractor who solicits a contracting bid or estimate from a person known by the licensee to be unlicensed. The measure provides that an unlicensed person may not advertise certain services without disclosing that he or she is not licensed. It also prohibits a person, whether licensed or unlicensed, from advertising certain services using a license number that does not correspond to a valid license issued to that person by the Board. Finally, A.B. 137 increases the fines and penalties for certain violations of Chapter 624 ("Contractors") of *Nevada Revised Statutes* and allows the Board to exceed certain fine limits by adding a fine enhancement of up to 10 percent of the value of the contract under certain circumstances.

**A.B. 173 (Chapter 519)**

Assembly Bill 173 revises various provisions concerning private investigators. Specifically, the bill:

- Exempts the Private Investigator's Licensing Board from complying with certain administrative procedures governing professional licensing boards;
- Exempts certain professionals who provide information security services from licensure as private investigators;
- Requires each registered employee employed in Nevada by a licensee to be supervised by the licensee or his or her designated agent who is physically present in this State;
- Removes provisions that require an applicant for a license or a licensee to maintain a principal place of business in this State;
- Authorizes the Board to revoke the registration of a registered employee under certain circumstances;
- Gives the Board the discretion to issue a registration to a person who has been convicted of a felony or a crime involving moral turpitude or the illegal use or possession of a dangerous weapon, if the person is otherwise qualified to obtain a registration; and
- Provides that the Board may, rather than shall, assess an administrative fine on a person who engages in activities governed by the Board without having the appropriate license.

**A.B. 246 (Chapter 151)**

Assembly Bill 246 makes various changes governing the practice of cosmetology. The bill makes it unlawful to advertise certain services in a misleading or inaccurate manner and provides for disciplinary action by the State Board of Cosmetology for violations. The measure establishes the profession of “shampoo technologist” and sets out various requirements for the regulation of that profession. It also removes an exception relating to nail technologists practicing in a licensed barbershop.

Among other changes, A.B. 246 modifies the admissions eligibility to sit for an exam to become licensed as a cosmetologist, revises requirements for barbers to become cosmetologists, and adjusts the requirements for obtaining a license as a hair braider. It establishes a new fee for registration of persons practicing threading or acting as an owner or operator of a kiosk or stand-alone facility where threading is practiced and requires the Board to inspect facilities in which threading is conducted.

The bill also addresses cosmetology schools. It requires the Board to adopt regulations to prescribe the minimum enrollment of students and the amount of floor space required for a proposed school. Finally, A.B. 246 addresses service animals and exemptions for dogs and miniature horses under certain circumstances.

The bill is effective on May 25, 2015, for the purposes of adopting regulations and performing preparatory tasks and on October 1, 2015, for all other purposes.

**A.B. 325 (Chapter 409)**

Assembly Bill 325 provides for the licensure and regulation of private professional guardians by the Commissioner of the Division of Financial Institutions of the Department of Business and Industry and exempts certain financial entities from these licensing requirements. The measure also sets forth the persons, including those who live outside the State, who are allowed to provide a court-appointed guardianship before a court appoints a public or private professional guardian, as long as the person is willing and able to do so and is otherwise qualified and suitable.

A nonresident of Nevada may be appointed as a guardian for an adult or minor ward, and a court is required to give preference in appointing a guardian for an adult ward in order of a list of persons provided in the bill. This bill authorizes a court to appoint two or more co-guardians and directs a court, with certain exceptions, to give preference for a guardianship to a person named in a will, trust, or other document executed as part of an estate plan. A ward who cannot afford to pay for a private guardian is eligible to have a public guardian appointed.

The bill also revises, from once every year to once every six months, the requirement that a guardian provide a report on the finances and well-being of a ward. Additionally, A.B. 325 provides for the appointment of a public guardian for an incompetent adult who failed to nominate a guardian while he or she was still competent or if the nominated person is not suited or is not willing to serve as a guardian.

The bill is effective on June 8, 2015, for the purposes of adopting regulations and performing preparatory administrative tasks and on January 1, 2016, for all other purposes.

**A.B. 409 (Chapter 413)**

Assembly Bill 409 requires makeup artists who work in licensed cosmetological establishments to register with the State Board of Cosmetology. The measure establishes certain requirements that a makeup artist, other than a makeup artist required to be registered, must meet to practice makeup artistry in this State. The Board is authorized to take certain disciplinary actions against any makeup artist who fails to comply with the requirements set forth in applicable statutory provisions or regulations adopted by the Board.

The bill also eliminates the requirement that certain applicants who are licensed in a branch of cosmetology in another state or jurisdiction pass a nationally recognized written examination in order to obtain a license to practice that branch of cosmetology in this State.

The bill is effective on June 8, 2015.

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

Assembly Bill 475 reduces the period of initial licensure for a license as a real estate broker, broker-salesperson, or salesperson from 24 to 12 consecutive months and each subsequent period of licensure from 48 to 24 consecutive months. The bill also decreases the period of licensure for other licenses issued by the Real Estate Division of the Department of Business and Industry from 48 to 24 consecutive months. Fees associated with licensure are also reduced.

This bill is effective on July 1, 2015.

**A.B. 480 (Chapter 477)**

Assembly Bill 480 provides for licensure and regulation of out-of-state wholesale lenders as mortgage brokers or mortgage bankers and requires the Commissioner of the Division of Mortgage Lending of the Department of Business and Industry (B and I) to prescribe by regulation the requirements for licensing, regulation, and discipline of mortgage servicers. The bill also makes various changes to the regulation of escrow agents and escrow agencies, and it revises certain provisions relating to thrift companies. The measure increases certain fees related to mortgage bankers.

Assembly Bill 480 allows thrift companies to contract for the insurance of deposits issued by a private insurer and provides for the Commissioner of the Division of Financial Institutions of B and I, to adopt regulations prescribing the contract requirements.

Provisions of this bill related to thrift companies and provisions related to adopting regulations and performing preparatory administrative tasks are effective on June 9, 2015. All other provisions are effective on January 1, 2016.

**S.B. 50 (Chapter 359)**

Senate Bill 50 deletes the requirement that the State Contractors' Board establish an advisory committee concerning the classification of licensure of persons who install and maintain building shell or thermal system installation. The bill authorizes the Board to use additional information to consider whether an applicant or licensee is qualified on behalf of another for more than one active license. The Board may inquire into and consider the financial responsibility and good character of such persons. The bill adds certain international building codes to the list of workmanship standards that, in the absence of a locally adopted building or construction code, a licensee must achieve or else be subject to disciplinary action. Finally, the measure clarifies that an injured person or personal representative of the licensee, who is cohabitating with the licensee, is married to the licensee, or is related to the licensee by blood within the first or second degree of consanguinity is not eligible for recovery of damages from the Recovery Fund maintained by the Board.

Provisions relating to the Advisory Committee are effective on June 4, 2015. All other provisions are effective on October 1, 2015.

**S.B. 153 (Chapter 420)**

Senate Bill 153 limits the period under which heart and lung diseases are, for purposes of industrial insurance claims, conclusively presumed to be occupationally related. Specifically, a person must have been employed in a full-time, continuous, uninterrupted, and salaried occupation as a police officer, firefighter, or arson investigator for two years or more before the date of disablement, if the disease is diagnosed and causes the disablement:

- During the course of that employment;
- If the person ceases employment before completing 20 years of service as a police officer, firefighter, or arson investigator, during the period after separation from employment, which is equal to the number of years worked; or
- If the person ceases employment after completing 20 years, or more, of service as a police officer, firefighter, or arson investigator at any time during the person's life.

Service credit purchased in a retirement system must not be calculated towards the years of service.

The measure also prevents persons who use tobacco products or fail to follow a physician's prescribed plan of care from claiming these presumptions under certain circumstances. Finally, S.B. 153 clarifies that a retiree who files an industrial insurance claim for heart or lung disease is eligible only for medical benefits.

Provisions relating to the use of tobacco products or departure from a physician's prescribed plan of care are effective on January 1, 2017. All other provisions of this bill are effective on June 8, 2015, and apply only to disablement that occurs on or after this date. This bill does not apply to any person who has completed 20 years of creditable service as a police officer, firefighter, or arson investigator in this State as of June 8, 2015.

**S.B. 223 (Chapter 345)**

Senate Bill 223 provides that a prime contractor is not liable for the labor costs of a subcontractor to the extent those costs are:

- Interest, liquidated damages, attorney's fees, or costs resulting from a subcontractor's failure to pay contributions or other payments to, or on behalf of, an employee; or
- Any amounts for which the prime contractor did not receive adequate notice by an administrator of a Taft-Hartley trust.

The measure reduces to one year the statute of limitations period applicable to commencing an action against a prime contractor for the recovery of wages or benefits due to an employee of a subcontractor. A prime contractor or subcontractor who participates in a health or welfare fund, or other plan for the benefit of employees, must provide to the fund or plan notice of the name and location of the project upon the commencement of work on a project. Further, an express benefit trust that receives a portion of the compensation paid to a laborer is not exempt from the notice of right to lien to the owner of a property.

**S.B. 256 (Chapter 245)**

Senate Bill 256 limits the liability of an innkeeper for the loss of or damage to a motor vehicle brought by a patron onto the premises of the innkeeper.

This bill is effective on July 1, 2015.

**S.B. 286 (Chapter 348)**

Senate Bill 286 revises various provisions governing funeral and cemetery services. The measure authorizes the Nevada Funeral and Cemetery Services Board to issue permits for the operation of direct cremation facilities and licenses to engage in business as a funeral arranger. The bill establishes a two-year duration for most licenses and permits issued by the Board and a continuing education requirement for licensed funeral directors and embalmers. In addition, a person who holds a license, permit, or certificate issued by the Board must comply with the requirements of the federal Occupational Safety and Health Administration. An applicant for a funeral director's license, who applies after January 1, 2016, must have at least one year of active practice as a funeral arranger.

The measure revises the priority of persons who are authorized to order the burial or cremation of a decedent. A person who is arrested for or charged with murder or voluntary manslaughter may not act as the person authorized to order the burial or cremation of the decedent who the person is accused of killing. Further, an operator of a crematory is required to ensure that any person operating crematory equipment has completed a crematory certification program approved by the Board.

This bill is effective on June 4, 2015, for purposes of adopting regulations and performing any preparatory administrative tasks and on January 1, 2016, for all other purposes.

**S.B. 370 (Chapter 424)**

Senate Bill 370 requires the State Barbers' Health and Sanitation Board to oversee the examination for a barbering instructor license but prohibits the Board from administering any part of the examination. The bill provides that the examination for a license as an instructor must include a practical demonstration and written test. The Board must contract with a national organization to administer the examination for such a license and use only proctors who are licensed barbers in Nevada and approved by a national organization to administer the practical demonstration portion of the examination.

The measure provides that an applicant for license as an instructor, who fails to pass the examination, may retake the examination as many times as it is offered within one year of the initial examination without completing further study in a barber school. If after one year of taking the initial examination the applicant does not pass, he or she must complete 250 hours of further study. The bill revises the ratio of barber school students to instructors and requires a barber school have at least one barber's chair for each student present during instruction. Finally, the bill requires an applicant for a license to operate a barber school to submit information to the Board demonstrating that the barber school will be owned and operated by at least two instructors.

This bill is effective on June 8, 2015, for purposes of adopting any regulations and performing any preparatory administrative tasks and on January 1, 2016, for all other purposes. The provision that requires an applicant for a license to operate a barber school to submit information to the Board demonstrating that the barber school will be owned and operated by at least two instructors is effective on July 1, 2017.





## **CONSTITUTIONAL AMENDMENTS**

### **A.J.R. 8 (File No. 36)**

Assembly Joint Resolution No. 8 proposes to amend the *Nevada Constitution* to require any measure that increases revenue through a tax, fee, assessment, or rate to receive an affirmative vote of not less than two-thirds of the voters voting. This requirement also applies to any measure resulting from an initiative petition or a referendum from the Legislature.

If approved in identical form during the 2017 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval at the 2018 General Election.

### **A.J.R. 10 (File No. 40)**

Assembly Joint Resolution No. 10 proposes to amend the *Nevada Constitution* to require the Legislature to provide by law for the Citizens' Commission on Compensation for Certain Elected Officers, which is empowered to set salaries and benefits for State legislators, constitutional officers, justices, and judges, and the salaries of certain elected county officers.

The seven-member Commission shall study the duties of these elected officials, compare their compensation to public and private employees who have similar qualifications, and fix the salaries and, as applicable, the benefits of these elected officers. Provisions limit the increases and decreases of salaries that may be set by the Commission.

Members of the Commission are appointed by the Governor based on recommendations made by various organizations. Appointees must include a public compensation expert and a member of the general public. Three appointees must represent a nonprofit organization, an independent business, and retailers, and the remaining two appointees must represent organized labor. Terms of office are four years, except that certain appointments initially are for two years.

The measure proposes to repeal the provision limiting legislator salaries to the first 60 days of a regular legislative session and the first 20 days of a special legislative session. It also proposes to repeal the provision permitting the Legislature to fix salaries by law for legislators, constitutional officers, justices, and judges.

If approved in identical form during the 2017 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval at the 2018 General Election.

### **S.J.R. 11 (File No. 20)**

Senate Joint Resolution No. 11 proposes to amend the *Nevada Constitution* by adding a new section that preserves the right to hunt, trap, and fish and provides that these activities are integral components of wildlife management. The measure further provides that the right to hunt, trap, and fish does not:

- Create a right to trespass on private property;

## CONSTITUTIONAL AMENDMENTS (continued)

- Affect existing rights to water management or use;
- Diminish any other private right;
- Diminish the authority of a local government to regulate the use of real property it owns, occupies, or leases; or
- Prohibit the enactment or enforcement of any statute or regulation that requires a person to obtain a hunting, trapping, or fishing license or requires its revocation or suspension.

If approved in identical form during the 2017 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval at the 2018 General Election.

### **S.J.R. 13 (File No. 41)**

Senate Joint Resolution No. 13 proposes to amend the *Nevada Constitution* to limit the amount of certain property taxes that may be cumulatively levied each year on real property to 1.25 percent of the base value of the property.

Additionally, the measure outlines various specifics related to the base value of a property, including:

- If one-half or more of the ownership interest in a real property is transferred, the base value of the property becomes the cash value of the property on the date the ownership interest is transferred;
- An improvement to real property increases its base value by the cash value of the improvement, except under certain circumstances;
- The base value of a property cannot change from one year to the next by more than 3 percent, except under certain circumstances;
- An owner who lives in Nevada and who is 62 years of age may transfer the base value of his or her principle residence to a new residence of comparable value; and
- An owner whose real property is taken by the exercise of eminent domain may transfer the base value of the condemned property to a new property of comparable value.

If approved in identical form during the 2017 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval at the 2018 General Election.

**S.J.R. 17 (File No. 37)**

Senate Joint Resolution No. 17 proposes to amend the *Nevada Constitution* by eliminating existing victims' rights provisions found in Article 1, Section 8, and replacing them with an expanded set of provisions in the form of a victims' bill of rights. The rights to which a victim of crime would be entitled under the *Nevada Constitution* include the right:

- To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment, and abuse, throughout the criminal or juvenile justice process;
- To be reasonably protected from the defendant and persons acting on behalf of the defendant;
- To have the safety of the victim and the victim's family considered as a factor in fixing the amount of bail and release conditions for the defendant;
- To prevent the disclosure of confidential information or records to the defendant, which could be used to locate or harass the victim or the victim's family;
- To refuse an interview or deposition request, unless under court order, and to set reasonable conditions on the conduct of any such interview to which the victim consents;
- To reasonably confer with the prosecuting agency, upon request, regarding the case;
- To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other postconviction release proceedings, and to be present at all such proceedings;
- To be reasonably heard, upon request, at any public proceeding, including any delinquency proceeding, in any court involving release or sentencing, and at any parole proceeding;
- To the timely disposition of the case following the arrest of the defendant;
- To provide information to any public officer or employee conducting a presentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant;
- To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape by the defendant from custody;
- To full and timely restitution;

CONSTITUTIONAL AMENDMENTS (continued)

- To the prompt return of legal property when no longer needed as evidence;
- To be informed of all postconviction proceedings, to participate and provide information to the parole authority to be considered before the parole of the offender, and to be notified, upon request, of the parole or other release of the offender;
- To have the safety of the victim, the victim's family, and the general public considered before any parole or other postjudgment release decision is made;
- To have all monetary payments, money, and property collected from any person who has been ordered to make restitution be first applied to pay the amounts ordered as restitution to the victim; and
- To be specifically informed of the rights enumerated in this section, and to have information concerning those rights be made available to the general public.

If approved in identical form during the 2017 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval at the 2018 General Election.

## **COURTS AND JUDICIAL PROCEDURES**

### **A.B. 44 (Chapter 275)**

Assembly Bill 44 provides that a judgment by confession may be entered without action in any justice court. The measure requires a written statement, signed by the defendant, to accompany the judgment. The statement must:

- Authorize the entry of judgment for a specified sum, including costs and attorney's fees;
- Include the facts on which the confession is based; and
- State the amount of debt due or contingent liability for which the judgment will be entered.

The written statement must be filed with the clerk of the court. The judgment may not be amended to include additional costs or attorney's fees incurred after the date of entry of the judgment. A judgment signed by the defendant before the effective date of the bill does not require a signed statement.

This bill is effective on July 1, 2015.

### **A.B. 47 (Chapter 159)**

Assembly Bill 47 allows a person or entity designated to receive a criminal history record of a current or prospective employee or volunteer on behalf of an employer to obtain the information from the Central Repository for Nevada Records of Criminal History. The measure authorizes the Central Repository to offer a service for a name-based criminal history records check of an employee, prospective employee, volunteer, or prospective volunteer and to specify the requirements for participation in the service. The bill also authorizes a criminal justice agency to audit any employer, person, or entity designated to receive records of criminal history to ensure that the disseminated records are securely maintained.

This bill is effective on May 25, 2015.

### **A.B. 66 (Chapter 200)**

Assembly Bill 66 requires all justices of the peace in large urban townships, specifically Las Vegas, North Las Vegas, Henderson, Reno, and Sparks, to be licensed attorneys. The measure also increases the monetary limit on civil jurisdiction of justice courts from \$10,000 to \$15,000 and increases the monetary limit on small claims actions from \$7,500 to \$10,000. Fees for the preparation and filing of an affidavit and order for these civil actions are added.

The provisions of this bill relating to the qualifications of justices of the peace in certain townships and civil actions in justice court concerning small claims are effective on October 1, 2015. The provisions of this bill relating to civil actions in justice court other than small claims are effective on January 1, 2017.

**A.B. 67 (Chapter 441)**

Assembly Bill 67 eliminates two constitutional defects under existing State law identified by the Nevada Supreme Court. First, the bill provides that during a misdemeanor trial, an affidavit or declaration relating to blood, breath, or urine tests of a defendant to determine the presence or concentration of alcohol or other substances must not be admitted as evidence if the defendant objects in writing under certain circumstances. If the affidavit or declaration is not admitted into evidence, the prosecution may produce a witness to provide testimony at trial.

Second, if a person refuses to submit to an evidentiary blood test at a police officer's request, the officer may apply for a warrant or court order directing the use of reasonable force to obtain the blood sample, and the person's driver's license must be revoked for a certain period. In addition, if an evidentiary test reveals the presence of a detectable amount of a controlled substance for which he or she does not have a valid prescription or a valid registry identification card or reveals a prohibited substance in his or her blood or urine, the person's driver's license, permit, or privilege to drive may be revoked. If a person who is less than 18 years of age is requested to submit to an evidentiary test, the officer must attempt to notify the parent, guardian, or custodian before testing the person.

The bill also provides that a person is not considered to be in actual physical control of a vehicle if the person is asleep inside the vehicle, the person is not in the driver's seat, the engine is not running, and it is evident that the person could not have driven to the location while under the influence of intoxicating liquor, a controlled substance, or a prohibited substance.

Lastly, comparable changes to existing law are made concerning the evidentiary tests of persons operating vessels under power or sail on the waters of this State and persons who have physical possession of a firearm.

The provisions relating to admissibility of an affidavit or declaration are effective on July 1, 2015, and all other provisions are effective on June 9, 2015.

**A.B. 68 (Chapter 201)**

Assembly Bill 68 clarifies that the Nevada Supreme Court has jurisdiction over a complaint or action filed in connection with any proceeding of the Commission on Judicial Discipline. The bill also clarifies that the Commission has jurisdiction over a former judge for past misconduct that occurred while serving as a sitting judge. In addition, any complaint or action filed in connection with any proceeding of the Commission in a court other than the Supreme Court is deemed to be frivolous. The existence of a proceeding of the Commission must remain confidential until the Commission makes a determination and a formal statement of charges is filed. The bill clarifies that the Supreme Court shall appoint two justices of the peace and two municipal judges to sit on the Commission for formal, public proceedings against a justice of the peace or a municipal judge, respectively. Lastly, the bill requires each appointing authority to appoint one or more alternate members for each Commission member it appoints.

This bill is effective on July 1, 2015.

**A.B. 69 (Chapter 442)**

Assembly Bill 69 makes various changes relating to the Judicial Branch of State Government. The bill allows greater use of electronic technology, including:

- Allowing the Clerk of the Nevada Supreme Court to post certain information on the Clerk's website;
- Authorizing justices of the peace and clerks of the district courts to maintain and post their fee books in an electronic format;
- Authorizing a justice of the peace to keep the docket in a written or electronic format;
- Providing that an order issued by a court in another state for protection against domestic violence may be registered in a court of competent jurisdiction in the judicial district where enforcement may be necessary and authorizing a copy of the order to be forwarded by electronic means to the appropriate law enforcement agency; and
- Allowing the clerk of a court to deliver to the Chief Parole and Probation Officer the records of a case in writing, by electronic means, or by allowing access to an electronic system.

The bill also amends provisions requiring district courts, justice courts, and municipal courts to submit statistical information reports to the Court Administrator according to the uniform system for collecting such information. The measure makes the date for payment to the county treasurer of fines and forfeited bail consistent with other justice court requirements. Additionally, A.B. 69 requires justices of the peace and clerks of the district courts to submit monthly, rather than quarterly, a financial statement of fees collected. The bill further removes provisions of existing law requiring a court to forward a copy of an order of bail forfeiture, an order exonerating a surety of a bail bond, and an order setting aside a bail forfeiture to the Court Administrator. Finally, the bill repeals several obsolete sections of *Nevada Revised Statutes*.

**A.B. 97 (Chapter 203)**

Assembly Bill 97 clarifies the circumstances by which the will of a deceased person delivered to the clerk of a district court becomes a part of the permanent record maintained by the clerk of the court. As part of the permanent record, such a will is open to inspection unless the will is sealed pursuant to Nevada Supreme Court rules.

This bill is effective on May 27, 2015.

**A.B. 125 (Chapter 2)**

Assembly Bill 125 makes various changes to the constructional defect laws as set forth in Chapter 40 ("Actions and Proceedings in Particular Cases Concerning Property") of *Nevada Revised Statutes*. Specifically, this measure:

- Revises the definition of “constructional defect” to mean a defect that: (1) presents an unreasonable risk of injury to a person or property; or (2) is not completed in a good and workmanlike manner and proximately causes physical damage to the residence or appurtenance;
- Provides that a construction contract is considered void and unenforceable if the contract requires a subcontractor to indemnify, defend, or hold harmless the controlling party for the negligence or omissions of the controlling party;
- Enacts provisions governing the manner in which the controlling party may pursue indemnification from a subcontractor;
- Includes provisions governing consolidated insurance programs covering certain claims for constructional defects;
- Revises various provisions relating to the damages a claimant may recover in a constructional defect action, including removal of the provision that a claimant may recover attorney’s fees as damages;
- Establishes a process whereby a claimant who has given notice of a constructional defect and a contractor or other party who has received such notice may agree to have a judgment entered before a civil action is commenced. A judge may not award attorney’s fees to a party who rejects such an offer and then fails to obtain a more favorable judgment in court;
- Amends certain notice requirements concerning claims of constructional defects, including requiring that the notice: (1) state in specific detail each defect; (2) state the exact location of the defect; and (3) include a statement signed by the owner verifying that each defect exists in the residence or appurtenance;
- Removes a provision of existing law that authorizes one notice to be sent concerning similarly situated owners of residences or appurtenances within a single development that allegedly have common constructional defects;
- Requires that a claimant and an expert who provided an opinion concerning an alleged constructional defect: (1) be present when the required inspection of the alleged defect is conducted; and (2) identify the exact location of the alleged defect;
- Provides that an association may not pursue a constructional defect claim on behalf of itself or units’ owners, unless the claim pertains exclusively to the common elements of the association;
- Prohibits a claimant from pursuing a claim unless the claimant has submitted a claim under the homeowner’s warranty and the insurer has denied the claim; and



- Revises various provisions concerning the statutes of limitation and repose applicable to a claim for constructional defects. Specifically:
  1. The statutes of limitation or repose are tolled from the time the claimant submits a claim under the homeowner's warranty until 30 days after the insurer denies the claim, in whole or in part;
  2. The period for which the statutes of limitation and repose are tolled may not exceed one year, except that a court may extend the tolling period if the claimant demonstrates good cause for such an extension; and
  3. The statute of repose for all actions for damages caused by a deficiency in construction of an improvement to real property is revised to six years after substantial completion of the improvement. The revised statutes of repose apply retroactively under certain circumstances, and a one-year grace period is established during which a person may commence an action under the existing statutes of repose, if the action accrued before the effective date of this bill.

This bill is effective on February 24, 2015.

**A.B. 132 (Chapter 277)**

Assembly Bill 132 increases from \$20 to \$30 the fee that a person filing any action for divorce must pay to the county clerk for programs administered by the Department of Employment, Training and Rehabilitation that provide education, training, and counseling of displaced homemakers. The bill also requires a person who commences an action for the termination of a domestic partnership to pay such a fee. In addition, the bill allows one member of the Board for the Education and Counseling of Displaced Homemakers to be either a current or former displaced homemaker.

This bill is effective on July 1, 2015.

**A.B. 138 (Chapter 364)**

Assembly Bill 138 enacts a juvenile competency standard. The bill establishes procedures both a juvenile court and a person who makes a motion for the evaluation of a child must follow in determining the question of competence. If the court suspends a case to consider the question of competency, then the court must appoint one or more qualified experts. The measure also provides guidelines and considerations an expert must take into account as part of the evaluation, if appropriate, such as age, developmental maturity, and any other factor that affects the competence of a child. An expert must submit a written report, as required by the guidelines, to the court for evaluation.

Upon receipt of the written reports from the experts, the court must hold an expedited hearing to determine the child's competency. If the child is determined to be incompetent, the court is required to make additional determinations and issue all necessary and appropriate

recommendations and orders. Further, the court must conduct a periodic review to determine whether the child has attained competence. After a periodic review is conducted, depending on its findings, the court will:

- Proceed with the case if the child has attained competence;
- Order appropriate treatment if the child has not attained competence; or
- Consider the best interests of the child and the safety of the community if the child has not attained competence and will not likely attain competence in the foreseeable future.

If the court determines a child to be incompetent, the child may not, during the period that the child remains incompetent, be adjudicated a delinquent child or a child in need of supervision or placed under the supervision of the court. Finally, any statement made by a child to an expert during an evaluation is not admissible as evidence on the issue of guilt or in a criminal proceeding unless the child first introduces the statement as evidence.

#### **A.B. 160 (Chapter 209)**

Assembly Bill 160 authorizes justice courts and municipal courts to be held in various other locations under certain circumstances upon the approval of the court.

#### **A.B. 193 (Chapter 148)**

Assembly Bill 193 allows hearsay evidence in preliminary examinations and grand jury proceedings, but only in cases involving: (1) sexual offenses committed against children under the age of 16; (2) felony child abuse; and (3) felony domestic violence involving substantial bodily harm to the victim. A statement made by a witness at any time that is inconsistent with the testimony of the witness before the grand jury may be presented to the grand jury as evidence. The bill allows the use of audiovisual testimony at preliminary hearings and grand jury proceedings for witnesses who live more than 100 miles away under certain circumstances. Lastly, if the district attorney or a peace officer does not provide adequate notice to a person whose indictment is being considered by a grand jury, that person must still be given the opportunity to testify before the grand jury and the grand jury must be instructed to deliberate again on all the charges contained in the indictment.

#### **A.B. 325 (Chapter 409)**

Assembly Bill 325 provides for the licensure and regulation of private professional guardians by the Commissioner of the Division of Financial Institutions of the Department of Business and Industry and exempts certain financial entities from these licensing requirements. The measure also sets forth the persons, including those who live outside the State, who are allowed to provide a court-appointed guardianship before a court appoints a public or private professional guardian, as long as the person is willing and able to do so and is otherwise qualified and suitable.

A nonresident of Nevada may be appointed as a guardian for an adult or minor ward, and a court is required to give preference in appointing a guardian for an adult ward in order of a list of persons provided in the bill. This bill authorizes a court to appoint two or more

co-guardians and directs a court, with certain exceptions, to give preference for a guardianship to a person named in a will, trust, or other document executed as part of an estate plan. A ward who cannot afford to pay for a private guardian is eligible to have a public guardian appointed.

The bill also revises, from once every year to once every six months, the requirement that a guardian provide a report on the finances and well-being of a ward. Additionally, A.B. 325 provides for the appointment of a public guardian for an incompetent adult who failed to nominate a guardian while he or she was still competent or if the nominated person is not suited or is not willing to serve as a guardian.

The bill is effective on June 8, 2015, for the purposes of adopting regulations and performing preparatory administrative tasks and on January 1, 2016, for all other purposes.

#### **A.B. 386 (Chapter 507)**

Assembly Bill 386 creates and defines the crimes and associated penalties for “housebreaking,” “unlawful occupancy,” and “unlawful reentry.” The measure addresses summary procedures to obtain possession of real property by:

- Revising the definitions of “forcible entry” and “forcible detainer,” and setting forth the procedure for giving notice of surrender in such situations;
- Establishing the procedure for recovering possession in a forcible entry or forcible detainer action, allowing treble damages, and repealing a related damages statute;
- Modifying requirements for notice of proceedings to obtain possession and for notice served upon tenants in an unlawful detainer action;
- Eliminating the need for a witness if service is made by a sheriff, constable, or licensed process server, and revising the proof of service that must be filed with the court;
- Establishing procedures for locking out occupants and retaking possession of property in cases involving housebreaking or unlawful occupancy, along with procedures for recovery of possession by an occupant who has been locked out; and
- Clarifying the types of property and dwellings subject to unlawful detainer actions after failure to perform lease conditions.

#### **A.B. 435 (Chapter 221)**

Assembly Bill 435 increases from 10 to 11 the number of judicial districts in the State. Lander, Mineral, and Pershing Counties are removed from their existing districts and together constitute the Eleventh Judicial District. The Sixth and Eleventh Judicial District Courts have concurrent jurisdiction over matters relating to administration of the Humboldt River Decree, and the venue for any case or proceeding related to the Decree must be determined on an alternating basis between the two courts.

This bill is effective on July 1, 2015.

**S.B. 52 (Chapter 434)**

Senate Bill 52 authorizes the use of secure electronic transmission for the submission of an application and affidavit for, and the issuance of, a search warrant.

The measure also provides that the interception, listening, or recording of a wire, electronic, or oral communication of a person by a peace officer or certain other persons, is not unlawful if the person has: (1) barricaded himself or herself, resulting in an imminent risk of harm to the life of another person; (2) created a hostage situation; or (3) threatened the imminent illegal use of an explosive.

The measure authorizes the Attorney General or the district attorney to apply for an order authorizing the interception of an electronic communication. The courts also may order a provider of electronic communication service to disclose the contents of a wire or electronic communication or a record or other information pertaining to a subscriber to, or customer of, such service. The bill provides immunity from liability to a provider of electronic communication service, a public utility, or associated persons who provide information or otherwise assist an investigative or law enforcement officer in the interception of a wire, electronic, or oral communication.

Lastly, S.B. 52 allows a judge to accept a facsimile or electronic copy of the signature of any person required to give an oath or affirmation as part of certain applications.

This bill is effective on June 9, 2015.

**S.B. 54 (Chapter 268)**

Senate Bill 54 provides that for all category A felonies—except murder or sexual assault—and for certain category B felonies, if a comprehensive risk assessment conducted by the Division of Public and Behavioral Health, Department of Health and Human Services, indicates that the offender does not require the level of security provided by a forensic facility, a prosecuting attorney's request for a hearing on whether the offender should be committed to the custody of the Division must be dismissed.

The bill also removes the requirement that a court find by clear and convincing evidence that a person no longer has a mental disorder to be eligible for discharge from conditional release.

This bill is effective on May 28, 2015.

**S.B. 131 (Chapter 111)**

Senate Bill 131 increases the compensation that must be paid to court reporters in State district courts for transcription and reporting services.

**S.B. 134 (Chapter 300)**

Senate Bill 134 limits the amount of a bond that an appellant must pay to secure a stay of execution of certain judgments to \$50 million or the amount of the judgment, whichever is less. If the appellant is a small business as defined under the federal Small Business Act, the

bond amount is limited to \$1 million or the amount of the judgment, whichever is less. A court may, for good cause shown, set the bond at an amount less than the amount otherwise required by law.

If a plaintiff proves by a preponderance of evidence that an appellant is purposefully diverting or dissipating assets in order to avoid paying the judgment, the court may order the appellant to post a bond not larger than the amount of the full judgment.

The provisions of S.B. 134 apply to all actions pending or filed on or after the effective date of this bill.

This bill is effective on May 30, 2015.

### **S.B. 135 (Chapter 112)**

Senate Bill 135 allows a judge discretion to determine whether the interests of justice entitle an adverse party access to a piece of writing used by a witness to refresh his or her memory prior to giving testimony. If the judge determines access to the writing is necessary, the adverse party may have the writing produced at a hearing, inspect it, cross-examine the witness in regard to it, and introduce into evidence portions of the writing that may affect the witness's credibility.

### **S.B. 191 (Chapter 113)**

Senate Bill 191 establishes procedures by which a person aggrieved by an unlawful search and seizure, or by the deprivation of property, may move a court for the return of the property. The measure also sets forth the conditions under which such property is inadmissible as evidence or is to remain accessible to the court for use in future proceedings.

### **S.B. 262 (Chapter 437)**

Senate Bill 262 revises various provisions governing the appointment of guardians. The bill allows a nonresident of Nevada to be appointed as a guardian for an adult or minor ward and requires a court to give preference in appointing a guardian for an adult ward in order of a list of persons provided in the bill. The bill also authorizes a court to appoint two or more co-guardians and directs a court, with certain exceptions, to give guardianship preference to a person named in a will, trust, or other document executed as part of an estate plan.

The bill provides that a ward who cannot afford to pay for a private guardian is eligible to have a public guardian appointed. Additionally, S.B. 262 provides for the appointment of a public guardian for an incompetent adult who failed to nominate a guardian while he or she was still competent or if the nominated person is not suited or willing to serve as a guardian.

This bill is effective on July 1, 2015.

**S.B. 292 (Chapter 439)**

Senate Bill 292 revises the statutory definition of the term “professional negligence” to include medical malpractice and dental malpractice. The bill also revises the definition of “provider of health care” to include a broader range of practitioners. The bill provides that the total noneconomic damages that can be awarded to the injured plaintiff in a civil action brought against a provider of health care claiming injury or death for professional negligence is \$350,000, regardless of the number of plaintiffs, defendants, or theories upon which liability may be based.

Two items are added to the list of elements in an affidavit, the absence of which will require a district court to dismiss without prejudice an action for professional negligence. First, the supporting affidavit must identify by name or describe by conduct each alleged provider of health care who is alleged to be negligent. Second, the affidavit must set forth in concise and direct terms the specific act or acts of alleged negligence committed by each defendant.

The bill provides that a rebuttable presumption of professional negligence does not apply in an action where the plaintiff submits an affidavit or otherwise provides for an expert witness or expert testimony to establish the claim of negligence.

Finally, S.B. 292 provides to a school board of trustees or governing body of a charter school immunity from a civil action arising from an alleged act or omission committed by an employee or volunteer of a school-based health center.

This bill is effective on June 9, 2015.

**S.B. 388 (Chapter 350)**

Senate Bill 388 provides for the imposition of additional fees to be charged by a county clerk when a party to a jointly filed divorce action files for the first time a motion to modify or enforce a final order or an opposition, answer, or response to such a motion. Funds from these charges are to be used only for specific purposes that benefit the court, including, but not limited to, land acquisition, renovation or construction of court facilities, advanced technology acquisition, and establishing or supporting a civil family law self-help center.

This bill is effective on July 1, 2015.

**S.B. 431 (Chapter 351)**

Senate Bill 431 authorizes the Nevada Supreme Court to enter into a 25-year lease for office space in Clark County. The total amount of money committed over the lease term, exclusive of operating and maintenance costs, must not exceed \$19,493,635. Furthermore, the lease may not constitute debt for purposes of the *Nevada Constitution*. The bill also authorizes the Court to execute any necessary amendments to the Court’s existing lease agreement with Clark County to effectuate the release of the Court and the State of Nevada from any further liability.

This bill is effective on June 4, 2015.

**S.B. 442 (Chapter 352)**

Senate Bill 442 requires a court to remove an arbitrator who fails to disclose to the involved parties any facts a reasonable person would consider likely to affect the arbitrator's impartiality in the proceeding, if an award has not yet been made. The bill also prohibits the consolidation of separate arbitration proceedings or other claims unless expressly agreed to by all parties. Finally, arbitral proceedings conducted or administered by a self-regulatory organization, as defined under federal law, are excluded from the provisions of the bill.

This bill is effective on June 4, 2015.

**S.B. 444 (Chapter 428)**

Senate Bill 444 revises provisions governing a special motion to dismiss a claim that is based upon a good faith communication concerning the right to petition or the right to free speech in direct connection with an issue of public concern.

The timeline for a response and ruling on a special motion to dismiss is increased from 7 days to 20 judicial days. Any discovery is limited to the purposes of allowing a party to obtain information necessary to meet or oppose the burden of the party who brought the claim to demonstrate through prima facie evidence a probability of prevailing on the claim. Lastly, the court shall modify any briefing or hearing deadlines relating to a complaint if such modification would serve the interests of justice.

This bill is effective on June 8, 2015.

**S.B. 449 (Chapter 53)**

Senate Bill 449 revises the membership of the Advisory Commission on the Administration of Justice by adding as a member a municipal judge or justice of the peace appointed by the governing body of the Nevada Judges of Limited Jurisdiction.

The bill also requires the Commission to conduct an interim study concerning parole and to report its findings and any recommendations for legislation to the full Commission by September 1, 2016.

This bill is effective on July 1, 2015.





**CRIMINAL JUSTICE**  
(See also Courts and Judicial Procedures)

**A.B. 45 (Chapter 195)**

Assembly Bill 45 eliminates the current requirement that an assessment of the risk of a prisoner who has been convicted of a sexual offense to reoffend in a sexual manner return a risk level of low, moderate, or high. Instead, the bill requires the assessment include a determination of the prisoner's level of risk to reoffend in a sexual manner, including, without limitation, whether the prisoner is a high risk to reoffend in a sexual manner.

This bill is effective on July 1, 2015.

**A.B. 114 (Chapter 444)**

Assembly Bill 114 provides that a judgment requiring an adult defendant or the parent or guardian of a juvenile defendant in a criminal action to pay restitution does not expire until it is satisfied, and it allows an independent action to enforce a judgment to be commenced at any time.

This bill is effective on October 1, 2015. The amendatory provisions of this bill apply to any judgment that requires a defendant to pay restitution, which is rendered before, on, or after October 1, 2015.

**A.B. 212 (Chapter 150)**

Assembly Bill 212 provides that a prosecution for sexual assault must be commenced within 20 years after the commission of the offense, instead of within 4 years.

This bill is effective on October 1, 2015. The amendatory provisions of this bill apply to a person who committed sexual assault before October 1, 2015, if the applicable statute of limitations has commenced but has not yet expired on October 1, 2015, and to a person who commits sexual assault on or after October 1, 2015.

**A.B. 224 (Chapter 175)**

Assembly Bill 224 requires the Central Repository for Nevada Records of Criminal History to receive a complete set of fingerprints, one or more fingerprints, or other biometric identifier in order to request and receive background information from the Federal Bureau of Investigation. "Biometric identifier" is defined as a fingerprint, palm print, scar, bodily mark, tattoo, voiceprint, facial image, retina image, or iris image of a person. In addition, the Central Repository is required to adopt certain regulations governing biometric identifiers and the information and data derived therefrom.

This bill is effective on May 25, 2015.

**A.B. 371 (Chapter 181)**

Assembly Bill 371 establishes a new procedure for the retention and destruction of substances alleged to be marijuana seized as evidence by a law enforcement agency. The law enforcement agency may, without prior approval of the district court in the county in which the defendant is charged, destroy any amount of the alleged substance that exceeds 10 pounds. The law enforcement agency is required to weigh the substance, retain certain samples of the substance for evidentiary purposes, and take photographs that reasonably demonstrate the total amount of the substance. If the substance is determined not to be marijuana, the owner may file a claim against the county to recover the reasonable value of the property destroyed.

**S.B. 55 (Chapter 77)**

Senate Bill 55 adds to existing requirements concerning sentencing waivers that a waiver to the right to be present at sentencing made by a defendant who is incarcerated in another state be accompanied by a waiver of all procedures related to extradition from another state. A defendant who waives all of these procedures will be transferred to Nevada without a warrant to complete any remaining portion of his or her sentence after being released from incarceration in another state.

**S.B. 96 (Chapter 109)**

Senate Bill 96 expands the authorized uses of money contained in the Fund for New Construction of Facilities for Prison Industries to include:

- Relocating, expanding, modifying, enhancing, or improving an existing program;
- Purchasing or leasing equipment;
- Paying for the operation of prison industries, including paying staff and offender wages when necessary; and
- Paying for advertising and promotion of prison industry goods and services.

Depending on the activities the Director of the Department of Corrections would like to pay for with money from the Fund, the Director must submit a proposal to either the Committee on Industrial Programs, the State Board of Examiners, or both. If money from the Fund is used to pay for operations, including staff and offender wages, the Director must repay the money as soon as funds are available in the Fund for Prison Industries.

This bill is effective on July 1, 2015.

**S.B. 138 (Chapter 436)**

Senate Bill 138 provides that each law enforcement agency in the State must report annually to the Attorney General specific information about each seizure and forfeiture it conducts.

The Office of the Attorney General must develop standardized forms for law enforcement agencies to use for the reports and make the reports available on its website by April 1 of each

year along with an aggregate report of all forfeitures in the State. Information on any law enforcement agency that is out of compliance with these requirements also must be included in the aggregate report.

The measure requires a plaintiff to file a complaint for forfeiture within 120 days after property has been seized if the property was seized without process. In addition, the forfeiture of property seized by a law enforcement agency is prohibited under certain circumstances. If a criminal trial is pending, an order staying a proceeding for forfeiture remains in effect until the completion of the criminal trial. Seized property is required to be returned within seven business days under certain circumstances. Lastly, if a court accepts a plea or a stipulated agreement is reached between the claimant and the plaintiff to forfeit property, the court must order the forfeiture.

### **S.B. 186 (Chapter 139)**

Senate Bill 186 enacts provisions modeled after federal law to enable eligible parties that prevail over the State of Nevada in a criminal action to recover some or all of their attorney's fees and litigation expenses if a court finds that the State's action was vexatious, frivolous, or in bad faith.

These provisions apply to actions pending or brought on or after October 1, 2015.

### **S.B. 264 (Chapter 283)**

Senate Bill 264 clarifies that certain provisions of the Uniform Fraudulent Transfers Act regarding time limits applied to actions concerning certain fraudulent transfers do not apply to a claim for relief with respect to a transfer of property to a spendthrift trust.

### **S.B. 294 (Chapter 505)**

Senate Bill 294 allows the Department of Corrections to enter into a contract with an offender granting the offender use of telecommunication devices for the purposes of employment and education. An offender who resides at a Department of Corrections restitution center or transitional housing facility, which has approved the offender's use of the device, may access a network for the purpose of obtaining approved educational or vocational training, looking or applying for work, performing essential job functions, or for other purposes required by an employer to perform essential job functions.

This bill is effective on June 10, 2015.

## **Crime and Punishment**

### **A.B. 8 (Chapter 361)**

Assembly Bill 8 prohibits a person or organization other than a child welfare agency or a licensed child-placing agency from using various computerized communication systems such as e-mail and websites to advertise the availability or placement of children for adoption. A violation of these provisions is a misdemeanor.

During a court proceeding, instruments of restraint on a child are prohibited unless the restraint is necessary to prevent the child from harming himself or herself or another person or to prevent the child from escaping the courtroom. In determining whether to use restraints on a child, the court must consider certain factors and make specific findings of fact and conclusions of law to support its determination.

The measure provides that certain placements of a child are not prohibited, including the placement of a child with a relative or stepparent, the placement of a child with or by a licensed child-placing agency or an agency that provides child welfare services, and the placement of a child with a person who is approved by a court. The bill prohibits the trafficking of children, including selling, transferring, or arranging for the sale, transfer, or receiving of a child to another person or entity for money or anything of value. A parent, individual, or entity with custody of a child who traffics the child with the intention of permanently divesting themselves of responsibility for the child is guilty of a category C felony and also may be ordered by a court to pay restitution to the victim of child trafficking.

#### **A.B. 16 (Chapter 193)**

Assembly Bill 16 provides that an employee of or a contractor or volunteer for a prison commits unauthorized custodial conduct if he or she voluntarily engages or attempts to engage in certain sexual acts with a prisoner. The penalty provided for unauthorized custodial conduct is a gross misdemeanor or a misdemeanor, unless a greater penalty is provided. The bill clarifies that unauthorized custodial conduct does not include acts of an employee of or a contractor or volunteer for the prison that are performed to carry out official duties.

Further, the measure provides that an employee of or contractor or volunteer for a prison commits sexual abuse of a prisoner if he or she attempts to engage in certain sexual acts, whether or not the prisoner consents to a sexual act. The employee, contractor, or volunteer who commits sexual abuse of a prisoner is guilty of a category D felony. This bill also provides that a prisoner who voluntarily engages in sexual conduct with a person who is not an employee of or a contractor or volunteer for a prison is guilty of a category D felony. This bill aligns *Nevada Revised Statutes* with the Prison Rape Elimination Act of 2003 (42 U.S.C. §§ 15601 et seq.), which sets forth national standards relating to the Act.

#### **A.B. 49 (Chapter 399)**

Assembly Bill 49 establishes the crime of unlawful dissemination of an intimate image of a person and provides penalties for the crime. Criminal liability for unlawful dissemination of an intimate image does not extend to interactive computer service providers.

The definition of “sexual assault” is revised to include certain acts listed in the bill and provides that certain acts do not apply to a person who is less than 18 years of age and who is not more than 2 years older than the person upon whom the act is committed. A person who commits gross lewdness or who makes any open and indecent or obscene exposure of his or her person and has been previously convicted of a sexual offense, or commits any such offense in the presence of a child under the age of 18 or a vulnerable person, is guilty of a category D

felony. A person who commits certain acts with a child under the age of 16 is guilty of lewdness with a child and is guilty of a category A felony. If the child is under the age of 14, the person committing the offense is guilty of a category A felony, and if the child is 14 or 15 years of age, the offender is guilty of a category B felony. The definition of “statutory sexual seduction” and the penalties imposed for this crime are also revised.

Provisions governing the admissibility of expert testimony and evidence in certain criminal and juvenile delinquency cases are revised. The bill revises provisions governing when expert testimony is admissible and when it cannot be offered against the defendant to prove an occurrence of an act.

The definition of “sexual conduct” is revised to include any lewd or lascivious acts upon or with the body or any part of another person. A court is prohibited in a criminal or juvenile delinquency action relating to the commission of a sexual offense from ordering a victim or witness to a sexual offense to take or submit to a psychological or psychiatric exam. In addition, the court is authorized to exclude testimony of the expert who performed the exam on a victim or witness in certain circumstances.

#### **A.B. 67 (Chapter 441)**

Assembly Bill 67 eliminates two constitutional defects under existing State law identified by the Nevada Supreme Court. First, the bill provides that during a misdemeanor trial, an affidavit or declaration relating to blood, breath, or urine tests of a defendant to determine the presence or concentration of alcohol or other substances must not be admitted as evidence if the defendant objects in writing under certain circumstances. If the affidavit or declaration is not admitted into evidence, the prosecution may produce a witness to provide testimony at trial.

Second, if a person refuses to submit to an evidentiary blood test at a police officer’s request, the officer may apply for a warrant or court order directing the use of reasonable force to obtain the blood sample, and the person’s driver’s license must be revoked for a certain period. In addition, if an evidentiary test reveals the presence of a detectable amount of a controlled substance for which he or she does not have a valid prescription or a valid registry identification card or reveals a prohibited substance in his or her blood or urine, the person’s driver’s license, permit, or privilege to drive may be revoked. If a person who is less than 18 years of age is requested to submit to an evidentiary test, the officer must attempt to notify the parent, guardian, or custodian before testing the person.

The bill also provides that a person is not considered to be in actual physical control of a vehicle if the person is asleep inside the vehicle, the person is not in the driver’s seat, the engine is not running, and it is evident that the person could not have driven to the location while under the influence of intoxicating liquor, a controlled substance, or a prohibited substance.

Lastly, comparable changes to existing law are made concerning the evidentiary tests of persons operating vessels under power or sail on the waters of this State and persons who have physical possession of a firearm.

The provisions relating to admissibility of an affidavit or declaration are effective on July 1, 2015, and all other provisions are effective on June 9, 2015.

**A.B. 214 (Chapter 212)**

Assembly Bill 214 authorizes a limited portion of the money in the Contingency Account for Victims of Human Trafficking to be used for fundraising for the direct benefit of the Contingency Account. The bill eliminates the requirements of review and recommendation by the Grants Management Advisory Committee of the Department of Health and Human Services if the Director determines that an emergency exists and an allocation of money from the Contingency Account is needed immediately.

The bill increases the penalty for soliciting a child for prostitution from a category E felony to a category E felony for a first offense, a category D felony for a second offense, and a category C felony for a third and subsequent offense. Lastly, the bill prohibits the court from granting probation to, or suspending the sentence of, a person convicted of a third or subsequent offense of soliciting a child for prostitution.

This bill is effective on May 27, 2015.

**A.B. 223 (Chapter 174)**

Assembly Bill 223 revises provisions concerning the abuse, neglect, exploitation, and isolation of older and vulnerable persons. “Abandonment” is defined as the desertion of an older person or vulnerable person in an unsafe manner by a caretaker or other person with a legal duty of care or withdrawal of necessary assistance owed to an older person or vulnerable person by a caretaker or other person with an obligation to provide services to the person. References to the term “abandonment” are added to provisions of existing law. Other terms are clarified, including the term “abuse” to mean the infliction of psychological or emotional anguish, pain, or distress on an older person or vulnerable person through any act and permitting such acts to be committed, and the term “isolation” is clarified to include permitting acts that constitute isolation committed against an older person or vulnerable person.

The bill removes from current law the option for a person who knows or has reasonable cause to believe that an older person has been subjected to certain acts to report such information to the county’s office for protective services. Finally, A.B. 223 provides that if data or information concerning the confidential reports and investigations of the abuse, neglect, exploitation, isolation, or abandonment is made available, the name and any other identifying information of the person who made the report must be redacted before the data or information is made available.

**A.B. 244 (Chapter 215)**

Assembly Bill 244 provides that a person is guilty of a category D felony, regardless of the value of the loss, if the person previously has been convicted of two or more graffiti offenses or otherwise defacing public or private property, or previously has been convicted of a felony for such conduct, and commits another such violation.

**A.B. 287 (Chapter 217)**

Assembly Bill 287 makes it a gross misdemeanor for a person to knowingly or willfully make or cause to be made a call to report an emergency on any nonemergency telephone line maintained by a governmental entity if no actual or perceived emergency exists. A person who makes such a call, with the intent to initiate an emergency response and the emergency response results in the death or serious bodily injury of another, is guilty of a category E felony. In addition, a person who is convicted of a category E felony for such an offense is liable for any costs incurred by any governmental entity as a result of his or her conduct. Finally, if a court finds that a defendant charged under the provisions of this bill suffers from a mental illness or is intellectually disabled, the court may assign the defendant to an appropriate treatment program.

**S.B. 160 (Chapter 302)**

Senate Bill 160 provides that an owner, lessee, or occupant of any premises does not owe a duty of care to and is not liable for physical harm to a trespasser, except when the owner, lessee, or occupant willfully or wantonly causes harm to the trespasser or fails to exercise reasonable care to prevent harm to the trespasser after discovering the trespasser's presence in a place of danger on the premises. Additionally, the owner, lessee, or occupant may be liable if the trespasser is a child who is injured by an artificial condition on the premises and certain other conditions exist.

This bill also provides that a person who creates, sponsors, owns, or produces public art, or the owner, lessee, or occupant of any estate or interest in any premises where such art is displayed, is not liable for the death or injury of a person or for damage to property caused or sustained by a person who:

- Defaces, destroys, or attempts to deface or destroy public art;
- Uses the public art in an unintended manner; or
- Fails to heed posted warnings or instructions concerning the public art if such warnings are posted to warn the public against any foreseeable conditions or any misuse of the public art that may pose an unreasonable risk of death or serious bodily injury.

Lastly, a person who jumps by parachute or other airborne means from a building or structure owned by another, or a person who knowingly delivers the person who intends to jump or retrieves the person who has jumped, is deemed a trespasser and is guilty of a category E felony, except under certain circumstances.

This bill is effective on May 30, 2015.

**S.B. 176 (Chapter 314)**

Senate Bill 176 repeals provisions authorizing a sheriff to issue a permit for the manufacture or sale of switchblade knives. The bill also removes integrated belt buckle and switchblade knives from the list of weapons that may not be legally manufactured, imported, sold, given, lent, or possessed in Nevada. Additionally, S.B. 176 removes dirks, daggers, and integrated belt buckle knives from the list of weapons that may not be carried in a concealed manner without a permit.

The bill also adds pneumatic guns, such as certain pellet guns and paint ball guns, to the list of weapons that are prohibited on the property of the Nevada System of Higher Education, a public or private school, a child care facility, or in a vehicle of a school or child care facility. Finally, the bill prohibits carrying a concealed pneumatic gun.

This bill is effective on July 1, 2015.

**S.B. 192 (Chapter 287)**

Senate Bill 192 provides that sexual conduct between certain employees of a school or volunteers at a school and a pupil or sexual conduct between certain employees of a college or university and a student constitute sex offenses. A person guilty of such an offense is:

- Required to register as a sex offender and is subject to certain conditions regarding parole and probation;
- Required to undergo a psychosexual evaluation as part of a presentence investigation, the results of which determine whether the offender can be granted probation or a suspended sentence;
- Required to undergo lifetime supervision;
- Prohibited from having his or her records sealed; and
- Guilty of a category C felony for engaging in sexual conduct with a person 16 years of age or older who has not received a high school diploma or a general educational development certificate or equivalent document and who is enrolled in or attending the school, college, or university at which the person is employed or volunteering.

The bill adds these offenses to the list of those for which the Department of Corrections must conduct a risk to reoffend assessment, which the State Board of Parole Commissioners must take into account before granting or revoking parole. Enhanced penalties are provided for repeat offenders and for those who offend against a child under 14 years of age. Current statutory language denoting that these crimes must be committed by a person “in a position of authority” is deleted, meaning the offender need only be an employee of or volunteer at a school for these provisions to apply.



Finally, the bill clarifies that these provisions must not be construed to apply to sexual conduct between two students.

This bill is effective on October 1, 2015. Provisions concerning psychosexual evaluations, lifetime supervision, and community notification apply to offenses committed on or after October 1, 2015. Other provisions apply to offenses committed before, on, or after October 1, 2015.

**S.B. 197 (Chapter 270)**

Senate Bill 197 prohibits the filing, registering, or recording of a fraudulent lien or other encumbrance against the property of a public officer, candidate for public office, mediator, public employee, participant in an official proceeding, or a member of the person's immediate family. Any such lien filed against the real or personal property of any of the persons listed above is invalid.

A person committing such a crime is guilty of a category B felony, with enhanced penalties for a second or subsequent offense or for an offense that constitutes part of a pattern of such offenses. A victim may also bring civil action against the perpetrator for damages suffered, attorney's fees, and costs.

**S.B. 225 (Chapter 346)**

Senate Bill 225 adds vapor products and alternative nicotine products to the list of tobacco or nicotine-related products that cannot be sold to a person under the age of 18.

The bill also requires that retailers post notices regarding the prohibition against selling vapor products and alternative nicotine products to minors and subjects those who violate the prohibition to the same fines that currently exist regarding selling tobacco to a minor.

Finally, the bill requires the Attorney General to conduct random, unannounced inspections of locations where these products are sold.

**S.B. 447 (Chapter 506)**

Senate Bill 447 makes it unlawful to counterfeit, forge, or possess with the intent to use a counterfeit or forged medical marijuana registry letter of approval intended for certain applicants who are under ten years of age. In order to receive a letter of approval, a person's application must be approved by the Division of Public and Behavioral Health, Department of Health and Human Services. The person's custodial parent or legal guardian must agree to serve as the person's primary caregiver, and the Division must issue the primary caregiver a registry identification card. The bill also defines concentrated cannabis and makes knowingly or intentionally extracting concentrated cannabis a category C felony, except as specifically authorized by State law. In addition, the bill revises the quantities of marijuana or concentrated cannabis that constitute various felony penalties for trafficking.

Provisions governing the return of seized marijuana, marijuana plants, drug paraphernalia, and other related property to a person who is found to be engaging in or assisting in the use of medical marijuana are revised such that the property will be returned upon a decision not to prosecute, a dismissal of charges, or an acquittal, rather than on a determination by a district attorney. Additionally, a person who holds a medical marijuana registry card or letter of approval is not exempt from laws prohibiting possession of marijuana or paraphernalia on school property.

Senate Bill 447 also provides that the contents of any tool used by the Division to evaluate an applicant or its affiliate relating to medical marijuana are confidential. The Division may not disclose any information, documents, or communications it receives from an applicant or its affiliate without receiving either written consent from the concerned party or a court order. The bill also allows a law enforcement agency to adopt policies or procedures to preclude an employee from using medical marijuana.

The State Department of Agriculture and the Division are allowed to enter into an interlocal agreement to carry out the provisions of the bill. An employee of the Department who possesses, delivers, or produces marijuana in the course of his or her duties is exempt from certain offenses relating to marijuana.

A medical marijuana establishment is allowed to move to a new location under the jurisdiction of the same local government, if the local government approves the new location. Certain pesticides are authorized in the cultivation and production of marijuana, edible marijuana products, and marijuana-infused products. In addition, the Division is required to establish and publish a list of pesticides allowed to be used on medical marijuana.

A medical marijuana establishment may transport medical marijuana or enter into a contract with a third party to transport medical marijuana to another medical marijuana establishment or between the buildings of the medical marijuana establishment. Lastly, the bill changes from April 1, 2016, to April 1, 2018, the date of implementation of a Division program to computer cross-check registry identification cards between Nevada and other jurisdictions.

This bill is effective on July 1, 2015.

#### **S.B. 464 (Chapter 288)**

Senate Bill 464 exempts a person under 21 years of age from criminal liability for possession or consumption of alcohol if the person requests emergency medical assistance for himself, herself, or another person.

The exemption applies only if the person making the request:

- Reasonably believes that the person for whom emergency medical assistance is requested is under 21 years of age;

- Reasonably believes the person needs such assistance;
- Is the first person to request emergency medical assistance for the person;
- Remains with the person requiring such assistance; and
- Cooperates with providers of emergency medical assistance, health care providers, and law enforcement.

The bill also prohibits the sale, purchase, possession, or use of powdered alcohol and makes a violation of these provisions a misdemeanor.

This bill is effective on May 29, 2015.

## **Juvenile Crime and Delinquency**

### **A.B. 46 (Chapter 196)**

Assembly Bill 46 removes a provision of current law requiring a court to include in a sentence any unpaid civil judgment ordered by a juvenile court if the person subsequently has been convicted of a crime before satisfying the civil judgment. The provision is unenforceable because there is no statewide criminal data system.

This bill is effective on May 27, 2015.

### **A.B. 113 (Chapter 443)**

Assembly Bill 113 provides guidelines for sealing juvenile records. If a child is under 21 years of age, the child, probation officer, or parole officer may petition the juvenile court for an order sealing all records relating to the child. The measure allows the district attorney, the chief probation officer, or a certain designee to testify at the hearing on the petition to seal the records.

If the juvenile court finds that: (1) it has been three years since the child was adjudicated or placed under supervision; or (2) the child does not have any delinquent or criminal charges pending, then:

- If the child is less than 18 years of age, the juvenile court may enter an order sealing all records relating to the child; or
- If the child is 18 years of age or older, the juvenile court shall enter an order sealing all records relating to the child.

The measure also sets guidelines for the juvenile court to determine whether a child has been rehabilitated. The juvenile court retains jurisdiction over civil judgments, and the case caption, case number, and order entering the civil judgment must not be sealed until the civil judgment is satisfied or expires. In addition to notifying the district attorney and the chief probation

officer, the Chief of the Youth Parole Bureau of the Division of Child and Family Services, Department of Health and Human Services, must, if circumstances warrant, be notified of the filing of the petition for the sealing of juvenile records and may testify at the hearing on the petition. Lastly, the bill allows the use of personal identifying information from sealed juvenile records when performing bona fide outcome and recidivism studies.

**A.B. 124 (Chapter 168)**

Assembly Bill 124 raises the minimum age at which a child may be punished from eight years of age to ten years of age, unless the child is charged with murder or certain sexual offenses.

**A.B. 153 (Chapter 146)**

Assembly Bill 153 requires the juvenile court to place a child under the supervision of the juvenile court pursuant to a supervision and consent decree if the child is alleged to have engaged in prostitution or the solicitation of prostitution. The juvenile court must order the terms and conditions of the supervision to address the needs of the child, including services to address the sexual exploitation and the placement of the child.

If the child violates the supervision and consent decree, the allegation must be brought before the court and the court may issue certain orders concerning the child. Upon the successful completion of the terms and conditions of the supervision and consent decree, or if the child reaches 18 years of age, the court must dismiss the petition alleging that the child engaged in prostitution or the solicitation of prostitution. A child who has reached 18 years of age may consent to remain under the supervision of the juvenile court.

This bill is effective on May 25, 2015.

**A.B. 267 (Chapter 152)**

Assembly Bill 267 eliminates the imposition of a sentence of life without the possibility of parole upon a person convicted of certain crimes who was less than 18 years of age at the time the crime was committed. The bill requires a court to consider the differences between juvenile and adult offenders in determining an appropriate sentence to be imposed, and it establishes certain minimum periods of incarceration that must be served by a prisoner who was sentenced as an adult for certain offenses that were committed when he or she was less than 18 years of age before the prisoner is eligible for parole.

**S.B. 58 (Chapter 297)**

Senate Bill 58 provides that a juvenile justice or care agency may share information concerning a child within the jurisdiction of the juvenile court. Such an agency may do so, however, only when the other agency is investigating a matter or is involved in a case or proceeding involving the child or has been assigned the responsibility for supervising the child. The bill also provides that juvenile justice information is confidential and may only be released in accordance with State or federal law and requires that public safety be taken into consideration prior to the release of any information. An agency's denial of an information request must be provided to the requester within five business days.

The release of any record held by a law enforcement agency, prosecuting attorney, or attorney for a child must be made pursuant to statute and any other pertinent rule of law, except that upon the decision to arrest or upon the actual arrest of a child, a law enforcement agency or prosecuting attorney may share pertinent information with the child's school. An incident report, however, must not be released if doing so would jeopardize the investigation, prosecution, or defense of the child or endanger witnesses. The sharing of an incident report must be limited to the extent necessary to protect other students and staff at the child's school.

A juvenile court may use personal identifying information from sealed records in order to conduct an outcome and recidivism study but must provide any results from the study without including any personal identifying information. Finally, with certain exceptions, it is a gross misdemeanor for a person who receives juvenile justice information or child welfare services information maintained by an agency to further disseminate the information or make it public.

This bill is effective on July 1, 2015.

## **Pardons, Parole, and Probation**

### **A.B. 11 (Chapter 140)**

Assembly Bill 11 revises the time frame during which the Division of Parole and Probation of the Department of Public Safety must disclose the factual content of any presentence investigation report and the recommendations of the Division to the prosecuting attorney, the counsel for the defendant, the defendant, and the court. The bill changes the time frame from not later than 21 working days to not later than 14 calendar days before the defendant will be sentenced, unless the defendant waives this minimum period.

This bill is effective on May 22, 2015.

### **A.B. 12 (Chapter 356)**

Assembly Bill 12 makes permanent the Department of Corrections' pilot diversion program, which allows certain probation violators to enter drug, alcohol, or mental illness treatment programs in lieu of having their probation revoked.

This bill is effective on June 4, 2015.

### **A.B. 225 (Chapter 213)**

Assembly Bill 225 requires certain provisions to be included in a contract entered into by the Director of the Department of Corrections with a public or private entity that provides certain programs to offenders or parolees participating in a correctional or judicial program for reentry into the community. The entity also must provide a certificate of completion to any offender or parolee who completes a program and provide a copy of the certificate to the Department.

**S.B. 37 (Chapter 91)**

Senate Bill 37 provides that an electronic monitoring system used by the Division of Parole and Probation, Department of Public Safety, to supervise a probationer or parolee may be capable of using the Global Positioning System to record or transmit the probationer's or parolee's location and produce, upon request, reports on the probationer's or parolee's presence at or near a crime scene or prohibited area, or his or her departure from a specific geographic area.

This bill is effective on July 1, 2015.

**Victims of Crime**

**A.B. 108 (Chapter 167)**

Assembly Bill 108 authorizes a court to vacate a judgment if the defendant is convicted of: (1) trespassing, loitering in a gaming area, or loitering in violation of a local ordinance; and (2) the defendant's participation in the offense was the result of having been a victim of sex trafficking or involuntary servitude.

**S.B. 60 (Chapter 504)**

Senate Bill 60 transfers from the Secretary of State to the Attorney General the authority to issue fictitious addresses to certain persons and provides funding necessary for the Attorney General to carry out the program of issuing fictitious addresses. The bill also creates within the Office of the Attorney General the Office of Military Legal Assistance and extends the expiration date of the Substance Abuse Working Group from June 30, 2015, to June 30, 2019.

The provision of the bill that extends the expiration date for the Substance Abuse Working Group is effective on June 10, 2015. All other provisions of the bill are effective on July 1, 2015.

**S.B. 230 (Chapter 421)**

Senate Bill 230 removes the statutory cap on the total amount of compensation the State Board of Examiners may award from the Fund for the Compensation of Victims of Crime to a victim, certain members of the victim's household, or dependents of the victim for expenses and losses.

**S.J.R. 17 (File No. 37)**

Senate Joint Resolution No. 17 proposes to amend the *Nevada Constitution* by eliminating existing victims' rights provisions found in Article 1, Section 8, and replacing them with an expanded set of provisions in the form of a victims' bill of rights. The rights to which a victim of crime would be entitled under the *Nevada Constitution* include the right:

- To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment, and abuse, throughout the criminal or juvenile justice process;

- To be reasonably protected from the defendant and persons acting on behalf of the defendant;
- To have the safety of the victim and the victim's family considered as a factor in fixing the amount of bail and release conditions for the defendant;
- To prevent the disclosure of confidential information or records to the defendant, which could be used to locate or harass the victim or the victim's family;
- To refuse an interview or deposition request, unless under court order, and to set reasonable conditions on the conduct of any such interview to which the victim consents;
- To reasonably confer with the prosecuting agency, upon request, regarding the case;
- To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other postconviction release proceedings, and to be present at all such proceedings;
- To be reasonably heard, upon request, at any public proceeding, including any delinquency proceeding, in any court involving release or sentencing, and at any parole proceeding;
- To the timely disposition of the case following the arrest of the defendant;
- To provide information to any public officer or employee conducting a presentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant;
- To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape by the defendant from custody;
- To full and timely restitution;
- To the prompt return of legal property when no longer needed as evidence;
- To be informed of all postconviction proceedings, to participate and provide information to the parole authority to be considered before the parole of the offender, and to be notified, upon request, of the parole or other release of the offender;
- To have the safety of the victim, the victim's family, and the general public considered before any parole or other postjudgment release decision is made;

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- To have all monetary payments, money, and property collected from any person who has been ordered to make restitution be first applied to pay the amounts ordered as restitution to the victim; and
- To be specifically informed of the rights enumerated in this section, and to have information concerning those rights be made available to the general public.

If approved in identical form during the 2017 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval at the 2018 General Election.



## **DOMESTIC RELATIONS**

### **A.B. 13 (Chapter 192)**

Assembly Bill 13 revises various provisions of the Uniform Interstate Family Support Act (UIFSA) in Nevada law to conform to federal law. The UIFSA provides universal and uniform rules for the enforcement of family support orders. According to the Uniform Law Commission, 2014 federal legislation requires all states to enact the 2008 UIFSA amendments as a condition of continuing to receive federal funds for state child support programs.

This bill is effective on May 27, 2015, for the purpose of revising the effective dates of earlier amendments to the UIFSA in Nevada law and on July 1, 2015, for all other purposes.

### **A.B. 92 (Chapter 164)**

Assembly Bill 92 requires the State Registrar of Vital Statistics to prepare and file a birth certificate for a child showing the intended parent or parents upon the receipt of a Nevada district court order for a gestational agreement. After the birth certificate is filed, the State Registrar will seal and file the order and the original birth certificate, if any. Lastly, only an order validating a gestational agreement issued by a district court in Nevada for an action originally commenced in this State is valid in Nevada as it relates to a child born in this State.

### **A.B. 130 (Chapter 169)**

Assembly Bill 130 increases from \$250,000 to \$300,000 the maximum gross value of an estate of a decedent for which a court is authorized to enter an order for summary administration. The bill increases from \$20,000 to \$100,000 the gross value of an estate for which an affidavit showing the right to receive the assets without the issuance of a letter of administration or, if applicable, the probate of a will may be used for the transfer of assets if a claimant is a surviving spouse of the decedent and to \$25,000 for any other claimant. The value of any motor vehicle registered to the decedent is excluded from the determination of gross value. Lastly, the affidavit must include a declaration that the claimant is not aware of any existing personal injury claims or other torts against the deceased.

### **A.B. 140 (Chapter 170)**

Assembly Bill 140 provides that the court cannot attach, levy, seize by or under any legal or equitable process, or make an assignment or otherwise divide, any federal disability benefits awarded to a veteran for a service-connected disability in making a disposition of community and joint tenancy property, an alimony award, or an award of spousal support, unless there is a valid premarital agreement.

### **A.B. 362 (Chapter 180)**

Assembly Bill 362 authorizes a party in an action for divorce, separate maintenance, or annulment to file a postjudgment motion to obtain an adjudication of any community property or liability that was omitted from the final decree or judgment. The measure provides that the court has continuing jurisdiction to hear such a postjudgment motion and must make an equal

disposition of the omitted community property or liability. A postjudgment motion as a result of fraud or a mistake must be filed within three years after the discovery by the aggrieved party of the facts constituting the fraud or mistake.

Lastly, in dividing the benefits from a defined benefit pension plan, the judgment may not be enforced against an installment payment made by the plan more than six years after the installment payment.

**S.B. 262 (Chapter 437)**

Senate Bill 262 revises various provisions governing the appointment of guardians. The bill allows a nonresident of Nevada to be appointed as a guardian for an adult or minor ward and requires a court to give preference in appointing a guardian for an adult ward in order of a list of persons provided in the bill. The bill also authorizes a court to appoint two or more co-guardians and directs a court, with certain exceptions, to give guardianship preference to a person named in a will, trust, or other document executed as part of an estate plan.

The bill provides that a ward who cannot afford to pay for a private guardian is eligible to have a public guardian appointed. Additionally, S.B. 262 provides for the appointment of a public guardian for an incompetent adult who failed to nominate a guardian while he or she was still competent or if the nominated person is not suited or willing to serve as a guardian.

This bill is effective on July 1, 2015.

**S.B. 362 (Chapter 40)**

Senate Bill 362 authorizes the Director of the Department of Health and Human Services to establish, within the limits of available funding, an educational program within the Division of Public and Behavioral Health regarding the prevention of domestic violence and any medical, mental health, or social services available to victims of domestic violence.

This measure is effective on July 1, 2015.

**S.B. 484 (Chapter 524)**

Senate Bill 484 makes both technical and substantive revisions relating to issues of personal financial administration, including, but not limited to:

- Termination of life estates;
- Nonprobate transfers;
- Definitions, including “domestic partner” and “interested person”;
- Prenuptial agreements related to estate planning;
- Predeath declaratory judgments regarding the validity of wills;

- Appointment of executors and administrators of estates;
- Sale of property in an estate;
- Filing of inventories and appraisals of estates;
- Distribution of probate assets;
- Trustee liability;
- Trustee investor responsibilities;
- Binding arbitration regarding trusts and wills;
- Judicial and nonjudicial settlements; and
- Termination of uneconomical estates.

## **Adoption and Child Custody**

### **A.B. 8 (Chapter 361)**

Assembly Bill 8 prohibits a person or organization other than a child welfare agency or a licensed child-placing agency from using various computerized communication systems such as e-mail and websites to advertise the availability or placement of children for adoption. A violation of these provisions is a misdemeanor.

During a court proceeding, instruments of restraint on a child are prohibited unless the restraint is necessary to prevent the child from harming himself or herself or another person or to prevent the child from escaping the courtroom. In determining whether to use restraints on a child, the court must consider certain factors and make specific findings of fact and conclusions of law to support its determination.

The measure provides that certain placements of a child are not prohibited, including the placement of a child with a relative or stepparent, the placement of a child with or by a licensed child-placing agency or an agency that provides child welfare services, and the placement of a child with a person who is approved by a court. The bill prohibits the trafficking of children, including selling, transferring, or arranging for the sale, transfer, or receiving of a child to another person or entity for money or anything of value. A parent, individual, or entity with custody of a child who traffics the child with the intention of permanently divesting themselves of responsibility for the child is guilty of a category C felony and also may be ordered by a court to pay restitution to the victim of child trafficking.

**A.B. 151 (Chapter 116)**

Assembly Bill 151 clarifies who may petition the court to adopt a child. The bill allows the adoption of a child of any age if the child is being adopted by certain family members and the adoption is in the best interest of the child and the public. The measure requires that a married person obtain from his or her spouse consent to adopt. The spouse who consents will not have any parental rights or responsibilities or be named as an adoptive parent unless the spouse specifically agrees to the adoption and the home is suitable. If the spouse cannot be found or lacks the capacity to consent, the court may dispense with the consent requirement. Lastly, the measure exempts stepparents and relatives within the third degree of consanguinity from the six-month wait requirement prior to the issuance of a court's order or decree of adoption.

**A.B. 263 (Chapter 445)**

Assembly Bill 263 adds a declaration of State policy that parents have an equivalent duty to provide their children with support. The bill repeals provisions relating to child custody in Chapter 125 ("Dissolution of Marriage") of *Nevada Revised Statutes* (NRS), and reenacts those provisions in Chapter 125C ("Custody and Visitation") of NRS. It also makes the following changes to child custody laws:

- Recognizes the parent and child relationship even if the parents are not married;
- Creates a presumption in favor of joint custody of a child if a parent had, or attempted to have, a meaningful relationship with the child but was frustrated by the other parent;
- Adds criteria for awarding primary physical custody and elaborates on the circumstances under which joint physical custody is presumed not to be in the best interest of the child;
- Requires a parent who has joint custody, who intends to relocate to a distance that would substantially impair the ability to have a meaningful relationship with the child, to obtain the consent of the other parent or petition the court for primary physical custody if the other parent refuses to give consent;
- Requires a parent with primary physical custody, who intends to relocate to a place at such a distance that would substantially impair the other parent's ability to maintain a meaningful relationship with the child, to obtain the consent of the other parent or petition the court for permission to relocate if the other parent refuses to give consent;
- Adds a list of factors that must be demonstrated to the court by a parent seeking permission to relocate;
- Creates a category D felony for a parent who relocates before obtaining the other parent's consent or the permission of the court, unless the parent can demonstrate to the court that he or she was protecting the child or himself or herself from domestic violence; and

- Provides that if a parent with primary or joint physical custody relocates without the permission of the court or the consent of the other parent, the court shall not consider post-relocation facts or circumstances and may award attorney's fees and costs to the non-relocating parent who files an action in response to the violation.



## **ECONOMIC DEVELOPMENT**

### **A.B. 399 (Chapter 459)**

Assembly Bill 399 requires the Office of Economic Development, in consultation with the College of Southern Nevada; the University of Nevada, Las Vegas; and various other stakeholder groups, to create and operate a pilot program to stimulate Nevada's economy. The program, which is to be known as the NV Grow Program, is designed to provide technical assistance to businesses already located and operating in Nevada that are expanding or ready to expand, rather than to recruit businesses from other states to relocate to Nevada.

Assembly Bill 399 also appropriates \$150,000 from the State General Fund to the Nevada System of Higher Education to allow the College of Southern Nevada to purchase software for a geographic information system, to hire a person to operate the system, and to provide other services as necessary to carry out the pilot program.

The bill is effective on June 9, 2015, for the purpose of performing preparatory administrative tasks and on July 1, 2015, for all other purposes. This bill expires by limitation on June 30, 2017.

### **S.B. 74 (Chapter 227)**

Senate Bill 74 changes requirements applicable to businesses applying for a partial abatement of certain taxes. To be eligible for a partial abatement, a business must offer primary jobs and meet certain employment requirements within a period of two years. If the partial abatement is approved, the business also must provide an estimate of the total number of new employees that will be hired within the first two years. The agreement between the business receiving the partial abatement and the Governor's Office of Economic Development must state the effective date of the abatement and that primary jobs will be offered.

The bill also limits the availability and amount of abatements based on the rate of unemployment in the county and the average hourly wage paid by the business to its new employees. Abatements of the Local School Support Tax are not permitted if the business pays its new employees less than 100 percent of the statewide average wage. The calculation of the average hourly wage is based only on wages paid to new employees.

The bill is effective on May 27, 2015, for purposes of adopting regulations and performing other preparatory tasks and on July 1, 2015, for all other purposes. The provisions relating to limitations on abatements expire by limitation on June 30, 2023.

### **S.B. 170 (Chapter 498)**

Senate Bill 170 authorizes the Office of Economic Development to grant a partial abatement of personal property taxes and local sales and use taxes to a qualified data center that locates or expands in this State and any colocated businesses within a qualified data center. The amount of the property tax abatement is limited to 75 percent of the personal property taxes imposed on eligible equipment and machinery located in the data center. The amount of the sales and

use tax must not include, for Fiscal Year 2015-2016, an abatement of the Local School Support Tax. The bill deletes provisions that apply specifically to a data center located in a historically underutilized business zone, a redevelopment area, an area eligible for a community development block grant, or an enterprise community.

This bill is effective on June 9, 2015, for the purposes of adopting regulations and performing preparatory administrative tasks and on January 1, 2016, for all other purposes.

**S.B. 507 (Chapter 433)**

Senate Bill 507 authorizes the Board of Economic Development and the Executive Director of the Governor's Office of Economic Development to approve and issue transferable tax credits to new or expanding businesses in Nevada to promote economic development. The bill limits the amount of transferable tax credits the Board and the Executive Director may issue to \$500,000 in Fiscal Year (FY) 2015-2016, \$2 million in FY 2016-2017, and \$5 million for each fiscal year thereafter.

Senate Bill 507 also expands the Executive Director's annual report to the Governor and the Legislative Branch regarding the Catalyst Account to include information regarding the issuance of transferable tax credits to new or expanding businesses. Additionally, S.B. 507 allows a county or incorporated city whose application for a grant or loan from the Catalyst Account was approved before the effective date of this bill to surrender the grant or loan, or any portion thereof, in exchange for the issuance of transferable tax credits upon such terms and conditions as agreed to by the Executive Director and the parties to any contracts involving the grant or loan.

The bill is effective on June 8, 2015.



## **EDUCATION**

### **A.B. 112 (Chapter 189)**

Assembly Bill 112 expands the Legislature's goal to provide a safe and respectful learning environment by ensuring that the quality of instruction is not impacted negatively by poor attitudes or interactions among school district personnel. The policy established by the Department of Education must include requirements and methods for reporting violations among teachers and between teachers and other educational personnel. The bill also requires that the policy promote a positive learning environment.

### **A.B. 166 (Chapter 291)**

Assembly Bill 166 establishes the State Seal of Biliteracy Program. The program provides that a special seal denoting biliteracy be affixed to the high school diploma and noted on the transcript of a pupil who has achieved a high level of proficiency in one or more languages, in addition to English. School districts, charter schools, and university schools for profoundly gifted pupils may choose to participate in the program. The bill requires the Superintendent of Public Instruction to design and distribute the special seal to the participating school districts and schools. Further, the measure specifies the academic performance criteria that must be met for a pupil to qualify for the program.

The bill is effective on July 1, 2015.

### **A.B. 178 (Chapter 365)**

Assembly Bill 178 authorizes a school to develop a plan of behavior when a student is suspended for any reason and requires the school principal to deem a student a habitual disciplinary problem under certain circumstances, which additionally includes failure to enter into and participate in a plan of behavior. The bill also provides that a student so deemed may be suspended from school for up to one semester, depending upon the severity of the problem, or expelled from school under extraordinary circumstances as determined by the principal.

This measure further:

- Provides that only students who are expelled or who are suspended for a full semester or more need to enroll in an alternative education program;
- Adds provisions to the behavior plan related to addressing credit deficiencies and providing the student with information concerning schools with special missions; and
- Revises the related requirements to notify a parent or guardian.

**A.B. 234 (Chapter 368)**

Assembly Bill 234 requires social studies standards of content and performance established by the Council to Establish Academic Standards for Public Schools to include multicultural education. The Council must consult with members of the community who represent the racial and ethnic diversity of this State in developing the standards. The measure also requires the Commission on Professional Standards in Education to adopt regulations establishing multicultural course content and credit requirements for teachers. A teacher who is initially licensed on or after July 1, 2015, must submit proof of the completion of a course in multicultural education with the first application for renewal of his or her license to teach. This bill also appropriates \$8,406 from the State General Fund to the Department of Education for costs to reprogram the Department's teacher licensure system and to adopt regulations related to multicultural education.

This bill is effective on July 1, 2015.

**A.B. 321 (Chapter 324)**

Assembly Bill 321 requires the board of trustees of a school district to enter into a contract to provide school police officers to a charter school, if the governing body of a charter school makes such a request. The contract must be entered into on or before March 15 for services to be provided for the next school year and must be for at least three years. The contract requires a chief of school police to supervise any school police officer providing services to a charter school. The board of trustees of a school district may also contract with the metropolitan police department or the sheriff of the county, as applicable, for the provision and supervision of police services in a charter school.

This bill requires all charter and private schools to notify local law enforcement of certain key information about the school. A law enforcement agency, contacted for assistance by a public or private school without school police, must respond as it would to a call for assistance from the general public. If the occurrence of a crisis or an emergency prompts a local law enforcement agency to notify a public or private school, the law enforcement agency must consider whether it is necessary and appropriate to notify any other public or private school of the crisis or emergency.

The bill is effective on July 1, 2015.

**A.B. 328 (Chapter 369)**

Assembly Bill 328 specifies that whenever a due process hearing is held pursuant to the federal Individuals with Disabilities Education Act for the identification, evaluation, or disciplinary action of a public school pupil with a disability, the Superintendent of Public Instruction must provide to a complainant the names of three hearing officers selected on an impartial basis from a list maintained by the Department of Education. The complainant must return to the Superintendent, within two days, a list which places the three names in order of preference. If the complainant does not respond within two days or if a hearing must be expedited, the Superintendent is authorized to select a hearing officer.

The local educational agency or charter school, as applicable, involved in the complaint must pay the cost of the hearing, and procedures must be in place to avoid a conflict of interest. The decision of a hearing officer may be appealed to the Department. Finally, the State Board of Education is required to prescribe certain regulations related to hearing officers, and redacted due process hearing and appeal decisions must be posted for public access on the Department's website.

This bill is effective on June 5, 2015, for the purposes of adopting regulations and performing administrative tasks and on July 1, 2016, for all other purposes.

**A.B. 421 (Chapter 414)**

Assembly Bill 421 creates the Spending and Government Efficiency Commission for the system of K-12 public education in this State. The Commission consists of 11 members who have expertise in the operation of a business and 1 member who is a retired Nevada K-12 educator. Members must not have a personal or professional conflict of interest that prevents them from fully serving in their roles. They are appointed by, and serve at the pleasure of, the Governor without any financial benefit, salary, or compensation for their travel or per diem expenses. To the extent practicable, the Governor is to ensure that the membership of the Commission reflects the ethnic, gender, and geographic diversity of this State.

The Commission is required to meet quarterly and submit recommendations to the Governor that identify areas in which the costs of public education may be reduced, as well as any areas where increased efficiencies may be found. The Commission is further required to prepare and submit a report of its findings and recommendations to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 2017 Legislative Session.

This bill is effective on July 1, 2015, and expires by limitation on June 30, 2017.

**A.B. 485 (Chapter 479)**

Assembly Bill 485 revises the duties of the Director of the Office of Science, Innovation and Technology in the Office of the Governor to include coordinating activities in the State related to broadband services; providing support to the Advisory Council on Science, Technology, Engineering and Mathematics; and administering grants provided by legislative appropriation.

In addition, A.B. 485 transfers the Advisory Council on Science, Technology, Engineering and Mathematics from the Department of Education to the Office of Science, Innovation and Technology, and it revises the membership of the Advisory Council. The bill eliminates the expiration date of the Council, making it permanent.

Assembly Bill 485 also requires the council to:

## EDUCATION (continued)

- Establish events in both northern and southern Nevada to recognize pupils who demonstrate exemplary achievement in the fields of science, technology, engineering, and mathematics; and
- Establish a statewide event in Carson City to recognize not more than 15 schools that demonstrate exemplary performance in such fields.

The bill is effective on June 9, 2015, for the purposes of adopting regulations, appointing members to the Advisory Council, making the Advisory Council permanent, and performing preparatory administrative tasks and on July 1, 2015, for all other purposes.

### **S.B. 25 (Chapter 371)**

Senate Bill 25 makes various changes to the administrative practices of Nevada's Department of Education. Among its provisions, S.B. 25:

- Revises the manner in which distance education courses are funded;
- Changes the Department's budget submission process to reflect its statutory governance structure;
- Allows the parties to a hearing concerning the suspension or revocation of a teaching license to agree to extend the hearing deadline date;
- Allows the Interim Finance Committee to authorize Educational Trust Account expenditures when the Legislature is not in session;
- Authorizes hospitals or other facilities licensed by the Division of Public and Behavioral Health, Department of Health and Human Services, for residential treatment of children and which operate a licensed private school, to receive unused allocations of special education program units;
- Requires the Council to Establish Academic Standards for Public Schools to create standards for foreign and world languages;
- With limited exceptions, prohibits a person serving in an elected office of this State, or a political subdivision thereof, from also serving on the State Board of Education;
- Makes a variety of other administrative revisions;
- Requires that certain appointed members of the State Board serve until a successor is appointed;
- Removes requirements that the Department regulate the use of environmentally sensitive cleaning products by school districts;

- Updates terminology used to describe certain language arts subjects;
- Revises the manner in which the Department provides an informational pamphlet concerning end-of-course examinations;
- Removes the requirement that certain pupils obtain written permission from the board of trustees of a school district or the governing body of a charter school before enrolling in certain part-time programs of distance education;
- Requires the State Board to prescribe tests for grades 9, 10, 11, and 12 in certain subjects to comply with federal law;
- Adds a representative of the Nevada Parent Teacher Association to the Advisory Council on Parental Involvement and Family Engagement;
- Repeals the requirement that the Department approve or disapprove lists of books for use in public school libraries; and
- Repeals the requirement that the State Board adopt and use an official seal in authentication of its acts.

This bill is effective on July 1, 2015.

**S.B. 205 (Chapter 44)**

Senate Bill 205 requires Nevada's Department of Education to develop a model plan for the management of a crisis or an emergency involving a public or private school. This model plan must include certain procedures, plans, and information, including threats or hazards listed in the local county hazard mitigation plan, and be utilized by each school district, charter school, and private school in the development of local plans.

This measure removes the requirement that district and school plans be submitted to the State Board of Education and instead requires that notices of plan review completion be filed with the Department. It also requires any approved deviations to school emergency plans be distributed to all relevant entities as soon as practicable.

This bill is effective on July 1, 2015.

**S.B. 212 (Chapter 118)**

Senate Bill 212 expands the authority of a school district superintendent to modify a required suspension or expulsion, for good cause, if a pupil commits a battery that results in bodily injury of a school employee, sells or distributes a controlled substance, or is deemed a habitual disciplinary problem. Such a modification must be made in writing. The bill also clarifies the nature of certain offenses and repeals the provision making it a misdemeanor to disturb the peace of any public school by using vile or indecent language within the building or grounds of a school.

The changes in S.B. 212 recognize the shortcomings of “zero tolerance” policies, with the intent of expanding the discretion of school leaders so that they can judge infractions on a case-by-case basis and ensure suitable punishment given specific facts.

This bill is effective on July 1, 2015.

**S.B. 313 (Chapter 252)**

Senate Bill 313 authorizes the governing body of a private school or a university school for profoundly gifted pupils to provide a program of distance education. It also revises provisions governing apportionments and allowances from the State Distributive School Account to include students who are enrolled full-time in such a program provided by a university school for profoundly gifted pupils.

This bill is effective on July 1, 2015.

**S.B. 330 (Chapter 378)**

Senate Bill 330 authorizes a student or school to appeal a final decision or order of the Nevada Interscholastic Activities Association (NIAA) to a hearing officer appointed by the Executive Director of the NIAA and prescribes certain procedures for the disposition of the appeal.

This bill authorizes a student who enrolls in a private or public school to be immediately eligible to participate in a sanctioned sport under certain circumstances. Any rules and regulations adopted by the NIAA governing the eligibility of a pupil who transfers from one school to another to participate in an interscholastic activity or event must apply equally to public and private schools that are members of the NIAA.

This bill is effective on June 5, 2015, for the purposes of adopting regulations and performing other preparatory administrative tasks and for the equal application of NIAA transfer rules. It is effective on January 1, 2016, for all other purposes.

**S.B. 391 (Chapter 334)**

Senate Bill 391 requires the board of trustees of each school district and the governing body of each charter school to prepare a plan to improve the literacy of students enrolled in kindergarten through grade 3. The principal of each public elementary school must designate a learning strategist to train and assist teachers in providing intensive instruction to students identified as deficient in reading. Certain teachers are required to complete related professional development.

This bill requires academic interventions for students enrolled in kindergarten through grade 3 who do not achieve adequate proficiency in reading and beginning in School Year 2019-2020, prohibits a public school from promoting a student to grade 4 if the student does not achieve such proficiency, with certain good-cause exemptions allowed. The board of trustees of each school district is required to prepare a report concerning the number and percentage of pupils retained in grade 3 including whether the pupils were previously retained in kindergarten or grade 1 or 2.

The principal of a school is required to:

- Provide notice and offer additional instructional options to the parent or legal guardian of a student who will be retained in grade 3;
- Develop a plan to monitor the progress of the student in achieving reading proficiency; and
- Ensure that a retained student receives intensive instructional services in reading and English literacy, as prescribed by the school district board of trustees or charter school governing body.

This bill is effective on June 3, 2015, for the purposes of adopting regulations and performing other preparatory administrative tasks; on July 1, 2015, for the purpose of providing literacy supports for students in kindergarten through grade 3; and on July 1, 2019, for the purpose of retaining students who are not proficient in reading.

### **S.B. 463 (Chapter 333)**

Senate Bill 463 requires the provider of a website, online service, or mobile application that is used in public schools, primarily for educational purposes and at the direction of teachers or other educational personnel and which collects or maintains personal identifiable information concerning a student, to provide written disclosure of how such information is used and secured. The bill limits the collection, use, and transfer of such information by online school service providers, as well as any person or governmental entity to whom the information is disclosed. Use of such information, unless authorized by law, may subject a provider to civil penalties up to \$5,000 per incident.

The bill allows the transfer of personal identifiable information, with certain limitations and only after notification of the student or his or her parent. It also allows aggregated or de-identified student information to be used for certain purposes and prohibits a person or governmental entity from waiving or modifying the provisions in the bill through a separate contract. Certain students or their parents must be allowed to review, as well as request correction or deletion of, any personal identifiable information collected by the provider. Deletion may also be requested by the school board of trustees or governing body.

Teachers and other licensed personnel are required annually to complete professional development in the use of online school services and the security of student data. Senate Bill 463 requires a teacher to be suspended, dismissed, or not reemployed and an administrator to be demoted, suspended, dismissed, or not reemployed for willful breaches in security or confidentiality of certain examinations.

This bill is effective on July 1, 2015.

**S.B. 503 (Chapter 544)**

Senate Bill 503 creates a statewide Breakfast After the Bell Program. With limited exceptions, public schools with at least 70 percent of students from low-income families are required to participate by offering breakfast to each student in the school after the instructional day has begun. Breakfast will be free, reduced-price, or full-price, depending on each student's eligibility.

The bill further prescribes the related duties of the State Department of Agriculture and the manner in which certain public funds allocated for the program may be used. The bill also requires the Department to monitor participating schools for compliance, prepare an annual program report, and adopt regulations as necessary to operate the Program.

This bill is effective on June 12, 2015, for the purposes of adopting regulations and performing preparatory administrative tasks and on July 1, 2015, for all other purposes.

**Accountability and School Reform**

**A.B. 30 (Chapter 47)**

Assembly Bill 30 deletes the requirement that school improvement plans be submitted by the principals of each school directly to the Governor, the Superintendent of Public Instruction, and the State Board of Education. As part of the State-level improvement plan, the Board is required to specify the methods for providing remediation to pupils needing such services and the methods to improve student literacy skills. This bill also requires that the State-level improvement plan include strategies to improve the language skills of English language learners. Finally, the Board must review the school-level improvement plans to identify common problems and make recommendations about how Nevada's Department of Education can best support the needs of schools.

School improvement plans still must be submitted to a school district's board of trustees or a charter school's governing board, Nevada's Department of Education, the Legislative Committee on Education, and the Legislative Bureau of Educational Accountability and Program Evaluation.

This bill is effective on July 1, 2015.

**A.B. 107 (Chapter 204)**

Assembly Bill 107 requires each school district, including each charter school authority, to include in its annual report of accountability certain information, including comparative statistics concerning pupils who are eligible for and who receive free or reduced-price breakfast and lunch. The bill also requires the report completed by the State Board of Education to include comparable information for Nevada on a statewide basis.

Specifically, the bill requires reports of accountability to include:



- The number and percentage of pupils who are eligible for free or reduced-price breakfast;
- The percentage of pupils who receive free and reduced-price breakfast;
- The number and percentage of pupils who are eligible for free or reduced-price lunch;
- The percentage of pupils who receive free and reduced-price lunch;
- A comparison of the achievement and proficiency of pupils, reported separately by race and ethnicity, who are eligible for free or reduced-price breakfast, pupils who receive free and reduced-price breakfast, pupils who are eligible for free or reduced-price lunch, pupils who receive free and reduced-price lunch, and pupils who are not eligible for free or reduced-price breakfast or lunch; and
- A comparison of pupils, reported separately by race and ethnicity, who are eligible for free or reduced-price breakfast, pupils who receive free and reduced-price breakfast, pupils who are eligible for free or reduced-price lunch, and pupils who receive free and reduced-price lunch for which data is required to be collected in the following areas:
  1. Retention rates;
  2. Graduation rates;
  3. Dropout rates;
  4. Grade point averages; and
  5. Scores on certain examinations and the college and career readiness assessment.

The information required to be included in the annual report of accountability prepared by the State Board includes:

- The number and percentage of pupils who are eligible for free or reduced-price breakfast;
- The number and percentage of pupils who receive free and reduced-price breakfast;
- The number and percentage of pupils who are eligible for free or reduced-price lunch;
- The number and percentage of pupils who receive free and reduced-price lunch;
- A comparison of the achievement and proficiency of pupils, reported separately by race and ethnicity, who are eligible for free or reduced-price breakfast, pupils who receive free and reduced-price breakfast, pupils who are eligible for free or reduced-price lunch, pupils who receive free and reduced-price lunch, and pupils who are not eligible for free or reduced-price breakfast or lunch; and

- A comparison of pupils, reported separately by race and ethnicity, who are eligible for free or reduced-price breakfast, pupils who receive free and reduced-price breakfast, pupils who are eligible for free or reduced-price lunch, and pupils who receive free and reduced-price lunch for which data is required to be collected in the following areas:
  1. Retention rates;
  2. Graduation rates;
  3. Dropout rates;
  4. Grade point averages; and
  5. Scores on certain examinations and the college and career readiness assessment.

The information reported by the State Board must be provided for each school district, including each charter school in the district, and for the State as a whole.

This bill is effective on July 1, 2015, for the purposes of adopting regulations and performing preparatory administrative tasks and on January 1, 2016, for all other purposes.

**A.B. 278 (Chapter 499)**

Assembly Bill 278 requires the Department of Education to establish methods to:

- Monitor school district plans for class-size reduction;
- Monitor the content and accuracy of quarterly reports concerning pupil-teacher ratios and average daily attendance;
- Review and verify the accuracy of program variance requests; and
- Provide documentation relating to the distribution and use of program funds.

The Department also must advise school district boards of trustees concerning its expectations for the use of the funds, including the minimum number of teachers the district is expected to employ. The measure requires the Legislative Auditor to audit the use of money appropriated for the class-size reduction program during the 2013-2015 Biennium, including an analysis of the “plus two” program authorizing school districts to elect to increase class size by two pupils.

The bill is effective on July 1, 2015.

**A.B. 448 (Chapter 539)**

Assembly Bill 448 creates the Achievement School District within the Department of Education and establishes the criteria for the annual conversion of up to six underperforming schools to achievement charter schools. The bill specifies how the schools are operated, staffed, and financed and the process for schools to leave the Achievement School District after a minimum period of six years. The Department is required to consider student performance data and parental and community input, in consultation with the local school board, in selecting the schools proposed for conversion.

The bill limits the monetary amount that may be paid to the operator of the achievement charter school and authorizes an achievement charter school to receive funds available from federal and State categorical grant programs. The bill removes limitations on the use of school district owned properties during regular school hours by charter schools and clarifies a school district's obligations regarding capital projects at schools selected for conversion. Finally, the parent or guardian of a student attending a converted school may submit written notice that the student will no longer attend the school.

This bill is effective on June 11, 2015, for the purposes of adopting regulations and performing other administrative tasks and on July 1, 2016, for all other purposes.

**S.B. 92 (Chapter 541)**

Senate Bill 92 provides procedures for the designation as a turnaround school, a public school determined by the Department of Education to be underperforming. Specifically, the bill:

- Requires the State Board of Education to establish by regulation the criteria for designating a school as underperforming and prescribes procedures for the management of such a school;
- Provides for the transfer of ineffective or minimally effective personnel from an underperforming school;
- Requires the creation of incentives for employees working in an underperforming school, which may include incentives related to pay, scheduling, training, or promotion;
- Requires the evaluation of a teacher or administrator at an underperforming school not be adversely impacted by student achievement data for two years after the school has been so designated;
- Prescribes a process for principals or school boards to reassign staff to or from an underperforming school;
- Requires reduction-in-force decisions be based upon employee performance and further reductions consider other factors before seniority, unless a teacher works in a subject area for which there is a shortage of teachers; and

- Directs the Legislative Counsel to reorganize Title 34 (“Education”) of *Nevada Revised Statutes*.

This bill is effective on July 1, 2015.

**S.B. 338 (Chapter 503)**

Senate Bill 338 requires the establishment of the Safe-to-Tell Program within the Office for a Safe and Respectful Learning Environment in Nevada’s Department of Education. The Program must enable any person to anonymously report dangerous, violent, or unlawful activity being conducted or threatened at a school, a school activity, or on a school bus. This bill provides any information received by the Program is confidential, and it requires Program procedures to ensure information received is reported promptly to the appropriate entities and that the identity of a person reporting information not be disclosed. The bill also creates the Safe-to-Tell Program Advisory Committee within the Office for a Safe and Respectful Learning Environment.

The Director of the Office for a Safe and Respectful Learning Environment must provide training to school officials and individuals involved with the Program, post Program information on the Internet, and provide educational materials to public schools.

Confidential information received by the Program, excluding the identity of anyone providing the information, may be disclosed in response to a motion filed by a defendant in a criminal action, if the information could be exculpatory for the defendant or used to impeach the testimony of a witness. Any person knowingly disclosing Program information, other than as authorized, is guilty of a misdemeanor.

Provisions of this bill concerning the Advisory Committee are effective on June 10, 2015, for the purpose of appointing members; on July 1, 2015, for all other purposes; and expire by limitation on December 31, 2016. Other provisions are effective on June 10, 2015, for the purposes of adopting regulations and performing preparatory administrative tasks and on January 1, 2016, for all other purposes.

**S.B. 432 (Chapter 389)**

Senate Bill 432 provides for the distribution of funding for the 2015-2017 Biennium from the Account for Programs for Innovation and the Prevention of Remediation to public schools annually designated as Victory schools because they have a high percentage of students living in poverty and they are underperforming academically.

Victory schools essentially function as Zoom schools for low-income children by bringing targeted instructional resources and wraparound supports to the lowest performing, lowest income schools. Income levels will be determined using Federal Poverty Level, not Free and Reduced-Price Lunch participation. It is estimated there will be approximately 35 Victory schools statewide—26 elementary, 5 middle, and 4 high schools. All will be one- or two-star rated, and they are expected to be located in Clark, Elko, Humboldt, Nye, and Washoe Counties.

Designated schools are required to conduct a needs assessment and submit a comprehensive plan or letter of intent and comprehensive plan for approval by the Department of Education. A school district board of trustees or charter school governing body is required to submit a report concerning the programs and services provided by a Victory school.

The bill further outlines the instruction, programs, and services that shall or may be provided by a Victory school and requires the Department to contract with an independent evaluator to evaluate the effectiveness of programs and services provided pursuant to this bill. The State Board of Education also must require a Victory school demonstrating unsatisfactory student achievement and school performance to take corrective action and direct the Department to withhold funding if such performance continues.

The Legislative Committee on Education shall consider the Victory school reports and the evaluations of the independent auditor and advise the State Board regarding any action the Committee determines appropriate. The Committee shall also make any recommendations it deems appropriate concerning Victory schools to the next regular session of the Legislature.

This bill is effective on June 8, 2015.

**S.B. 460 (Chapter 429)**

Senate Bill 460 makes various changes concerning the statewide system of accountability for public schools. Specifically, the bill:

- Requires the State Board of Education to adopt regulations prescribing an alternative performance framework to evaluate schools serving certain at-risk populations and the manner in which such schools will be included in the statewide system of accountability;
- Requires the statewide system of accountability to include a method to provide any available grants and other financial support to such schools;
- Prescribes the eligibility criteria and application process for a public school to be rated using the alternative performance framework;
- Changes the automatic-closure provisions for persistently underperforming charter schools to include those schools receiving the lowest possible annual rating for any three years in a five-year period;
- Adds school restart as an alternative to school closure for persistently underperforming charter schools and requires the Department of Education to prescribe related regulations; and
- For purposes of accountability, prohibits the Department from considering a school's annual performance for School Year 2014-2015.

This bill is effective on July 1, 2015.

## **Charter Schools and School Choice**

### **A.B. 351 (Chapter 412)**

Assembly Bill 351 revises the criteria that must be met before the Department of Business and Industry may issue a bond or other obligation to finance the acquisition, construction, improvement, restoration, or rehabilitation of property, buildings, or facilities of a charter school. The bill requires the charter school to have received, within the immediately preceding two consecutive school years, one of the three highest performance ratings pursuant to the statewide system of accountability for public schools.

This bill also:

- Authorizes the Director of the Department of Business and Industry to administer the Charter School Financing Law; and
- Clarifies that the statutory pledge to not repeal, amend, or modify the Charter School Financing Law must not be construed to bind the State or the Legislature to continue to apportion funds to charter schools or to maintain such apportionments at any existing levels.

This bill is effective on July 1, 2015.

### **S.B. 200 (Chapter 56)**

Senate Bill 200 authorizes a charter school to offer enrollment preference to a child of a person who resides or is employed on a federal military installation if the charter school is located on such property.

This bill is effective on July 1, 2015.

### **S.B. 208 (Chapter 238)**

Senate Bill 208 requires the governing body of a new charter school, or a charter school that is expanding enrollment by at least 10 percent, to make a reasonable effort to notify households within 2 miles of the school about the school's application and enrollment process. The notice must be provided at least 45 days before the school begins accepting applications for enrollment. This notification requirement does not apply to charter schools with an approved capacity of 250 or fewer students.

The bill also:

- Provides guidelines for the notification if a school facility location has not been finalized at least 45 days before the initial student application date;
- Authorizes a charter school sponsor to require documentation of a charter school's outreach activities;

- Clarifies a student's enrollment application may be submitted annually and enrollment lotteries can be held no earlier than 45 days after a school begins accepting applications;
- Authorizes a charter school sponsor to reduce the notification and lottery timelines for good cause; and
- To the extent practicable, requires that the notice provided be in the languages primarily spoken in the households within the notification area.

This bill is effective on July 1, 2015.

### **S.B. 302 (Chapter 332)**

Senate Bill 302 relates to parental school choice. Specifically, the measure authorizes the parent of a student to enter into an agreement with the State Treasurer under which the student receives a grant equal to 90 percent of the statewide average basic support per pupil—or 100 percent for students with disabilities or those whose family income is less than 185 percent of the federal poverty level—to be used to pay the cost of enrollment in a private school or to contract for private educational services. Only students who attended a public school, including a charter school, for at least 100 school days are eligible, and a proportionally smaller grant may be provided for part-time private education enrollment. Each grant agreement is valid for one school year and may be renewed or reinstated in a future year at the option of the parent.

Grant funds for each student must be deposited into an education savings account opened by a parent, and the funds must be used only for specific education expenses. The Treasurer may deduct up to 3 percent from the grant to cover administrative costs, which include annual audits of random education savings accounts; must establish reasonable fees for the education savings accounts; and may qualify one or more private financial firms to manage those accounts.

Participating entities eligible to receive funding from the education savings account, which may include a parent, must meet certain requirements and maintain ongoing compliance. The Treasurer will publish a list of such entities, other than any participating parents. Participating students must complete standardized tests in math and English; their results will be shared with the Department of Education, which will aggregate the results and report on the general progress of grant recipients. Students choosing to return to public school must do so at the end of a school funding period. Funds in an education savings account roll over from year to year and must revert to the State General Fund once the student graduates from high school.

This bill is effective on July 1, 2015, for the purposes of adopting regulations and performing other administrative tasks and on January 1, 2016, for all other purposes.

**S.B. 390 (Chapter 258)**

Senate Bill 390 authorizes preference for enrollment at a charter school to be offered to students attending a public school that:

- Exceeds its intended enrollment capacity by more than 25 percent; or
- In the preceding school year, received one of the two lowest ratings under the statewide system of accountability for public schools.

If offered, these enrollment preferences must be provided first to students residing within 2 miles of the charter school and then to other such students applying for enrollment. Additionally, each school district is required to post on its website a list of schools in the district exceeding their enrollment capacity by 25 percent or more.

This bill is effective on July 1, 2015.

**S.B. 491 (Chapter 485)**

Senate Bill 491 provides that, following a formal application and evaluation process, the State Board of Examiners will decide whether to award grant money in Fiscal Years 2015-2016 and 2016-2017 to a nonprofit organization for the recruitment and development of persons to assume leadership roles in forming and operating high-quality charter schools. These schools must serve pupils whose household incomes are below the federal poverty line. The chosen nonprofit organization also must recruit charter management organizations to operate these charter schools and match with its own funds any grant money awarded under this measure.

The nonprofit organization must report to the Budget Division and the Interim Finance Committee on or before September 15, 2017, each expenditure it makes with the grant money and, upon request of the Legislative Commission, provide any records the Legislative Auditor deems necessary to conduct an audit of the use of the grant money.

This bill is effective on July 1, 2015, and expires by limitation on June 30, 2017.

**S.B. 509 (Chapter 516)**

Senate Bill 509 revises provisions related to the employees and duties of the State Public Charter School Authority. The bill:

- Makes various changes to the governance and staff structure of the Authority;
- Authorizes the Authority to adopt regulations related to the application and approval to form a charter school and to enter into agreements with school districts and higher education institutions related to charter school sponsorship;
- Requires the charter school sponsor to ensure compliance with the Family Educational Rights and Privacy Act of 1974 and other State data privacy statutes;



- Authorizes the Authority to adopt regulations concerning its reporting of data on school performance and student achievement;
- Revises procedures related to the application to form a charter school and authorizes an application to be submitted by a nonprofit “charter management organization”;
- Exempts certain high-performing charter schools from the requirement that certain teachers be licensed, establishing alternative qualifications for such teachers;
- Revises actions that may be taken when a charter school persistently underperforms; and
- Includes other provisions related to the Authority and the sponsorship and operation of charter schools, including that a sponsor may only reconstitute the governing body one time for those schools with a one-star school rating for five consecutive school years. A school’s annual rating for any school year before School Year 2015-2016 may not be included in the count of annual ratings for this purpose.

This bill also amends Assembly Bill 448 of this legislative session to require the Department of Education to evaluate pupil achievement and school performance of an achievement charter school during the sixth year of operation. The Executive Director of the Achievement School District is required to provide the Department with the information necessary to evaluate pupil achievement and school performance of the school.

The Department is required to notify parents and legal guardians of pupils in an achievement charter school if adequate progress in pupil achievement has not been met. The notice must include information regarding public schools, educational savings accounts, and any other alternatives for education of the pupil that are available in this State.

Finally, if adequate progress is not being made in pupil achievement and school performance, the Department is required to decide whether to convert the school to a public school under the governance of the board of trustees of the local school district or to continue to operate the school as an achievement charter school for at least six more years. If the school continues to operate in this manner, the Executive Director must terminate the contract with the charter management organization or educational management organization.

Provisions of this bill that require the Department to evaluate and monitor performance of achievement charter schools are effective on July 1, 2016. Provisions related to charter contracts are effective on January 1, 2020. Other provisions are effective on June 10, 2015, for the purposes of adopting regulations and performing preparatory administrative tasks and for the application of certain provisions to a reconstituted charter school. Further provisions are effective on January 1, 2016, for all other purposes.

**NOTE: See also Assembly Bill 448 (Chapter 539).**

## **Funding**

### **A.B. 165 (Chapter 22)**

Assembly Bill 165 establishes the Nevada Educational Choice Scholarship Program. The measure authorizes the formation of scholarship organizations to provide grants for pupils of low-income families for attendance at schools of their choice in Nevada, including private schools. The organization may not own or operate any school, and it must be exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code. The organization must not spend more than 5 percent of the money it receives for administrative costs, nor may it limit grants to a single school or to specific pupils. The sources of scholarship funds collected by the organization may come from gifts, grants, and donations. The grant provided on behalf of a pupil must not exceed \$7,755 for Fiscal Year (FY) 2015-2016, and the maximum grant amount must be adjusted each year in accordance with changes to the Consumer Price Index. Schools receiving such grants must maintain records of each pupil's academic progress in such a manner that the information may be aggregated and reported to Nevada's Department of Education.

The bill provides for a tax credit against the modified business tax and establishes a process for a taxpayer who intends to donate to a scholarship to request approval for the credit from the Department of Taxation. In addition, A.B. 165 establishes a process that the Department of Taxation must follow to approve or deny applications for the tax credit. The total credits approved may not exceed \$5 million for FY 2015-2016, \$5.5 million for FY 2016-2017, and for each fiscal year thereafter, 110 percent of the amount authorized for the immediately preceding fiscal year.

The bill is effective on April 13, 2015.

### **S.B. 119 (Chapter 5)**

Senate Bill 119 exempts from the State prevailing wage law projects involving construction, alteration, repair, remodeling, or reconstruction of an improvement or property to which a school district, charter school, or the Nevada System of Higher Education (NSHE) is a party. This bill also eliminates a provision that currently requires NSHE to pay prevailing wages on construction work for which the estimated cost exceeds \$100,000 even if the construction work does not qualify as a public work.

If the voters approved a proposal submitted by the board of trustees of a school district to issue general obligation bonds, regardless of whether such approval occurred more than ten years before the effective date of this bill, the board of trustees may:

- Issue general obligation bonds for one additional period of ten years without any further approval of the voters. The additional ten-year period commences on the effective date of this bill for any such bond proposal approved by the voters more than ten years before the effective date of this bill and on the date of the expiration of the original ten-year period approved by the voters for any other voter-approved bond proposals; and

- During the additional ten-year period in which a board of trustees is authorized to issue bonds, use excess revenue generated from the property tax for debt service of the school district for funding of certain capital projects even though such authorization was not specifically included in the original bond proposal approved by the voters.

This bill is effective on March 6, 2015.

**NOTE: See also Assembly Bill 172 (Chapter 456).**

**S.B. 133 (Chapter 486)**

Senate Bill 133 creates the Teachers' School Supplies Reimbursement Account and requires the Department of Education to annually apportion money in the Account among school districts and charter schools based upon the number of teachers employed by each. It also requires the board of trustees of each school district and the governing body of each charter school to:

- Establish a special revenue fund for the deposit of money received from the Account;
- Establish a procedure for the distribution of funds to teachers;
- Provide permanent teachers up to \$250 annually, as determined by the Department, to offset out-of-pocket expenses for certain school supplies; and
- Collect receipts submitted by teachers and retain them until the end of the next fiscal year.

Unspent funds revert to the Account at the end of each fiscal year, and the Department may accept gifts, grants, bequests, and donations from any source for deposit in the Account. The bill also allows a person, whose claim to recover unclaimed property of less than \$500 is approved, to donate the money to the Account.

Finally, S.B. 133 appropriates \$2.5 million during each year of the 2015-2017 Biennium from the State General Fund to the Account.

This bill is effective on July 1, 2015.

**S.B. 207 (Chapter 4)**

Senate Bill 207 provides that if the voters approved a proposal submitted by the board of trustees of a school district to issue general obligation bonds, regardless of whether such approval occurred more than ten years before the effective date of this bill, the board of trustees may:

- Issue general obligation bonds for one additional period of ten years without any further approval of the voters. The additional ten-year period commences on the effective date of this bill for any such bond proposal approved by the voters more than ten years before the effective date of this bill and on the date of the expiration of the original ten-year period approved by the voters for any other voter-approved bond proposals; and

- During the additional ten-year period in which a board of trustees is authorized to issue bonds, use excess revenue generated from the property tax for debt service of the school district for funding of certain capital projects even though such authorization was not specifically included in the original bond proposal approved by the voters.

This bill is effective on March 4, 2015.

**S.B. 332 (Chapter 473)**

Senate Bill 332 appropriates \$1 million in each year of the 2015-2017 Biennium from the State General Fund to the Clark County School District to carry out a program of teacher peer assistance and review.

This bill is effective on July 1, 2015.

**S.B. 405 (Chapter 335)**

Senate Bill 405 provides for the expansion of the Zoom schools program. Funding approved by the 2015 Legislature from the Account for Programs for Innovation and the Prevention of Remediation is designated for the Clark and Washoe County School Districts, and the remainder will be available for the Department of Education to fund grants as proposed by the remaining school districts and the State Public Charter School Authority.

The bill funds existing Zoom schools, allows additional elementary schools to receive funding, and expands the program to a limited number of middle schools and high schools in the Clark and Washoe Counties. Additional services concerning the recruitment and retention of personnel, parental engagement, and professional development are added to the program, but no more than 2 percent of the funding provided may be used for such purposes.

This bill requires the State Board of Education to prescribe statewide performance levels and outcome indicators for Zoom schools and requires the Department to contract for an independent evaluation of the effectiveness of Zoom schools. It further requires the State Board to recommend legislation for the 79th Session of the Nevada Legislature defining “long-term limited English proficient” and prescribing a procedure for districts and charter schools to separately count and report data concerning students so defined.

This bill is effective on July 1, 2015.

**S.B. 474 (Chapter 535)**

Senate Bill 474 creates the Great Teaching and Leading Fund in the State General Fund, to be administered by the Superintendent of Public Instruction. The State Board of Education must annually prescribe program priorities for which grants may be awarded from the Fund, and certain public and private organizations are authorized to submit a grant application in response to the stated priorities. Grants must be used to provide:

- Professional development, preparation, and peer assistance and review for teachers, administrators, and other licensed education personnel;

- Leadership training and development; and
- Programs to recruit, select, and retain effective teachers and principals.

This bill also requires the Superintendent, to the extent funding is available, to contract for an independent evaluation of the effectiveness of the grants made from the Fund and to report the results of the evaluation to the Director of the Legislative Counsel Bureau (LCB) for transmittal to the next regular session of the Legislature or the Legislative Committee on Education.

The bill also creates the Advisory Task Force on Educator Professional Development to study certain issues relating to professional development of teachers, school administrators, and other educational personnel. The Task Force must, by December 31, 2016, submit a report of its findings and recommendations to the Governor, the State Board of Education, the Legislative Committee on Education, and the Director of the LCB for transmittal to the next regular session of the Legislature.

This bill is effective on June 11, 2015.

**S.B. 508 (Chapter 536)**

Senate Bill 508 expresses the intent of the Legislature to provide additional resources to the *Nevada Plan*, the means used to finance elementary and secondary education in the State's public schools, for certain categories of students with unique needs, including, without limitation, pupils with disabilities, pupils who are limited English proficient, pupils who are at risk, and gifted and talented pupils. Additionally, this bill:

- Requires the Superintendent of Public Instruction to review and, if necessary, revise the factors used for the equity allocation model adopted for the previous biennium and to present the review and revisions to the Legislative Committee on Education for its consideration and recommendations; such recommendations may be included in the next proposed *Executive Budget*;
- Removes provisions related to special education funding units and replaces them with a weighted average per pupil;
- Limits funding for students with disabilities to the actual number of such students, not to exceed 13 percent of the total enrollment of a school district or charter school and subject to federal maintenance of effort requirements;
- Removes the requirement that students in kindergarten be counted at a six-tenths weighting and requires they instead be counted in the average daily enrollment for all students;
- Requires the Department of Education to develop a plan for the appropriate funding multiplier weighting for certain students under the *Nevada Plan*, as well as a schedule to implement the weightings by Fiscal Year 2021-2022;

- Replaces the annual, single-day count of student enrollment with a quarterly report of average daily enrollment;
- Removes the hold harmless provision for school districts experiencing an enrollment decline of less than 5 percent and requires hold harmless funding to be based upon the greater of the current or previous year's enrollment; and
- Creates the Contingency Account for Special Education Services for the purpose of reimbursing school districts and charter schools for extraordinary program expenses and related services and requires the State Board of Education to adopt regulations for the application, approval, and disbursement of money in the Account.

This bill is effective on July 1, 2016, for the purpose of transitioning from special education program units to a weighted average per pupil; on July 1, 2017, for the purpose of changing the weighting for pupils enrolled in kindergarten; and on June 11, 2015, for all other purposes.

### **S.B. 515 (Chapter 537)**

Senate Bill 515 provides funding for K-12 public education for the 2015-2017 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 2015-2017 Biennium. The bill also appropriates money for purposes relating to basic support of school districts and class-size reduction and other educational purposes. Additionally, S.B. 515 temporarily diverts money from the State Supplemental School Support Account to the DSA for funding operating costs and other expenditures of school districts.

Specifically, S.B. 515 appropriates \$2.843 billion (\$2.195 billion from the State General Fund and \$648.3 million from other sources) for support of elementary and secondary education in Nevada. This appropriation includes sufficient funding to meet enrollment projections and increase the per-pupil basic support level by 1.7 percent over the biennium. The measure increases the statewide average basic support per pupil from \$5,676 in Fiscal Year (FY) 2014-2015 to \$5,710 in FY 2015-2016 and \$5,774 in FY 2016-2017.

Beyond the basic, per-pupil funding appropriated, special categorical funding has been set aside for several programs. Special education is funded in the amount of \$138.6 million in FY 2015-2016 and \$168.1 million in FY 2016-2017, with approximately \$4 million of this amount being reserved over the biennium for the State Board of Education to assign to school districts that have unexpected needs and to charter schools. With the enactment of S.B. 508 this session, the methodology used to distribute funding for students with disabilities will be changed beginning in FY 2016-2017 from special education units to weighted funding on a per-pupil basis. However, the FY 2016-2017 funding total will remain at \$168.1 million.

Continued financial support of the State's class-size reduction program is also contained in S.B. 515. The bill appropriates \$306.3 million to achieve student-to-teacher ratios of 17 to 1 in first and second grades and 20 to 1 in third grade; each ratio has been increased by

one student from the prior biennium. The flexibility allowing school districts to increase class size by up to two students in grades 1 through 3 is discontinued as of June 30, 2015, as approved by the 2013 Legislature.

Senate Bill 515 also contains appropriations and authorizations of funding for the following programs during the FY 2015-2017 Biennium:

- \$173.5 million to expand statewide the full-day kindergarten program, including \$2 million to assist school districts with the purchase of portable classrooms needed to implement the full-day kindergarten program;
- \$15.2 million for the Regional Professional Development Programs to train teachers and administrators; and
- \$6.6 million for competitive grants to school districts and community-based organizations for early childhood education.

In addition, \$131.1 million is appropriated to the Other State Education Programs Account—more than twice the amount from the previous biennium. This money will fund various projects and programs, including educational technology, peer mediation, career and technical education, library books, public broadcasting, and National Board Certification for teachers and counselors. Other items funded from the Account include:

- \$36.6 million for adult education programs;
- \$10.4 million to continue to support participation by gifted and talented students in programs incorporating educational technology;
- \$8 million for a grant program to help high school students enroll in college courses to get dual enrollment credit and to create a competitive science, technology, engineering, and mathematics grant program;
- \$16.8 million for a block grant program to hire contract social and mental health workers for certain schools;
- \$5 million to improve underperforming schools;
- \$10.4 million for the new Charter School Harbormaster program to attract high-quality persons and charter management organizations to Nevada; and
- \$27.2 million to implement the new Read by Three program, in support of early literacy in targeted schools.

Funding over the FY 2015-2017 Biennium for a number of additional new and/or expanded education programs is provided in S.B. 515, including:

## EDUCATION (continued)

- \$100 million for the Zoom schools program, which provides literacy supports for young English language learners;
- \$50 million for a new Victory schools program to support literacy programs at Nevada's poorest underperforming schools;
- \$10 million to fund incentive pay for newly hired teachers;
- \$9.8 million to establish the Great Teaching and Leading Fund to invest in high-quality professional development, leadership development, and an improved teacher pipeline; and
- \$5 million to create a special education contingency account to help schools with unanticipated expenses.

This bill is effective on July 1, 2015.

**NOTE: See also Senate Bill 391 (Chapter 334).  
See also Senate Bill 405 (Chapter 335).  
See also Senate Bill 432 (Chapter 389).  
See also Senate Bill 474 (Chapter 535).  
See also Senate Bill 491 (Chapter 485).  
See also Senate Bill 508 (Chapter 536).**

## Higher Education

### **A.B. 76 (Chapter 13)**

Assembly Bill 76 requires the Department of Education to share with the Interagency Council on Veterans Affairs aggregate data collected concerning each pupil whose parent or guardian is a member of the Armed Forces of the United States or a reserve component thereof, or the National Guard. The bill also encourages the Board of Regents of the Nevada System of Higher Education to foster a culture that recognizes and supports veterans, and it extends from two years to five years the time period a veteran who has been honorably discharged is eligible for in-state tuition and fees. Finally, A.B. 76 requires that the Board of Regents submit, on or before November 30 of each year, a report to the Legislature or the Legislative Committee on Education when the Legislature is not in regular session concerning the participation of students who are veterans in the Nevada System of Higher Education.

This bill is effective on July 1, 2015.



**A.B. 150 (Chapter 207)**

Assembly Bill 150 extends student eligibility for the Governor Guinn Millennium Scholarship to students who do not meet the minimum high school grade point average requirement but who receive a college entrance examination score that meets the approved minimum score established by the Board of Regents of the University of Nevada.

This bill is effective on July 1, 2015.

**A.B. 451 (Chapter 360)**

Assembly Bill 451 extends from September 30, 2015, to September 30, 2017, the date by which the Board of Directors of the University of Nevada, Las Vegas, Campus Improvement Authority must conclude its business and dissolve the Authority. The bill also increases the boundaries of the area subject to the Authority's work to include all parcels of property that are located not more than 1.5 miles from any property currently located within the boundaries of the Authority area, and it authorizes meetings of the Board to be held anywhere within Clark County. Lastly, the bill retroactively extends from September 30, 2014, to September 30, 2016, the date by which the Board is required to submit its report for transmittal to the Legislature.

This bill is effective on June 5, 2015.

**S.B. 76 (Chapter 298)**

Senate Bill 76 revises various provisions governing Nevada's participation in the Western Interstate Commission for Higher Education. Among its provisions, S.B. 76:

- Authorizes the three Nevada State Commissioners to adopt regulations and to delegate certain authority to carry out the provisions in Nevada law governing the Western Regional Education Compact;
- Authorizes the Commissioners to choose and certify applicants for certain programs administered by the Commission;
- Allows program participants in certain medical professions to qualify for loan forgiveness if their practice after graduation serves certain medically underserved populations or areas, or health professional shortage areas, within Nevada; and
- Modifies and caps the permissible amount of loan forgiveness.

This bill is effective on July 1, 2015.

**S.B. 128 (Chapter 373)**

Senate Bill 128 increases from six to nine, the number of credit hours in which a Millennium Scholar must enroll if attending a community college. The bill also increases, from 12 to 15, the number of semester credit hours that may be funded on behalf of a Millennium Scholar

enrolled in a community college. The cumulative maximum assistance that a Millennium Scholar may receive remains unchanged at \$10,000.

This bill is effective on July 1, 2015.

**S.B. 195 (Chapter 375)**

Senate Bill 195 creates the Office of the Western Regional Higher Education Compact within the Office of the Governor and requires the Governor to propose a budget for the Office and to appoint its Director. The Director is authorized to employ any necessary personnel, within the limits of available money. Employees of the existing Nevada office of the Western Interstate Commission on Higher Education will be transferred from the Nevada System of Higher Education to the new Office of the Western Regional Higher Education Compact.

This bill is effective on July 1, 2015.

**S.B. 227 (Chapter 387)**

Senate Bill 227 creates the Silver State Opportunity Grant Program and requires the Board of Regents of the University of Nevada to:

- Award grants for educational expenses to eligible students enrolled in community and State colleges that are part of the Nevada System of Higher Education;
- Adopt regulations prescribing the procedures and standards for determining eligibility, the methodology for calculating the financial need of a student, and the process by which a student may meet the 15 credit enrollment requirement;
- Calculate the maximum grant a student is eligible to receive, net of other funding sources, and determine the actual amount of the grant to be awarded; and
- Submit a biennial program report to the Legislature.

Senate Bill 227 also authorizes the Board to accept gifts, grants, bequests, and donations to fund program grants.

This bill is effective on June 8, 2015, for the purposes of adopting regulations and performing preparatory administrative tasks and on July 1, 2015, for all other purposes.

**S.B. 414 (Chapter 380)**

Senate Bill 414 encourages the Board of Regents to enter into a reciprocal agreement with the State of California to authorize waivers of nonresident tuition to residents of California in the Lake Tahoe Basin to attend Western Nevada College. The agreement is encouraged to comply with the reciprocal portions of S.B. 605 (Chapter 657) of the 2015-2016 Regular Session of the California State Legislature, which would waive nonresident tuition to certain Nevada residents in the Lake Tahoe Basin who attend Lake Tahoe Community College.

This bill is effective on June 5, 2015.

**S.B. 418 (Chapter 88)**

Senate Bill 418 revises refund provisions affecting private postsecondary educational institutions to allow an institution to retain the lesser of \$150 or 10 percent of the agreed upon tuition from a student who cancels his or her enrollment before classes begin. It further authorizes such an institution that is accredited by a regional accrediting agency recognized by the United States Department of Education to retain any additional funds deposited by the applicant to secure a position in a program, if the funds are disclosed clearly as nonrefundable. This bill also increases from \$100 to \$150 the maximum amount that an institution may retain, in addition to the pro rata amount of tuition, when a student withdraws or is expelled by the institution after the start of the training program but before completing 60 percent of the program.

This bill is effective on July 1, 2015.

**S.B. 511 (Chapter 388)**

Senate Bill 511 establishes the Teach Nevada Scholarship Program to provide scholarships to students pursuing teaching degrees at a university, college, or other provider of an alternative licensure program in this State. The bill creates the Teach Nevada Scholarship Program Account and appropriates from the State General Fund to the Account \$2.5 million in each year of the 2015-2017 Biennium to provide grants to fund the scholarships.

This bill further appropriates from the State General Fund to the Account for Programs for Innovation and the Prevention of Remediation \$5 million in each year of the 2015-2017 Biennium to provide incentive pay and professional development for newly hired teachers during their first two years of employment. To qualify, a teacher must work in a designated Title I school or a school rated as underperforming pursuant to the statewide system of school accountability.

This bill is effective on July 1, 2015.

**Personnel****A.B. 27 (Chapter 54)**

Assembly Bill 27 deletes the requirement that a school district demonstrate a shortage of teachers for a particular subject area before the Superintendent of Public Instruction may issue a license to a person who is not a citizen or lawful permanent resident of the United States but who is otherwise entitled to work in the United States in accordance with federal laws and regulations. In place of that requirement, this bill allows such a person to be licensed to teach if, among other existing requirements: (1) the school district can demonstrate that any shortage of teachers exists; or (2) that the school district has not been able to employ a person possessing the skills, experience, or abilities of the person to be licensed and such skills, experience, or abilities are needed to address an area of concern for the school district. The provisions of this bill apply to public and charter schools.

This bill is effective on May 13, 2015.

**A.B. 447 (Chapter 415)**

Assembly Bill 447 revises provisions relating to the Statewide Performance Evaluation System used to evaluate the overall performance of educational personnel. This bill:

- Excludes the use of student achievement data in the System for School Year (SY) 2015-2016;
- Reduces from 50 percent to 20 percent the weighting of student achievement data within the System for SY 2016-2017, and it evenly divides the weighting among statewide and local examinations, as designated by the State Board of Education;
- Allows a school district to choose one or more of the local assessments designated by the State Board or to apply to use a different assessment;
- Increases the weighting of student achievement data within the System from 20 percent to 40 percent beginning in SY 2017-2018;
- Makes supervisors of principals also subject to the System;
- Authorizes the State Board to determine which other licensed personnel are evaluated and the manner in which their performance is measured;
- Requires first-year probationary personnel, or those who are post-probationary and deemed minimally effective or ineffective, to receive three scheduled observations and one summative evaluation each school year. All other personnel subject to the System must receive at least one scheduled observation and one summative evaluation each year;
- Provides for less frequent observations of probationary teachers evaluated as effective or highly effective;
- Authorizes school districts to apply to the State Board to use a different, but equivalent, evaluation system and tools; and
- Repeals several obsolete statutory provisions.

This bill is effective on July 1, 2017, for the purpose of setting the permanent weighting of student achievement data at 40 percent and on July 1, 2015, for all other purposes.

**S.B. 101 (Chapter 11)**

Senate Bill 101 authorizes school district boards of trustees to extend, in odd-numbered years, deadlines related to the reemployment status of certain employees. The deadline for notifying employees of their reemployment status may be extended from May 1 to May 15, and the deadline for employees to advise the board of their acceptance of reemployment may be extended from May 10 to May 25.

This bill is effective on March 19, 2015.

**S.B. 504 (Chapter 115)**

Senate Bill 504 makes various changes to Nevada law concerning bullying and cyber-bullying in public schools. Specifically, this bill:

- Provides for disciplinary and licensure proceedings against certain school officials who knowingly and willfully fail to comply with applicable provisions of law regarding bullying and cyber-bullying;
- Allows the parent of a student to petition a court to compel performance by a school official of any duty imposed by law regarding bullying and cyber-bullying;
- Creates the Office for a Safe and Respectful Learning Environment within the Department of Education, which will conduct training and outreach and maintain a 24-hour toll-free hotline and website for public information and incident reporting;
- Changes requirements regarding the reporting and investigation of an incident of bullying or cyber-bullying;
- Requires a good faith effort to notify, within one school day, the parents of all students involved in an incident;
- Requires an investigation, including an interview of students and parents, within two school days of an incident as well as a written report of the investigation;
- Requires a principal to meet with any victims within ten school days of a reported incident; and
- Allows a parent or guardian to submit a complaint to the Department of Education in response to a decision made by a principal or his or her designee related to an incident.

This bill is effective on July 1, 2015.

**School District Operations****A.B. 221 (Chapter 492)**

Assembly Bill 221 revises provisions governing the collection, maintenance, use, and security of data collected concerning public school students. The Department of Education is required to adopt policies and procedures necessary to ensure the privacy of student data consistent with State and federal law and to review these policies at least once each biennium and revise them as needed. The Department is further required to post on its website a list of all third-party service providers, organizations, and agencies that have access to data concerning individual students. For any contract that involves personally identifiable student data, the Department, a school district, a charter school, a university school for the profoundly gifted, or any public school is required to include contract provisions that meet certain privacy and security requirements and provide penalties for noncompliance.

Assembly Bill 221 further requires boards of trustees and the governing bodies of a charter school and a university school for profoundly gifted pupils to establish, make public, and regularly update an index of data categories transferred to the State education accountability information system and list the data maintained but not reported to the State system. Finally, the Department is required to consult with each school district and charter school sponsor to adopt a data security plan concerning the collection, maintenance, and transfer of information. Public schools must comply with such a plan and detail in their annual reports of accountability any significant changes to data security processes or data collected.

The bill is effective on July 1, 2015.

**A.B. 341 (Chapter 411)**

Assembly Bill 341 requires the board of trustees of each school district and the governing body of each charter school that serves pupils in kindergarten or grades 1, 2, or 3 to prescribe an early literacy screening assessment for each pupil who has indicators for dyslexia and needs intervention. If an early literacy screening confirms that a pupil has indicators for dyslexia, the school board or governing body of a charter school is required to address the needs of a pupil through the response to scientific, research-based intervention system of instruction.

Each affected school is required to designate at least one employee to receive training in effective methods of intervention for pupils with dyslexia; such training shall be provided to a school's learning strategist, if one has been designated. These schools also must designate at least one employee who serves pupils in kindergarten or grades 1, 2, or 3 to receive professional development regarding dyslexia, including methods to recognize indicators for dyslexia. This professional development must be delivered by the learning strategist, if one has been designated, or may be delivered over the Internet.

This bill is effective on July 1, 2015.

**A.B. 394 (Chapter 543)**

Assembly Bill 394 creates an advisory committee and a technical advisory committee to develop a plan for the reorganization of the Clark County School District into local school precincts, and provides for the membership and duties of each committee. The advisory committee, in consultation with the technical advisory committee, is authorized to enter into a contract with a consultant to perform a study and assist the advisory committee with developing the plan. The plan and the study must be completed by January 1, 2017. Upon the completion of the plan, the Clark County Board of Commissioners is required to conduct at least six public meetings to receive public comment concerning the plan. The advisory committee shall revise the plan, as necessary and file the proposed plan with the Board of Trustees of the Clark County School District. Copies must be submitted to the State Board of Education and the 2017 Legislature. Upon notice from the State Board of Education that the plan is implemented, the Governor shall issue a proclamation to that effect.

The bill also requires the State Board of Education to adopt regulations to implement the plan not later than School Year 2017-2018. Upon implementation of the plan, for the purposes of collective bargaining, the Clark County School District remains a local government employer with respect to employees engaged in the services or functions provided or performed by the District, while each local school precinct becomes the local government employer of employees engaged in the services or functions of the local school precinct.

Provisions of this bill relating to the designation of local school precincts as collective bargaining units are effective on the date on which the Governor issues a proclamation. All other provisions of this bill are effective on July 1, 2015.

**A.B. 483 (Chapter 540)**

Assembly Bill 483 requires the board of trustees of each school district to reserve for each fiscal year a sum of money sufficient to increase base salaries, not to exceed 10 percent, for at least 5 percent of the teachers and administrators employed by the district. The initial increase must be effective for School Year 2016-2017.

Additionally, this measure eliminates the requirement that the program of performance pay and enhanced compensation be subject to collective bargaining and requires that consideration be given to program implementation in schools rated as underperforming pursuant to the statewide system of accountability for public schools.

This bill is effective on January 1, 2016.

**S.B. 75 (Chapter 228)**

Senate Bill 75 requires the State Board of Education to prescribe the minimum number of school days that must take place before certain standardized examinations may be administered. The Board is further required to prescribe a period of time during which the examinations must be administered by the board of trustees of each school district and the governing body of each charter school. This bill also removes the requirement that all such examinations be administered at the same time during the spring semester.

This bill is effective on May 27, 2015.

**S.B. 411 (Chapter 425)**

Senate Bill 411 authorizes a board of trustees of a school district, other than in Clark County, to create a Public Schools Overcrowding and Repair Needs Committee. The membership of the committee must include State and local elected officials, economic development organizations, labor and teacher organizations, the general public, and representatives of specific industry sectors, such as gaming, retail, homebuilding, and general business. If established, such a committee must make recommendations on the imposition of a tax or taxes to be used to fund school construction, repairs, remodeling, site acquisition, or the purchase of vehicles, equipment, and furniture.

Taxes that may be recommended include the following: (1) room tax on transient lodging; (2) supplemental governmental services tax on motor vehicles; (3) additional real property transfer tax; (4) additional sales and use tax; and (5) additional property tax. The recommendation must specify the proposed rate or rates and may specify a time period for the tax. The committee's recommendations must be forwarded to the board of county commissioners, which must submit the tax recommendations to the voters as a ballot question at the 2016 General Election. If the voters approve the tax or taxes, the county commission must impose and collect the tax. Proceeds from any such tax may not be used to settle or arbitrate labor disputes or to make districtwide adjustments to salaries for school district employees. The authorization to create a committee expires on April 2, 2016.

The bill is effective on June 8, 2015.

## **Students and Parents**

### **A.B. 120 (Chapter 205)**

Assembly Bill 120 clarifies that a pupil in a public school may express himself or herself in a manner consistent with rights guaranteed under the First and Fourteenth Amendments to the *United States Constitution* as long as such expressions are not disruptive of instructional time, used to bully or intimidate, or directly or indirectly endorsed by the school. The bill also requires the board of trustees of each school district and the governing body of each charter school and university school for profoundly gifted pupils to adopt a grievance policy prescribing procedures for the resolution of a complaint that the rights of a pupil to free expression have been violated.

This bill is effective on July 1, 2015.

### **A.B. 121 (Chapter 363)**

Assembly Bill 121 prohibits a school from disciplining a pupil enrolled in kindergarten or grades 1 through 8 for simulating a firearm or other dangerous weapon while playing, for possessing a toy firearm that is two inches or less in length, or for possessing a toy weapon made of plastic building blocks. In addition, pupils may not be disciplined for wearing clothing or accessories that depict weapons or for expressing an opinion about the constitutional right to keep and bear arms unless it substantially disrupts the educational environment. The bill specifies that discipline may be warranted if the simulation is significantly disruptive to the learning process, causes bodily harm to someone, or causes a person to have a reasonable fear of bodily harm. Finally, the provisions of this bill do not prohibit a school from establishing and enforcing a school uniform policy.

The bill is effective on June 5, 2015.

### **A.B. 206 (Chapter 367)**

Assembly Bill 206 revises the content of certain notices sent to parents of pupils enrolled in public schools. The measure affects notices to parents concerning incidents of bullying or cyber-bullying, as well as reports to parents concerning a child found to have scoliosis, a



visual or auditory problem, or any gross physical defect. The notices must include a list of resources that may be available in the community to assist the pupil, including resources available at little or no cost; however, neither school employees nor the school district is responsible for providing these resources or ensuring that the pupil receives them.

This bill is effective on July 1, 2015.

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

Assembly Bill 285 expands existing law regarding the self-administration of medication for pupils in schools to include the self-administration of medication for the treatment of diabetes when a parent or legal guardian has submitted a written request that includes a written treatment plan prepared by a physician. The bill also requires a public school to establish protocols for containing blood-borne pathogens and the handling and disposal of needles, medical devices, and other medical waste, and it provides immunity from liability to school administrators and employees from any harm as a result of noncompliance with the protocols established by the school.

This bill is effective on July 1, 2015.

**S.B. 13 (Chapter 222)**

Senate Bill 13 replaces the definition of “pupil with a disability” with the federal definition of “child with a disability” and clarifies that the pupil is under 22 years of age. It also requires the minimum standards for the special education of students with hearing impairments be in accordance with federal law.

This bill is effective on July 1, 2015.

**S.B. 394 (Chapter 265)**

Senate Bill 394 requires the Department of Education, in consultation with persons and organizations who possess knowledge and expertise in the personal safety of children, to develop age-appropriate curriculum standards for teaching personal safety to children. The Department also must develop recommendations to assist the school district, or a charter school, to develop and implement various programs related to the personal safety of children. The board of trustees of each school district, and the governing body of each charter school, is required to ensure that instruction on the personal safety of children is carried out as part of a course of study in health and is based on the standards developed by the Department.

The school district or charter school is required to determine the appropriate grade levels, course content, and materials for such instruction, and the instruction must be provided by:

- A licensed teacher;
- An employee of the school district with special knowledge or training in the teaching of personal safety to children;

- An employee of an agency that has as its primary purpose the teaching of personal safety to children;
- An employee of a law enforcement agency; or
- A volunteer of an agency that has as its primary purpose the teaching of personal safety to children, who has undergone a background investigation and has special training in the teaching of personal safety.

The measure also specifies that the parent or guardian of each pupil to whom such instruction will be provided must be notified of such instruction and provided with an opportunity to review the instructional materials to be used and to submit a written request that the pupil be excused from the instruction, unless the course in which the instruction is provided is required for graduation. The bill revises the information required to be included in a report to the Department for the preceding year regarding the personal safety instruction and certain personal safety incidents reported by pupils.

Finally, the measure removes the prohibition on a guardian *ad litem* receiving compensation and the requirement that a guardian *ad litem* be a volunteer.

This measure is effective on May 27, 2015, for the purposes of adopting regulations and performing any other preparatory administrative tasks. Provisions relating to a guardian *ad litem* are effective on January 1, 2016; provisions requiring the Department to develop age-appropriate curriculum standards concerning the personal safety of children are effective on July 1, 2016; and provisions requiring schools to begin providing instruction in the personal safety of children are effective on July 1, 2020.

## **ELECTIONS**

### **A.B. 23 (Chapter 336)**

Assembly Bill 23 revises provisions relating to the conduct of elections, including removing the requirement that certain topics, such as the duties of election boards and the use of elections supplies, be the subject of regulations adopted by the Secretary of State. The bill changes the date of certain general city elections from the first Tuesday after the first Monday in June to the second Tuesday after the first Monday in June and makes conforming changes to the charters of Boulder City, Caliente, Henderson, Las Vegas, North Las Vegas, and Yerington. The bill also revises a provision in current law to allow only voters who voted at the relevant preceding election to sign a recall petition.

The bill provides that a committee for the recall of a public officer must file contribution and expenditure reports, regardless of the outcome of the efforts to circulate the recall petition. The measure also incorporates the definition of the term “independent expenditure” into the definition of “committee for political action” as it relates to expenditures made by an organization or entity whose primary purpose is not to affect the outcome of any election or ballot question. Finally, contribution limits currently tied to the dates for convening and adjourning the legislative session are changed to calendar years.

Provisions relating to election procedures and campaign finance reporting are effective on July 1, 2015. Revisions to the date of general city elections are effective on January 1, 2016.

### **A.B. 63 (Chapter 105)**

Assembly Bill 63 clarifies that if a candidate for elective office ends a campaign without officially withdrawing his or her candidacy and subsequently is elected to office, the candidate must resume filing campaign contribution and expenditure reports starting with the next report due after the election to office.

This bill is effective on July 1, 2015.

### **A.B. 94 (Chapter 454)**

Assembly Bill 94 authorizes each county and city clerk to establish a system to distribute sample ballots by electronic means to each registered voter who chooses to receive a sample ballot in this manner. The system may include e-mail or electronic access through a website. The measure provides that an e-mail address provided by a registered voter is confidential and not a public record and may not be disclosed by the county or city clerk or voter registrar. The e-mail address may only be used to distribute a sample ballot electronically and to communicate with the voter regarding the voting process.

This bill is effective on June 9, 2015, for the purposes of adopting regulations and performing other administrative tasks and on January 1, 2016, for all other purposes.

**A.B. 462 (Chapter 509)**

Assembly Bill 462 makes various changes relating to election administration. The bill clarifies that election board officers are appointed for polling places in the county and not to precincts and districts. The maximum number of registered voters in a precinct is increased from the existing limit of 1,500 to 3,000 voters.

The measure also makes changes relating to electronic voter rosters and files. Election officials may provide sample ballots electronically, if the option is available and if a registered voter elects to receive a sample ballot by electronic means. The system may include e-mail or electronic access through a website. The measure provides that an e-mail address provided by a registered voter is confidential and not a public record and may not be disclosed by the county clerk, city clerk, or voter registrar. The e-mail address may only be used to distribute a sample ballot electronically and to communicate with the voter regarding the voting process. The measure also provides that during the hours a polling place is open, alphabetical listings of voters who have voted may be published online as well as posted in the polling place.

The measure provides, when signing the roster at a polling place, if a voter's signature does not match or if the voter cannot sign his or her name due to physical limitations, the voter must provide personal data that verifies the identity of the voter or provide proof of identification as set forth in Nevada's existing voter registration provisions. If the voter's signature has changed in comparison to the application to register to vote, the bill also requires a voter to update his or her signature using a form prescribed by the Secretary of State.

Assembly Bill 462 deletes the requirement that the county clerk publish the full text of a statewide measure in a newspaper of general circulation. However, the condensation of a statewide measure, its explanation, arguments, rebuttals, and fiscal note shall be published. Finally, the bill provides the name of an independent candidate on ballots must be listed as "no political party" with the abbreviation of "NPP," rather than the current listing of "independent" with the abbreviation of "IND."

The bill is effective on June 10, 2015, for the purposes of adopting regulations and performing other preparatory administrative tasks and on January 1, 2016, for all other purposes.

**S.B. 5 (Chapter 295)**

Senate Bill 5 provides that a candidate for nonpartisan office who receives a majority of the votes cast in a primary election must be declared the winner and not have his or her name placed on the general election ballot. This "50 percent plus 1" rule appears in a number of city charters, and S.B. 5 seeks to expand this provision to statewide and county primary elections as well as Carson City.

If no more than twice the number of candidates file for a nonpartisan office, the candidates must be declared the nominees. Their names must be omitted from the primary election ballot and placed on the ballot for the general election.

This provision also applies in judicial elections. In addition, if one of the candidates in a judicial primary election receives a majority of the votes cast in the primary election, the candidate must be declared the nominee and only that person's name must be placed on the general election ballot.

### **S.B. 104 (Chapter 110)**

Senate Bill 104 provides an exception to the requirements that political advertisements disclose the name of the person or entity who paid for such advertising and include a statement indicating that the advertisement was approved by a candidate. This exception applies to any statement or communication appearing on any article of clothing, regardless of its cost, and on certain other forms of advertising including buttons, pens, candy, jar openers, and balloons having a retail value of less than \$5 each.

### **S.B. 248 (Chapter 242)**

Senate Bill 248 revises provisions regarding assistance in casting a ballot to a person with a disability or a person with an inability to read or write English. Specifically, the measure provides that such a person is entitled to assistance in casting a ballot if the need for such assistance is apparent or known to the election board and the person requests assistance in voting in any manner.

In addition, the measure removes the discretion for an election board to require a person with a disability or an inability to read or write English to sign a statement under penalty of perjury swearing that he or she requires assistance in casting a ballot. The measure also eliminates the requirement that a person with a disability furnish a statement from a physician certifying that the individual is a person with a physical disability as a prerequisite to the person receiving an absent ballot.

The measure is effective on May 27, 2015.

### **S.B. 293 (Chapter 249)**

Senate Bill 293 requires a person, including a former public officer, who qualifies as a candidate by receiving one or more contributions in excess of \$100, to dispose of all contributions that have not been spent or committed for expenditure if, within four years after receipt of the contribution, he or she does not file a declaration or acceptance of candidacy or appear on the ballot at any election. Such contributions must be disposed of not later than the fifteenth day of the month after the end of the four-year period during which the candidate or public officer did not file a declaration of candidacy or appear on the ballot.

The bill also provides that a former public officer who has any unspent campaign contributions as of October 1, 2015, shall, on or before September 30, 2017:

- File a declaration or acceptance of candidacy;
- Appear on a ballot at any election; or

- Dispose of his or her unspent contributions as set forth in Nevada law.

The bill specifies that such former public officers are subject to campaign finance reporting requirements for as long as they have unspent campaign contributions.

### **S.B. 307 (Chapter 320)**

Senate Bill 307 aligns certain provisions in the Nevada Lobbying Disclosure Act and Nevada's Financial Disclosure Act. The bill revises the definitions of "expenditure" and "gift" as they relate to reporting by lobbyists and public officers. Lobbyists are required to disclose expenditures made for educational or informational meetings, events, or trips provided to legislators and public officers, and candidates must report on their financial disclosure statements such meetings, events, or trips that have been provided by interested persons, as defined. Categorical reporting of expenditures made by a registered lobbyist is replaced by the itemization of such expenditures as set forth in regulations adopted by the Legislative Commission.

Senate Bill 307 provides that a lobbyist shall not knowingly or willfully give any gift to a member of the Legislative Branch, and a member shall not accept any gift from a lobbyist. This prohibition applies whether or not the Legislature is in session. The bill clarifies which persons constitute members of the household of a public officer or candidate for public office. The Secretary of State is required to provide access through a secure website for the purpose of filing these statements electronically.

Finally, S.B. 307 provides that the required nonelection year contribution and expense reports, as well as the disposition of unspent contributions report, must be filed 15 days after the end of that nonelection year.

The measure is effective on June 1, 2015, for the purposes of adopting regulations and performing preparatory administrative tasks and on January 1, 2016, for all other purposes. Provisions of the bill relating to the filing of financial disclosure statements do not apply to those statements filed to report information for any period prior to January 1, 2016.

### **S.B. 499 (Chapter 525)**

Senate Bill 499 makes various changes related to elections. It changes the last day to file a minor party ballot access petition with the Secretary of State from not later than the third Friday in May to not later than the third Friday in June. In addition, S.B. 499 changes the last day to file an independent candidate petition with the appropriate filing officer from not later than the third Friday after the first Monday in March to not later than the third Friday in June. The bill makes conforming changes to the filing date for documents challenging the qualifications for ballot access of a minor party and the qualifications of independent candidates. The court shall give priority to such proceedings.

The measure adjusts the deadlines relating to the determination of petition sufficiency and signature verification for minor party ballot access and independent candidate petitions.

Specifically, S.B. 499 shortens the number of days from four days to two days, excluding Saturdays, Sundays, and holidays, within which county clerks must determine the total number of signatures found on submitted petitions for minor party ballot access and independent candidates and forward that information to the Secretary of State. The subsequent notification by the Secretary of State to the county clerk concerning the sufficiency of the petition is changed from within nine days, excluding Saturdays, Sundays, and holidays, to within three days, excluding Saturdays, Sundays, and holidays, after the county clerk notifies the Secretary of State of the number of signatures on the minor party ballot access or independent candidate petition. The measure also shortens the required time frames by which statistical sampling of petition signatures and signature verification must occur.

Senate Bill 499 also changes the manner in which nominees are selected from a major political party. The bill specifies that if a major political party has two or more candidates, the person who received the highest number of votes at the primary election must be declared the nominee of that party for the office. Other nomination procedures for major party candidates to partisan office also are deleted, which means a primary election must be held whenever there are two or more candidates of the same major political party, regardless of whether a minor party or independent candidate have filed for that office. Finally, S.B. 499 extends, from the fourth Friday in June to the fourth Friday in July, the date by which a vacancy in a nonpartisan office or nomination for a nonpartisan office must be filled.





## GAMING

### **A.B. 40 (Chapter 274)**

Assembly Bill 40 exempts certain proceedings and actions of the State Gaming Control Board from the Open Meeting Law, including investigative hearings. The limited exception is related to the Board's investigative activities while inquiring as to whether a violation has occurred and, if so, what actions should be taken to determine whether those violations have occurred. The Open Meeting Law still applies to the Board's procedures, including monthly meetings. The exemption expires in four years.

The bill also changes the name of the State Gaming Control Board to the Nevada Gaming Control Board.

This bill is effective on May 29, 2015.

### **A.B. 476 (Chapter 494)**

Assembly Bill 476 makes various changes to laws concerning unarmed combat. The bill requires the Nevada Athletic Commission to perform drug testing of amateur and professional unarmed combatants, at any time, including during training. The Governor must designate a member of the Athletic Commission as Chair of the Commission, and the designation lasts for a two-year period unless revoked by the Governor.

The measure changes the calculation of the license fee by not including complimentary tickets for a live contest or exhibition of unarmed combat on a closed-circuit telecast or motion picture. The bill increases the license fee from 6 percent to 8 percent of the total gross receipts from admission fees to a live contest or exhibition of unarmed combat required to be paid by a promoter, and it also provides for a promoter to receive a credit against license fees for administering a drug testing program for unarmed combatants. The bill requires one-fourth of the 8 percent license fees collected be deposited with the State Treasurer for credit to the Commission's Agency Account.

The Commission is required to adopt regulations governing:

- Credits against the license fee;
- The sanctioning of organizations to administer a drug testing program for unarmed combatants;
- The exclusion of complimentary tickets or tickets provided to a charitable organization; and
- The inclusion of complimentary tickets for the license fee if the value of the tickets exceeds 8 percent of the seats in the event's venue.

The Commission is authorized to impose a ban from participation in unarmed combat for a certain period, including a lifetime ban or any other disciplinary action. The Commission's authority to take disciplinary action extends to any person involved in or associated with unarmed combat in this State. Lastly, the bill repeals existing language requiring promoters to provide the Commission with copies of contracts related to the promotion of televised unarmed combat events.

This bill is effective on June 9, 2015.

**S.B. 9 (Chapter 108)**

Senate Bill 9 requires the Nevada Gaming Commission to adopt regulations encouraging manufacturers to develop and deploy gaming devices that incorporate innovative, alternative, and advanced technologies, including games of skill and hybrid games that may incorporate player skill in combination with other elements. The bill also requires regulation of associated equipment and support systems.

This bill is effective on May 19, 2015.

**S.B. 38 (Chapter 296)**

Senate Bill 38 requires persons who manufacture, sell, or distribute gaming associated equipment to be registered with the Nevada Gaming Commission and requires the Commission to develop appropriate regulations for such registration. The Commission is also directed to adopt regulations governing the registration of certain club venue employees and related matters.

Additionally, the bill broadens the range of charitable and professional organizations authorized to conduct charitable lotteries in the State and allows for the conduct of multicounty charitable events subject to regulatory approval.

Finally, S.B. 38 revises several definitions related to manufacturers of gaming associated equipment and repeals obsolete provisions concerning the granting of certain gaming licenses.

This bill is effective on May 30, 2015, for the purposes of adopting regulations and performing other preparatory administrative tasks and on July 1, 2015, for all other purposes.

**S.B. 40 (Chapter 417)**

Senate Bill 40 makes it unlawful for any person who is not properly licensed to receive, directly or indirectly, any compensation, reward, or percentage or share of money or property played for accepting a bet or wager upon an event held at a track involving a horse or other animal, a sporting event, or other event. It is also unlawful under this bill to transmit or deliver anything of value resulting from such activity to or on behalf of another person. A person who violates these provisions is guilty of a category B felony.

The bill also clarifies that it is not a crime for a properly licensed race book or sports pool to unknowingly accept a bet from or pay winnings to a person who is in violation of these provisions.

**S.B. 124 (Chapter 117)**

Senate Bill 124 authorizes the State Gaming Control Board to allow a gaming licensee to move its establishment to a location within 1 mile of its existing location and transfer its nonrestricted license if the move and transfer are necessary because the existing location is adjacent to a military installation and the federal government has deemed the land in question necessary for the expansion of the military installation.

This bill is effective on May 20, 2015.

**S.B. 409 (Chapter 469)**

Senate Bill 409 creates an exception in State law similar to that in federal law with regard to credit reporting. The bill allows a credit reporting agency to report on bankruptcies older than ten years, and other civil judgments older than seven years, incurred by a person who is seeking employment with a gaming licensee or in a position directly connected to the licensee's operations. The bill also clarifies that credit reporting agencies are not required to delete records of felony convictions.

This bill is effective on June 9, 2015.

**S.B. 443 (Chapter 330)**

Senate Bill 443 enables the Nevada Gaming Commission to adopt regulations on business entity race book and sports pool wagering as it deems appropriate and adds criminal penalties for the failure to disclose persons involved with a business entity's wagering.

This bill is effective on June 2, 2015.

**S.B. 445 (Chapter 331)**

Senate Bill 445 requires the Nevada Gaming Commission to adopt regulations governing the operation by a licensed race book or sports pool operator of a global risk management system through the use of communications technology between and among various jurisdictions.

This bill is effective on June 2, 2015.



## **HEALTH AND HUMAN SERVICES**

### **A.B. 156 (Chapter 208)**

Assembly Bill 156 requires the Director of the Department of Health and Human Services, when determining whether a community is “at-risk,” to consider, in addition to other factors, the number of families in the community who are at imminent risk of homelessness. The bill clarifies that a family resource center is a facility where families may directly obtain social services. Family resource centers are required to include input from their local and State elected officials when developing an action plan related to a grant. Case managers are required to collect and analyze data to monitor the performance of family members who receive services.

This bill is effective on July 1, 2015.

### **A.B. 268 (Chapter 141)**

Assembly Bill 268 authorizes a licensing authority or a person designated by the licensing authority to obtain certain information on background and personal history of a person who is 18 years of age or older who routinely supervises a child in a foster home. Such a person is required to submit a complete set of fingerprints and certain documentation to the licensing authority for the purpose of a background investigation. If the licensing authority determines that the person has been convicted of a certain offense, the applicant or licensee of the foster home must ensure the person is not present in the home and must prevent continued supervision. A licensing authority must allow such person to correct such information.

This bill is effective on July 1, 2015.

### **S.B. 35 (Chapter 223)**

Senate Bill 35 ratifies the Interstate Compact on Mental Health. The measure:

- Adopts the language necessary for Nevada to enter the Compact;
- Appoints the Administrator of the Division of Public and Behavioral Health, Department of Health and Human Services (DHHS), to serve as the Compact Administrator;
- Requires the Administrator to cooperate with other government entities, enter into certain agreements, and adopt regulations necessary to carry out the Compact;
- Requires any conflict between the provisions of the Compact and provisions of Nevada law to be resolved in favor of the provisions of the Compact;
- Provides that the Compact shall not be construed to abrogate certain rights of consumers of mental health services;
- Requires that agreements for the return of consumers of mental health services to their states or counties of residence comply with the provisions of the Compact; and

- Requires the Administrator of the Division of Child and Family Services, DHHS, to comply with agreements made by the Administrator of the Division of Public and Behavioral Health, DHHS, pursuant to the Compact.

This measure is effective on May 27, 2015.

**S.B. 362 (Chapter 40)**

Senate Bill 362 authorizes the Director of the Department of Health and Human Services to establish, within the limits of available funding, an educational program within the Division of Public and Behavioral Health regarding the prevention of domestic violence and any medical, mental health, or social services available to victims of domestic violence.

This measure is effective on July 1, 2015.

**Children**

**A.B. 52 (Chapter 104)**

Assembly Bill 52 clarifies that a public or private home, institution, or facility is responsible for a child's welfare if the child resides or receives care at the home, institution, or facility.

**A.B. 167 (Chapter 527)**

Assembly Bill 167 authorizes a law enforcement officer or a person who holds a permit to carry a concealed firearm to possess the firearm or ammunition on the premises of a family foster home if the firearm is stored in a locked secure storage container, except when used for certain lawful purposes, when carried lawfully, to clean or service the firearm, or if the firearm or ammunition is inoperable and solely ornamental. The measure requires any key, combination, or access code to the locked storage container to be kept in the reasonably secure possession of an adult or in a locked combination or biometric safe.

This bill also authorizes a law enforcement officer or a person who holds a permit to carry a concealed firearm to carry a firearm on his or her person while in the presence of a foster child, if the person:

- Keeps the firearm in a holster or a similarly secure case;
- Carries the firearm in a manner that ensures it is inaccessible to the foster child and is in the possession or control of the provider or other person; and
- Returns the firearm to a locked and secure storage container when it is not being carried or in use.

Finally, the measure specifies that an agency that provides child welfare services is immune from liability for any injury caused by a firearm that is stored on the premises of a family

foster home or carried by a provider of family foster care or any other person who resides in a family foster home.

This bill is effective on June 10, 2015.

**A.B. 324 (Chapter 179)**

Assembly Bill 324 lowers from 16 to 14 the age of a child for whom a child welfare agency is required to obtain a credit report to conform with federal requirements. In addition, a law enforcement agency is required to request certain identifying information from a parent or guardian of a child of any age who has been missing for 30 days. When a child welfare agency receives information that a child in custody is missing or abducted, the agency must immediately report that information to the National Center for Missing and Exploited Children and the National Crime Information Center database. In order to receive certain federal funds, the Division of Child and Family Services, Department of Health and Human Services, is required to adopt regulations concerning children who run away from foster care.

The bill also authorizes a child welfare agency that has custody of a child who is 16 years of age or older to present compelling reasons at a permanency hearing for placing a child in another permanent planned living arrangement. At the permanency hearing, the court must ask a child about his or her desired permanent living arrangement and include an explanation as to why it is not in the best interest of a child to return to a certain living arrangement, if the court makes such a determination.

This bill is effective on July 1, 2015.

**A.B. 424 (Chapter 107)**

Assembly Bill 424 creates the Account for the Statewide Alert System for the Safe Return of Abducted Children in the State General Fund. The bill requires the Committee for the Statewide Alert System to administer the Account, and any monies remaining at the end of a fiscal year do not revert to the State General Fund, but rather are carried forward to the next fiscal year. Members of the Committee who are not representatives of an agency in the Executive Department of State Government may receive reimbursements to the extent that money is available. The Committee is also authorized to apply for gifts, grants, and donations, which must be deposited into the Account.

This bill is effective on July 1, 2015.

**S.B. 88 (Chapter 231)**

Senate Bill 88 authorizes employees of the Division of Public and Behavioral Health, Department of Health and Human Services (DHHS), to access information in the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. An employee may only access information in the Registry when conducting a background investigation of holders of licenses, employees, and certain residents of child care facilities. In addition, the measure authorizes the Administrator of the Division of Child and Family Services, DHHS, to grant access to the Registry to employees or contractors

of any other State or local government agency responsible for the welfare of children who demonstrate a bona fide need to access the Registry.

This measure is effective on July 1, 2015.

**S.B. 107 (Chapter 501)**

Senate Bill 107 requires a child welfare agency to provide to the Division of Child and Family Services, Department of Health and Human Services, certain information concerning the placement of children in specialized foster homes. This information includes demographics, clinical evaluations, hospitalizations, psychotropic medications, permanent living arrangements, and academic standing. The Division must periodically review the placement of such children, and if upon review the Division determines the children are inappropriately placed or not receiving services, the Division shall require a child welfare agency to take corrective action. Also, the Division must submit to the Governor and the Legislative Counsel Bureau (LCB) an annual report containing certain information on the placement of children in specialized foster homes.

Provisions of this bill that require the Division to report annually to the Governor and the LCB are effective on July 1, 2016, and expire by limitation on July 1, 2021. Other provisions of this bill are effective on July 1, 2015.

**S.B. 148 (Chapter 301)**

Senate Bill 148 revises provisions governing service of a summons to an adjudicatory hearing on a petition that a child who was removed from his or her home is in need of protection. Such a summons must be served personally or by registered or certified mail, regardless of whether the person resides inside or outside of Nevada.

**S.B. 303 (Chapter 250)**

Senate Bill 303 provides that a child is, rather than may be, in need of protection if the child is in the care of a person responsible for the child's welfare and another child has been subjected to abuse by that person, unless the person has successfully completed a plan for services recommended by a child welfare agency to address the abuse of the other child.

When making a determination to terminate parental rights, a court must consider certain factors if the child has been out of the care of a parent or guardian for at least 12 consecutive months. The bill also revises the conditions that a court must consider in determining neglect by or unfitness of a parent for the purpose of proceedings regarding the termination of parental rights.

Lastly, the bill requires the Legislative Committee on Child Welfare and Juvenile Justice to evaluate and review issues relating to reunification of foster children with a birth parent and adoption of foster children by a foster parent.

This measure is effective on July 1, 2015.



## **Medical and Related Facilities**

### **A.B. 28 (Chapter 102)**

Assembly Bill 28 requires the State Long-Term Care Ombudsman to develop a training course that encourages long-term care facilities to allow residents to follow their own routines and make their own decisions concerning the daily activities in which they participate. The training course is to be made available to officers, directors, and employees of long-term care facilities. The bill also requires the Ombudsman to provide this training to advocates who assist the Ombudsman.

This measure is effective on July 1, 2015.

### **A.B. 152 (Chapter 305)**

Assembly Bill 152 requires the State Board of Health to adopt regulations to require a child care facility to provide a private space where mothers may breastfeed and a program of physical activity for the children, and to prohibit a child care facility from withholding or requiring physical activity as a form of discipline.

The bill is effective on June 1, 2015, for the purposes of adopting any regulations and performing other administrative tasks and on January 1, 2016, for all other purposes.

### **A.B. 222 (Chapter 92)**

Assembly Bill 222 allows the Division of Public and Behavioral Health, Department of Health and Human Services, to impose administrative sanctions against a person who operates any facility for the dependent without a license.

The bill is effective on May 18, 2015, for the purpose of adopting regulations and on January 1, 2016, for all other purposes.

### **S.B. 31 (Chapter 76)**

Senate Bill 31 transfers from the Division of Public and Behavioral Health, Department of Health and Human Services, to the State Board of Health the authority to adopt regulations that prescribe the requirements for continuing education for persons certified as detoxification technicians and the fees for certification of detoxification technicians, facilities, and programs. The measure provides that such regulations adopted by the Division remain in effect and are enforceable by the Division until the Board adopts regulations to repeal or replace those regulations.

This bill is effective on July 1, 2015.

**S.B. 33 (Chapter 262)**

Senate Bill 33 authorizes the board of hospital trustees of a county hospital to hold a closed meeting to discuss:

- Providing a new service at the hospital or materially expanding an existing service; or
- Acquiring an additional facility for the hospital or materially expanding an existing facility.

The records of such a meeting become public five years after the date of the meeting or when the board determines that confidentiality is no longer required, whichever occurs first.

This measure is effective on July 1, 2015.

**S.B. 172 (Chapter 303)**

Senate Bill 172 prohibits a medical facility or a physician from allowing a person to perform or participate in activities for credit towards a medical degree, unless the person is enrolled in good standing at an accredited medical school. The bill exempts a physician who works in a designated health professional shortage area, directly supervises the person, and does not currently supervise any other person receiving credit toward a medical degree.

The bill authorizes the Division of Public and Behavioral Health of the Department of Health and Human Services, the Board of Medical Examiners, the State Board of Osteopathic Medicine, and the Board of Examiners for Long-Term Care Administrators to enforce this prohibition with respect to their licensees.

However, this prohibition does not apply to any activity authorized pursuant to a contract between a facility (licensed pursuant to Chapter 449 [“Medical Facilities and Related Facilities”] of *Nevada Revised Statutes*) and a medical school or medical school training institution entered into before July 1, 2015.

In addition, a medical student who attends an accredited medical school is authorized to possess and administer a controlled substance or dangerous drug at the direction of a physician.

This bill is effective on July 1, 2015.

**S.B. 177 (Chapter 37)**

Senate Bill 177 authorizes a patient, a legal representative of a patient who is incompetent, or a parent or guardian of a patient who is a minor to designate a caregiver upon an inpatient admission to a hospital. Another caregiver can be designated if the person originally designated is unable or unwilling to perform the duties. A person is under no obligation to a patient solely because the person has been designated as a caregiver.

A hospital must provide the opportunity for a patient, a legal representative of such a patient who is incompetent, or a parent or guardian of a minor patient to designate a caregiver for that

patient. A hospital also must allow a patient who was unconscious or otherwise incompetent upon admission but regains competence to designate a caregiver. The hospital must record the designation of a caregiver or declination to do so in the patient's medical record.

If a patient has a designated caregiver, a hospital shall request written consent to release medical information to the caregiver if such consent is required by federal or State law. If a patient provides such consent, a hospital must attempt to notify the caregiver of the planned discharge or transfer of the patient and attempt to provide the caregiver with certain information and training concerning aftercare for the patient. A hospital is authorized to proceed with a planned discharge or transfer of the patient if the hospital is not successful in providing this notification, information, and training to the caregiver. In addition, the measure specifies that a hospital is not liable for aftercare provided either improperly or not at all by the caregiver.

#### **S.B. 247 (Chapter 422)**

Senate Bill 247 allows certain application fees collected by the Department of Health and Human Services from persons who apply for approval of certain projects and services to be used to administer the State administrative program relating to health planning and development. The fees revert to the State General Fund if the money is not spent within two fiscal years.

Also, the bill requires the Department approve new construction by, or on behalf of, a health facility with proposed expenditures in excess of \$2 million or a specified amount in counties whose population is less than 100,000 or in an incorporated city or town whose population is less than 25,000 if the city or town is located in a county whose population is 100,000 or more. Finally, the measure requires the Director to consider certain criteria when deciding whether to approve a project.

The measure is effective on July 1, 2015.

#### **S.B. 276 (Chapter 495)**

Senate Bill 276 requires the Division of Public and Behavioral Health, Department of Health and Human Services, to reallocate to the other counties in Nevada registration certificates for medical marijuana establishments that have been provided to a county that has no qualified applicants. The measure also allows the transfer of ownership in a medical marijuana establishment and the transfer of a medical marijuana establishment registration certificate if the new owner:

- Meets the requirements of existing law relating to liquid assets;
- Submits certain information to allow the Division to perform background checks; and
- Proves that its acquisition of the establishment will not violate certain restrictions on holding multiple establishments.

Finally, the bill allows an establishment to move to a new location under the jurisdiction of the same local government if, after a public hearing, the local government approves the new location.

Provisions regarding the reallocation and issuance of certificates, adopting regulations, and performing preparatory administrative tasks are effective on June 9, 2015. All other provisions are effective on October 1, 2015. Provisions regarding the reallocation and issuance of unused certificates expire by limitation on December 31, 2015.

**S.B. 500 (Chapter 431)**

Senate Bill 500 eliminates the requirement that a facility for the treatment of abuse of alcohol or drugs must be certified by the Division of Public and Behavioral Health, Department of Health and Human Services, as a prerequisite to obtaining a license from the Division to operate the facility.

This measure is effective on July 1, 2015.

**Persons With Disabilities**

**A.B. 5 (Chapter 397)**

Assembly Bill 5 requires the Aging and Disability Services Division, Department of Health and Human Services, to enter into an agreement with the Rehabilitation Division, Department of Employment, Training and Rehabilitation, to provide long-term support to persons with intellectual disabilities and persons with related conditions.

The Division also must give preference to providers of jobs and day training services who will provide persons with intellectual disabilities or related conditions with training and experience leading to employment that is:

- Comparable to employment for persons without intellectual disabilities or related conditions; and
- At or above the State minimum wage.

The Division is required to give such preference when issuing certificates and entering into agreements with public and private agencies for the provision of jobs and day training services. In addition, each application or certificate must include a provision that employment is the primary service option for all adults of working age. Lastly, the measure authorizes the Administrator of the Division to adopt regulations governing the provision of services to persons with intellectual disabilities and persons with related conditions who are unable or unwilling to be employed.

This bill is effective on July 1, 2015.

**A.B. 29 (Chapter 14)**

Assembly Bill 29 provides that a for-profit partnership, firm, corporation, or association must obtain a certificate from the Aging and Disability Services Division, Department of Health and Human Services, in order to provide jobs and day training services to persons with intellectual disabilities and related conditions. The bill requires existing provisions concerning the use of restraints and interventions associated with the care and treatment of persons with intellectual disabilities and related conditions to be applicable to any facility operated or certified by the Division. Such facilities are prohibited from depriving any person of their legal rights to due process of law. The bill also clarifies that the Administrator of the Division is required to adopt regulations related to administrative procedures of the Division.

This measure is effective on March 26, 2015.

**A.B. 128 (Chapter 337)**

Assembly Bill 128 provides examples of forms for power of attorney for health care and end-of-life decisions for adults with intellectual disabilities.

This bill is effective on June 4, 2015.

**A.B. 157 (Chapter 63)**

Assembly Bill 157 revises the definition of “service animal” and “service animal in training” to include only dogs and miniature horses with training to perform tasks that benefit a person with any disability. The bill allows an employer to refuse to permit an employee to keep a service animal that is a miniature horse if the employer determines it would be unreasonable to comply with accommodation requirements. Additionally, public places and common carriers are not required to comply with accommodation requirements if accommodations for a miniature horse service animal are unreasonable.

**A.B. 200 (Chapter 191)**

Assembly Bill 200 requires the Aging and Disability Services Division, Department of Health and Human Services, through its program to provide telecommunication devices to persons with impaired speech or hearing, to make interpreters available when possible to assist the departments of State government in providing access to persons who are deaf or hard of hearing. In addition, the program must include provisions for assistive technology and certain services to be offered by centers for persons who are deaf or hard of hearing. The services offered must include:

- Facilitating the provision and distribution of telecommunication devices and assistive technology;
- Assisting persons in accessing assistive devices;
- Expanding services for telecommunication devices and assistive devices where there is a need and no services are available;

- Providing instruction in language acquisition; and
- Providing programs to increase access to education, employment, and health and social services.

The bill also removes the requirement that the Public Utilities Commission of Nevada (PUCN) approve the program. The amount of the surcharge established by the PUCN to fund the program and cover related costs is limited to not more than 8 cents per month on each access line of each customer of any telephone company providing such lines, including wireless access lines.

Lastly, the bill changes the voting status of certain members of the Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities of the Nevada Commission on Services for Persons with Disabilities by making two members nonvoting members.

This bill is effective on May 27, 2015, for the purposes of performing preparatory administrative tasks and on July 1, 2015, for all other purposes.

**A.B. 307 (Chapter 307)**

Assembly Bill 307 requires the Division of Health Care Financing and Policy (DHCFP) and the Aging and Disability Services Division (ADSD), Department of Health and Human Services, to the extent that money is available, to establish a pilot program to provide intensive care coordination services to children with intellectual disabilities and children with related conditions who have also been diagnosed with a behavioral health need and reside in a county whose population is 100,000 or more. As necessary, the Director of the Department shall amend the State Plan for Medicaid or obtain a Medicaid waiver to use money received pursuant to the State Plan to pay for any part of the pilot program for which such money is authorized by federal law or by the waiver. Intensive care coordination services must include certain medically necessary services, support for the family, and food and lodging expenses for a child who is receiving supported living arrangements but does not reside with his or her parent or guardian.

The DHCFP and ADSD are authorized to apply for and accept gifts, grants, donations, and bequests to pay for the pilot program. The DHCFP and ADSD must take certain measures to evaluate the effectiveness of the program and collaborate to obtain grants. The Divisions shall also report to the Legislature and the Legislative Committee on Health Care the status and results of the pilot program. The boards of county commissioners in counties with populations of less than 100,000 must report to the Legislature and the Committee the manner in which they make provisions for the support, education, and care of children with intellectual disabilities and related conditions in their respective counties.

The bill is effective on July 1, 2015, and expires by limitation on July 1, 2019.

**S.B. 419 (Chapter 286)**

Senate Bill 419 requires the State Treasurer, in cooperation with the Aging and Disability Services Division, Department of Health and Human Services, to establish or otherwise ensure the establishment of the Nevada Achieving a Better Life Experience (ABLE) Savings Program as a qualified program pursuant to federal law to provide tax-advantaged savings accounts for persons who have certain qualifying disabilities. The Division is required to implement an outreach and educational program to increase participation in the ABLE program.

In addition, the measure allows the Division to establish a program to provide services of independent living and assistive technology for persons with disabilities who need independent living services. Finally, the bill revises the terms of the members of the Nevada Commission on Services for Persons with Disabilities to ensure that terms are staggered.

This measure is effective on July 1, 2015.

**Prescriptions****A.B. 164 (Chapter 210)**

Assembly Bill 164 authorizes a manufacturer to provide, or make available, an investigational drug, biological product, or device to a patient diagnosed with a terminal condition that without the administration of life-sustaining treatment will result in death within one year, if a physician prescribes or recommends such drugs, products, or devices after certain conditions are met. Specifically, a physician may issue such a prescription if the physician: (1) diagnoses a patient with a terminal condition; (2) consults with the patient that no current FDA treatment is adequate to treat the terminal condition; and (3) obtains informed, written consent for the use of the drugs, product, or device.

An investigational drug, biological product, or device is defined as one that: (1) has successfully completed Phase 1 of a clinical trial; (2) has not been approved by the United States Food and Drug Administration (FDA); and (3) is currently being tested in a clinical trial approved by the FDA. An informed, written consent must be signed by the patient that contains certain information on potential consequences of the use of investigational drugs, products, or devices.

A physician or professional nurse is not subject to disciplinary action for prescribing or recommending such drugs, products, or devices when authorized to do so. The bill exempts a physician or any person or governmental entity from the misdemeanor penalty otherwise imposed against a person who engages in certain acts related to investigational drugs or biological products. The bill also makes it a misdemeanor for any officer, employee, or agent of the State to prevent a patient from accessing an investigational drug, biological product, or device if certain requirements are met.

This bill is effective on May 27, 2015.

**S.B. 114 (Chapter 311)**

Senate Bill 114 requires the State Board of Pharmacy to allow a law enforcement officer to have Internet access to the prescription drug monitoring program database if the employer of the officer approves and submits certification to the Board that the officer meets certain requirements. The officer is limited to accessing the database to investigate a crime related to prescription drugs. The employer is required to monitor the use of the database by the officer and establish appropriate disciplinary action for any misuse. The Board, the Investigation Division of the Department of Public Safety, or a law enforcement agency must notify any person whose information has been intentionally accessed by an improper person or for an improper purpose.

The Board and Division must report certain information, and provide access to the database, to a practitioner's occupational licensing board. The bill specifies that practitioners authorized to write prescriptions and dispense controlled substances and the State Board of Pharmacy or the Investigation Division and their employees are immune from civil and criminal liability only if they make a good faith effort to comply with applicable laws.

**S.B. 250 (Chapter 376)**

Senate Bill 250 requires certain public and private policies of insurance and health care plans must authorize coverage for, and may apply a copayment and deductible to, a prescription to be divided into more than one dispensing for the purpose of synchronizing a patient's multiple prescriptions. These policies and plans are prohibited from denying a claim for such a prescription that is otherwise covered. Finally, these policies and plans are prohibited from prorating the pharmacy dispensing fees for such prescriptions, unless otherwise provided by a contract or other agreement.

This bill is effective on June 5, 2015, for the purposes of adopting any regulations and performing any preparatory administrative tasks and on January 1, 2017, for all other purposes.

**S.B. 288 (Chapter 247)**

Senate Bill 288 requires any person who is authorized to prescribe or dispense controlled substances to receive training on the prescription drug monitoring program (PMP) developed by the State Board of Pharmacy and to be given access to the PMP database. Each practitioner who is authorized to prescribe controlled substances must, to the extent the program allows, access the database at least once every six months, review the information concerning the practitioner in the database, and verify to the Board that he or she continues to have access. Various professional licensing boards are authorized to take disciplinary action against a person who is authorized to prescribe controlled substances and fails to comply with these requirements.

This measure is effective on May 27, 2015, for the purpose of performing preparatory administrative tasks and on January 1, 2016, for all other purposes.



**S.B. 422 (Chapter 382)**

Senate Bill 422 postpones the prospective expiration of provisions related to restrictions imposed on certain preferred prescription drugs used for the Medicaid program. This postponement has the effect of continuing to include atypical and typical antipsychotic medications, anticonvulsant medications, and antidiabetic medications in the restrictions on drugs that are on the list of preferred prescription drugs until June 30, 2017.

This measure is effective on June 5, 2015.

**S.B. 459 (Chapter 26)**

Senate Bill 459 enacts the Good Samaritan Drug Overdose Act under which citizens and health care professionals are encouraged to seek or provide overdose reversal and emergency medical assistance to persons who appear to be experiencing a drug or alcohol overdose. The bill implements a policy of overdose prevention including authorizing certain health care providers to prescribe and dispense to a family member, friend, or other person who is in a position to assist a person experiencing a drug overdose certain medications that block the effects of addictive painkilling drugs such as morphine, heroin, and methadone. The bill provides immunity from civil and criminal liability and professional discipline for such actions under certain circumstances. The bill makes conforming changes to provisions concerning professional licensing boards of the various practitioners who are authorized to dispense controlled substances.

This bill is effective on May 5, 2015, for the purposes of adopting any regulations and performing preparatory administrative tasks and on October 1, 2015, for all other purposes.

**Professions and Occupations (see also Commerce)****A.B. 6 (Chapter 156)**

Assembly Bill 6 removes references to “certified autism behavior interventionists” throughout various sections of *Nevada Revised Statutes* regulating such professionals, instead providing for the credentialing and regulation of Registered Behavior Technicians. The bill also changes statutory references of “behavior therapy” to “behavioral therapy.” Finally, the measure increases the minimum coverage which must be provided by certain insurers for applied behavioral analysis treatment to the actuarial equivalent of \$72,000.

The provisions of the bill relating to increasing coverage for applied behavioral analysis treatment apply only to health plans delivered, issued, or renewed on or after January 1, 2017. The remaining provisions are effective on May 25, 2015.

**A.B. 85 (Chapter 402)**

Assembly Bill 85 makes various changes to statutes governing the operation of the Board of Examiners for Alcohol, Drug and Gambling Counselors and the professions it regulates. The measure requires applicants to pass an oral examination as well as a written examination to be licensed or certificated. It removes the requirement that the Board issue a license or certificate

without endorsement by examination and instead provides the Board the discretion to issue the license or certificate. The bill also allows the Board to refuse to renew the license or certificate of a professional who the Board determines no longer meets the qualifications to be licensed or certified.

With regard to licensure, the bill modifies the duration of validity and educational qualifications of certain licenses and certificates. The measure authorizes the Board to consider any original criminal charges filed against an applicant, licensee, or certificate holder, even if the person was convicted of a lesser crime, when the Board is determining whether to issue, renew, restore, suspend, revoke, or reinstate a license or certificate, or to impose discipline. It also removes a provision in current law that allows a qualified applicant for licensure or certification to practice counseling alcohol and drug abusers or problem gamblers for a period not to exceed 30 days while his or her application is being reviewed by the Board.

Finally, A.B. 85 repeals provisions related to the regulation of detoxification technicians and leaves the authority to certify detoxification technicians with the Division of Public and Behavioral Health of the Department of Health and Human Services.

The bill is effective on July 1, 2015.

**A.B. 89 (Chapter 546)**

Assembly Bill 89 enacts provisions generally relating to the employment of veterans and enacts certain other provisions generally relating to professionals. The measure requires the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to gather and report aggregate unemployment data concerning veterans to the Interagency Council on Veterans Affairs on a quarterly basis. The bill also requires a regulatory body to prepare and submit an annual report to the Council on the number of veterans who have applied for a license, who have been issued a license, or who have renewed a license.

Assembly Bill 89 explicitly allows private employers to adopt employment policies that provide a hiring preference on the basis of an applicant being a veteran or the spouse of a veteran, subject to review by the Nevada Equal Rights Commission. Additionally, A.B. 89 provides for an exemption from the driving skills test in order to receive a commercial driver's license for persons with military experience in driving such vehicles.

The bill authorizes certain qualified physicians, osteopaths, podiatrists, and other providers of health care and professionals to obtain a license by endorsement to practice in Nevada if the provider or professional:

- Holds a valid and unrestricted license by endorsement to practice in the District of Columbia or another state or territory of the United States;

- Is an active member or veteran of, or the spouse or surviving spouse of an active member or veteran of, the Armed Forces of the U.S.; and
- Meets certain other requirements.

Additionally, certain regulatory bodies must grant a license by endorsement to a qualified professional who is licensed in another state or territory and is also an active member, veteran, spouse of an active member, or surviving spouse of a veteran of the Armed Forces of the U.S., to practice his or her respective profession in this State.

A qualified health care professional who receives a license by endorsement is entitled to at least a 50 percent reduction in the fee for the initial issuance of a license or an examination as a prerequisite to licensure. The measure also authorizes certain regulatory bodies to enter into a reciprocal agreement with the corresponding regulatory authority in another state or territory of the U.S. for the purposes of authorizing a licensee to practice concurrently in Nevada and another jurisdiction under certain circumstances.

The bill is effective on July 1, 2015.

#### **A.B. 93 (Chapter 403)**

Assembly Bill 93 requires or encourages psychiatrists, physicians, advanced practice registered nurses, psychologists, clinical professional counselors, marriage and family therapists, social workers, alcohol and drug abuse counselors, problem gambling counselors, and other persons licensed or certified to practice in various related fields to complete instruction on suicide prevention and awareness.

The bill is effective on July 1, 2016. However, the continuing education requirements for the licensed professionals provided for in this bill expire by limitation on June 30, 2026.

#### **A.B. 115 (Chapter 404)**

Assembly Bill 115 abolishes the Board of Hearing Aid Specialists and transfers the duties of the Board to a newly established Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board. The measure makes other changes to the practice of these professions. First, it includes speech-language pathologists and audiologists in the definition of “provider of health care,” which subjects the two professions to various requirements of Nevada law including requirements for the retention of patient records, requirements for billing, standards for advertisements, and criminal penalties for acquiring certain debts. Next, the bill requires a speech-language pathologist to hold a current certificate of clinical competence issued by the American Speech-Language-Hearing Association or its successor organization; it also prescribes requirements concerning the practice of audiology or speech-language pathology using telemedicine. Finally, the measure revises the composition of the Board, which will consist of eight members until July 1, 2017, on which date the number of members will decrease to seven.

The provision of the bill that reduces to seven the number of members of the Board is effective on July 1, 2017. Other provisions are effective on June 8, 2015, for the purposes of adopting regulations and performing preparatory administrative tasks and on October 1, 2015, for all other purposes.

**A.B. 227 (Chapter 130)**

Assembly Bill 227 makes various changes to the licensure, discipline, and general regulation of physicians, osteopathic physicians, and physician assistants. It revises provisions regarding the disclosure of information on the discipline of licensees and addresses investigations of the competency of licensees. The bill also modifies the requirements for licensure to allow qualified applicants with education or training in a program approved by certain Canadian accreditors to apply for a license in this State.

Among other changes, A.B. 227 allows the Board of Medical Examiners to issue a restricted license for a physician licensed in another state to teach, research, or practice medicine at a medical research facility or medical school. It also revises the definition of “sentinel event” to incorporate the most current list of serious reportable events in health care published by the National Quality Forum for the purpose of requiring licensees to report information concerning the occurrence of those events.

**A.B. 231 (Chapter 131)**

Assembly Bill 231 authorizes the Chiropractic Physicians’ Board of Nevada to require certain licensees to submit to a mental or physical examination if the licensee’s competence to practice is questioned by the Board’s president or another member of the Board in reviewing a complaint. The measure revises the definition of “unprofessional conduct” for the purpose of discipline by the Board. It also allows chiropractic training and education received from certain foreign schools to meet the requirements for licensure in this State under certain circumstances and waives the application fee for an applicant for temporary licensure who provides volunteer services. Finally, A.B. 231 requires an applicant for reinstatement of licensure to submit fingerprints and pay the processing fee.

The bill is effective on May 21, 2015, for the purposes of adopting regulations and performing any preparatory tasks necessary to carry out the act and on October 1, 2015, for all other purposes.

**A.B. 248 (Chapter 293)**

Assembly Bill 248 removes the requirement that a physician report all diagnosed cases of epilepsy to the State Board of Health, which in turn would report such information to Nevada’s Department of Motor Vehicles (DMV). Instead, when a physician determines a patient’s epilepsy severely impairs his or her ability to operate safely a motor vehicle, a physician is required to notify the patient and sign a statement attesting to the notification. The physician is required to provide a copy of the statement to the patient, include the statement in the patient’s health records, and provide a copy of the statement to the DMV within 15 days after making a determination.

The measure provides that a cause of action may be brought against a physician who:

- Fails to submit a copy of the statement to the DMV within the specified time frame; or
- Provides a copy of the statement to the DMV if the physician acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law.

A cause of action may not be brought against a physician who does not report a patient's epilepsy to the DMV in any other circumstances.

#### **A.B. 292 (Chapter 153)**

Assembly Bill 292 declares it to be the public policy of this State to encourage and facilitate the provision of services through telehealth to improve public health and the quality of health care and to lower the cost of health care in this State. The bill defines “telehealth” as the delivery of health care services from a provider of health care to a patient at a different location through the use of certain technology. With limited exceptions, only a health care provider licensed in this State can direct or manage care, render a diagnosis, or write a treatment order or prescription for a patient in this State. Existing law relating to the practice of telemedicine is repealed under this bill.

Additionally, the measure requires Medicaid and any policy of health or industrial insurance to include coverage via telehealth to the same extent as services provided in person. The bill also authorizes a hospital to grant staff privileges to a health care provider at another location to allow the provider to treat a patient via telehealth at the hospital. Finally, A.B. 292 requires the Commissioner of Insurance to consider health care services that may be provided via telehealth when making certain determinations concerning the adequacy of an insurer's network plan.

The bill is effective on July 1, 2015.

#### **A.B. 295 (Chapter 408)**

Assembly Bill 295 requires certain providers of wellness services to disclose certain information to consumers. A person who provides these services but who is not licensed, certified, or registered in this State as a provider of health care is not in violation of any law unless he or she performs certain tasks restricted to regulated health care providers.

The bill is effective on July 1, 2015.

#### **A.B. 305 (Chapter 154)**

Assembly Bill 305 requires a health authority to adopt regulations to provide for the issuance of an endorsement on a permit that allows an emergency medical provider employed by the permit holder to provide community paramedicine services. A person or governmental entity is prohibited from providing such services without a valid permit. Community paramedicine services are defined as health care services provided to certain patients who do not require

emergency medical transportation and provided in a manner integrated with local and regional health care and social service systems. Regulations must prescribe the training and qualifications necessary for an emergency medical technician, advanced emergency medical technician, paramedic, or volunteer employed by the holder of an endorsement, as well as the scope of services that may need to be provided. Lastly, permit holders must report certain data to the health authority, which must be summarized and reported to the Legislative Committee on Health Care, on or before February 1 of each year.

This bill is effective on May 25, 2015, for the purposes of adopting any regulations and performing other administrative tasks and on January 1, 2016, for all other purposes.

**S.B. 7 (Chapter 496)**

Senate Bill 7 adds physician assistants to the list of persons who are authorized to file an application for the emergency admission of a person alleged to be a person with mental illness. In addition, a physician assistant is authorized to file a petition for the involuntary court-ordered admission of a person alleged to be a person with mental illness to a mental health facility or to a program of community-based or outpatient services.

The measure expands the list of health professionals authorized to complete a certificate stating that a person has a mental illness and, because of that mental illness, is likely to harm himself, herself, or others if not admitted to certain facilities or programs, to include a physician assistant under the supervision of a psychiatrist, a psychologist, a clinical social worker with certain psychiatric training and experience, an advanced practice registered nurse with certain psychiatric training and experience, or an accredited agent of the Department of Health and Human Services. The State Board of Nursing and the Board of Examiners for Social Workers are required to adopt regulations prescribing the psychiatric training and experience necessary for the professionals they license to meet the qualifications to complete the certificate.

The measure prohibits a person who is related by blood or marriage within the second degree of consanguinity or affinity to a person alleged to be a person with mental illness from completing: (1) an application for emergency admission; (2) a certificate stating that a person has a mental illness and, because of that mental illness, is likely to harm himself or herself or others; or (3) a certificate stating that a person is not a person with a mental illness.

This bill is effective on June 9, 2015.

**S.B. 14 (Chapter 75)**

Senate Bill 14 revises the membership of the Pharmacy and Therapeutics Committee, Department of Health and Human Services, by reducing the minimum number of members from nine to five. In addition, the measure eliminates the stipulation that no more than 51 percent of the members may be active physicians or pharmacists or persons with doctoral degrees in pharmacy.

This measure is effective on July 1, 2015.

**S.B. 15 (Chapter 309)**

Senate Bill 15 provides that if a patient communicates a threat of imminent serious physical harm or death to a mental health professional and the mental health professional believes that the patient has the intent and ability to carry out the threat, the mental health professional must: (1) apply for the emergency admission of the patient to a mental health facility; or (2) make a reasonable effort to notify the person who was threatened and the closest law enforcement agency.

The measure provides that a mental health professional who exercises reasonable care in determining whether to apply for the emergency admission of such a patient or communicate such a threat is not subject to civil or criminal liability or disciplinary action by a professional licensing board for disclosing confidential or privileged information or for any damages caused by the actions of a patient.

**S.B. 68 (Chapter 497)**

Senate Bill 68 authorizes certain qualified health care providers and professionals to obtain a license by endorsement to practice in Nevada if they: (1) hold a valid and unrestricted license to practice in the District of Columbia or another state or territory of the United States; (2) are certified in a specialty recognized by the American Board of Medical Specialties or the American Osteopathic Association, as applicable; and (3) meet certain other requirements. Specifically, an expedited license by endorsement may be obtained from the Board of Medical Examiners, State Board of Nursing, State Board of Osteopathic Medicine, State Board of Podiatry, State Board of Optometry, Board of Examiners for Audiology and Speech Pathology, State Board of Pharmacy, State Board of Physical Therapy Examiners, Board of Occupational Therapy, Board of Massage Therapists, Board of Psychological Examiners, Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, Board of Examiners for Social Workers, and Board of Examiners for Alcohol, Drug and Gambling Counselors.

The measure also requires, with limited exceptions, the Board of Medical Examiners and the State Board of Osteopathic Medicine to issue a limited license to practice medicine as a resident physician to an applicant who meets certain requirements.

This bill is effective on June 9, 2015.

**S.B. 84 (Chapter 310)**

Senate Bill 84 expands the definition of a “provider of health care” to include medical facilities and certain persons certified under the laws of this State in alcohol and drug abuse and problem gambling counseling and social work.

This bill is effective on July 1, 2015.

**S.B. 251 (Chapter 244)**

Senate Bill 251 ratifies the Interstate Medical Licensure Compact. The Compact serves as a voluntary licensing option that would allow physicians and osteopathic physicians licensed in Nevada, who are seeking to practice in multiples states, the ability to apply for an expedited licensing option in all states participating in the Compact. The Compact regulates the licensure and discipline of physicians and osteopathic physicians holding reciprocal licenses through the Compact and becomes effective upon ratification by seven states.

This bill is effective on October 1, 2015, if at least six other states have ratified the Compact by that date. Otherwise, the bill is effective on the date after October 1, 2015, on which at least six other states have ratified the Compact.

**S.B. 273 (Chapter 318)**

Senate Bill 273 enacts provisions governing the retention of health care records by a custodian. The bill prohibits, under certain circumstances, a custodian of health care records who has lawful custody of any health care records of a health care provider from preventing the health care provider from physically inspecting the health care records or from receiving copies of those records upon request. The measure requires a custodian of health care records to deliver the records or copies to the health care provider and patient under certain circumstances. Finally, a custodian of health care records who violates a provision of this bill is subject to prosecution for a gross misdemeanor and punishment by imprisonment in the county jail for not more than 364 days or by a fine of not more than \$25,000, or both, for each violation and the imposition of a civil penalty for each violation.

This bill is effective on July 1, 2015.

**S.B. 288 (Chapter 247)**

Senate Bill 288 requires any person who is authorized to prescribe or dispense controlled substances to receive training on the prescription drug monitoring program (PMP) developed by the State Board of Pharmacy and to be given access to the PMP database. Each practitioner who is authorized to prescribe controlled substances must, to the extent the program allows, access the database at least once every six months, review the information concerning the practitioner in the database, and verify to the Board that he or she continues to have access. Various professional licensing boards are authorized to take disciplinary action against a person who is authorized to prescribe controlled substances and fails to comply with these requirements.

This measure is effective on May 27, 2015, for the purpose of performing preparatory administrative tasks and on January 1, 2016, for all other purposes.

**S.B. 393 (Chapter 284)**

Senate Bill 393 exempts a practitioner of acupuncture from the licensing requirements of Chapter 634A (“Oriental Medicine”) of *Nevada Revised Statutes* if the practitioner is: (1) employed by a school of Oriental medicine located in Nevada, which has received at least candidacy status for institutional accreditation from the Accreditation Commission for



Acupuncture and Oriental Medicine; (2) licensed in another state or jurisdiction; and (3) limited in practice to teaching, supervising, or demonstrating the methods and practice of acupuncture in a clinical setting and if the practitioner does not accept payments from any patients relating to his or her practice of acupuncture.

This bill is effective on May 29, 2015.

**S.B. 489 (Chapter 383)**

Senate Bill 489 adds the term “peer support recovery organization” to the definition of a “facility for the dependent” thereby requiring such an organization to obtain a license from the Division of Public and Behavioral Health, Department of Health and Human Services. A person licensed as a facility for the dependent, or as a medical facility, that employs a person to provide peer support services does not have to obtain an additional license as a peer support recovery organization. Certain employees of a peer support recovery organization are immune from civil liability under certain circumstances and are subject to certain mandatory reporting requirements.

This bill is effective on June 5, 2015, for the purposes of adopting regulations and performing preparatory administrative tasks and October 1, 2015, for all other purposes.

**S.B. 498 (Chapter 384)**

Senate Bill 498 adds the term “community health worker pools” to the definition of a “facility for the dependent” thereby requiring such a pool to obtain a license from the Division of Public and Behavioral Health, Department of Health and Human Services. A person licensed as a facility for the dependent, or as a medical facility, that employs a community health worker does not have to obtain an additional license as a community health worker pool. Certain employees of a community health worker pool are immune from civil liability under certain circumstances and are subject to certain mandatory reporting requirements.

This bill is effective on June 5, 2015, for the purposes of adopting regulations and performing preparatory administrative tasks and October 1, 2015, for all other purposes.

**Public Health**

**A.B. 39 (Chapter 94)**

Assembly Bill 39 limits the amount the State Board of Health may establish for the application fee not to exceed \$2,000 for the Physician Visa Waiver Program.

This measure is effective on July 1, 2015.

**A.B. 41 (Chapter 95)**

Assembly Bill 41 provides that any money remaining in the Fund for Hospital Care to Indigent Persons at the end of each fiscal year does not revert to the State General Fund and must be carried over to the next fiscal year. The bill removes certain limitations on agreements entered into by the Board of Trustees of the Fund for Hospital Care to Indigent Persons.

The Supplemental Account for Medical Assistance to Indigent Persons is replaced with the Fund for Hospital Care to Indigent Persons, allowing each board of county commissioners to remit the amount previously reverted to the Supplemental Account directly to the Fund. Assembly Bill 41 also repeals provisions authorizing the Board to require certain hospitals to pay an assessment thereby preventing a reduction in federal participation for Nevada Medicaid. Lastly, the bill repeals the inactive Fund for the Institutional Care of the Medically Indigent.

This measure is effective on May 18, 2015.

**A.B. 42 (Chapter 103)**

Assembly Bill 42 removes the requirement that a radiation machine be used exclusively for mammography thereby allowing the machine to be used for other procedures. The bill authorizes the State Board of Health to require any health care provider to report cases of cancer and other neoplasms. The fee imposed on a health care facility for abstracting records at the request of the Division of Public and Behavioral Health, Department of Health and Human Services, is removed. The criminal penalty for failure to comply with certain provisions is changed to an administrative penalty established by the Board. The bill requires a qualified research facility that requests cancer related data to be conducting valid scientific research. Lastly, A.B. 42 repeals the designation of the Nevada Cancer Institute as the official cancer institute of the State.

This bill is effective on July 1, 2015.

**A.B. 81 (Chapter 162)**

Assembly Bill 81 revises the definition of a “treatment provider” to include a licensed or certified psychologist, marriage and family therapist, social worker, or alcohol, drug, and gambling counselor. If a court orders an offender to complete a treatment program for alcoholism or drug abuse, the treatment provider must be approved by the court. A court is authorized to allow a person to complete any remaining treatment under the supervision of a treatment provider in another jurisdiction who holds a license, certificate, or other credential issued by a regulatory agency of that jurisdiction. The bill also revises the duties of the court when offering a treatment program to an offender. If a person chooses to participate in a treatment program, and the court has a specialty court for the supervision and monitoring of the person, then the treatment provider must comply with the requirements of the specialty court.

This bill is effective on July 1, 2015.

**A.B. 99 (Chapter 98)**

Assembly Bill 99 exempts an organizational camp from the sanitation requirements imposed upon construction and labor camps if: (1) the organization is owned or operated by a tax-exempt nonprofit organization; and (2) the camp takes place on property for which a special use permit has been issued by the United States Department of Agriculture.

This measure is effective on May 18, 2015.

**A.B. 158 (Chapter 127)**

Assembly Bill 158 authorizes a physician, osteopath, physician assistant, or advanced practice registered nurse to issue an order of auto-injectable epinephrine to an authorized entity and allows the entity to obtain such an order. An authorized entity is defined as any public or private entity, excluding a school, where allergens capable of causing anaphylaxis may be present on the premises. The auto-injectable epinephrine maintained by an entity can be provided by a trained owner, employee, or agent, or another person trained in the administration of auto-injectable epinephrine.

The bill prescribes training requirements and specifies that the authorized entity must report to the State Board of Health or a district board of health circumstances for administration of auto-injectable epinephrine. Lastly, the bill exempts certain persons from liability for damages relating to acquisition, possession, provision, or administration of auto-injectable epinephrine.

**A.B. 199 (Chapter 407)**

Assembly Bill 199 changes the name of the Medical Care Advisory Group to the Medical Care Advisory Committee and extends membership terms from one year to two years. The bill also transfers requirements to raise awareness for certain chronic diseases from the Advisory Committee for the Prevention and Treatment of Stroke and Heart Disease to the State Program for Wellness and the Prevention of Chronic Disease.

As recommended by the Sunset Subcommittee of the Legislative Commission, the bill abolishes the following entities:

- The Nevada Academy of Health;
- The Advisory Committee to the Pharmacy and Therapeutics Committee and the Drug Use Review Board;
- The Advisory Committee Concerning Sickle Cell Anemia;
- The Advisory Committee for the Prevention and Treatment of Stroke and Heart Disease; and
- The Advisory Committee on the Arthritis Prevention and Control Program.

This bill is effective on July 1, 2015.

**A.B. 243 (Chapter 176)**

Assembly Bill 243 expands the counseling a county, provider of health care, or medical facility must provide to a person who receives a positive result on a rapid test for the human immunodeficiency virus (HIV) to include an additional test to confirm the results of the rapid test to be performed with a more accurate test or a different rapid test. A person who is not a licensed health care professional is authorized to perform certain tests for the detection of HIV

if the person has received training on administration, infection control procedures, and counseling. The bill also prohibits the State Board of Health from adopting regulations that require a director of a laboratory that only performs certain tests for the detection of HIV to be a licensed physician or perform certain other duties.

**A.B. 308 (Chapter 133)**

Assembly Bill 308 requires persons who provide emergency medical services at a special event to be licensed attendants, physicians, registered nurses, or physician assistants. The bill exempts from the requirement to provide particular types of emergency medical services a special event held in a city whose population is less than 25,000 (currently, Boulder City, Caliente, Carlin, Elko, Ely, Fallon, Fernley, Lovelock, Mesquite, Wells, West Wendover, Winnemucca, and Yerington) if:

- There is a firefighting agency within the city; and
- The city has adopted a plan for providing emergency medical services at special events.

The number of people needing emergency medical services that constitutes a significant number for the purposes of an event is revised from 0.07 percent of attendees to 0.7 percent of attendees. Also, physicians who work at a special event are required to have experience in providing emergency medical services.

This bill is effective on July 1, 2015.

**A.B. 425 (Chapter 185)**

Assembly Bill 425 revises the membership of the Committee on Emergency Medical Services to provide that the member appointed by the State Board of Health, who is a volunteer firefighter, must instead be a volunteer for an organization that provides emergency medical services. The bill also revises the membership of the Committee to provide that the member who is employed by a firefighting agency, at which volunteer firefighters also serve, must instead be employed by a firefighting agency at which some firefighters and persons who provide emergency medical services for the agency are employed and some serve as volunteers. In addition, the definition of “provider of health care” is expanded to include any person who is licensed as an attendant or certified as an emergency medical technician, advanced emergency medical technician, or paramedic.

**S.B. 6 (Chapter 308)**

Senate Bill 6 prohibits a primary care practice from representing itself as a patient-centered medical home unless it is certified, accredited, or otherwise officially recognized as such by a nationally recognized organization for accrediting patient-centered medical homes.

The bill authorizes the coordination between patient-centered medical homes and insurers and the acceptance of incentives provided by insurers to patient-centered medical homes, which would otherwise constitute unfair methods of competition or unfair trade practices to the extent that such coordination and incentives are authorized under federal law.

Finally, S.B. 6 authorizes the Advisory Council on the State Program for Wellness and the Prevention of Chronic Disease to appoint an advisory group to study the delivery of health care through patient-centered medical homes.

This bill is effective on June 1, 2015.

#### **S.B. 48 (Chapter 224)**

Senate Bill 48 eliminates the requirement that the Director of the Department of Health and Human Services establish a statewide health information exchange system, including the establishment of a governing entity for the system. Although a statewide exchange is eliminated, the bill retains existing provisions governing health information exchanges and revises the definition of a “health information exchange.” The Director is authorized to establish or contract with not more than one exchange to serve as the statewide health information exchange for certain purposes.

The bill establishes provisions governing the certification of health information exchanges and requires an exchange to obtain a certification from the Director before operation. An administrative fine may be imposed for a health information exchange operating without certification and gives an existing exchange until July 1, 2016, to comply with this requirement. Finally, certain provisions are revised relating to the requirement of the patient’s consent for the retrieval, rather than the transmission, of a health record.

This measure is effective on May 27, 2015, for the purpose of adopting regulations and January 1, 2016, for all other purposes.

#### **S.B. 196 (Chapter 58)**

Senate Bill 196 requires the Division of Public and Behavioral Health, Department of Health and Human Services, to establish and maintain the Stroke Registry to compile information and statistics concerning the treatment of patients who suffer from strokes. The Division must adopt and carry out procedures for the Registry that improve the quality of care provided to patients who suffer from strokes and compile an annual report to be posted online and submitted to the Governor and the Legislative Committee on Health Care.

The bill requires the Division to include in its list of hospitals certified as primary stroke centers those that are certified by the Joint Commission as comprehensive stroke centers. The Joint Commission is an independent, nonprofit organization that accredits and certifies more than 20,500 health care organizations and programs in the United States. Each hospital included on this list is required to report to the Registry certain data concerning treatment of patients who suffer from strokes.

With certain exceptions, the measure authorizes a provider of health care to use credit earned for continuing education relating to Alzheimer’s disease in place of certain other continuing education requirements.

This bill is effective on May 13, 2015, for the purposes of adopting regulations and performing other preparatory administrative tasks. A provision removing the requirement that the annual report regarding the Registry be submitted to the Legislative Committee on Health Care is effective on January 1, 2021. The remaining provisions of the bill are effective on January 1, 2016.

**S.B. 281 (Chapter 86)**

Senate Bill 281 removes from regulation as solid waste any vehicle owned by a licensed automobile wrecker or licensed salvage pool and designated for dismantling as a source for parts.

This bill is effective on July 1, 2015.

**S.B. 314 (Chapter 489)**

Senate Bill 314 revises the composition of a health district in a county whose population is 700,000 or more (currently Clark County) to include a chief medical officer and a public health advisory board. Certain members of the district board of health no longer serve as voting members and instead comprise the public health advisory board. Members of the advisory board serve as nonvoting members of the district board of health and include one resident of each city in the county and three other members, each of whom is to be selected based on his or her specific background or expertise. Members of the district board of health are prohibited from designating another person to vote, participate in a discussion, or otherwise serve on their behalf. The bill provides for the appointment, job description, qualifications, and compensation of a chief medical officer and revises provisions relating to the district health officer.

Provisions of this bill concerning the conversion of current voting members of the district board of health to members of the public health advisory board, who also serve as nonvoting members of the district board of health, are effective on June 9, 2015. All other provisions are effective on July 1, 2015.

**S.B. 327 (Chapter 321)**

Senate Bill 327 provides for the minimum number of attendants and qualifications for those attendants aboard an air ambulance. The bill revises the training requirements for a licensed physician, registered nurse, or licensed physician assistant to be certified as an attendant. Also, an emergency medical services registered nurse is authorized to perform certain procedures.

This measure is effective on January 1, 2016.

**S.B. 441 (Chapter 259)**

Senate Bill 441 exempts a craft food operation from inspection and enforcement by certain health authorities. The measure specifies the requirements for a craft food operation and authorizes the production of acidified foods. A person who produces acidified foods must comply with certain requirements, including:

- Required training;
- Successful completion of an examination;
- pH testing of the foods;
- Documentation of certain information about the foods produced; and
- Registration with the State Department of Agriculture.

The Department is authorized to charge a reasonable fee for such training, examinations, and registration and may inspect the premises of a producer of acidified foods under certain circumstances.

This measure is effective on May 27, 2015, for the purposes of adopting regulations and performing preparatory administrative tasks and on January 1, 2016, for all other purposes.

**S.B. 458 (Chapter 319)**

Senate Bill 458 provides specific language that must be used to notify a patient whose mammography indicates dense breast tissue of the relationship between breast density, breast cancer, and the impact of breast density on the effectiveness of mammography.

This measure is effective on July 1, 2015.

**S.B. 501 (Chapter 432)**

Senate Bill 501 provides that the State Dental Health Officer and State Public Health Dental Hygienist may be contractors for the Division of Public and Behavioral Health, Department of Health and Human Services. The measure requires the Officer and the Hygienist to work collaboratively with each other. The Officer is required to seek certain information and advice from any dental education program in this State, including any such program of the Nevada System of Higher Education, as necessary to carry out the provisions of his or her duties.

This measure is effective on June 8, 2015.





## **HOUSING AND REAL PROPERTY**

### **A.B. 183 (Chapter 128)**

Assembly Bill 183 requires the grantee of real property under an agreement for a deed in lieu of a foreclosure sale to record the conveyance with the appropriate office of the county recorder within 30 days after the date of the conveyance. The grantee is liable for attorney's fees and costs and for certain damages for failure to record the conveyance.

### **A.B. 258 (Chapter 493)**

Assembly Bill 258 provides that no person shall intentionally obstruct the ingress or egress of any public or private property from any other public or private place in such a way as to block persons or vehicles from entering or exiting the property.

A person who violates these provisions is not subject to criminal liability but may be the subject of a civil action seeking any or all of the following forms of relief:

- Declaratory and injunctive relief, including enjoining any ongoing activity that violates these provisions. A person who brings such an action is entitled to a rebuttable presumption of irreparable harm;
- Actual damages;
- Reasonable attorney's fees and costs; and
- Any other legal or equitable relief deemed appropriate by the court.

This bill is effective on June 9, 2015.

### **A.B. 270 (Chapter 132)**

Assembly Bill 270 excludes from the definition of "dealer" certain manufactured home parks or owners or agents of manufactured home parks engaged in renting or leasing manufactured or mobile homes located within and owned by the park, thus excluding them from the requirement to be licensed by the Manufactured Housing Division, Department of Business and Industry. The bill also modifies the method by which the fair market value of manufactured homes located within certain parks is determined. It requires the Division to adopt regulations for the issuance of limited lien resale licenses and permits that authorize a landlord or manager to sell a used mobile home if the landlord or manager acquired the mobile home by tenant voluntary surrender. Finally, A.B. 270 exempts from regulation as a mortgage broker or mortgage agent certain manufactured home sellers who engage in five or fewer seller-financed credit sale transactions per year.

The bill is effective on July 1, 2015.

**A.B. 379 (Chapter 218)**

Assembly Bill 379 requires that a landlord must provide the tenant of a commercial premises with written notice of delinquency and intent to change the door locks by certified mail, return receipt requested, at least three days prior to changing the door locks.

**A.B. 386 (Chapter 507)**

Assembly Bill 386 creates and defines the crimes and associated penalties for “housebreaking,” “unlawful occupancy,” and “unlawful reentry.” The measure addresses summary procedures to obtain possession of real property by:

- Revising the definitions of “forcible entry” and “forcible detainer,” and setting forth the procedure for giving notice of surrender in such situations;
- Establishing the procedure for recovering possession in a forcible entry or forcible detainer action, allowing treble damages, and repealing a related damages statute;
- Modifying requirements for notice of proceedings to obtain possession and for notice served upon tenants in an unlawful detainer action;
- Eliminating the need for a witness if service is made by a sheriff, constable, or licensed process server and revising the proof of service that must be filed with the court;
- Establishing procedures for locking out occupants and retaking possession of property in cases involving housebreaking or unlawful occupancy, along with procedures for recovery of possession by an occupant who has been locked out; and
- Clarifying the types of property and dwellings subject to unlawful detainer actions after failure to perform lease conditions.

**A.B. 454 (Chapter 138)**

Assembly Bill 454 limits the applicability of the current requirement that manufactured home park managers and assistant managers complete certain continuing education to those involved in the management of a park consisting of six or more lots.

**A.B. 478 (Chapter 476)**

Assembly Bill 478 increases or imposes various fees relating to the sale of subdivided land and time share properties that the Real Estate Division of the Department of Business and Industry may collect. This bill further specifies the disposition of certain fees collected by the Division.

This bill is effective on July 1, 2015.

**S.B. 348 (Chapter 440)**

Senate Bill 348 exempts proceeds paid to the State, or a political subdivision of the State, for the purpose of providing security for or funding the construction of certain intersection improvement projects from the requirement that certain abandoned property be delivered to the

State Treasurer in his or her capacity as Administrator of Unclaimed Property. These provisions apply to all amounts due or owing from a business association to another business association that arise from transactions occurring on or after July 1, 2015.

The bill also enacts an exception to the Uniform Unclaimed Property Act for “business-to-business” transfers which are limited to credit memoranda, overpayments, credit balances, deposits, unidentified remittances, nonrefunded overcharges, discounts, refunds, and rebates due or owing from one business association to another business association. The businesses in question must have had an ongoing business relationship within the last three years.

This bill is effective on July 1, 2015.

### **Common-Interest Communities (Homeowners’ Associations)**

#### **A.B. 141 (Chapter 304)**

Assembly Bill 141 removes the requirement that a notice of default and election to sell be mailed to security interest holders only if such holders have notified the association of the existence of the security interest 30 days before the recordation of the notice.

#### **A.B. 192 (Chapter 172)**

Assembly Bill 192 revises the period of time that a declarant’s control of a unit-owners’ association must terminate depending upon the size of the common-interest community. For a common-interest community with fewer than 1,000 units, the declarant’s control terminates 60 days after conveyance of 75 percent of the units. For a common-interest community with 1,000 units or more, the declarant’s control terminates 60 days after conveyance of 90 percent of the units.

The measure also revises provisions concerning the election of unit owners to the executive board during the period of a declarant’s control. For a common-interest community with fewer than 1,000 units, members of the executive board must be elected by units’ owners other than the declarant not later than 60 days after conveyance of 25 percent of the units. For a common-interest community with 1,000 units or more, members of the executive board must be elected by units’ owners other than the declarant not later than 60 days after conveyance of 15 percent of the units.

#### **A.B. 238 (Chapter 385)**

Assembly Bill 238 provides that in a common-interest community with fewer than 1,000 units, a bid must be solicited for a project estimated to cost 3 percent or more of the unit-owners’ association’s annual budget. In a common-interest community with 1,000 or more units, a bid must be sought if the project is estimated to cost 1 percent or more of the association’s annual budget.

This bill is effective on July 1, 2015.

**A.B. 301 (Chapter 178)**

Assembly Bill 301 allows a unit owner in a common-interest community to display the State of Nevada flag as long as it is not larger than the size of the displayed United States flag.

This bill is effective on July 1, 2015.

**A.B. 474 (Chapter 446)**

Assembly Bill 474 increases, from \$3 to \$5, the maximum fee that may be charged for each unit in a homeowners' association by the Real Estate Administrator for the administration of the Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels.

This bill is effective on July 1, 2016.

**S.B. 154 (Chapter 313)**

Senate Bill 154 requires the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations establishing the qualifications necessary for a community manager to renew his or her certificate. The regulations must require that a certificate be renewed biennially and must set the number of hours of continuing education necessary for renewal. The regulations also must allow that up to five hours of the total hours required may be satisfied by observing a disciplinary hearing conducted by the Commission or by observing a mediation or arbitration that arises from a claim within the Real Estate Division's jurisdiction. Education of this type must be designated as instruction relating to Nevada laws and regulations governing common-interest communities and community managers.

This bill is effective on June 1, 2015, for the purposes of adopting regulations and performing other administrative tasks and on January 1, 2016, for all other purposes.

**S.B. 174 (Chapter 344)**

Senate Bill 174 excludes a person, other than one appointed by a declarant, from being a candidate for or a member of the executive board of a unit-owners' association if:

- The person resides with, is married to, is a domestic partner of, or is related within the third degree of consanguinity to a board member; or
- The person stands to gain any personal profit or compensation from a matter before the board.

The exclusions do not apply to a candidate for the executive board or a person who owns 75 percent or more of the units in an association as long as doing so will not mean that two persons who meet any of the conditions described above and who serve on a board together will constitute a majority of the board membership.

Lastly, this bill provides that if a person is not eligible to be a candidate for or member of the executive board or an officer of an association, the association: (1) must not place the person's name on the ballot; and (2) must prohibit such a person from serving as a member of the executive board or an officer of the association.

### **S.B. 306 (Chapter 266)**

Senate Bill 306 allows collection costs to be included within the scope of a unit-owners' association's super-priority lien but limits allowable collection costs. The bill also clarifies that if a subordinate lienholder makes a payment to an association, the payment becomes a debt owed by the unit owner to the lienholder. A notice of default and election to sell must include an itemized statement of the amounts due that must be mailed to each holder of a recorded security interest. An association is required to record an affidavit containing the name and address of each security holder to whom the notice of default was mailed, and notices must be sent by certified or registered mail to each holder of a recorded security interest.

If a bank receives notice from the Foreclosure Mediation Program that a unit is subject to the Program, the bank must notify the association, and no foreclosure sale may occur unless the owner has not paid assessments that became due during the mediation period. Borrowers entering mediation must be provided notice that they are required to pay any association assessments due during the course of the mediation or be subject to foreclosure.

A lender must provide to the Division of Financial Institutions, Department of Business and Industry, the name, address, and any other pertinent contact information for the entity to which a borrower must send any notification deemed necessary to facilitate the mediation process or to which an association must send notices related to foreclosures. Further, the Division must make the information publicly available on its website, including a prominent display of, or a link to, the lender contact information on the Division's home page.

Regarding a notice of sale, the bill requires recordation of notice of the time and place of sale, posting in a public place typically used for such notices, and publication of the notice in a newspaper. Sales in Clark and Washoe Counties are to be conducted at the place designated by the governing body of the county for foreclosure sales of units subject to deeds of trust. In other counties, a sale must be held at a courthouse. All such sales must be held during normal business hours. In the event that a sale is postponed and rescheduled three times, the notification process must be repeated.

A unit owner or security holder may redeem a unit by paying certain amounts set forth in the bill. If required amounts are paid within 60 days after a sale, the unit owner or security holder gains ownership. However, after the 60-day redemption period ends, the purchaser at the foreclosure sale has clear title. If the first security holder pays the amount of a super-priority lien within five days prior to the sale, a foreclosure will not extinguish the first security interest.

**S.B. 389 (Chapter 257)**

Senate Bill 389 revises various provisions governing condominium hotels. Among other provisions, the bill:

- Allows for the use of e-mail to deliver certain notices to a unit owner;
- Provides that an officer of an association or a member of an executive board is subject to provisions governing the behavior of an officer or director of a nonprofit organization in Nevada;
- Revises the means by which a declarant may end the period of control over an association;
- Provides that, unless an association's bylaws call for a lower number, an election for the removal of a member of an executive board may be called by at least 10 percent of the voting members of the association;
- Establishes that the members of an executive board are not personally liable to victims of crimes occurring on the premises of a condominium hotel; and
- Provides that punitive damages may not be awarded against an association or against the members of an executive board or officers of an association for acts or omissions that are taken in that capacity.

**Foreclosure**

**A.B. 195 (Chapter 149)**

Assembly Bill 195 revises provisions governing the amount of a deficiency judgment to be awarded by a court after the foreclosure of a mortgage or a deed of trust. The bill revises a provision of current law that limits the amount a person who acquires the right to obtain a deficiency judgment from another person may obtain, such that it applies only to certain deficiency judgments awarded after the passage and approval of this bill. These include deficiency judgments involving enforcement of: (1) any debt secured by certain residential property; and (2) any debt secured by any other property if the promissory note or guaranty evidencing the debt was executed fully before July 1, 2011. In such cases, the amount of the deficiency judgment must not exceed the amount of the consideration paid for that right.

The bill further revises provisions governing the amount that a person holding a junior lien on real property may recover in a civil action. The measure provides that the limitation for the amount of consideration paid by the creditor for the right to enforce the obligation secured by the junior mortgage or lien applies only to a money judgment awarded on or after the passage and approval of this bill in a civil action to enforce:

- Any obligation secured by a junior mortgage or lien on certain real property upon which the debtor or a guarantor or surety of the debt maintains his or her principal residence; and

- Any obligation secured by a junior mortgage or lien on any other real property if the promissory note or guaranty evidencing the obligation was fully executed before July 1, 2011.

In such cases, the money judgment obtained by a creditor with a junior mortgage or lien on real property may not exceed the amount of the consideration paid by the creditor for the right to enforce the obligation secured by the junior mortgage or lien.

This bill is effective on May 25, 2015.

### **S.B. 239 (Chapter 316)**

Senate Bill 239 provides a mechanism whereby a lender, upon written request from a title agent, title insurer, or escrow agency, can, with proper notice to a borrower, terminate a home equity line of credit or suspend and close a home equity line of credit. When the lender is in possession of the payment, it must release or reconvey the property securing the equity line of credit.

The bill grants a trustee who has been named as a defendant in an action solely because he or she is a trustee, and not because of any wrongdoing on the part of the trustee, the ability to file a declaration of nonmonetary status in the action. It additionally sets forth a process whereby any party to the action may, within reasonable time limits, object to the trustee's declaration and have the court decide the matter. If no objection is raised, or if the court determines that an objection is invalid, the trustee is not required to participate and is not subject to any damages or attorney's fees or costs. Should new information come to light at any point during the proceedings indicating that the trustee should be made a participant, the parties may move to amend the pleadings to include the trustee.

Finally, the measure allows a beneficiary to substitute as a trustee in order to fully or partially reconvey a deed of trust and provides that once time has expired to commence an action against a trustee, the rights of a bona fide purchaser in the matter will not be affected.

This bill is effective on June 1, 2015.

### **S.B. 453 (Chapter 518)**

Senate Bill 453 makes technical changes to eliminate duplications and provide for consistency in Nevada's laws governing the enforcement of loans secured by deeds of trust or mortgages on real property and related proceedings.

### **S.B. 512 (Chapter 517)**

Senate Bill 512 authorizes a homeowner with a mortgage secured by owner-occupied housing, a grantor, or the holder of title with respect to owner-occupied housing to initiate a foreclosure mediation if a counseling agency approved by the federal Department of Housing and Urban Development certifies that the homeowner has a financial hardship and is in imminent danger of default. The homeowner must file a form with the Mediation Administrator electing

to enter into mediation and must pay his or her share of the mediation fee. Good faith mediation engaged in by a lender and a homeowner under the provisions of this bill satisfy pertinent mediation requirements under Nevada law.

The measure also provides that no application for the Foreclosure Mediation Program may be filed after December 31, 2016; that a person who initiates a foreclosure after December 1, 2016, need not provide notice of the mediation program; and that the program is abolished as of June 30, 2017.

Lastly, S.B. 512 allows the Court Administrator to submit to the Interim Finance Committee a request for an allocation from the Contingency Account of the Interim Finance Committee for deposit in the Account for Foreclosure Mediation.

Provisions of this bill that impose deadlines for filing applications and providing notice of the program are effective on June 10, 2015. The provision authorizing certain persons to initiate foreclosure mediation is effective on July 1, 2015, and expires by limitation on June 30, 2017. The provision allowing the Court Administrator to submit a request for an allocation from the Contingency Account is effective on June 10, 2015, and expires by limitation on June 30, 2017. Other provisions are effective on June 30, 2017.



## **INSURANCE**

### **A.B. 86 (Chapter 144)**

Assembly Bill 86 makes various changes to the governance of the Silver State Health Insurance Exchange. The bill removes the restriction against appointing a person to the Board who is affiliated in any way with a health insurer; however, it limits the number of voting Board members that may represent any particular area of expertise or experience. Finally, the measure provides for compensation of Board members and reduces the minimum number of Board meetings from once per quarter to once per year.

The bill is effective on July 1, 2015.

### **A.B. 87 (Chapter 68)**

Assembly Bill 87 expressly provides that various provisions of existing State law relating to Medicaid apply to certain third-party entities including self-insured plans, certain group health plans and policies, service benefit plans, and any other organization described in the Social Security Act as being legally responsible for payment of a claim for a health care item or service. In particular, the bill clarifies that these third-party entities are required to pay claims for medical care or services before such claims must be paid by Medicaid.

The bill is effective on May 14, 2015.

### **A.B. 486 (Chapter 480)**

Assembly Bill 486 abolishes the Insurance Examination Account and requires fees paid by insurers for examinations to be deposited into the Fund for Insurance Administration and Enforcement. This bill also reduces the initial licensing fee for certain insurers from \$1,300 to \$1,000 and revises the annual licensing fee from \$1,300 to a fee determined by the Commissioner of Insurance for most insurer types. This bill also abolishes the licensing fees paid into the Insurance Recovery Account and authorizes the Commissioner to impose a fee of not more than \$10 on certain licensees if the balance of the Insurance Recovery Account is below \$40,000 at the end of a fiscal year. Lastly, A.B. 486 abolishes the Stabilization of Insurance Costs Account and the National Association of Insurance Commissioners Account and the associated fees.

This bill is effective on July 1, 2015.

### **S.B. 67 (Chapter 522)**

Senate Bill 67 is the omnibus bill of the Division of Insurance, Department of Business and Industry. This bill:

- Adopts provisions of various model laws and acts of the National Association of Insurance Commissioners, including provisions relating to investments, reinsurance, standard valuation, standard nonforfeiture, own-risk solvency assessment, and insurer mergers and acquisitions;

- Makes changes to the Nevada Life and Health Insurance Guaranty Association;
- Makes changes to the requirements for insurance administrators and self-insured employers for workers' compensation when filing annual financial statements;
- Allows insurers to provide electronic proof of insurance certificates for motor vehicles;
- Makes changes regarding State-chartered risk retention groups;
- Authorizes the inspections of certain sealed records to determine the suitability of an applicant for licensure or the discipline of a licensee for misconduct; and
- Repeals various provisions of existing law, which are replaced by the adoption of the model law provisions.

This bill is effective on July 1, 2015.

**S.B. 85 (Chapter 80)**

Senate Bill 85 revises the definition of a "policy of insurance" to include, for the purposes of investigating and prosecuting insurance fraud, an insurance policy issued by an authorized insurer in another state that relates to property located in Nevada at the time of the alleged fraudulent act or omission or the incident giving rise to the alleged fraudulent act or omission.

This bill is effective on July 1, 2015.

**S.B. 137 (Chapter 374)**

Senate Bill 137 requires that for an insurance claim for a procedure provided by an oral and maxillofacial surgeon, which may be covered by both the patient's stand-alone dental benefit and policy of health insurance, the stand-alone dental benefit must provide primary coverage. The bill also prohibits a health insurer from denying certain claims for which it has liability on the basis that another health insurer has liability.

This bill is effective on June 5, 2015, for the purposes of adopting any regulations and performing any other preparatory administrative tasks and on January 1, 2016, for all other purposes.

**S.B. 159 (Chapter 43)**

Senate Bill 159 requires every policy of health, group, or blanket insurance; contract for hospital or medical services; and evidence of coverage to include a procedure for the arbitration of disputes related to an independent medical evaluation of a dentist's diagnosis and care of a patient.

This bill is effective on May 11, 2015, for the purpose of adopting regulations or performing any preparatory administrative tasks and on January 1, 2016, for all other purposes.

**S.B. 162 (Chapter 269)**

Senate Bill 162 repeals current Nevada law governing the provision of medical records by a claimant or a claimant's attorney upon the request of an insurer or other party who is the subject of a personal injury claim brought under a policy of motor vehicle insurance covering a passenger car.

This bill is effective on May 28, 2015.

**S.B. 217 (Chapter 45)**

Senate Bill 217 prohibits public and private policies of health insurance and health care plans from denying coverage for covered topical ophthalmic products, if refills are provided early. The bill requires a pharmacist to provide early refills of topical ophthalmic products upon the request of a patient who is experiencing inadvertent wastage of the product due to difficulty applying the product to the eye and only pursuant to a valid prescription that states specific authorization to refill.

This bill is effective on May 11, 2015, for purposes of adopting any regulations and performing any preparatory administrative tasks and on January 1, 2016, for all other purposes.

**S.B. 250 (Chapter 376)**

Senate Bill 250 requires certain public and private policies of insurance and health care plans must authorize coverage for, and may apply a copayment and deductible to, a prescription to be divided into more than one dispensing for the purpose of synchronizing a patient's multiple prescriptions. These policies and plans are prohibited from denying a claim for such a prescription that is otherwise covered. Finally, these policies and plans are prohibited from prorating the pharmacy dispensing fees for such prescriptions, unless otherwise provided by a contract or other agreement.

This bill is effective on June 5, 2015, for the purposes of adopting any regulations and performing any preparatory administrative tasks and on January 1, 2017, for all other purposes.

**S.B. 253 (Chapter 453)**

Senate Bill 253 provides that guaranteed asset protection (GAP) waivers are exempt from the provisions of the Nevada Insurance Code, except for those provisions that give the Commissioner of Insurance the authority to regulate and conduct investigations and hearings on violations of the law. The bill authorizes a creditor to sell a GAP waiver to a borrower who owes or expects to owe money to the creditor due to a motor vehicle finance agreement. The costs of the GAP waiver must be separately stated as part of the amount financed and must not be considered a finance charge or interest. Certain information must be disclosed in a GAP waiver, including a conspicuous statement that it is not a policy of liability or casualty insurance and does not satisfy the requirement to maintain such insurance. The bill requires a free-look period in which a borrower may cancel the GAP waiver and receive a full refund. If

the refund request is made outside of the free-look period, a borrower must provide the refund request in writing. The bill also authorizes a creditor to apply any refund owed to the borrower because of the cancellation of the GAP waiver to the amount owed to the creditor pursuant to the finance agreement.

The bill is effective on June 9, 2015, for purposes of adopting regulations and performing any other preparatory administrative tasks and on January 1, 2016, for all other purposes. Amendatory provisions of this bill do not apply to any GAP waivers that become effective before January 1, 2016.

**S.B. 341 (Chapter 423)**

Senate Bill 341 requires a medical discount plan that contracts directly with a dentist to: (1) notify the dentist whether the contract may be assigned to a third party; and (2) maintain a toll-free telephone number for the dentist to obtain information about the medical discount plan. The bill also allows a contract between a medical discount plan and a dentist to be assigned only if expressly authorized by the contract; a dentist must be notified of inclusion in any contract that has been assigned.

**S.B. 373 (Chapter 254)**

Senate Bill 373 provides for the licensure of a producer of limited lines travel insurance to allow such a producer to solicit, negotiate, and sell policies of travel insurance. A producer of limited lines travel insurance may sell policies of travel insurance through certain travel retailers under certain circumstances, and a travel retailer, whose insurance related activities are limited to offering and disseminating travel insurance on behalf of and under the direction of a producer of limited lines travel insurance, is authorized to receive related compensation. A producer of limited lines travel insurance is responsible for the acts of a travel retailer, and both are subject to the disciplinary provisions of Nevada law governing insurance trade practices and fraud.

This bill is effective on May 27, 2015, for the purposes of adopting regulations and performing any other preparatory administrative tasks and on January 1, 2016, for all other purposes.

**NOTE: See also Assembly Bill 3 (Chapter 1) of the 28th Special Session.**

**Workers' Compensation**

**S.B. 194 (Chapter 448)**

Senate Bill 194 allows a private company, public entity, or utility to establish and administer a consolidated insurance program for industrial insurance on a construction project or a series of projects if the estimated total cost of the construction project is at least \$50 million. Any policy or contract of insurance required by a consolidated insurance program must be issued by an insurer who is rated A- or better by A.M. Best with a Financial Size Category of Class VII or larger, or the equivalent as determined by the Commissioner of Insurance. The measure requires the owner or primary contractor of a construction project to allow a contractor, employer, or subcontractor who has an employee on the construction project to have access to

the project site and to any documents relating to claims filed by or on behalf of their injured workers. Finally, an administrator of claims for a consolidated insurance program may serve as the administrator of claims for the consolidated insurance program of more than one construction project.

**S.B. 231 (Chapter 239)**

Senate Bill 231 revises various provisions governing workers' compensation. It provides that a health care provider may dispense only an initial 15-day supply of a schedule II or schedule III controlled substance to an injured employee. Any additional doses that are prescribed must be provided by a registered pharmacy. A health care provider must include the original manufacturer's National Drug Code for the drug on all bills and reports submitted to the insurer. The measure requires an insurer to pay or deny a health care provider's bill for accident benefits within 45 days of receipt.

In addition, S.B. 231 removes the rebuttable presumption provisions concerning a workplace injury that occurs while an employee is under the influence of alcohol or drugs and replaces those provisions with a requirement that the employee not receive compensation unless he or she can prove by clear and convincing evidence that being intoxicated or under the influence of a controlled or prohibited substance was not the proximate cause of the injury. Finally, the results of any alcohol or drug test performed as a result of an injury must be made available to an insurer or employer upon request.

This bill is effective on May 27, 2015, for the purpose of adopting any regulations or performing any preparatory administrative tasks and on January 1, 2016, for all other purposes.

**S.B. 232 (Chapter 240)**

Senate Bill 232 provides a right to reimbursement in situations in which an insurer, managed care organization, third-party administrator, or employer appeals an order of a hearing officer, appeals officer, or district court and the order is not stayed pending the appeal. In such a situation, if the appeal is successful, the insurer, managed care organization, third-party administrator, or employer is entitled to seek reimbursement from the injured employee's health or casualty insurer for payments made while the appeal was pending.

The bill also revises provisions concerning the reopening of a claim such that an employee has one year to file an application to reopen a claim if the employee was not incapacitated from earning full wages for at least 5 consecutive days or 5 cumulative days within a 20-day period. Further, the measure provides that an employee who has sustained more than one permanent partial disability may not receive compensation for any portion of the injury that is based on a combined permanent partial disability rating for all the employee's injuries that exceeds 100 percent.

This bill is effective on May 27, 2015, for the purpose of adopting any regulations or performing any preparatory administrative tasks and on January 1, 2016, for all other purposes.



## **LABOR AND MANAGEMENT**

### **A.B. 154 (Chapter 48)**

Assembly Bill 154 removes the requirement that the Nevada Employment Security Council investigate, recommend, advise, and assist in the establishment and operation of reserves for public works projects in times of depression and unemployment. The measure also eliminates the requirement that the Council investigate and publish the results of investigations and research studies.

This bill is effective on May 11, 2015.

### **S.B. 24 (Chapter 466)**

Senate Bill 24 makes several changes to provisions governing unemployment compensation. Specifically, the bill:

- Allows members of the Nevada National Guard or Nevada Air National Guard to use their military wages to establish an unemployment claim;
- Allows the Employment Security Division (ESD), Department of Employment, Training and Rehabilitation, to provide employment and wage information to the Nevada System of Higher Education in order to facilitate tracking the effectiveness of the State's public education in meeting workforce needs;
- Revises the manner in which certain claims of recipients of benefits for workers' compensation are compared against claims for unemployment benefits to determine whether any simultaneous claiming of benefits has occurred, and removes the authority of the ESD to charge a fee for comparing the information;
- Revises the manner in which a person who has received certain disability benefits or money for rehabilitation services may elect a base period;
- Extends from 5 years to 10 years the period the ESD may recover any overpayment of benefits in cases involving fraud, misrepresentation, or willful nondisclosure; and
- Includes as an act of fraud failure by a person to disclose, at the time of filing for or receiving unemployment insurance benefits, that the person had filed a claim for or received any compensation for a disability or money for rehabilitative services.

### **S.B. 146 (Chapter 468)**

Senate Bill 146 authorizes an employer of a residential facility for a group of similarly situated persons to enter into a written agreement with an employee who is required to be on duty for 24 hours or more to exclude from his or her wages a sleeping period not to exceed 8 hours if adequate sleeping facilities are provided. If the sleeping period is interrupted by any call for service by the employer:

- The interruption must be counted as hours worked; or

- To such an extent that the sleeping period is less than five hours, the employee must be paid for the entire sleeping period.

This bill is effective on July 1, 2015.

**S.B. 224 (Chapter 325)**

Senate Bill 224 establishes a conclusive presumption that a person is an independent contractor, rather than an employee, if certain conditions are met. The bill excludes the relationship between a principal and an independent contractor from those relationships that constitute employment relationships for the purpose of requiring the payment of a minimum wage.

This bill is effective on June 2, 2015.

**S.B. 233 (Chapter 530)**

Senate Bill 233 provides that a completion card indicating that a construction worker or supervisory employee has completed a course in construction industry safety and health hazard recognition does not expire or require renewal.

This bill is effective on June 10, 2015.



## **LEGISLATURE**

### **A.B. 273 (Chapter 216)**

Assembly Bill 273 prohibits a former legislator from receiving compensation to lobby before the Legislature for a period beginning when the legislator leaves office and ending at the adjournment of the next regular session. An exemption is provided if lobbying is a duty of the former legislator's full-time employment and the former legislator does not act as a lobbyist for any other employer, client, or client of his or her employer.

This bill is effective on November 8, 2016.

### **A.B. 384 (Chapter 183)**

Assembly Bill 384 establishes the Nevada Oral History Program in the Research Division of the Legislative Counsel Bureau (LCB). The Legislative Commission shall approve a plan and procedures to conduct oral histories of current and former legislators. Materials are confidential unless released pursuant to policies approved by the Legislative Commission. The Director of the LCB may accept gifts, grants, or donations in support of the program.

This bill is effective on May 25, 2015.

### **A.B. 457 (Chapter 474)**

Assembly Bill 457 repeals a number of provisions relating to obsolete or redundant reports mandated by the Legislature but ensures that the information provided by certain reports will remain publicly available on pertinent websites.

This bill is effective on July 1, 2015.

### **A.B. 495 (Chapter 510)**

Assembly Bill 495 revises provisions governing the submission of a request for drafting of a legislative measure. Details for drafting the measure must be submitted to the Legislative Counsel along with the request to have the measure drafted. The Legislative Counsel shall not assign a bill draft request number until sufficient detail has been received. The bill also eliminates subsequent statutory deadlines by which legislators and legislative committees must submit sufficient details to allow complete drafting of those measures.

The bill moves the deadline for prefiling measures requested on behalf of nonlegislative requesters from December 20 preceding a regular legislative session to the third Wednesday in November preceding the session. Finally, the measure requires legislators to prefile a certain number of requested legislative measures on or before the first day of the regular session or inform the Legislative Counsel which requested bills, in an equal number that must be prefiled, he or she wishes to withdraw. If a legislator does not request the maximum number of legislative measures authorized, the number of measures that are required to be prefiled or withdrawn must be reduced by the number of unused requests.

This bill is effective on July 1, 2015.

**A.B. 496 (Chapter 511)**

Assembly Bill 496 provides that certain powers and duties of the Legislative Commission that apply to legislative studies established by concurrent resolution also apply to studies established by statute. Certain requirements and restrictions imposed on the staff of the Legislative Counsel Bureau (LCB) also apply to investigations established by statute.

The bill clarifies that protections provided for the work product of the officers and employees of LCB apply to any matter or work in any form, including oral, written, audio, visual, digital, or electronic format.

The bill provides that the doctrines of separation of powers and legislative privilege and immunity apply to any actions taken or performed within legitimate legislative activity, whether or not the Legislature is in a regular or special legislative session. The bill provides that these doctrines also protect any other person who takes action or performs any legitimate legislative activity that would be protected if taken or performed by a legislator.

The provisions of the bill apply to any cases pending on the bill's effective date, even if those cases were commenced before the effective date.

This bill is effective on June 10, 2015.

**Legislative and Other Studies Directed by the Legislature**

**A.B. 146 (Chapter 396)**

Assembly Bill 146 requires the Advisory Committee on the Control of Emissions From Motor Vehicles to study the inspection and testing of motor vehicles and emission control systems. The Committee must report to the Legislature on or before June 30, 2016.

This bill is effective on July 1, 2015.

**A.B. 198 (Chapter 338)**

Assembly Bill 198 requires the Legislative Committee on Public Lands to conduct a study of water conservation and alternative sources of water for Nevada communities. The measure sets out the scope of the study, which includes a review of issues relating to water resources and water use and the apportionment of groundwater. In addition to its other duties, the Committee must submit its findings and recommendations to the next session of the Legislature.

**A.B. 205 (Chapter 292)**

Assembly Bill 205 requires the Legislative Committee on Education to consider guidelines, parameters, and financial plans for mentorship programs that are established or may be established in Nevada to address issues relating to health, criminal justice, employment, and education, including college and career readiness, of school age children. The Committee is

required to prepare and submit a written report for transmittal to the 79th Session of the Nevada Legislature, along with any recommendations for legislation.

This bill is effective on July 1, 2015.

**A.B. 242 (Chapter 306)**

Assembly Bill 242 requires the Legislative Commission to appoint a subcommittee to conduct an interim study on postacute care in Nevada. The study must review:

- Alternatives to institutionalization;
- Cost savings of home- and community-based waiver programs;
- The impact of postacute care services on the quality of life of a person receiving such services; and
- State and national quality measures and funding methodologies for postacute care.

The Legislative Commission must submit a report of its findings, including, without limitation, any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature.

This bill is effective on July 1, 2015.

**S.B. 289 (Chapter 248)**

Senate Bill 289 requires the Information Technology Advisory Board to conduct a study of peering, the voluntary physical interconnection of administratively separate Internet networks for the purpose of exchanging traffic between the users of each network, including an analysis of potential benefits of peering arrangements to the State and its political subdivisions. The Board is further required to submit a report of its findings, including any recommendations for legislation, to the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature.

This measure is effective on July 1, 2015.

**S.B. 360 (Chapter 531)**

Senate Bill 360 directs the Legislative Committee on Energy to study the viability of establishing green banks and similar entities to help finance the use and harnessing of clean energy projects in Nevada. Specifically, the Committee is charged with studying:

- The existing clean energy program and financial activities occurring within Nevada;
- Methods of capitalization, structure, organization, and financing of green banks;

- The sources, types, and amounts of private capital leveraged or invested in connection with green banks;
- The current and potential size of existing and potential markets for clean energy in Nevada;
- The need to provide reasonably priced financing or establish related market structures to increase clean energy market penetration;
- The potential financial instruments or services to be used by a green bank to help finance and harness projects in Nevada; and
- The need for a green bank to finance clean energy in this State.

If the Committee determines that a green bank or similar entity is needed in this State, it must provide recommendations regarding the:

- Legal steps required to create such an entity;
- Capital resources that can be used to pay for the entity;
- Structure and organization of the entity;
- Markets that such an entity should serve; and
- Types of financing activities the entity should undertake.

The Committee also is charged with studying:

- Existing energy efficiency incentive programs in Nevada;
- Other states' laws, regulations, and policies relating to energy efficiency incentive programs and energy efficiency resource standards; and
- The impact and advisability of implementing legislation regarding energy efficiency resource standards and any other energy efficiency incentive programs.

Finally, S.B. 360 directs the Committee to study the development, viability, expansion, and implementation of energy efficiency programs in Nevada, including programs for businesses and industries, energy efficiency resource standards, and other energy efficiency incentives.

The bill is effective on July 1, 2015.

**S.B. 449 (Chapter 53)**

Senate Bill 449 revises the membership of the Advisory Commission on the Administration of Justice by adding as a member a municipal judge or justice of the peace appointed by the governing body of the Nevada Judges of Limited Jurisdiction.

The bill also requires the Commission to conduct an interim study concerning parole and to report its findings and any recommendations for legislation to the full Commission by September 1, 2016.

This bill is effective on July 1, 2015.



## **LOCAL GOVERNMENTS**

### **Bills Applying Generally to Local Governments**

#### **A.B. 201 (Chapter 173)**

Assembly Bill 201 prohibits a local government from entering into an agreement with any person for the purpose of exercising the power of eminent domain to take a mortgage, deed of trust, or mortgage lien on private property or any note secured by a mortgage, deed of trust, or mortgage lien on private property.

This bill is effective on May 25, 2015.

#### **A.B. 293 (Chapter 339)**

Assembly Bill 293 requires that any deputy public administrator appointed by a public administrator must:

- Be a qualified elector of the county;
- Be 21 years of age or older;
- Not have been convicted of a felony for which his or her civil rights have not been restored by a court of competent jurisdiction; and
- Not have been found liable in a civil action involving fraud, misrepresentation, material omission, misappropriation, theft, or conversion.

In a county with a population of 100,000 or less, the board of county commissioners may, by ordinance:

- Require a public administrator to notify or obtain permission from the board to transport any property of the deceased outside the deceased's county of residence; and
- Require the public administrator to submit to an annual independent audit conducted by a certified public accountant.

The bill increases from \$20,000 to \$25,000 the maximum gross value of the decedent's property whereby a public administrator may, without procuring letters of administration, administer the estate of a deceased person upon filing with the court an affidavit of his or her right to do so.

Finally, if the public administrator finds that there are no relatives of the decedent who are able to protect the property or that the failure to secure the property could endanger the property, the public administrator may act on behalf of the estate of a deceased person to identify and secure all tangible and intangible assets for the estate before the issuance of letters of

administration, before filing the affidavit, before petitioning to have the estate set aside without administration, and without giving notice to the next of kin. However, a public administrator shall not distribute, liquidate, or otherwise administer any assets of the estate unless a court has issued: (1) letters of administration for the estate; or (2) an order authorizing the public administrator to act as administrator of the estate.

This bill is effective on July 1, 2015.

**A.B. 497 (Chapter 512)**

Assembly Bill 497 allows a municipality to adopt an ordinance ordering an undertaking and creating a tax increment area for a water project. The measure includes provisions for the allocation of a portion of the sales and use taxes or the modified business tax collected in the tax increment area or financing of the undertaking through the Municipal Bond Bank for a project if the estimated cost exceeds \$50 million, and only after the Interim Finance Committee approves a request submitted by the governing body of the municipality.

This bill is effective on July 1, 2015.

**S.B. 22 (Chapter 16)**

Senate Bill 22 transfers the administrative responsibility for liquor licenses from the county to the city, if the applicant's place of business is within the boundaries of an incorporated city. Transferred administrative responsibilities include:

- Accepting and reviewing applications;
- Issuing licenses;
- Conducting investigations; and
- Making determinations about suspensions or revocations of a liquor license.

**S.B. 29 (Chapter 416)**

Senate Bill 29 provides that a board of county commissioners is authorized, with certain exceptions, to exercise all powers necessary or proper to address matters of local concern for the effective operation of county government, whether or not the powers are expressly granted to the board. Matters of local concern include any matters that primarily affect or impact areas located in the county that do not have a significant effect or impact on areas located in other counties or persons who reside, work, or visit the county. These powers remain subject to all federal and State constitutional, statutory, and regulatory provisions. The bill also provides a list of powers a board of county commissioners cannot exercise without being expressly authorized by law.



The Nevada Association of Counties is directed to compile information and report on the implementation of the provisions of this bill to the next regular session of the Legislature in 2017.

The bill is effective on July 1, 2015.

### **S.B. 56 (Chapter 372)**

Senate Bill 56 grants the governing body of a city the authority to adopt ordinances pursuant to which officers, employees, or other designees of the city may cover or remove graffiti placed on certain portions of residential property with the property owner's consent, or without the owner's consent if the city is unable to contact or notify the owner after following certain steps.

Additionally, the bill provides that a city may adopt ordinances pursuant to which the owner of a nonresidential property may be ordered to cover or remove graffiti following a notification process and, if requested by the owner, a hearing and possible appeal. Any county or city that has a graffiti abatement program in place may continue it under the provisions of this bill.

The bill also adds "estrays" and "livestock" to the list of property to which the offense of graffiti applies; excludes from the definition of graffiti any item affixed to property which may be removed—without defacing the property—by hand, with common cleaning agents, and without the use of a decal removal tool; adds a carbide-tipped instrument to the list of graffiti implements; and expands the allowable uses of money held in a city's graffiti abatement fund to include supplies or other costs associated with graffiti abatement.

### **S.B. 66 (Chapter 79)**

Senate Bill 66 revises provisions allowing for a local governing body to amend or terminate an agreement for land development. The bill requires a governing body that proposes unilaterally to amend or cancel an agreement for the development of land to hold a public hearing before taking such action and to provide notice no less than 60 days prior to the public hearing. The bill deletes outdated provisions allowing the extension of construction for a residential or commercial development agreement converted to a renewable energy generation project if applied for by July 1, 2013.

This bill is effective on July 1, 2015.

### **S.B. 109 (Chapter 25)**

Senate Bill 109 authorizes a board of county commissioners to initiate proceedings to sell or lease a county-owned telephone system by adopting a resolution to evaluate the propriety of receiving offers for the sale or lease of the system and without the requirement of holding a primary or general election or obtaining approval of the registered voters of the county. The bill requires a board of county commissioners that adopts such a resolution to receive offers to sell a county-owned telephone system to contract with an expert to market and sell or lease the telephone system in a commercially reasonable manner, removing the requirement for

newspaper advertisements. The board is not required to accept the highest bid but must consider other factors, including the return on investment to the county, the preservation of jobs, future revenue, and local control of the telephone system. Finally, the bill requires that at least three days before the board votes to accept or reject a proposed sale or lease, a notice be published at least once in a local newspaper.

This measure is effective on July 1, 2015.

**S.B. 157 (Chapter 237)**

Senate Bill 157 enacts the State and Local Government Cooperation Act, which encourages communication, cooperation, and coordinated working relationships between State agencies and local governments.

**S.B. 168 (Chapter 490)**

Senate Bill 168 authorizes a local government to reopen a collective bargaining agreement during a fiscal emergency and sets forth the circumstances under which such an emergency shall be deemed to exist. Negotiations must begin no later than 21 days after the local government employer notifies the employee organization that a fiscal emergency exists. The bill provides, for certain funds of any local government other than a school district, that a budgeted ending fund balance of not more than 25 percent of the total budgeted expenditures, less capital outlay, for a general fund is not subject to negotiation and cannot be considered by a fact finder or arbitrator in determining ability to pay compensation or monetary benefits.

This bill is effective on June 9, 2015.

**S.B. 241 (Chapter 315)**

Senate Bill 241 makes various changes relating to collective bargaining. Among other things, the bill:

- Excludes a school administrator whose annual salary, adjusted for inflation, is greater than \$120,000 from membership in any bargaining unit;
- Authorizes, under certain circumstances, a local government employer to provide paid leave to an employee for time spent in providing services to an employee organization;
- Reduces from 180 days to 45 days the amount of time within which the Local Government Employee-Management Relations Board must conduct a hearing relating to certain complaints;
- Provides that a collective bargaining agreement between a local government employer and a recognized employee organization expires for certain purposes at the end of the term stated in the agreement;

- Provides that upon the end of the term stated in a collective bargaining agreement, and until a successor agreement becomes effective, a local government employer shall not, with limited exceptions, increase any compensation or monetary benefits paid to or on behalf of employees in the affected bargaining unit;
- Revises various provisions relating to negotiations between a school district and an employee organization representing teachers or educational support personnel; and
- Provides that during the first three years of employment by a school district, a principal is employed at will.

This measure is effective on June 1, 2015.

#### **S.B. 406 (Chapter 471)**

Senate Bill 406 makes various changes to the Public Employees' Retirement System, the Judicial Retirement Plan, and the Legislators' Retirement System for persons who become members on or after July 1, 2015. Among other things, the bill:

- Revises certain factors used to calculate retirement benefits;
- Requires the forfeiture of retirement benefits for a member convicted of certain felonies committed on the job;
- Revises the manner in which postretirement increases and benefit payments are calculated;
- Provides an additional survivor benefit option for current and future members;
- Changes the age of eligibility to receive retirement benefits for members, other than police officers or firefighters;
- Requires members of the Judicial Retirement Plan to pay 50 percent of the required contributions to the Plan; and
- Repeals the June 30, 2015, expiration of certain provisions relating to retired public employees who fill positions for which there are critical labor shortages.

Provisions concerning benefit options available to certain survivors of members killed in the line of duty or in the course of employment are effective on June 9, 2015. Other provisions are effective on June 9, 2015, for the purposes of adopting regulations and performing preparatory administrative tasks and on July 1, 2015, for all other purposes.

#### **S.B. 456 (Chapter 452)**

Senate Bill 456 urges the Attorney General to take a leadership role in pursuing actions on behalf of the State and counties in formalizing and finalizing title to accessory roads and public roads. The bill authorizes the Attorney General to participate as a party in a quiet title action

regarding such roads under certain circumstances and in cooperation with or on behalf of the county or counties in which the road lies.

In addition, the Attorney General, the Land Use Planning Advisory Council, and the Nevada Association of Counties must work together to develop and implement a legal protocol that a county may use to perfect its rights and finalize title to an accessory or public road.

This bill is effective on July 1, 2015. As soon as practicable after July 1, 2015, the Attorney General, the Land Use Planning Advisory Council, and the Nevada Association of Counties shall work cooperatively to develop the required protocol.

**S.B. 477 (Chapter 354)**

Senate Bill 477 authorizes a governing body of any county or incorporated city to adopt a building code or take any other action that requires the installation of an automatic fire sprinkler system in a new residential dwelling unit that has an area of livable space of 5,000 square feet, or more. On or after July 1, 2015, such a governing body may adopt a building code or take any other action that requires the installation of an automatic fire sprinkler system in a new residential dwelling unit that has an area of livable space of less than 5,000 square feet only if the governing body: (1) conducts an independent cost-benefit analysis of the proposed requirement to install an automatic fire sprinkler system; and (2) makes certain findings at a public hearing. The bill does not prohibit:

- A local government from enforcing an agreement for the development of land, which requires the installation of an automatic fire sprinkler system in a residential dwelling unit; or
- A person from installing an automatic fire sprinkler system in any residential dwelling unit.

The bill further provides that such a governing body may require the installation of an automatic fire sprinkler system in such a residence without conducting the cost-benefit analysis and making the findings otherwise required if, with regard to any particular new residential dwelling unit, the governing body determines that the unique characteristics or location of the residence would cause a delay in firefighter response time. The bill prohibits a governing body from adopting a code or ordinance to require installation of an automatic sprinkler system in any portion of a structure that is covered, but not completely enclosed, if it is used primarily for agricultural, livestock, or equestrian activities.

Finally, the bill provides, with exceptions, for the continued enforcement of any building code, ordinance, regulation, or rule relating to the installation of an automatic fire sprinkler system that was adopted by a governing body before January 1, 2015.

This measure is effective on June 4, 2015.

**S.B. 481 (Chapter 532)**

Senate Bill 481 prohibits a county, incorporated city, or regional transportation commission from creating, maintaining, or displaying a comprehensive model or map of the physical location of all or a substantial portion of the facilities of a public utility, public water system, or video service provider. The bill does not limit the authority of a county, city, or regional transportation system to require a public utility, public water system, or video service provider to disclose information relating to the physical location of such facilities to facilitate certain public projects. The bill also provides that if real property is located within the service area of a municipal utility, the provision of services by the municipal utility to the property may not be conditioned upon the property owner agreeing to annexation of the real property to the city.

This measure is effective on July 1, 2015.

**S.B. 482 (Chapter 515)**

Senate Bill 482 eliminates the authority of boards of county commissioners to set the annual salaries of their members and establishes those salaries by statute. The bill provides that the salaries for county commissioners and certain other elected county officials increase by 3 percent in each fiscal year for each of the next four fiscal years beginning with Fiscal Year 2015-2016, unless the board of county commissioners determines that insufficient financial resources are available to pay the increased salaries. If the board of county commissioners determines that annual salary increases cannot be provided in any year, any subsequent annual salary increases must be in the amounts provided for starting with the first fiscal year in which increased salaries were not paid. Finally, S.B. 482 authorizes an elected officer, including a county commissioner, to elect not to receive any part of the salary to which he or she is entitled.

This measure is effective on July 1, 2015.

**Bills Applying to Specific Local Entities****A.B. 88 (Chapter 163)**

Assembly Bill 88 makes various changes to the Charter of the City of Reno. The bill provides that the Majority Leader or Minority Leader of the Senate or the Speaker or Minority Leader of the Assembly shall appoint members to the City of Reno Charter Committee if there are no members of the respective Legislative Houses representing the residents of the City that belong to the majority or minority party, as applicable. The bill also clarifies the procedures for filling a vacancy in an elective office by special election or appointment. Additionally, among other things, the bill:

- Clarifies that certain officers, employees, and other staff may be appointed by the City Manager, City Clerk, and City Attorney, respectively;
- Requires a person who is appointed as the City Manager to become an actual resident of the State not later than six months after the date of his or her appointment;

- Authorizes the City Council to retain the services of special legal counsel rather than employ such counsel; and
- Clarifies which employees are exempted from the City's Civil Service System.

**A.B. 116 (Chapter 142)**

Assembly Bill 116 revises provisions governing the Regional Business Development Advisory Council for Clark County. This bill:

- Revises membership of the Council;
- Changes the information that must be reported to the Council from certain public entities; and
- Clarifies that the Council's biennial report must be submitted on an ongoing basis.

This bill is effective on May 22, 2015.

**A.B. 191 (Chapter 366)**

Assembly Bill 191 revises provisions relating to the imposition by certain counties of additional taxes on motor vehicle fuel and certain special fuels. First, the bill removes the prohibition on increasing those taxes in a county whose population is 700,000 or more (currently Clark County), as long as a majority of the voters in the county at the 2016 General Election authorize the board of county commissioners to continue to provide for annual tax increases. Beginning January 1, 2027, additional annual increases in taxes on motor vehicle fuel and certain special fuels may not be implemented unless a majority of voters in Clark County again authorize the Board to do so at the 2026 General Election.

Second, A.B. 191 repeals provisions of existing law that require a statewide ballot measure at the 2016 General Election seeking approval to impose additional State taxes on motor vehicle fuel and certain special fuels. Instead, the bill requires the board of county commissioners of a county other than Clark or Washoe County, upon approval by a majority of voters at the 2016 General Election, to impose such additional taxes in the same manner as the board is required under existing law to impose the additional county taxes on motor vehicle fuel and certain special fuels.

Finally, if voters authorize the board of county commissioners of a county to increase those fuel taxes in that county, any additional money collected must be: (1) deposited with the State Treasurer; (2) credited to the State Highway Fund; and (3) used by the Department of Transportation only to finance projects for the construction, maintenance, and repair of State highways in the county in which the tax is collected.

Provisions eliminating the prohibition on a fuel tax increase in Clark County, repealing existing laws that require a statewide ballot measure on the imposition of additional State fuel taxes, and requiring voters in all counties except Washoe County to authorize the board of county commissioners to increase fuel taxes are effective on June 5, 2015. Provisions prescribing the collection and distribution of those additional fuel taxes are effective on November 9, 2016, if Clark County voters authorize the fuel tax increases at the 2016 General Election, and on January 1, 2017, if Clark County voters do not authorize the fuel tax increases. All other provisions are effective on January 1, 2017.

#### **A.B. 445 (Chapter 508)**

Assembly Bill 445 extends to a maximum of 45 years the date of termination of a redevelopment plan, and any amendments to the plan, adopted on or after January 1, 1991, by an agency of a city whose population is 220,000 or more but less than 500,000 located in a county whose population is 700,000 or more (currently the City of Henderson) if the city council adopts the extension of the plan by ordinance. The bill requires that 18 percent of the revenues received from taxes on the taxable property located in the redevelopment area, affected on or after the effective date of the ordinance, be set aside to improve and preserve existing public educational facilities located within the redevelopment area. The obligation to set aside such revenues is subordinate to any existing obligations of the agency.

The bill also allows a redevelopment plan to extend from 45 to 60 years, in a city whose population is 500,000 or more (currently Las Vegas), if the assessed value of the aggregate number of redevelopment projects in the redevelopment area is not less than the assessed value of the aggregate number of redevelopment projects in the year in which the redevelopment plan was adopted and the assessed value of the redevelopment area is not less than 75 percent of the assessed value of the redevelopment area in the year in which the redevelopment plan was adopted.

The bill does not apply to a redevelopment area that includes real property conveyed by the federal government which contains certain abandoned mine or milling facilities.

This bill is effective on July 1, 2015.

#### **A.B. 493 (Chapter 465)**

Assembly Bill 493 provides that the governing body of an incorporated city is authorized, with certain exceptions, to exercise all powers necessary or proper to address matters of local concern for the effective operation of city government, whether or not the powers are granted expressly to the city government. Matters of local concern include any matters that primarily affect or impact areas located in the city, or persons who reside, work, or visit the city, and that do not have a significant effect or impact on areas located in other cities or counties. These powers remain subject to all federal and State constitutional, statutory, and regulatory provisions. The bill also provides a list of powers the governing body of an incorporated city cannot exercise without being expressly authorized by law.

The Nevada League of Cities is directed to compile and report on information regarding the implementation of the provisions of this bill to the next regular session of the Legislature in 2017.

This bill is effective on July 1, 2015.

**S.B. 115 (Chapter 10)**

Senate Bill 115 requires the members of the town advisory board in the unincorporated towns of a county whose population is 700,000 or more and that are located 25 miles or more from an incorporated city whose population is 500,000 or more be elected. If there are any seats left vacant after the election, then the board of county commissioners shall make appointments to fill those seats.

**S.B. 118 (Chapter 39)**

Senate Bill 118 revises various provisions of the Charter of the City of Sparks following the Nevada Supreme Court's ruling in *City of Sparks v. Sparks Municipal Court*, which found certain provisions of the Charter to be unconstitutional. The bill limits the authority of the City Manager and authorizes municipal judges and the Administrative Judge to take certain actions concerning employees of the Municipal Court. Additionally, the civil service rules for employees of the City do not apply to officers and employees of the Municipal Court.

This bill is effective on May 6, 2015.

**S.B. 395 (Chapter 451)**

Senate Bill 395 authorizes a county whose population is 100,000 or more (currently Clark and Washoe Counties) to provide a place outside of each office and branch office of the county clerk in which a commercial wedding chapel, a licensed business that operates principally for the performance of weddings in the county, or a church or religious organization may display informational brochures.

The bill also authorizes a board of county commissioners in a county whose population is 700,000 or more (currently Clark County) to adopt an ordinance imposing a fee of not more than \$14 on the issuance of a wedding license, the proceeds of which must be used to promote marriage tourism.

This bill is effective on June 9, 2015.

**S.B. 480 (Chapter 114)**

Senate Bill 480 revises the membership of a county fair and recreation board in any county whose population is 100,000 or more and less than 700,000 (currently the Reno-Sparks Convention and Visitors Authority in Washoe County), by decreasing the membership from 13 to 9 members. Further, the three existing members representing motel operators, banking or other financial interests, and business or commercial interests are replaced by one member who is a representative of interests relating to tourism or other commercial interests or the



resort hotel business and who is selected from a list of nominees submitted by the chamber of commerce of the largest incorporated city in the county. The measure requires that the chair of the board be elected from among the three members appointed by the board of county commissioners and the governing bodies of the two largest incorporated cities in the county, respectively.

The measure is effective on May 19, 2015, for the purpose of allowing the terms of certain members to expire on June 30, 2015, and to provide for the selection of the member who is a representative of interests relating to tourism, other commercial interests, or the resort hotel business on or after July 1, 2015. For all other purposes, the measure is effective on July 1, 2015.

## **Financial Administration**

### **A.B. 19 (Chapter 49)**

Assembly Bill 19 replaces the specified dates that local governments must hold public hearings to consider tentative budgets with a range of dates starting on the third Monday in May and ending on the last day in May.

This bill is effective on May 11, 2015.

### **A.B. 48 (Chapter 197)**

Assembly Bill 48 provides that a person convicted of a misdemeanor or gross misdemeanor for fraud or certain other offenses committed in connection with Medicaid is not entitled to file a petition for sealing the record until at least seven years after the person is released from custody or the date when the person is no longer under a suspended sentence, whichever occurs later. The court is required to notify the Attorney General if such a petition is filed. The provisions of the Nevada False Claims Act are revised to achieve compliance with the federal Deficit Reduction Act of 2005. The maximum share of any recovery to which a private plaintiff is entitled in certain qui tam actions is reduced from 33 percent to 25 percent if the Attorney General intervenes at the outset of the action. The maximum share of any recovery that a private plaintiff is entitled in certain qui tam actions if the Attorney General does not intervene at the outset of the action is reduced from 50 percent to 33 percent.

This bill is effective on May 27, 2015.

### **A.B. 54 (Chapter 161)**

Assembly Bill 54 revises provisions governing the operation of the Committee on Local Government Finance. The bill provides for the withholding of certain payments to which a local government may otherwise be entitled for failing to file certain financial reports or make certain payments to the Public Employees' Benefits Program. The bill requires the Department of Taxation, upon making a determination that certain financial conditions exist in a local government, to place the local government under "fiscal watch." The Nevada Tax Commission, upon making such a determination of severe financial distress, must order the

local government to follow a remedial course of action, including increasing revenues and reducing the expenditures of the local government, as necessary. The bill authorizes the Department to reopen and renegotiate in good faith, or assist a local government in renegotiating, an existing collective bargaining agreement relating to compensation or monetary benefits under certain conditions. The bill extends the period by which a local government may repay certain interest-free loans distributed by the Executive Director of the Department to the local government. The measure also requires the Department to report the status of the financial condition of any local government that has been declared in severe financial emergency to the Legislature or Legislative Commission.

This bill is effective on May 25, 2015.

**A.B. 170 (Chapter 542)**

Assembly Bill 170 clarifies that a general obligation issued or incurred by a municipality or school district must be used only for the stated purpose for which the general obligation was originally issued or incurred. The bill also requires the publication of a resolution of the intent of a municipality to issue or incur a general obligation to include information notifying the public of the date by which the registered voters of the municipality must file a petition with the governing body to hold an election on the issuance of the obligation, the location at which the petition must be filed with the governing body, and the location at which a person may obtain additional information regarding the contents of and filing requirements for the petition. Notice of the public hearing must be published at least three times, once each week for three consecutive weeks in a newspaper of general circulation in the municipality.

**S.B. 30 (Chapter 30)**

Senate Bill 30 authorizes an elected county officer to choose not to receive some or any of the longevity pay for which the officer is entitled by State law.

This bill is effective on July 1, 2015.

**S.B. 214 (Chapter 491)**

Senate Bill 214 creates the Nevada Advisory Council on Federal Assistance to advise and assist State and local agencies with respect to obtaining and maximizing federal assistance. The seven-member Council is comprised of five voting and two nonvoting members. The Council is required to meet at least once each calendar year, and the Governor must call the first meeting of the Council to take place on or before December 31, 2015. The Council must submit a report, on or before December 31 of each year, to the Governor and the Legislature outlining its activities and recommendations.

This measure is effective on July 1, 2015.

**S.B. 249 (Chapter 243)**

Senate Bill 249 requires the owner of an indebtedness of a county to demand payment within one year after the date of the original allowance. The county may allow payment of an indebtedness that is demanded more than one year after the original allowance but is not required to allow the payment.

This measure is effective on July 1, 2015.

**S.B. 311 (Chapter 33)**

Senate Bill 311 authorizes the board of directors of an irrigation district that has entered into a contract with the United States for the purpose of complying with the Reclamation Safety of Dams Act of 1978 to incur an indebtedness not exceeding in the aggregate the sum of \$6 million. This bill also provides that for the purpose of calculating assessments to pay the indebtedness of the district, fractional acres may be rounded up to the nearest whole acre.

This measure is effective on May 6, 2015.

**S.B. 448 (Chapter 89)**

Senate Bill 448 authorizes a county treasurer to deposit county money in insured deposit accounts under certain circumstances. Similarly, the bill authorizes the State Treasurer (with the approval of the State Board of Finance), a city treasurer (with unanimous consent of his or her bondsmen), an incorporated city, or other local government to enter into an agreement with certain entities for the deposit or redeposit of certain public money. If the amount of public money deposited in such an account exceeds the limits of insurance provided by an instrumentality of the United States, the insured bank, insured credit union, or insured savings and loan association in which the county money is initially deposited is required to:

- Arrange for the redeposit of the amount of the county money that exceeds such limits of insurance in one or more other insured banks, insured credit unions, or insured savings and loan associations; and
- Ensure that the total amount of county money redeposited in an account is within the limits of such insurance.

This measure will allow, not require, the depositor to deal with only one member bank that may in turn use a tool such as the Certificate of Deposit Account Registry Service or the Insured Cash Sweep to place depositors' money in certain types of accounts at banks that are members of a network.

This measure is effective on July 1, 2015.

## **Improvement and Special Districts**

### **S.B. 47 (Chapter 31)**

Senate Bill 47 revises laws related to local improvement districts. The bill revises the definition of “commercial area vitalization project,” changing the term to “neighborhood improvement project,” to allow the establishment of such a project in any area of the local improvement district instead of an area zoned primarily for business or commercial purposes. A waterfront project is added to the list of allowable projects. The population cap is removed to allow the governing body in a county with a population of 700,000 or more (Clark County) to levy one or more special assessments for the extraordinary maintenance, repair, and improvement of the neighborhood improvement project for which the improvement district has been created. The amount of money to be set aside for the surplus and deficiency fund is increased from \$25,000 to \$50,000, and the authorized uses of the fund are expanded.

The bill allows the governing body to grant authority, by resolution, to the treasurer to reduce or waive interest as long as such reduction or waiver does not impair a municipality’s ability to pay its bond obligations. Finally, the measure revises provisions relevant to the collection of delinquent assessments prior to a county conveying a deed.

This bill is effective on July 1, 2015.

### **S.B. 297 (Chapter 87)**

Senate Bill 297 provides that, if a redevelopment area includes real property conveyed by the federal government which contains certain abandoned mine or milling facilities, a redevelopment plan adopted on or after January 1, 1991, must terminate not later than 45 years after the effective date of the conveyance of the land by the federal government if:

- Within 15 years after the date on which the original redevelopment plan was adopted, the State enters into one or more agreements with respect to the real property conveyed by the federal government for mine remediation and reclamation; and
- Before entering into any agreement for mine remediation and reclamation, the State consults with the legislative body of the city or county in which the redevelopment area is located.

This measure is effective on July 1, 2015.

### **S.B. 310 (Chapter 251)**

Senate Bill 310 extends the life of a tourism improvement district by 5 years, from 20 to 25 years, if during the first 5 full fiscal years after the creation of the district, the amount of the money pledged to the financing of projects in the district and received by the municipality with respect to the district is equal to zero. The governing body of the municipality may provide, as prescribed, financing or reimbursement to such a district from the proceeds of the

Local School Support Tax collected from retailers that locate within the district on or after July 1, 2013.

The bill deletes certain language allowing agreements for reimbursement for tourism improvement projects not owned by the municipality or another governmental entity to be binding on the municipality beyond the fiscal year in which it was made.

This measure is effective on May 27, 2015.

### **S.B. 312 (Chapter 126)**

Senate Bill 312 imposes in a city that has created a certain taxing district to improve and maintain publicly owned facilities for tourism and entertainment: (1) a \$2 per night surcharge for the rental of a room in a hotel in the district, other than a hotel that holds a nonrestricted gaming license; and (2) an additional \$1 per night surcharge for the rental of a room in a hotel in the district that holds a nonrestricted gaming license. The measure further requires the board of county commissioners of a county in which is located a city that has created such a district to prescribe, by ordinance, the boundaries of a new district that is outside of the district currently existing and located within 20 miles of the boundaries of the existing district, and it imposes a \$2 per night surcharge for the rental of a hotel room in the new district.

The bill also requires a county fair and recreation board to prescribe a procedure for the collection and enforcement of these surcharges and requires that the money from these surcharges be used to implement a strategic plan for the promotion of tourism in the region. These surcharges are not owed on any room that is provided to a guest free of charge.

A county fair and recreation board that collects any money from these surcharges must submit a report to the Legislature on or before January 15, 2021, and on or before January 15 of each fifth year thereafter that addresses the revenue collected and the expenditures made by the board to promote tourism in the region during the immediately preceding five years.

This measure is effective on July 1, 2015.

## **Open Government**

### **A.B. 60 (Chapter 198)**

Assembly Bill 60 revises the procedures of the Commission on Ethics. The Commission is required to determine whether it has jurisdiction concerning a third-party request and to complete its investigation and make a recommendation within the time provided, unless the public officer or employee waives the time limit.

The measure clarifies that the investigative file includes any information provided to or obtained by an investigatory panel. Further, all information not included in the investigative file is confidential until a panel determines there is cause for an opinion or the public officer or employee authorizes disclosure. A person who makes a third-party request may ask that his

or her name be kept confidential in certain circumstances. The Commission must maintain confidentiality if the requester works for the same public employer as the subject of the request. The Commission may maintain confidentiality if the requester establishes evidence of a threat of physical force or violence. When the Commission does not disclose a requester's name, the Commission may not render an opinion unless it has sufficient evidence from other sources. If the Commission intends to use the person's testimony, it must disclose the person's name prior to the hearing.

The definition of "willful violation" is revised to omit any act or failure to act that has not resulted in a sanctionable violation of the Nevada Ethics in Government Law. Safe harbor provisions are revised to clarify that the advice of legal counsel retained by the public body was based on a reasonable legal determination that the act or failure to act would not be contrary to any opinion issued by the Commission and available on its website.

Finally, first-party requests of current public officers or employees are confidential. The measure permits such individuals to disclose the request to certain persons without waiving the confidentiality of the request or any related opinions or record.

This bill is effective on May 27, 2015.

#### **S.B. 70 (Chapter 226)**

Senate Bill 70 provides that for the purpose of complying with certain requirements relevant to the Open Meeting Law, a working day is every day of the week except Saturday, Sunday, and legal holidays prescribed in existing law, even if an agency has a four-day workweek. The bill compiles a list of certain meetings, hearings, or other proceedings not subject to the general provisions of the Open Meeting Law. A public body must certify in writing, including certain prescribed information, its compliance with the requirements for minimum public notice for each of its meetings. Specific legal authority is required for a public body to designate a person to attend a meeting of the public body in the place of another member. The minutes of a public meeting must be approved not later than 45 days after the meeting or at the next meeting of the public body, whichever occurs later. The name of a person who may be the subject of any type of administrative action by a public body, including administrative actions that are not adverse to a person, such as appointment of the person to a position, must be included on its agenda.

Senate Bill 70 authorizes the filing of a complaint alleging a violation of the Open Meeting Law with the Office of the Attorney General. Such a complaint is a public record but makes any other information obtained by the Attorney General during an investigation of a violation of the Open Meeting Law confidential until the investigation is closed, unless the information is obtainable from another source.

This bill is effective on May 27, 2015.

**S.B. 95 (Chapter 467)**

Senate Bill 95 requires a board of county commissioners to direct the county assessor to publish on a website maintained by the county assessor or the county a list of all the taxpayers on the secured roll in the county and total value of the property. A board in a county whose population is less than 100,000 (currently counties other than Clark and Washoe Counties) also must direct the assessor to make available no fewer than ten copies of the list and valuations for the public free of charge.

This bill is effective on July 1, 2015.

**S.B. 158 (Chapter 84)**

Senate Bill 158 requires a local government employer to make the following documents available to the public not less than three business days before a public hearing by its governing body to approve a collective bargaining agreement or similar agreement:

- The proposed agreement and any exhibits or other attachments to the proposed agreement;
- A document showing any language added to or deleted from the previous agreement if the proposed agreement is a modification of a previous agreement; and
- Any supporting material prepared for the governing body and relating to the fiscal impact of the agreement.

The documents must be available on the website of the local government or, if the local government does not have such a website, by depositing the documents with the clerk of the governing body. Any document so deposited is a public record and must be open for public inspection.

This bill is effective on July 1, 2015.

**Purchasing and Public Works****A.B. 43 (Chapter 123)**

Assembly Bill 43 makes various changes to provisions governing public works projects. Certain documents or information submitted to the Department of Transportation by a person seeking a contract for a design-build project or a transportation facility project must remain confidential only until a notice of intent to award the contract is issued, rather than until the contract is awarded. Similarly, this bill provides that certain documents or information submitted to a public body by a construction manager at risk seeking a contract with a public body for a public works project are confidential only until a notice of intent to award the contract is issued. A public body or its authorized representative is required to make certain information available to the public, including the rankings of applicants as determined by the panels that evaluated proposals and conducted interviews.

Assembly Bill 43 also adds certain documents and other information to the list of public books and records of a governmental entity that are declared confidential. The bill clarifies that if a public book or record is declared by law to be open to the public, such a declaration does not imply and must not be construed to mean that a public book or record is confidential if it is not declared by law to be open to the public and is not otherwise declared by law to be confidential.

This bill is effective on May 20, 2015. Provisions concerning information provided by construction managers at risk and from panels ranking proposals and conducting interviews expire by limitation on June 30, 2017.

**A.B. 106 (Chapter 166)**

Assembly Bill 106 eliminates the authority of a public body to include in a contract with a design professional a provision requiring the design professional to defend the public body in any lawsuit alleging negligence, errors or omissions, recklessness, or intentional misconduct on the part of the design professional or his or her employees or agents that are based upon or arising out of the professional services of the design professional. In such circumstances, if the design professional is held to be liable as a result of a lawsuit, the judge or jury shall order the design professional to reimburse the public body for a proportionate share of the attorney's fees and costs the public body incurred in defending the action.

This bill retains the public body's authority to include a provision in a contract with a design professional requiring the design professional to defend the public body in any lawsuit alleging negligence, errors or omissions, recklessness, or intentional misconduct of the design professional or his or her employees or agents that are not based upon or arising out of the professional services of the design professional.

This bill is effective on May 25, 2015.

**A.B. 159 (Chapter 455)**

Assembly Bill 159 provides that a public body, in any solicitation, contract, or other document related to a contract for a public work, shall not require or prohibit a bidder or contractor from entering into or adhering to any agreement with one or more labor organizations in regard to a public work, or discriminate against a bidder or contractor for entering or not entering into, or adhering or refusing to adhere to, any agreement with one or more labor organizations in regard to a public work. Additionally, a public body shall not require the awardee of a grant, tax abatement, tax credit, or tax exemption to enter into any agreement with one or more labor organizations, or discriminate against a bidder or contractor for entering into or not entering into an agreement with a labor organization in regard to a project. A public body may exempt a particular public work or a grant, tax abatement, tax credit, or tax exemption from those restrictions if the public body makes a finding, after notice and a hearing, that:

- Special circumstances require such an exemption to avert an imminent threat to public health or safety; or



- The public work or construction, improvement, maintenance, or renovation to real property that is the subject of the grant, tax abatement, tax credit, or tax exemption, as applicable, is a part of critical infrastructure for an airport or a water system.

Such a finding of special circumstances must not be based on the possibility or presence of certain labor disputes.

This bill is effective on July 1, 2015. The provisions of this bill do not affect any contract for a public work or for any project that is funded in whole or in part by a grant, tax abatement, tax credit, or tax exemption from a public body that was entered into before July 1, 2015.

#### **A.B. 172 (Chapter 456)**

Assembly Bill 172 revises the manner in which the prevailing wage is determined and increases from \$100,000 to \$250,000 the threshold for prevailing wage requirements on the cost of public works projects.

The measure also repeals the provisions of Senate Bill 119 of this legislative session that exempted public works of school districts and the Nevada System of Higher Education from the requirement to pay prevailing wages. Further, this bill provides that school districts and the Nevada System of Higher Education are subject to paying 90 percent of the rate of the prevailing wage for public work construction; however, charter schools are exempt from prevailing wage requirements.

The bill is effective on June 9, 2015.

**NOTE: See also Senate Bill 119 (Chapter 5).**

#### **A.B. 332 (Chapter 410)**

Assembly Bill 332 prohibits any public body, including the State, its local governments, school districts, and any public agency thereof, that sponsors or finances a public work from entering into a contract, express or implied, for a public work that requires any construction materials or goods to be purchased or otherwise supplied by the public body, a contractor who is a constituent part of the public body, or a contractor who is not a constituent part of the public body acting on behalf of the public body. A public body may, however, enter into such a contract for a public work provided that the contract requires the payment of any State or local taxes that would otherwise have been due for the purchase and use of such construction materials or goods if they had been purchased and used by an entity not exempted from the payment of such taxes. The measure also exempts certain purchases related to emergencies, items needed on a recurring basis to protect health and safety, and specialized project-specific components.

The bill exempts a building of the Nevada System of Higher Education from certain provisions requiring that a public body use the services of the State Public Works Division, if less than 25 percent of the costs of the building are paid from money appropriated by this State or federal money.

Finally, the measure revises the minimum qualifications for the Administrator of the State Public Works Division.

This bill is effective on July 1, 2015.

**A.B. 428 (Chapter 341)**

Assembly Bill 428 exempts the Nevada Rural Housing Authority from the provisions of the Local Government Purchasing Act. The measure further provides that the term of a performance contract with a qualified service company entered into by a local government for the purchase and installation of one or more operating cost-savings measures may not exceed 25 years.

**S.B. 254 (Chapter 450)**

Senate Bill 254 requires a public body undertaking a public work to withhold 5 percent, instead of at least 5 percent, from any progress payment to a contractor until 50 percent of the work required by the contract has been completed. Additionally, after 50 percent of the project is completed, any retainage may be paid in certain situations, including when the contractor has determined that any subcontractor has made satisfactory progress on the work under the subcontract. The bill reduces the retention amount allowed in private construction projects from 10 percent to 5 percent from the progress payments made to the contractor. Retained funds must be paid upon the issuance of a temporary certificate of occupancy. Finally, the bill repeals the expiration of certain provisions of existing law pertaining to retainage in public works, which are set to expire on July 1, 2015.

This measure is effective on June 9, 2015, for the purpose of repealing the expiration of certain provisions of existing law pertaining to retainage in public works. All other provisions are effective on January 1, 2016.

**S.B. 340 (Chapter 470)**

Senate Bill 340 provides that, if a contractor is excluded for a period of time from receiving contracts from the federal government as a result of being debarred, the contractor may not be awarded a contract for a public work in this State for the term of the debarment.

## **NATURAL RESOURCES AND PUBLIC LANDS**

### **A.B. 15 (Chapter 157)**

Assembly Bill 15 creates the Account for the Protection and Rehabilitation of the Stewart Indian School in the State General Fund. The Account is to be administered by the Director of the State Department of Conservation and Natural Resources (DCNR) for the purposes of repairing and maintaining the historic State buildings and grounds of the Stewart Indian School. The bill authorizes the Administrator of the Division of State Lands, DCNR, to make a direct sale of two parcels of State land for the purpose of funding the Account.

This bill is effective on May 25, 2015.

### **A.B. 77 (Chapter 526)**

Assembly Bill 77 makes various changes related to the State Department of Agriculture. Among other things, the bill:

- Revises provisions governing the composition of district boards of agriculture;
- Authorizes the Department to operate a State fair or regional fair in the State;
- Renames the Nevada Fair of Mineral Industries as the Nevada Mineral Exhibition and eliminates the requirement that this exhibition be held in Ely;
- Authorizes the Department to control the apiary industry in the State;
- Requires sellers of certain farm products to register with the Department as produce vendors;
- Authorizes the State Sealer of Consumer Equitability to, without charging and collecting a fee, conduct random tests of point-of-sale systems and cash registers to determine the accuracy of prices;
- Authorizes the Department to issue licenses for the sale of antifreeze in the State; and
- Replaces criminal penalties related to the control of weeds and the use of pesticides with civil penalties.

The bill is effective on June 10, 2015, for the purposes of adopting regulations and performing preparatory administrative tasks and on July 1, 2015, for all other purposes.

### **A.B. 82 (Chapter 24)**

Assembly Bill 82 revises the names of existing financial accounts used by the Department of Wildlife to be consistent with name changes to other accounts in the State General Fund. The Wildlife Fund Account is renamed the Wildlife Account and the Wildlife Heritage Trust

Account is renamed the Wildlife Heritage Account. The bill reinstates statutes that were repealed in 2011 providing for the deposit and expenditure of money received from the sale of trout stamps. The bill also makes language on permissible uses of wildlife accounts consistent within Title 45 (“Wildlife”) of *Nevada Revised Statutes*.

The bill is effective on July 1, 2015, except for the section related to the Carson Lake Pasture, which takes effect upon conveyance of the property to the State.

**A.B. 144 (Chapter 99)**

Assembly Bill 144 sets forth the legislative intent that members of the Executive Council of the Land Use Planning Advisory Council should be representative of the geographic areas of the State. The bill also transfers from the Executive Council to the Advisory Council responsibility for making recommendations and adopting proposed regulations for land use planning involving areas of critical environmental concern.

The bill is effective on July 1, 2015.

**A.B. 194 (Chapter 72)**

Assembly Bill 194 revises the definition of the term “historic” to mean the period from the middle of the eighteenth century to 50 years before the current year as that term is used in the context of the protection of prehistoric and historic sites on federal and State lands.

The bill is effective on July 1, 2015.

**A.B. 202 (Chapter 73)**

Assembly Bill 202 authorizes a board of county commissioners to apply for and accept grants of rights-of-way, permits, leases, and patents over, upon, under, or through any land or interest in land owned by the United States pursuant to any applicable federal law or regulation. The bill also authorizes the State Land Registrar to transfer property that was formerly the site of the National Guard Armory in Hawthorne to Mineral County, without consideration, and requires Mineral County to pay the costs relating to the transfer.

This bill is effective on May 14, 2015.

**A.B. 377 (Chapter 182)**

Assembly Bill 377 implements the recommendations made pursuant to A.B. 356 (Chapter 28, *Statutes of Nevada*) of the 2013 Session on the preservation of the Nevada State Prison for historical, educational, and cultural purposes. The bill requires the State Land Registrar, upon notice from the Department of Corrections that operational activities at the Nevada State Prison in Carson City have ceased, to assign structures appropriate for administration as historical, cultural, educational, and scientific resources to the appropriate State agency and to assign the structures appropriate for continued administration by the Department of Corrections to the Silver State Industries Division within the Department. The bill creates three funds and sets forth their allowable uses and responsibilities for administration. Those funds are:

1. The Endowment Fund for the Historic Preservation of the Nevada State Prison;
2. The Silver State Industries Endowment Fund; and
3. A dedicated trust fund established by the Board of Museums and History.

Finally, the bill allows the Department of Corrections, and any other State agency that is assigned administration of historic properties within the Prison, to grant special use permits to, or enter into agreements with, the Nevada State Prison Preservation Society for the purpose of giving tours or engaging in other commercial and tourist activities relating to the historic portions of the Prison.

The bill is effective on July 1, 2015.

**S.B. 44 (Chapter 36)**

Senate Bill 44 revises the statutory limit on the fees prescribed by the Commission on Mineral Resources for permits to drill a well in search of oil and natural gas to \$2,000 for a well not intended to be hydraulically fractured and \$5,000 for a well that is intended to be hydraulically fractured. The bill also establishes a fee limit of \$400 for a request to change the terms of an existing oil or gas permit. Finally, S.B. 44 raises the statutory limit on the fee assessed against a producer of oil or natural gas to 30 cents for each barrel of oil or each 50,000 cubic feet of natural gas.

This bill is effective on July 1, 2015.

**S.B. 45 (Chapter 21)**

Senate Bill 45 provides that the State Conservation Commission may distribute grants to conservation districts in unequal amounts if: (1) the grants are for a specific competitive grant program for which the Legislature expressly appropriated money; and (2) the competitive grant program is governed by regulations, specifically adopted to govern the program, that expressly state that grants may be distributed in unequal amounts.

This bill is effective on April 7, 2015.

**S.B. 305 (Chapter 349)**

Senate Bill 305 authorizes an institution of higher education or the State Department of Agriculture to grow or cultivate industrial hemp under an agricultural pilot program or for other agricultural or academic research and requires that each site used to grow industrial hemp be certified and registered with the Department. The bill also authorizes the State Board of Agriculture to adopt regulations to carry out the provisions of the bill, including, if necessary, regulations relating to cannabidiol. Finally, S.B. 305 excludes industrial hemp, which is grown or cultivated pursuant to the provisions of the bill, from certain crimes relating to marijuana.

This bill is effective on June 4, 2015, for the purposes of adopting regulations and performing other administrative tasks and on January 1, 2016, for all other purposes.

**S.B. 476 (Chapter 353)**

Senate Bill 476 provides a legislative declaration that conservation districts have special expertise which makes them suited to serve as cooperating agencies for federal laws regarding land management. The bill also requires a board of county commissioners to impose an annual fee, not to exceed \$25, on each parcel in a conservation district, upon voter approval at a general, special or primary election, or an election conducted by mail. Any money collected from the fee may be used only for purposes of a conservation district. The bill also provides that the Legislature will strive to provide appropriations to conservation districts at a level comparable to those provided to similar districts in other western states. Finally, S.B. 476 authorizes a board of county commissioners and the supervisors of a conservation district to enter into an agreement under which the supervisors of the conservation district serve as the directors of a weed control district that lies entirely within the conservation district and county boundaries.

This bill is effective on July 1, 2015.

**S.B. 488 (Chapter 430)**

Senate Bill 488 authorizes the State Department of Agriculture to establish by regulation a program to implement federal requirements concerning animal remedy, veterinary biologic, and veterinary pharmaceutical products. The bill also requires a person who manufactures, distributes, or acts as a guarantor of commercial animal feed to purchase a license from the Department for an annual fee not to exceed \$75. Senate Bill 488 also establishes commercial animal feed labeling requirements and prohibits misbranding, adulteration, and reuse of packaging. Finally, the bill authorizes the Department to perform certain inspections related to commercial animal feed, creates the Commercial Feed Account for deposit of licensing fee revenue, and provides that funds in the account may only be expended by the Department for certain costs of administration, including costs of inspection, sampling, and analysis of commercial animal feed.

Provisions of this bill governing veterinary biologics products are effective on June 8, 2015, for the purposes of adopting regulations and performing preparatory administrative tasks and on July 1, 2015, for all other purposes. Provisions governing commercial animal feed are effective on June 8, 2015, for the purposes of adopting regulations and performing preparatory administrative tasks and on January 1, 2016, for all other purposes.

**Domestic Animals**

**A.B. 79 (Chapter 97)**

Assembly Bill 79 deletes obsolete provisions related to State grazing boards and revises the procedures for determining the compensation of owners of animals destroyed due to infection or exposure to dangerous diseases. The bill also provides for the deposit of administrative fines for violation of statutes relating to the control of diseases in animals into a loan program for persons 21 years of age or younger who are engaged in agriculture and into the Account for the Control of Weeds. The measure also revises the exclusions from the definition of

“food establishment.” With respect to statutes affecting agricultural products and seeds, the bill adds civil penalty provisions for the violation of such statutes and repeals the criminal penalties. Finally, A.B. 79 repeals criminal penalties applicable to the regulation of garlic and onions and to the regulation of commercial livestock feed.

The bill is effective on July 1, 2015.

### **S.B. 129 (Chapter 264)**

Senate Bill 129 provides immunity from civil liability to a sponsor, veterinarian, equine professional, or any other person for the injury or death of a participant resulting from risks inherent in certain equine activities. The bill also specifies both the behavior necessary on the part of a participant in an equine activity and instances in which a sponsor or other equine professional is not immune from civil liability, including if a person fails to act responsibly while conducting an equine activity or maintaining an equine.

### **S.B. 261 (Chapter 323)**

Senate Bill 261 requires a research facility that intends to euthanize a dog or cat to instead offer the animal for adoption through a program of the facility or through an agreement with an animal shelter or animal rescue organization, if the dog or cat is appropriate for adoption. The bill also provides that the research facility and any officer, director, employee, or agent of the facility is immune from civil liability for any act or omission relating to the adoption of the dog or cat.

## **Environmental Matters**

### **A.B. 37 (Chapter 27)**

Assembly Bill 37 amends the definitions of “lienholder” and “registered owner,” in the context of consignment auctions, to exclude automobile wreckers, body shops, distributors, manufacturers, rebuilders, salvage pools, vehicle dealers, or garages. The bill also corrects a date in reference to an existing exemption from smog checks for replica vehicles to prevent a gap in coverage.

The bill is effective on July 1, 2015.

### **S.B. 34 (Chapter 19)**

Senate Bill 34 eliminates provisions referencing authorized maintenance stations licensed by the Department of Motor Vehicles, in cooperation with the State Environmental Commission, to install, repair, and adjust pollution control devices on motor vehicles.

### **S.B. 89 (Chapter 418)**

Senate Bill 89 increases from \$250,000 per year to \$2 million per fiscal year the limitation on expenditures by the Division of Environmental Protection, State Department of Conservation and Natural Resources, from the Fund for Cleaning Up Discharges of Petroleum. The bill also

broadens the authority of the Division to use the Fund for the cleanup of discharges of petrochemicals.

This bill is effective on June 8, 2015.

## **Water**

### **A.B. 35 (Chapter 9)**

Assembly Bill 35 requires the Board of Wildlife Commissioners to adopt regulations establishing a process for the issuance and verification of State hull numbers that comply with the requirements for hull numbers prescribed by the United States Coast Guard. The Department of Wildlife must assign State hull numbers in compliance with those requirements. Finally, in connection with an application for a duplicate certificate of ownership, the Department is authorized to require an inspection of the vessel.

The bill is effective on March 16, 2015, for the purposes of adopting regulations and performing other administrative tasks and on January 1, 2016, for all other purposes.

### **A.B. 198 (Chapter 338)**

Assembly Bill 198 requires the Legislative Committee on Public Lands to conduct a study of water conservation and alternative sources of water for Nevada communities. The measure sets out the scope of the study, which includes a review of issues relating to water resources and water use and the apportionment of groundwater. In addition to its other duties, the Committee must submit its findings and recommendations to the next session of the Legislature.

### **A.B. 415 (Chapter 74)**

Assembly Bill 415 revises the definition of “farm” with regard to the use of water to include two or more tracts of land that are owned or leased by the same person within a federal reclamation project and used primarily for agricultural purposes, regardless of whether the tracts are contiguous to one another.

### **S.B. 271 (Chapter 93)**

Senate Bill 271 provides that the Virgin Valley Water District may issue a letter that commits the District to supply water service to a particular property subject to any condition precedent set forth in the letter, and that such a letter must be renewed on an annual basis, subject to a reasonable fee, or the letter will expire. The District will not refund any fees paid by, return any water rights dedicated to, or pay any expenses of the holder associated with the construction and dedication of any infrastructure if the holder of such a letter fails to meet any condition precedent included in the letter or if the letter expires. The bill makes the requirement for the renewal of such letters apply retroactively to any letter issued before July 1, 2015. Further, the bill deletes a provision in current law prohibiting the District from requiring the holder of such a letter to pay an annual renewal fee or be subject to any other condition unless the fee or condition is expressly stated in the letter.

This measure is effective on July 1, 2015.



## **Wild Animals**

### **A.B. 78 (Chapter 202)**

Assembly Bill 78 requires the Board of Wildlife Commissioners, in establishing wildlife management policies and regulations, to consider the recommendations of the Department of Wildlife, county advisory boards to manage wildlife, and other persons who present their views at an open meeting of the Commission. If the Commission decides to reject the recommendations of a county advisory board with regard to the length of seasons for hunting, fishing, and trapping, or bag or possession limits, it must provide an explanation for its decision at the meeting and provide a written explanation as soon as practicable after the meeting.

The bill revises the allowable uses of the existing \$3 fee charged by the Department for processing game tag applications to include developing and implementing an annual program for the management and control of predatory wildlife. In developing such a wildlife management program, the Department must first consider the recommendations of the Commission and the State Predatory Animal and Rodent Committee and may not adopt a program for the management and control of predatory wildlife unless it provides for the expenditure of at least 80 percent of the yearly game tag application fees for the purpose of lethal management and control of predatory wildlife.

Finally, A.B. 78 increases the membership of the State Predatory Animal and Rodent Committee by adding a licensed sportsman and a licensed master guide, and it limits the Chair and Vice Chair of the Committee to no more than two consecutive terms.

The bill is effective on May 27, 2015.

### **A.B. 136 (Chapter 206)**

Assembly Bill 136 allows a person to carry a handgun for self-defense when hunting with archery equipment or a muzzle-loading firearm. The handgun may not have a barrel length greater than eight inches or a telescopic sight and may not be used to hunt wildlife. The bill also requires Nevada's Department of Wildlife to provide reasonable accommodations for persons with disabilities taking hunter education courses. Finally, A.B. 136 requires the Board of Wildlife Commissioners to adopt regulations prescribing the circumstances under which a person may assist a licensed hunter with certain disabilities in the killing and retrieval of a big game mammal.

The bill is effective on July 1, 2015.

### **S.B. 4 (Chapter 500)**

Senate Bill 4 removes requirements for the registration of traps with the Department of Wildlife and makes registration optional. The bill excludes from registration any trap, snare, or similar device if the device is used:

- Exclusively on private property by the owner or occupant of the property or with his or her permission if that property is posted or fenced in accordance with Nevada law;
- For the control of rodents by an institution of the Nevada System of Higher Education;
- By any governmental agency; or
- For the taking of wild mammals for scientific or educational purposes under a permit issued by the Department.

The bill also removes the requirement that a property owner or occupant obtain a permit from the Department prior to taking or killing a fur-bearing mammal injuring that property.

This bill is effective on June 9, 2015.

**S.B. 41 (Chapter 20)**

Senate Bill 41 provides an exception, as authorized by federal law, to the requirement that a person carry a physical federal migratory bird hunting stamp at the time of hunting. The exception allows a person hunting migratory waterfowl to carry the receipt verifying purchase of an electronic stamp if the State is authorized under federal law to sell electronic stamps.

This bill is effective on July 1, 2015.

**S.B. 417 (Chapter 34)**

Senate Bill 417 prohibits the use of information obtained from a radio signal or transmitting device to harass or take a game mammal, bird, or other wildlife, or for any other purpose, without written authorization from the Department of Wildlife. The bill also prohibits the use of location information obtained from Department records within one year after collection to harass or take any game mammal, bird, or other wildlife.

This bill is effective on July 1, 2015.

**A.J.R. 2 (File No. 22)**

Assembly Joint Resolution No. 2, in recognition that common ravens pose a threat to sage grouse and Mojave desert tortoises due to egg depredation, urges the United States Congress to amend the Migratory Bird Treaty Act to remove the common raven from the list of protected species or take other action to accomplish this goal. The resolution also urges the U.S. Fish and Wildlife Service to adopt regulations and work with Nevada's Department of Wildlife to manage the population of common ravens and reduce their numbers in Nevada.

The resolution is effective on May 13, 2015.

## **PUBLIC SAFETY**

### **A.B. 488 (Chapter 464)**

Assembly Bill 488 makes technical corrections to two measures passed during the 78th Legislative Session. The bill removes the requirement in Senate Bill 175 that the Nevada Sheriffs' and Chiefs' Association must agree with the Department of Public Safety's decision to include a state in the list of states that have certain provisions concerning permits to carry concealed firearms, and it resolves potential conflicts between S.B. 175 and S.B. 240 involving effective dates.

This bill is effective on June 9, 2015.

**NOTE: See also Senate Bill 175 (Chapter 328).  
See also Senate Bill 240 (Chapter 329).**

### **S.B. 111 (Chapter 533)**

Senate Bill 111 requires each uniformed peace officer employed by the Nevada Highway Patrol and who routinely interacts with the public to wear a personal event recording device while on duty. The bill also requires the Nevada Highway Patrol to adopt policies and procedures governing the use of the device and appropriates \$1,260,106 over the 2015-2016 Biennium to carry out the program.

Provisions of the bill relating to the appropriation are effective on July 1, 2015. Other provisions are effective on June 11, 2015, for the purpose of adopting policies and procedures and on January 1, 2017, for all other purposes.

### **S.B. 144 (Chapter 312)**

Senate Bill 144 makes various changes to traffic laws with regard to pedestrian safety. The bill authorizes the Department of Transportation or the governing body of a local government to designate pedestrian safety zones, and it provides a court with the discretion to double the penalty for violating certain traffic laws within such zones. A sign must be placed before a pedestrian safety zone to warn that higher fines may apply, and additional signs must identify the beginning and end of such a zone. A person is not subject to a double penalty if such signs are not erected.

In the case where there is a flashing yellow turn arrow, S.B. 144 requires a vehicle to yield the right-of-way to other traffic or pedestrians lawfully in the intersection.

Senate Bill 144 also prohibits a vehicle from passing another vehicle or making a U-turn in an active designated school zone.

### **S.B. 175 (Chapter 328)**

Senate Bill 175 revises the definition of "justifiable homicide" to include the killing of a person in defense of an occupied habitation or an occupied motor vehicle. The bill also establishes a

rebuttable presumption that a person asserting justifiable homicide acted under the fears of a reasonable person and not in a spirit of revenge.

Under this measure, a person who has been convicted of a misdemeanor crime of domestic violence, as defined in federal law, is prohibited from owning, or having possession, custody, or control of, any firearm. Similarly, anyone against whom a court has issued an extended order for protection against domestic violence may not purchase or otherwise obtain a firearm during the time the order is in effect. A violation of these provisions is a category B felony.

Further, S.B. 175 requires the Department of Public Safety to determine and prepare annually a list of other states that require a person to complete any training, class, or program before being issued a permit to carry a concealed firearm in that state. A person who is issued a permit to carry a concealed firearm that was issued by a state on the list does not need to apply for a Nevada permit to carry a concealed firearm but must still comply with any existing laws governing the carrying of a concealed firearm in Nevada.

The Legislature previously has reserved for itself the rights and powers to regulate the transfer, sale, purchase, possession, ownership, transportation, registration, and licensing of firearms and ammunition in Nevada. This bill adds the rights and powers to regulate carrying, storage, and firearm accessories. Additionally, this bill: (1) repeals the grandfathering of certain ordinances, adopted by a political subdivision of this State before June 13, 1989, relating to the registration of any firearm capable of being concealed; and (2) requires that any records relating to such registration must be destroyed within one year after the effective date of this bill.

Lastly, this bill provides that an ordinance or regulation that is inconsistent with the Legislature's rights and powers is null and void and must be repealed. A person who is adversely affected by such an ordinance or regulation, on or after October 1, 2015, may file suit in the appropriate court for declarative and injunctive relief and damages.

This bill is effective on June 2, 2015.

**NOTE: See also Assembly Bill 488 (Chapter 464).**

**S.B. 240 (Chapter 329)**

Senate Bill 240 imposes a time limit of five business days for a court to transmit to the Central Repository for Nevada Records of Criminal History an order, judgment, plea, or verdict concerning:

- Involuntary admission to a mental health facility;
- The appointment of a guardian for a person with a mental defect;
- A finding that a person is incompetent to stand trial;

- A verdict acquitting a defendant by reason of insanity; or
- A plea or finding of guilty, but mentally ill.

The bill also requires criminal justice agencies to submit information relating to records of criminal history within 60 days after conviction and authorizes the Central Repository to take reasonable steps to ensure the information reported in the record is included in the National Crime Information Center database maintained by the Federal Bureau of Investigation. The measure also adds to the definition of persons prohibited from possessing a firearm those who have: (1) entered a plea of guilty, but mentally ill; (2) been found guilty, but mentally ill; or (3) been acquitted by reason of insanity.

If a patient communicates a threat of imminent serious physical harm or death to a mental health professional, and the mental health professional believes that the patient has the intent and ability to carry out the threat, the mental health professional must: (1) apply for the emergency admission of the patient to a mental health facility; or (2) make a reasonable effort to notify the person who was threatened, the closest law enforcement agency, or if the patient is a minor, a parent or guardian.

If a private person wishes to transfer a firearm to another person, this bill prohibits the Central Repository from charging a background check fee for the transfer and allows the Director of the Department of Public Safety to request an allocation from the Contingency Account to cover the associated costs. A private person who transfers a firearm to another person is immune from civil liability for failing to request a background check, or for any act or omission relating to a background check, if the act or omission was in good faith and without malicious intent.

Additional responsibility is placed on individuals selling or transferring firearms or ammunition by changing the standard that prohibits such transactions from having “actual knowledge” to having “reasonable cause to believe” that the intended recipient is a known member of a criminal gang, is under indictment, has been convicted of a felony, or is otherwise prohibited from possessing a firearm under State law.

The Legislature previously has reserved for itself the rights and powers to regulate the transfer, sale, purchase, possession, ownership, transportation, registration, and licensing of firearms and ammunition in Nevada. This bill adds the rights and powers to regulate carrying, storage, and firearm accessories. Additionally, this bill: (1) repeals the grandfathering of certain ordinances, adopted by a political subdivision of this State before June 13, 1989, relating to the registration of any firearm capable of being concealed; and (2) requires that any records relating to such registration must be destroyed within one year after the effective date of this bill.

Lastly, this bill provides that an ordinance or regulation that is inconsistent with the Legislature’s rights and powers is null and void and must be repealed. A person who is

adversely affected by such an ordinance or regulation, on or after the effective date of this bill, may file suit in the appropriate court for declarative and injunctive relief and damages.

Provisions of this bill relating to the regulation of and policies concerning firearms, firearm accessories, and ammunition are effective on June 2, 2015. All other provisions are effective on October 1, 2015.

**NOTE: See also Assembly Bill 488 (Chapter 464).**

**S.B. 285 (Chapter 438)**

Senate Bill 285 revises provisions relating to the powers and duties of constables and deputy constables. The bill allows the process, writs, or warrants of courts of justice, judicial officers, and coroners to be delivered directly to a constable who then must execute the orders. Certain fees to which constables are entitled for their services are increased, and a board of county commissioners is authorized to provide by ordinance for the fee to which a constable is entitled for providing a service authorized by law for which no fee is established by statute. The constable and each deputy constable of a township shall not carry a firearm in the performance of his or her duties unless the constable has adopted a written policy on the use of deadly force and the constable and each deputy constable has received training regarding the policy. A constable is authorized to accept payment of fees by credit card, debit card, or the electronic transfer of money and to charge and collect a convenience fee for the acceptance of such forms of payment under certain circumstances.

The bill exempts from the licensure requirements in State law, relevant to intoxicating liquors, a sheriff or constable who sells or offers for sale liquor at a sale under execution and further allows a person licensed under State law to purchase liquor at such a sale under execution.

This measure is effective on June 9, 2015.

**Police and Fire Protection**

**A.B. 34 (Chapter 398)**

Assembly Bill 34 repeals provisions related to the State Forester Firewarden and enacts them in Chapter 472 ("State Forester Firewarden") of *Nevada Revised Statutes*, relating to fire protection districts, to coincide with the transfer of certain functions to local government entities. The measure authorizes the State Land Registrar to transfer title to certain real property owned by the State, with certain restrictions, to certain local fire protection districts and counties. The bill also clarifies that if the State Forester Firewarden determines that a fire is the result of an unavoidable accident, then he or she shall not charge the entity that caused the fire with the expenses incurred in extinguishing it.

This bill is effective on July 1, 2015.

**A.B. 58 (Chapter 50)**

Assembly Bill 58 expands the category of personnel of the Department of Public Safety upon whom the powers of a peace officer are conferred.

This measure is effective on May 11, 2015.

**A.B. 162 (Chapter 147)**

Assembly Bill 162 authorizes law enforcement agencies to require uniformed peace officers to wear a portable event recording device while on duty and requires certain law enforcement agencies to adopt policies and procedures relating to the use of portable event recording devices. The bill also establishes that any record made by a portable event recording device is a public record, which may be requested only on a per incident basis and inspected only at the location where the record is held if the record contains confidential information. The measure also exempts a portable event recording device worn by a peace officer from the definition of an “electronic, mechanical or other device” used to intercept wire or oral communication.

This bill is effective on January 1, 2016.

**A.B. 163 (Chapter 357)**

Assembly Bill 163 authorizes a board of county commissioners, board of directors of a county fire protection district, or board of fire commissioners of certain other districts to approve a petition submitted by certain persons or business entities within the county or district to create a rangeland fire protection association if the petitioners meet certain requirements. Additionally, the bill provides for the routine evaluation of rangeland fire protection districts during the term of a cooperative agreement based on certain criteria and requires the State Forester Firewarden to adopt regulations relating to the formation, operation, and training of the members of such an association.

This bill is effective on June 4, 2015, for the purposes of adopting regulations and performing preparatory administrative tasks and on the date on which the State Forester Firewarden adopts a regulation concerning the formation, operation, and training of the members of a rangeland fire protection association or January 1, 2016, whichever is earlier, for all other purposes.

**A.B. 333 (Chapter 38)**

Assembly Bill 333 authorizes a board of county commissioners of a county whose population is less than 700,000 (currently all counties other than Clark County) to consolidate two or more fire protection districts if:

- Each district is contiguous to at least one other district;
- The territory of each district is located entirely within the county; and
- The rates of certain taxes relating to fire protection levied by the board of county commissioners within each district are equal at the time of consolidation.

The consolidation may be initiated by the filing of a petition with the board of county commissioners by a majority of the owners of property within each such district or the adoption of a resolution by the board of county commissioners proposing the consolidation of the districts.

This bill is effective on July 1, 2015.

**S.B. 147 (Chapter 120)**

Senate Bill 147 requires each law enforcement agency to adopt policies setting forth when a peace officer must be trained in effective responses to incidents involving dogs or where dogs are present.

**S.B. 185 (Chapter 523)**

Senate Bill 185 requires, in a county whose population is 100,000 or more but less than 700,000 (currently Washoe County), the entity that is responsible for the emergency firefighting vehicle located closest to a structure or brush fire to respond to and take all actions necessary to suppress the fire regardless of whether the location of the fire falls within the territory served by the entity. The bill requires each entity to negotiate an automatic aid agreement with the other such entity addressing reimbursement costs and coverage areas. The coverage areas must be established so that, at a minimum, the entity closest to a structure or brush fire is required to respond to the fire. Finally, the provisions of this bill do not apply to any emergency firefighting vehicle or firefighter of an airport authority.

This measure is effective on October 1, 2015, and it expires by limitation on June 30, 2017.



## **PUBLIC UTILITIES**

### **A.B. 74 (Chapter 51)**

Assembly Bill 74 extends certain requirements governing the resale of certain utility services by the landlord of a mobile home park or owner of a company town to the landlord of a manufactured home park. The bill also allows landlords of manufactured home parks to forgo annual reporting to the Public Utilities Commission of Nevada on the amount tenants are charged for utilities if the tenants of the park obtain those services directly from the utility and not through resale or distribution by the landlord.

The bill is effective on May 11, 2015, for the purposes of adopting regulations to carry out the provisions of the bill and on January 1, 2016, for all other purposes.

### **A.B. 75 (Chapter 67)**

Assembly Bill 75 changes from \$2,500 to \$15,000 the threshold increase in annual gross operating revenue resulting from a proposed rate change that requires a utility to file a rate change application rather than a letter of advice with the Public Utilities Commission of Nevada. Additionally, the bill requires a letter of advice to include a certification or affidavit from the utility that the proposed change meets the threshold requirement.

This bill is effective on July 1, 2015.

### **S.B. 86 (Chapter 81)**

Senate Bill 86 increases the maximum amount of a civil penalty that may be imposed by the Public Utilities Commission of Nevada for a violation of regulations adopted by the Commission in conformity with the Natural Gas Pipeline Safety Act of 1968. The new penalty is not to exceed \$200,000 for each violation for each day that the violation persists, with a maximum civil penalty not to exceed \$2 million. The measure increases the maximum civil penalty for a single willful or repeated violation of provisions governing excavation or demolition near subsurface installations to not more than \$2,500 per day. It also increases the maximum civil penalty for any related series of willful or repeated violations within a calendar year to not more than \$250,000. In addition, the measure provides additional factors for the Commission to consider when determining the amount of the penalty or the amount agreed upon in a settlement or compromise. Finally, S.B. 86 authorizes the Commission to triple the maximum civil penalty that may be imposed for each violation that involves contact with or near certain high consequence subsurface installations such as petroleum, gas, sewage, and hazardous materials pipelines; electric supply lines and cables; and optical carrier level communications lines.

This bill is effective on July 1, 2015.

### **S.B. 87 (Chapter 230)**

Senate Bill 87 authorizes the Public Utilities Commission of Nevada (PUCN) to issue an order modifying a resource plan it finds to be inadequate by a public utility that furnishes water, sewage disposal services, or supplies electricity. A utility may file a notice consenting to or

rejecting some or all of the modifications within 30 days after the issuance of an order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the PUCN not later than ten business days after the date the notice is filed. For purposes of the “prudent investment” provisions of Nevada law, under which the utility may recover all just and reasonable costs of planning and constructing or acquiring a facility, only the parts of the plan accepted by the PUCN, as filed or modified with the consent of the utilities, are deemed to be accepted by the PUCN.

This bill is effective on May 27, 2015.

**S.B. 109 (Chapter 25)**

Senate Bill 109 authorizes a board of county commissioners to initiate proceedings to sell or lease a county-owned telephone system by adopting a resolution to evaluate the propriety of receiving offers for the sale or lease of the system and without the requirement of holding a primary or general election or obtaining approval of the registered voters of the county. The bill requires a board of county commissioners that adopts such a resolution to receive offers to sell a county-owned telephone system to contract with an expert to market and sell or lease the telephone system in a commercially reasonable manner, removing the requirement for newspaper advertisements. The board is not required to accept the highest bid but must consider other factors, including the return on investment to the county, the preservation of jobs, future revenue, and local control of the telephone system. Finally, the bill requires that at least three days before the board votes to accept or reject a proposed sale or lease, a notice be published at least once in a local newspaper.

This measure is effective on July 1, 2015.

**S.B. 112 (Chapter 233)**

Senate Bill 112 makes discretionary the adoption of regulations by the Public Utilities Commission of Nevada setting forth the standards of performance and penalties for nonrural incumbent local exchange carriers.

This bill is effective on July 1, 2015.

**S.B. 151 (Chapter 59)**

Senate Bill 151 requires the Public Utilities Commission of Nevada (PUCN) to adopt regulations authorizing a public utility that purchases natural gas for resale to expand its infrastructure in a manner consistent with an economic development program proposed by the public utility and approved by the PUCN.

This bill is effective on May 13, 2015.

**S.B. 481 (Chapter 532)**

Senate Bill 481 prohibits a county, incorporated city, or regional transportation commission from creating, maintaining, or displaying a comprehensive model or map of the physical location of all or a substantial portion of the facilities of a public utility, public water system,

or video service provider. The bill does not limit the authority of a county, city, or regional transportation system to require a public utility, public water system, or a video service provider to disclose information relating to the physical location of such facilities to facilitate certain public projects. The bill also provides that if real property is located within the service area of a municipal utility, the provision of services by the municipal utility to the property may not be conditioned upon the property owner agreeing to annexation of the real property to the city.

This measure is effective on July 1, 2015.

## **Energy**

### **A.B. 73 (Chapter 66)**

Assembly Bill 73 revises certain requirements, including the due date, of a report that the Division of Welfare and Supportive Services of the Department of Health and Human Services must provide annually to the Legislative Counsel Bureau concerning the amount of money in the Fund for Energy Assistance and Conservation that is to be transferred to the Housing Division of the Department of Business and Industry for energy conservation programs.

The bill is effective on July 1, 2015.

### **A.B. 498 (Chapter 529)**

Assembly Bill 498 requires an electric utility to demonstrate to the satisfaction of the Public Utilities Commission of Nevada the need for the construction or acquisition of, or contracting for, certain electric generating capacity and certain facilities for the generation of electricity in an emissions reduction and capacity replacement plan. The bill further authorizes the Commission to approve certain contracts related to the plan if:

- The contracts are entered into pursuant to a request for proposals authorized by the Commission; and
- The Commission determines that the electric utility has demonstrated satisfactorily a need for the additional electric generating capacity acquired pursuant to such contracts.

The bill is effective on June 10, 2015.

### **S.B. 360 (Chapter 531)**

Senate Bill 360 directs the Legislative Committee on Energy to study the viability of establishing green banks and similar entities to help finance the use and harnessing of clean energy projects in Nevada. Specifically, the Committee is charged with studying:

- The existing clean energy program and financial activities occurring within Nevada;
- Methods of capitalization, structure, organization, and financing of green banks;

PUBLIC UTILITIES (continued)

- The sources, types, and amounts of private capital leveraged or invested in connection with green banks;
- The current and potential size of existing and potential markets for clean energy in Nevada;
- The need to provide reasonably priced financing or establish related market structures to increase clean energy market penetration;
- The potential financial instruments or services to be used by a green bank to help finance and harness projects in Nevada; and
- The need for a green bank to finance clean energy in this State.

If the Committee determines that a green bank or similar entity is needed in this State, it must provide recommendations regarding the:

- Legal steps required to create such an entity;
- Capital resources that can be used to pay for the entity;
- Structure and organization of the entity;
- Markets that such an entity should serve; and
- Types of financing activities the entity should undertake.

The Committee also is charged with studying:

- Existing energy efficiency incentive programs in Nevada;
- Other states' laws, regulations, and policies relating to energy efficiency incentive programs and energy efficiency resource standards; and
- The impact and advisability of implementing legislation regarding energy efficiency resource standards and any other energy efficiency incentive programs.

Finally, S.B. 360 directs the Committee to study the development, viability, expansion, and implementation of energy efficiency programs in Nevada, including programs for businesses and industries, energy efficiency resource standards, and other energy efficiency incentives.

The bill is effective on July 1, 2015.

**S.B. 374 (Chapter 379)**

Senate Bill 374 prohibits the Director of the Office of Energy and a governing body of a local government from adopting a standard mandating requirements for air changes per hour that is outside certain ranges. The adoption of certain energy conservation standards by the Office of Energy and a governing body is not deemed to prohibit the Director or governing body from approving and implementing certain energy efficiency programs related to new residential construction.

Additionally, S.B. 374 requires a utility to offer net metering to customers until the cumulative capacity of all net metering systems for which all utilities in this State have accepted or approved completed applications for net metering is equal to 235 megawatts. After the requirement is met, the utility is required to offer net metering in accordance with a tariff filed by the utility and approved by the Public Utilities Commission of Nevada. A utility must submit the proposed tariff to the Commission not later than July 31, 2015, and the Commission must review and either approve or disapprove each proposed tariff not later than December 31, 2015. An approved tariff cannot take effect until after the date on which the cumulative capacity requirement is met. If the Commission does not approve the required net metering tariff by December 31, 2015, beginning on January 1, 2016, the utility is required to offer net metering to customers in the manner consistent with current law. Further, the measure allows the Commission to determine whether the tariff approved under this bill should apply to customer-generators who have accepted an offer of net metering before the cumulative capacity is met.

The bill also allows the Commission to charge net metering customers time-of-use rates. Finally, it requires a utility to include in an integrated resource plan an analysis of the effects of net metering on the reliability of the distribution system and the costs to the utility to provide electric service to all customers.

This bill is effective on June 5, 2015.

**S.B. 416 (Chapter 395)**

Senate Bill 416 requires an electric utility that owns certain generational assets in this State to provide the Public Utilities Commission of Nevada with a list of assets and to identify as surplus those not being used in generating electricity.

Senate Bill 416 also authorizes the Commission to identify certain nonproductive electric utility assets as surplus. It requires an electric utility to create a plan for timely cleanup and disposal of surplus assets and to carry out such a plan for decommission and disposal of the surplus assets. Finally, S.B. 416 requires the Governor's Office of Economic Development to assist an electric utility with the marketing of vacant or decommissioned assets for sale and redevelopment.

**NOTE: See also Assembly Bill 1 (Chapter 3) of the 28th Special Session.**



## **RESOLUTIONS AND MEMORIALS**

### **Assembly Joint Resolutions**

#### **A.J.R. 1 (File No. 28)**

Assembly Joint Resolution No. 1 recognizes the longstanding relationships of the United States and Nevada with the State of Israel and expresses the Legislature's continued support. The resolution acknowledges Governor Brian Sandoval's trade mission to Israel and the appointment of an official trade representative to promote economic development between Israel and Nevada.

The resolution is effective on May 19, 2015.

#### **A.J.R. 2 (File No. 22)**

Assembly Joint Resolution No. 2, in recognition that common ravens pose a threat to sage grouse and Mojave desert tortoises due to egg depredation, urges the United States Congress to amend the Migratory Bird Treaty Act to remove the common raven from the list of protected species or take other action to accomplish this goal. The resolution also urges the U.S. Fish and Wildlife Service to adopt regulations and work with Nevada's Department of Wildlife to manage the population of common ravens and reduce their numbers in Nevada.

The resolution is effective on May 13, 2015.

#### **A.J.R. 3 (File No. 10)**

Assembly Joint Resolution No. 3 urges the United States Congress to facilitate the payment of contractors who completed work on hazardous fuels treatment projects in the Lake Tahoe Basin in connection with contracts with the Nevada Fire Safe Council.

The resolution is effective on March 12, 2015.

#### **A.J.R. 4 (File No. 29)**

Assembly Joint Resolution No. 4 urges the United States Congress to enact legislation to authorize individual states to establish daylight saving time as the standard time of their respective states throughout the calendar year.

The resolution is effective on May 21, 2015.

#### **A.J.R. 8 (File No. 36)**

Assembly Joint Resolution No. 8 proposes to amend the *Nevada Constitution* to require any measure that increases revenue through a tax, fee, assessment, or rate to receive an affirmative vote of not less than two-thirds of the voters voting. This requirement also applies to any measure resulting from an initiative petition or a referendum from the Legislature.

If approved in identical form during the 2017 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval at the 2018 General Election.

**A.J.R. 10 (File No. 40)**

Assembly Joint Resolution No. 10 proposes to amend the *Nevada Constitution* to require the Legislature to provide by law for the Citizens' Commission on Compensation for Certain Elected Officers, which is empowered to set salaries and benefits for State legislators, constitutional officers, justices, and judges, and the salaries of certain elected county officers.

The seven-member Commission shall study the duties of these elected officials, compare their compensation to public and private employees who have similar qualifications, and fix the salaries and, as applicable, the benefits of these elected officers. Provisions limit the increases and decreases of salaries that may be set by the Commission.

Members of the Commission are appointed by the Governor based on recommendations made by various organizations. Appointees must include a public compensation expert and a member of the general public. Three appointees must represent a nonprofit organization, an independent business, and retailers, and the remaining two appointees must represent organized labor. Terms of office are four years, except that certain appointments initially are for two years.

The measure proposes to repeal the provision limiting legislator salaries to the first 60 days of a regular legislative session and the first 20 days of a special legislative session. It also proposes to repeal the provision permitting the Legislature to fix salaries by law for legislators, constitutional officers, justices, and judges.

If approved in identical form during the 2017 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval at the 2018 General Election.

**Assembly Concurrent Resolutions**

**A.C.R. 1 (File No. 7)**

Assembly Concurrent Resolution No. 1 adopts the Joint Standing Rules of the Senate and Assembly for the 2015 Legislative Session.

**A.C.R. 2 (File No. 8)**

Assembly Concurrent Resolution No. 2, in recognition of the financial sacrifice of the State's public workforce during this biennium, directs the Accounting Unit of the Legislative Counsel Bureau (LCB) to withhold 2.3 percent of each legislator's salary for the 78th Regular Session. The withholdings are 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 this resolution and who notifies the Director of the LCB that the legislator does not wish to have his or her salary withheld.



**A.C.R. 3 (File No. 13)**

Assembly Concurrent Resolution No. 3 honors the 56 Nevadans who lost their lives in the Global War on Terrorism and extends the condolences of the Legislature to their family members and friends.

**A.C.R. 4 (File No. 26)**

Assembly Concurrent Resolution No. 4 memorializes former State Assemblyman Joseph (Joe) Michael Hogan Sr., who served as a State legislator from 2004 until his death on October 17, 2014. During his ten years of legislative service, he worked tirelessly on affordable housing, adequate prescription drug labeling, water conservation, and expanded job opportunities for women and minorities. Mr. Hogan earned his bachelor of science degree in business administration from the University of Notre Dame and later received his juris doctor degree from the Georgetown University Law Center. Mr. Hogan served as an officer in the United States Navy from 1959 through 1962 and worked as an attorney for the U.S. Department of Defense and the National Aeronautics and Space Administration in Bethesda, Maryland, as well as the U.S. Department of Labor, Office of Federal Contract Compliance Programs, in San Francisco, California, where he ensured that federal contractors did not discriminate. The resolution expresses condolences to the family of former Assemblyman Joe Hogan, including his children Kathleen Marie Rauh, J. Michael Hogan Jr., and David J. Hogan, along with grandchildren Allison, Maribeth, and Brian Rauh, and Maggie and Katie Hogan.

**A.C.R. 5 (File No. 27)**

Assembly Concurrent Resolution No. 5 memorializes former State Assemblyman Peter (Pete) L. Livermore who served as a State legislator from 2010 until his death on October 20, 2014. Born in New Orleans, Louisiana, on March 22, 1941, Mr. Livermore joined the United States Marine Corps at 17 years of age, where he served from 1958 through 1962 and reached the rank of Lance Corporal. In 1960, while stationed at Pickel (Pickle) Meadows Marine Base near Bridgeport, California, Mr. Livermore met Laurie Bird, a carhop at the local A&W Restaurant in Carson City, Nevada, and the two were married for more than 50 years. Following his marriage to Laurie, Mr. Livermore worked as a mail carrier in Carson City and then went into business, eventually owning and operating three successful A&W Restaurants. Mr. Livermore took a strong interest in the youth of Carson City, employing them in his businesses, sponsoring and coaching team sports, serving as President of the Carson City Youth Sports Association for more than 15 years, and continuously working to make sure that the young people of Carson City had excellent recreational facilities, such as the Governor's Field Sports Complex. Mr. Livermore was a dedicated public servant, serving on the Carson City Board of Supervisors for 12 years and as a member and former Chair of the Carson-Tahoe Hospital Board of Trustees for 26 years. The resolution expresses condolences to the family of former Assemblyman Pete Livermore, including his wife, Laurie, and their children Richard, Sheri, and Jackie, and several grandchildren.

**NOTE:** See also Assembly Concurrent Resolution No. 1 (File No. 1) of the 28th Special Session.

## **Senate Joint Resolutions**

### **S.J.R. 1 (File No. 30)**

Senate Joint Resolution No. 1 urges the United States Congress to enact legislation transferring title to certain public lands to the State of Nevada in accordance with the report prepared by the Nevada Land Management Task Force. Lands requested to be transferred include:

- Federal lands administered by the Bureau of Land Management (BLM) previously identified as being suitable for disposal or currently in the process of being disposed;
- BLM lands under an existing lease pursuant to the Recreation and Public Purposes Act;
- Certain BLM rights-of-way authorized for use by the State of Nevada or its political subdivisions;
- Geothermal areas leased by the BLM;
- BLM lands within the “checkerboard” lands of the original Central Pacific Railroad corridor; and
- BLM lands that have already been authorized for disposal in enacted and introduced federal land legislation.

The resolution further requests that such legislation exclude from the transfer wilderness lands, designated National Conservation Areas, and lands designated by the BLM as Areas of Critical Environmental Concern established to protect the desert tortoise. In addition, lands administered by the U.S. Departments of Energy and Defense and certain agencies of the Department of the Interior are requested to be excluded from such a transfer. Finally, the resolution notes that any transferred land must become State public land and that any revenue generated from the management of such lands must be deposited into a permanent trust and held for the benefit of education, mental health services, senior and veteran services, and other public programs.

The resolution is effective on May 21, 2015.

### **S.J.R. 2 (File No. 31)**

Senate Joint Resolution No. 2 urges the United States Congress to enact legislation requiring the sharing of federal receipts from all commercial activity occurring on Nevada’s public lands with the State and its counties.

The resolution notes that with approximately 87 percent of Nevada’s land under federal management, the federal government receives significant income from the sale and lease of those lands and from royalties related to commercial activity, including mining, farming, grazing, and logging. The State of Nevada and its local governments support these

commercial activities by providing the necessary services and infrastructure but generally do not receive a portion of the receipts generated from these activities.

The resolution is effective on May 21, 2015.

**S.J.R. 4 (File No. 32)**

Senate Joint Resolution No. 4 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.

The resolution is effective on May 21, 2015.

**S.J.R. 5 (File No. 33)**

Senate Joint Resolution No. 5 expresses the Nevada Legislature's support for the 2014 Nevada Greater Sage-Grouse Conservation Plan prepared by the Sagebrush Ecosystem Council and confirms the Legislature's confidence in the ability of the State of Nevada to conserve effectively the Greater Sage-grouse and the sagebrush ecosystem.

The resolution requests the Bureau of Land Management (BLM) and the United States Forest Service (USFS) to adopt the Conservation Plan as the preferred management alternative for Greater Sage-grouse in Nevada. Moreover, the resolution urges the U.S. Congress to intervene if the BLM and USFS do not follow the guidance of the resolution and, if so, urges Congress to enact legislation to extend, for a period of ten years, a decision on a sage-grouse listing to allow the implementation of the Conservation Plan. Finally, S.J.R. 5 urges the U.S. Fish and Wildlife Service not to list the Greater Sage-grouse as endangered or threatened under the Endangered Species Act of 1973.

The resolution is effective on May 21, 2015.

**S.J.R. 11 (File No. 20)**

Senate Joint Resolution No. 11 proposes to amend the *Nevada Constitution* by adding a new section that preserves the right to hunt, trap, and fish and provides that these activities are integral components of wildlife management. The measure further provides that the right to hunt, trap, and fish does not:

- Create a right to trespass on private property;
- Affect existing rights to water management or use;
- Diminish any other private right;
- Diminish the authority of a local government to regulate the use of real property it owns, occupies, or leases; or

- Prohibit the enactment or enforcement of any statute or regulation that requires a person to obtain a hunting, trapping, or fishing license or requires its revocation or suspension.

If approved in identical form during the 2017 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval at the 2018 General Election.

**S.J.R. 13 (File No. 41)**

Senate Joint Resolution No. 13 proposes to amend the *Nevada Constitution* to limit the amount of certain property taxes that may be levied cumulatively each year on real property to 1.25 percent of the base value of the property.

Additionally, the measure outlines various specifics related to the base value of a property, including:

- If one-half or more of the ownership interest in a real property is transferred, the base value of the property becomes the cash value of the property on the date the ownership interest is transferred;
- An improvement to real property increases its base value by the cash value of the improvement, except under certain circumstances;
- The base value of a property cannot change from one year to the next by more than 3 percent, except under certain circumstances;
- An owner who lives in Nevada and who is 62 years of age may transfer the base value of his or her principle residence to a new residence of comparable value; and
- An owner whose real property is taken by the exercise of eminent domain may transfer the base value of the condemned property to a new property of comparable value.

If approved in identical form during the 2017 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval at the 2018 General Election.

**S.J.R. 17 (File No. 37)**

Senate Joint Resolution No. 17 proposes to amend the *Nevada Constitution* by eliminating existing victims' rights provisions found in Article 1, Section 8, and replacing them with an expanded set of provisions in the form of a victims' bill of rights. The rights to which a victim of crime would be entitled under the *Nevada Constitution* include the right:

- To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment, and abuse, throughout the criminal or juvenile justice process;

- To be reasonably protected from the defendant and persons acting on behalf of the defendant;
- To have the safety of the victim and the victim's family considered as a factor in fixing the amount of bail and release conditions for the defendant;
- To prevent the disclosure of confidential information or records to the defendant, which could be used to locate or harass the victim or the victim's family;
- To refuse an interview or deposition request, unless under court order, and to set reasonable conditions on the conduct of any such interview to which the victim consents;
- To reasonably confer with the prosecuting agency, upon request, regarding the case;
- To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other postconviction release proceedings, and to be present at all such proceedings;
- To be reasonably heard, upon request, at any public proceeding, including any delinquency proceeding, in any court involving release or sentencing, and at any parole proceeding;
- To the timely disposition of the case following the arrest of the defendant;
- To provide information to any public officer or employee conducting a presentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant;
- To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape by the defendant from custody;
- To full and timely restitution;
- To the prompt return of legal property when no longer needed as evidence;
- To be informed of all postconviction proceedings, to participate and provide information to the parole authority to be considered before the parole of the offender, and to be notified, upon request, of the parole or other release of the offender;
- To have the safety of the victim, the victim's family, and the general public considered before any parole or other postjudgment release decision is made;

- To have all monetary payments, money, and property collected from any person who has been ordered to make restitution be first applied to pay the amounts ordered as restitution to the victim; and
- To be specifically informed of the rights enumerated in this section, and to have information concerning those rights be made available to the general public.

If approved in identical form during the 2017 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval at the 2018 General Election.

**S.J.R. 21 (File No. 35)**

Senate Joint Resolution No. 21 urges the United States Congress to enact comprehensive immigration reform that addresses earned legal residency with a clear path to citizenship, future immigration issues, improved enforcement and border security, and the fiscal impact of immigration on State government.

The resolution is effective on May 28, 2015.

**Senate Concurrent Resolutions**

**S.C.R. 2 (File No. 34)**

Senate Concurrent Resolution No. 2 encourages the Board of Medical Examiners, the State Board of Osteopathic Medicine, the State Board of Nursing, professional associations of health care providers, and educational institutions to incentivize and promote awareness and education of health care providers through ongoing education and training programs relating to the care and treatment of persons with Alzheimer's disease and other forms of dementia.

**S.C.R. 3 (File No. 11)**

Senate Concurrent Resolution No. 3 extends by one day the deadline for introduction of a bill or joint resolution that was requested by a legislator to the 44th calendar day of the 78th Regular Session of the Legislature.

**S.C.R. 7 (File No. 15)**

Senate Concurrent Resolution No. 7 authorizes the State Public Works Division of the Department of Administration to receive and use \$111,000 in federal grant money for the demolition of the field maintenance shop at the Nevada National Guard Henderson Armory.

**S.C.R. 8 (File No. 21)**

Senate Concurrent Resolution No. 8 celebrates the 30th anniversary of the sister-state relationship between Taiwan and the State of Nevada.

## **STATE GOVERNMENT**

### **A.B. 17 (Chapter 158)**

Assembly Bill 17 authorizes the Executive Director of the Office of Economic Development, upon the approval of the Board of Economic Development, to form a nonprofit entity for certain economic development purposes. The bill provides for the appointment of a board of directors for the nonprofit entity, requires certain proprietary records be kept confidential, and requires an annual report be submitted to the Governor and Legislative Counsel Bureau.

The provision of this bill concerning the confidentiality of certain proprietary records is effective on July 1, 2036. Other provisions are effective on May 25, 2015, for the purposes of adopting regulations and performing other preparatory tasks and on July 1, 2015, for all other purposes.

### **A.B. 65 (Chapter 199)**

Assembly Bill 65 makes various changes to the regulation of notaries public and document preparation services. The bill clarifies that criminal convictions based on a plea of nolo contendere, or no contest, can result in the suspension or revocation of the appointment of notaries public. The bill also clarifies that a person whose appointment as a notary public has expired or been suspended or revoked shall not represent himself or herself as a notary public or shall face a potential civil penalty for such a violation. The bill prohibits the Secretary of State from appointing as a notary public or registering as a document preparation service any person who previously served as a notary public or a document preparation service in this State or another state whose appointment or registration has been revoked for cause. The measure allows a person who holds employment authorization from the United States Citizenship and Immigration Services to register as a document preparation service. The bill authorizes the Secretary of State to inspect the documents required to be maintained by a document preparation service to ensure compliance with the law.

Finally, the bill provides that a person who uses a document for which an authentication has been issued to harass a person or accomplish any fraudulent, criminal, or other unlawful purpose is guilty of a category C felony.

This bill is effective on July 1, 2015.

### **A.B. 236 (Chapter 214)**

Assembly Bill 236 encourages each State agency, to the extent practicable and within the limits of available funding, to develop a policy to promote public engagement that includes the use of the Internet and Internet tools, including e-mail, electronic mailing lists, online forums, and social media.

This bill is effective on July 1, 2015.

**A.B. 410 (Chapter 460)**

Assembly Bill 410 revises the requirements for the membership of the Real Estate Commission to provide approximately proportional representation based on the last decennial census of the population of: (1) Clark County; (2) Washoe County; and (3) the remainder of the State. The measure also sets forth the requirements to appoint a board member when a vacancy occurs, and it requires reconsideration of the apportionment of members on the Commission after each decennial census.

The measure is effective on July 1, 2015.

**A.B. 473 (Chapter 358)**

Assembly Bill 473 requires the Director of the State Department of Conservation and Natural Resources to appoint two Deputy Directors, rather than one, and to assign each Deputy Director his or her duties.

This measure is effective on July 1, 2015.

**S.B. 59 (Chapter 521)**

Senate Bill 59 requires the Secretary of State to establish common business registration information that is used by State and local agencies and health districts and to cause the State business portal to make that information available to such entities that conduct necessary transactions with businesses in the State. It also allows these entities, to the extent practicable, to:

- Integrate their electronic application systems with the State business portal;
- Use the portal to accept and disseminate information necessary for the issuance of business licenses, registrations, permits, or similar authorizations;
- Make related applications available on the Internet; and
- Integrate those applications with the business portal.

The bill also clarifies that any information deemed confidential under State or federal law need not be disseminated and, similarly, that records and files collected as common business registration information are confidential, unless an exception applies.

The bill requires the Secretary of State to issue a unique business identification number to any entity or person doing business in the State, whether they are required to have a business registration or are exempt from the requirement. The system for issuing these identification numbers must interface with the business portal. Any applicant who applies to any State or local agency or health district for any license, permit, or similar authorization must include the business identification number with the application.



Certain provisions governing city and county business licenses are amended to reflect that industrial insurance information is now provided through the State business portal. Additionally, the Department of Employment, Training and Rehabilitation will now make certain information that is necessary for operating and maintaining the business portal available to the Secretary of State. Finally, the bill repeals obsolete provisions relating to the collection and filing of certain business information by State and local entities.

This bill is effective on July 1, 2015.

**S.B. 63 (Chapter 65)**

Senate Bill 63 designates the Nevada Indian Commission as the coordinating agency for discussions among the Commission, State agencies, and local governmental entities regarding activities and uses of the former Stewart Indian School. The bill creates the Nevada Indian Commission's Gift Fund, a special revenue fund that is a continuing fund without reversion to the State General Fund. All gifts, grants of money, or other property the Commission is authorized to accept must be accounted for in the Nevada Indian Commission's Gift Fund unless specifically accounted for in another fund. Any gifts of property, other than money, may be sold or exchanged when deemed by the Commission to be in its best interest, but the sale price must not be less than 90 percent of the value determined by a qualified appraiser appointed by the Commission.

This measure is effective on July 1, 2015.

**S.B. 82 (Chapter 7)**

Senate Bill 82 removes an obsolete provision from State law relating to the assignment of personnel of the Capitol Police Division, Department of Public Safety, to provide security services to the justices of the Nevada Supreme Court and the judges of the Court of Appeals.

This bill is effective on March 10, 2015.

**S.B. 157 (Chapter 237)**

Senate Bill 157 enacts the State and Local Government Cooperation Act, which encourages communication, cooperation, and coordinated working relationships between State agencies and local governments.

**S.B. 297 (Chapter 87)**

Senate Bill 297 provides that, if a redevelopment area includes real property conveyed by the federal government which contains certain abandoned mine or milling facilities, a redevelopment plan adopted on or after January 1, 1991, must terminate not later than 45 years after the effective date of the conveyance of the land by the federal government if:

- Within 15 years after the date on which the original redevelopment plan was adopted, the State enters into one or more agreements with respect to the real property conveyed by the federal government for mine remediation and reclamation; and

- Before entering into any agreement for mine remediation and reclamation, the State consults with the legislative body of the city or county in which the redevelopment area is located.

This measure is effective on July 1, 2015.

**S.B. 401 (Chapter 449)**

Senate Bill 401 requires an applicant for appointment as a notary public or registration as a document preparation service to submit to the Secretary of State a declaration under penalty of perjury stating that the applicant has never had an appointment as a notary public, or certificate or license as a document preparation service, as applicable, revoked or suspended in this State or any other state or territory of the United States. The measure prohibits the use of certain terms in an advertisement by a notary public or a document preparation service that may mislead a consumer into believing either is a licensed attorney, if such is not the case.

Provisions of this bill concerning the use of certain prohibited terms are effective on October 1, 2015. All other provisions are effective on June 9, 2015.

**S.B. 456 (Chapter 452)**

Senate Bill 456 urges the Attorney General to take a leadership role in pursuing actions on behalf of the State and counties in formalizing and finalizing title to accessory roads and public roads. The bill authorizes the Attorney General to participate as a party in a quiet title action regarding such roads under certain circumstances and in cooperation with or on behalf of the county or counties in which the road lies.

In addition, the Attorney General, the Land Use Planning Advisory Council, and the Nevada Association of Counties must work together to develop and implement a legal protocol that a county may use to perfect its rights and finalize title to an accessory or public road.

This bill is effective on July 1, 2015. As soon as practicable after July 1, 2015, the Attorney General, the Land Use Planning Advisory Council, and the Nevada Association of Counties shall work cooperatively to develop the required protocol.

**S.B. 472 (Chapter 281)**

Senate Bill 472 revises the date on which certain public employees, State officers, and members of the Legislature become eligible to participate in the Public Employees' Benefits Program to: (1) the date of hire or first day of the term of office of the public employee, State officer, or member of the Legislature if that date is the first day of the month; or (2) the first day of the month immediately following the date of hire or first day of the term of office of the public employee, State officer, or member of the Legislature.

This measure is effective on July 1, 2015.

## **Administrative Procedure and Process**

### **A.B. 53 (Chapter 160)**

Assembly Bill 53 revises the standard of proof for administrative hearings in existing law to conform to the preponderance-of-the-evidence standard set by a recent Nevada Supreme Court decision. This bill also defines “substantial evidence,” which was defined previously in case law for purposes of the standard for judicial review. Among other provisions, A.B. 53 also:

- Provides that the voluntary surrender of a license in a contested case will constitute disciplinary action against the licensee;
- Requires a party who requests the transcription of oral proceedings to pay for the costs of the transcription;
- Clarifies that, to be a contested case, the provision of notice and opportunity for hearing must be required by statute or regulation; and
- Makes it discretionary, rather than mandatory, for a regulatory body that initiates disciplinary proceedings against a licensee to require the licensee to submit his or her fingerprints.

This bill is effective on July 1, 2015.

### **A.B. 61 (Chapter 96)**

Assembly Bill 61 eliminates the requirement that the Personnel Commission and the Administrator of the Division of Human Resource Management, Department of Administration, submit certain reports to the Governor biennially. The reports are still mandatory as needed or required.

This bill is effective on May 18, 2015.

### **A.B. 470 (Chapter 322)**

Assembly Bill 470 eliminates the requirement that the costs charged to State agencies for carrying out the functions of the Division of Human Resource Management of the Department of Administration be distributed based on the gross annual salaries of the agencies that operate under the provisions of Chapter 284 (“State Personnel System”) of *Nevada Revised Statutes*. Given that the costs associated with the functions and services of the Division are the same for each State employee, regardless of salary, this change will allow for a more balanced distribution of costs based on the actual number of employees employed by the State agency.

The bill is effective on June 1, 2015.

**S.B. 244 (Chapter 85)**

Senate Bill 244 provides that the Attorney General, or any other officer, agency, or employee of the Executive Department, may not enter into a contingent fee contract with a private attorney unless the Governor, in consultation with the Attorney General, determines that the Attorney General lacks the resources, skill, or expertise to provide the representation needed. The proposed contingent fee representation also must be cost-effective and in the public interest.

The bill also sets forth the conditions under which funding for such a contract must be approved by the Interim Finance Committee and, if approved, must be publicly advertised by the Purchasing Division, Department of Administration. Additionally, the bill sets out the conditions under which contingent contracts will be managed—records kept—and reported to the Legislature. The bill also sets forth attorney's fees and other costs allowable under such a contract.

This bill is effective on July 1, 2015.

**S.B. 473 (Chapter 90)**

Senate Bill 473 requires State agencies to notify the Office of Grant Procurement, Coordination and Management, Department of Administration, of the amount of any portion of a grant received by the State agency that it does not expect to expend fully within the time allowed by the grant. The Office is required to serve as a clearinghouse for disseminating information relating to unexpended grant money of State agencies by: (1) compiling and updating periodically a list of the grants and unexpended amounts thereof; and (2) making the list available on a website maintained by the Department.

This measure is effective on July 1, 2015.

**S.B. 505 (Chapter 35)**

Senate Bill 505 provides a State agency premium holiday by requiring that participating State agencies only pay the insurance subsidy for active State employees for the first ten months of Fiscal Year (FY) 2014-2015. Participating State agencies include each department, commission, board, or other agency of the Executive, Legislative, and Judicial Branches, as well as the Public Employees' Retirement System and the Nevada System of Higher Education. The measure also clarifies that State employees must not be required to pay any portion of the premiums that would have been the responsibility of the State employers.

According to the Fiscal Analysis Division of the Legislative Counsel Bureau, the premium holiday will save \$18.3 million in the State General Fund and \$5 million in the State Highway Fund. However, a higher assessment will be needed to offset the necessary funding for employers' premium contributions in FY 2015-2016.

This bill is effective on May 6, 2015.

## **Financial Administration**

### **A.B. 14 (Chapter 52)**

Assembly Bill 14 transfers to the State Board of Examiners the authority to designate debts of the Division of Industrial Relations, Department of Business and Industry, and the State Gaming Control Board as bad debts and to cause the removal of those debts from the books of account of the State.

### **A.B. 15 (Chapter 157)**

Assembly Bill 15 creates the Account for the Protection and Rehabilitation of the Stewart Indian School in the State General Fund. The Account is to be administered by the Director of the State Department of Conservation and Natural Resources (DCNR) for the purposes of repairing and maintaining the historic State buildings and grounds of the Stewart Indian School. The bill authorizes the Administrator of the Division of State Lands, DCNR, to make a direct sale of two parcels of State land for the purpose of funding the Account.

This bill is effective on May 25, 2015.

### **A.B. 20 (Chapter 194)**

Assembly Bill 20 removes the requirement for additional approval by the Governor, in certain emergency circumstances, or the Interim Finance Committee of work program changes that result from: (1) acceptance by a State agency of a gift or nongovernmental grant which does not exceed \$20,000 or a governmental grant which does not exceed \$150,000; or (2) carrying forward money from one fiscal year to the next without a change in purpose.

This bill is effective on May 27, 2015.

### **A.B. 48 (Chapter 197)**

Assembly Bill 48 provides that a person convicted of a misdemeanor or gross misdemeanor for fraud or certain other offenses committed in connection with Medicaid is not entitled to file a petition for sealing the record until at least seven years after the person is released from custody or the date when the person is no longer under a suspended sentence, whichever occurs later. The court is required to notify the Attorney General if such a petition is filed. The provisions of the Nevada False Claims Act are revised to achieve compliance with the federal Deficit Reduction Act of 2005. The maximum share of any recovery to which a private plaintiff is entitled in certain qui tam actions is reduced from 33 percent to 25 percent if the Attorney General intervenes at the outset of the action. The maximum share of any recovery that a private plaintiff is entitled in certain qui tam actions if the Attorney General does not intervene at the outset of the action is reduced from 50 percent to 33 percent.

This bill is effective on May 27, 2015.

**S.B. 26 (Chapter 28)**

Senate Bill 26 provides that if an agency or the State Controller obtains a judgment against a person for a debt, the State Controller may, in addition to any other manner of executing the judgment provided by law, require each employer of the person to withhold income from the person's wages and pay it to the State Controller. The measure prohibits an employer from using the withholding of income to collect an obligation to pay money to the State Controller as a basis for refusing to hire a potential employee, discharging an employee, or taking disciplinary action against an employee. Violation of this prohibition is punishable by an administrative fine of \$1,000.

The Administrator of the Employment Security Division, Department of Employment, Training and Rehabilitation, is required, upon request, to provide to the State Controller the name, address, and place of employment of any person listed in the records of the Division.

This bill is effective on May 6, 2015.

**S.B. 27 (Chapter 29)**

Senate Bill 27 revises provisions governing the funding of administrative services required by the Commission for Cultural Affairs. Instead of relying solely on money derived from interest earned on the money in the Fund for the Preservation and Promotion of Cultural Resources to pay for those services each fiscal year, this bill authorizes the Commission to use not more than 5 percent of the proceeds from any particular bond issue to pay for them.

This measure is effective on July 1, 2015.

**S.B. 83 (Chapter 32)**

Senate Bill 83 allows a person to report, confidentially, to the telephone hotline established within the Division of Internal Audits, Department of Administration, information relevant to abuse, fraud, or waste with respect to public money received and used by an Executive Branch agency or certain contractors. Upon receipt of such information, the Division shall perform a review and prepare a report of its findings. The report is a public record, but it may not include the identity of the person who reported the information.

This measure is effective on May 6, 2015.

**S.B. 214 (Chapter 491)**

Senate Bill 214 creates the Nevada Advisory Council on Federal Assistance to advise and assist State and local agencies with respect to obtaining and maximizing federal assistance. The seven-member Council is comprised of five voting and two nonvoting members. The Council is required to meet at least once each calendar year, and the Governor must call the first meeting of the Council to take place on or before December 31, 2015. The Council must submit a report, on or before December 31 of each year, to the Governor and the Legislature outlining its activities and recommendations.

This measure is effective on July 1, 2015.

**S.B. 448 (Chapter 89)**

Senate Bill 448 authorizes a county treasurer to deposit county money in insured deposit accounts under certain circumstances. Similarly, the bill authorizes the State Treasurer (with the approval of the State Board of Finance), a city treasurer (with unanimous consent of his or her bondsmen), an incorporated city, or other local government to enter into an agreement with certain entities for the deposit or redeposit of certain public money. If the amount of public money deposited in such an account exceeds the limits of insurance provided by an instrumentality of the United States, the insured bank, insured credit union, or insured savings and loan association in which the county money is initially deposited is required to:

- Arrange for the redeposit of the amount of the county money that exceeds such limits of insurance in one or more other insured banks, insured credit unions, or insured savings and loan associations; and
- Ensure that the total amount of county money redeposited in an account is within the limits of such insurance.

This measure will allow, not require, the depositor to deal with only one member bank that may in turn use a tool such as the Certificate of Deposit Account Registry Service or the Insured Cash Sweep to place depositors' money in certain types of accounts at banks that are members of a network.

This measure is effective on July 1, 2015.

**S.B. 506 (Chapter 391)**

Senate Bill 506 provides for the transfer of approximately \$42 million from various accounts and funds to the State General Fund for unrestricted use. This money will be transferred to offset the difference between projected revenues and collections in Fiscal Year 2014-2015 and is to be used only as necessary to meet existing and future obligations of the State.

This bill is effective on June 8, 2015.

**Open Government****A.B. 60 (Chapter 198)**

Assembly Bill 60 revises the procedures of the Commission on Ethics. The Commission is required to determine whether it has jurisdiction concerning a third-party request and to complete its investigation and make a recommendation within the time provided, unless the public officer or employee waives the time limit.

The measure clarifies that the investigative file includes any information provided to or obtained by an investigatory panel. Further, all information not included in the investigative file is confidential until a panel determines there is cause for an opinion or the public officer or employee authorizes disclosure. A person who makes a third-party request may ask that his

or her name be kept confidential in certain circumstances. The Commission must maintain confidentiality if the requester works for the same public employer as the subject of the request. The Commission may maintain confidentiality if the requester establishes evidence of a threat of physical force or violence. When the Commission does not disclose a requester's name, the Commission may not render an opinion unless it has sufficient evidence from other sources. If the Commission intends to use the person's testimony, it must disclose the person's name prior to the hearing.

The definition of "willful violation" is revised to omit any act or failure to act that has not resulted in a sanctionable violation of the Nevada Ethics in Government Law. Safe harbor provisions are revised to clarify that the advice of legal counsel retained by the public body was based on a reasonable legal determination that the act or failure to act would not be contrary to any opinion issued by the Commission and available on its website.

Finally, first-party requests of current public officers or employees are confidential. The measure permits such individuals to disclose the request to certain persons without waiving the confidentiality of the request or any related opinions or record.

This bill is effective on May 27, 2015.

#### **S.B. 70 (Chapter 226)**

Senate Bill 70 provides that for the purpose of complying with certain requirements relevant to the Open Meeting Law, a working day is every day of the week except Saturday, Sunday, and legal holidays prescribed in existing law, even if an agency has a four-day workweek. The bill compiles a list of certain meetings, hearings, or other proceedings not subject to the general provisions of the Open Meeting Law. A public body must certify in writing, including certain prescribed information, its compliance with the requirements for minimum public notice for each of its meetings. Specific legal authority is required for a public body to designate a person to attend a meeting of the public body in the place of another member. The minutes of a public meeting must be approved not later than 45 days after the meeting or at the next meeting of the public body, whichever occurs later. The name of a person who may be the subject of any type of administrative action by a public body, including administrative actions that are not adverse to a person, such as appointment of the person to a position, must be included on its agenda.

Senate Bill 70 authorizes the filing of a complaint alleging a violation of the Open Meeting Law with the Office of the Attorney General. Such a complaint is a public record but makes any other information obtained by the Attorney General during an investigation of a violation of the Open Meeting Law confidential until the investigation is closed, unless the information is obtainable from another source.

This bill is effective on May 27, 2015.



## **Purchasing and Public Works**

### **A.B. 43 (Chapter 123)**

Assembly Bill 43 makes various changes to provisions governing public works projects. Certain documents or information submitted to the Department of Transportation by a person seeking a contract for a design-build project or a transportation facility project must remain confidential only until a notice of intent to award the contract is issued, rather than until the contract is awarded. Similarly, this bill provides that certain documents or information submitted to a public body by a construction manager at risk seeking a contract with a public body for a public works project are confidential only until a notice of intent to award the contract is issued. A public body or its authorized representative is required to make certain information available to the public, including the rankings of applicants as determined by the panels that evaluated proposals and conducted interviews.

Assembly Bill 43 also adds certain documents and other information to the list of public books and records of a governmental entity that are declared confidential. The bill clarifies that if a public book or record is declared by law to be open to the public, such a declaration does not imply and must not be construed to mean, that a public book or record is confidential if it is not declared by law to be open to the public and is not otherwise declared by law to be confidential.

This bill is effective on May 20, 2015. Provisions concerning information provided by construction managers at risk and from panels ranking proposals and conducting interviews expire by limitation on June 30, 2017.

### **A.B. 59 (Chapter 125)**

Assembly Bill 59 makes it mandatory for the Administrator of the State Public Works Division to lease and equip office rooms outside of State buildings for the use of State officers, departments, agencies, boards, and commissions whenever sufficient space cannot be provided within State buildings. The bill also authorizes the Administrator, upon request, to lease and equip office rooms outside of State buildings on behalf of State officers and employees of boards that are exempt from certain provisions governing State financial administration.

This bill is effective on May 20, 2015.

### **A.B. 62 (Chapter 145)**

Assembly Bill 62 designates the third Wednesday of March during each regular session of the Legislature as “Veterans Day at the Legislature.” This bill also makes several changes with respect to veteran services. Specifically, the bill:

- Authorizes the Governor to name a State building, park, monument, bridge, road, or other State property after a deceased member of the Armed Forces of the United States who was a resident of this State and who was killed in action;

- Revises provisions relating to bidding preferences on State purchasing contracts and public works projects for businesses owned and operated by veterans with service-connected disabilities. The Purchasing Division and the State Public Works Division, both within the Department of Administration, must provide a biannual report to the Legislature regarding bids and proposals submitted by and awarded to these businesses;
- Establishes a procedure to ensure proper internment of honorably discharged indigent veterans at a national cemetery or a veterans cemetery in this State;
- Allows a veteran who is to be interred at a State veterans cemetery, or his or her immediate family, to choose to have the area immediately above and surrounding the interred remains of the veteran landscaped with xeriscaping; and
- Requires Nevada's Department of Veterans Services to provide the veterans in this State with a detailed legislative update following each regular legislative session.

This bill is effective on July 1, 2015.

**A.B. 106 (Chapter 166)**

Assembly Bill 106 eliminates the authority of a public body to include in a contract with a design professional a provision requiring the design professional to defend the public body in any lawsuit alleging negligence, errors or omissions, recklessness, or intentional misconduct on the part of the design professional or his or her employees or agents that are based upon or arising out of the professional services of the design professional. In such circumstances, if the design professional is held to be liable as a result of a lawsuit, the judge or jury shall order the design professional to reimburse the public body for a proportionate share of the attorney's fees and costs the public body incurred in defending the action.

This bill retains the public body's authority to include a provision in a contract with a design professional requiring the design professional to defend the public body in any lawsuit alleging negligence, errors or omissions, recklessness, or intentional misconduct of the design professional or his or her employees or agents that are not based upon or arising out of the professional services of the design professional.

This bill is effective on May 25, 2015.

**A.B. 159 (Chapter 455)**

Assembly Bill 159 provides that a public body, in any solicitation, contract, or other document related to a contract for a public work, shall not require or prohibit a bidder or contractor from entering into or adhering to any agreement with one or more labor organizations in regard to a public work, or discriminate against a bidder or contractor for entering or not entering into, or adhering or refusing to adhere to any agreement with one or more labor organizations in regard to a public work. Additionally, a public body shall not require the awardee of a grant, tax abatement, tax credit, or tax exemption to enter into any agreement with one or more labor

organizations, or discriminate against a bidder or contractor for entering into or not entering into an agreement with a labor organization in regard to a project. A public body may exempt a particular public work or a grant, tax abatement, tax credit, or tax exemption from those restrictions if the public body makes a finding, after notice and a hearing, that:

- Special circumstances require such an exemption to avert an imminent threat to public health or safety; or
- The public work or construction, improvement, maintenance, or renovation to real property that is the subject of the grant, tax abatement, tax credit, or tax exemption, as applicable, is a part of critical infrastructure for an airport or a water system.

Such a finding of special circumstances must not be based on the possibility or presence of certain labor disputes.

This bill is effective on July 1, 2015. The provisions of this bill do not affect any contract for a public work or for any project that is funded in whole or in part by a grant, tax abatement, tax credit, or tax exemption from a public body that was entered into before July 1, 2015.

#### **A.B. 172 (Chapter 456)**

Assembly Bill 172 revises the manner in which the prevailing wage is determined and increases the threshold for prevailing wage requirements on the cost of public works projects from \$100,000 to \$250,000.

The measure also repeals the provisions of Senate Bill 119 of this legislative session that exempted public works of school districts and the Nevada System of Higher Education from the requirement to pay prevailing wages. Further, this bill provides that school districts and the Nevada System of Higher Education are subject to paying 90 percent of the rate of the prevailing wage for public work construction; however, charter schools are exempt from prevailing wage requirements.

The bill is effective on June 9, 2015.

**NOTE: See also Senate Bill 119 (Chapter 5).**

#### **A.B. 332 (Chapter 410)**

Assembly Bill 332 prohibits any public body, including the State, its local governments, school districts, and any public agency thereof, that sponsors or finances a public work from entering into a contract, express or implied, for a public work that requires any construction materials or goods to be purchased or otherwise supplied by the public body, a contractor who is a constituent part of the public body, or a contractor who is not a constituent part of the public body acting on behalf of the public body. A public body may, however, enter into such a contract for a public work provided that the contract requires the payment of any State or local taxes that would otherwise have been due for the purchase and use of such construction

materials or goods if they had been purchased and used by an entity not exempted from the payment of such taxes. The measure also exempts certain purchases related to emergencies, items needed on a recurring basis to protect health and safety, and specialized project-specific components.

The bill exempts a building of the Nevada System of Higher Education from certain provisions requiring that a public body use the services of the State Public Works Division, if less than 25 percent of the costs of the building are paid from money appropriated by this State or federal money.

Finally, the measure revises the minimum qualifications for the Administrator of the State Public Works Division.

This bill is effective on July 1, 2015.

**S.B. 254 (Chapter 450)**

Senate Bill 254 requires a public body undertaking a public work to withhold 5 percent, instead of at least 5 percent, from any progress payment to a contractor until 50 percent of the work required by the contract has been completed. Additionally, after 50 percent of the project is completed, any retainage may be paid in certain situations, including when the contractor has determined that any subcontractor has made satisfactory progress on the work under the subcontract. The bill reduces from 10 percent to 5 percent the retention amount allowed in private construction projects from the progress payments made to the contractor. Retained funds must be paid upon the issuance of a temporary certificate of occupancy. Finally, the bill repeals the expiration of certain provisions of existing law pertaining to retainage in public works, which are set to expire on July 1, 2015.

This measure is effective on June 9, 2015, for the purpose of repealing the expiration of certain provisions of existing law pertaining to retainage in public works. All other provisions are effective on January 1, 2016.

**S.B. 340 (Chapter 470)**

Senate Bill 340 provides that, if a contractor is excluded for a period of time from receiving contracts from the federal government as a result of being debarred, the contractor may not be awarded a contract for a public work in this State for the term of the debarment.

**Reorganization**

**A.B. 33 (Chapter 3)**

Assembly Bill 33 changes the name of the Division of State Library and Archives of the Department of Administration to the Division of State Library, Archives and Public Records.

This bill is effective on July 1, 2015.

**A.B. 90 (Chapter 69)**

Assembly Bill 90 creates the Nevada Intrastate Mutual Aid System within the Division of Emergency Management, Department of Public Safety, to coordinate requests for mutual aid among the various public agencies of this State and certain Indian tribes and nations. The bill creates an advisory committee, designated the Intrastate Mutual Aid Committee, to:

- Advise and assist the Chief of the Division with the implementation and evaluation of the System; and
- Develop comprehensive guidelines and procedures regarding, among other things, requests and recordkeeping for intrastate mutual aid.

The measure also authorizes the Governor to request interstate mutual aid pursuant to the Emergency Management Assistance Compact.

This bill is effective on July 1, 2015.

**A.B. 199 (Chapter 407)**

Assembly Bill 199 changes the name of the Medical Care Advisory Group to the Medical Care Advisory Committee and extends membership terms from one year to two years. The bill also transfers requirements to raise awareness for certain chronic diseases from the Advisory Committee for the Prevention and Treatment of Stroke and Heart Disease to the State Program for Wellness and the Prevention of Chronic Disease.

As recommended by the Sunset Subcommittee of the Legislative Commission, the bill abolishes the following entities:

- The Nevada Academy of Health;
- The Advisory Committee to the Pharmacy and Therapeutics Committee and the Drug Use Review Board;
- The Advisory Committee Concerning Sickle Cell Anemia;
- The Advisory Committee for the Prevention and Treatment of Stroke and Heart Disease; and
- The Advisory Committee on the Arthritis Prevention and Control Program.

This bill is effective on July 1, 2015.

**A.B. 456 (Chapter 100)**

Assembly Bill 456 repeals six inactive boards, committees, and similar entities, as recommended by the Sunset Subcommittee of the Legislative Commission. Entities to be repealed include the following:

- The Advisory Committee Concerning the Children's Health Insurance Program (*Nevada Revised Statutes* [NRS] 233A.104);
- The Board of Trustees of the Fund for the Institutional Care of the Medically Indigent (NRS 428.470);
- The Rural Advisory Board to Expedite Proceedings for the Placement of Children (NRS 432B.602);
- The Advisory Board on Water Resources Planning and Development (NRS 540.111);
- The Collection Agency Advisory Board (NRS 649.047); and
- The State and Local Government Panel on Renewable and Efficient Energy (NRS 701.450).

The provisions to repeal entities are effective on May 18, 2015. Conforming revisions to statutes are effective on July 1, 2015.

**A.B. 469 (Chapter 343)**

Assembly Bill 469 creates the Office of Finance in the Office of the Governor. The measure transfers the duties of the Budget Division and the Division of Internal Audits from the Department of Administration to the Office of Finance.

This measure is effective on July 1, 2015.

**A.B. 485 (Chapter 479)**

Assembly Bill 485 revises the duties of the Director of the Office of Science, Innovation and Technology, Office of the Governor, to include coordinating activities in the State related to broadband services; providing support to the Advisory Council on Science, Technology, Engineering and Mathematics; and administering grants provided by legislative appropriation.

In addition, A.B. 485 transfers the Advisory Council on Science, Technology, Engineering and Mathematics from the Department of Education to the Office of Science, Innovation and Technology, and it revises the membership of the Advisory Council. The bill eliminates the expiration date of the Council, making it permanent.

Assembly Bill 485 also requires the council to:

- Establish events in both northern and southern Nevada to recognize pupils who demonstrate exemplary achievement in the fields of science, technology, engineering, and mathematics; and

- Establish a statewide event in Carson City to recognize not more than 15 schools that demonstrate exemplary performance in such fields.

The bill is effective on June 9, 2015, for the purposes of adopting regulations, appointing members to the Advisory Council, making the Advisory Council permanent, and performing preparatory administrative tasks and on July 1, 2015, for all other purposes.

### **S.B. 20 (Chapter 18)**

Senate Bill 20 removes the Commission for Cultural Affairs from the Department of Tourism and Cultural Affairs and reestablishes the Commission as an advisory board of the State Department of Conservation and Natural Resources. This bill also changes the name of the Commission for Cultural Affairs to the Commission for Cultural Centers and Historic Preservation.

This bill is effective on July 1, 2015.

### **S.B. 195 (Chapter 375)**

Senate Bill 195 creates the Office of the Western Regional Higher Education Compact within the Office of the Governor and requires the Governor to propose a budget for the Office and to appoint its Director. The Director is authorized to employ any necessary personnel, within the limits of available money. Employees of the existing Nevada office of the Western Interstate Commission on Higher Education will be transferred from the Nevada System of Higher Education to the new Office of the Western Regional Higher Education Compact.

This bill is effective on July 1, 2015.

## **State Employees**

### **A.B. 24 (Chapter 121)**

Assembly Bill 24 allows the State to deduct from an officer's or employee's paycheck any amounts required to pay off a delinquent balance on a State-issued travel charge card that has not been paid by the officer or employee or to pay an amount deducted from or offset against any rebate issued to the State by the issuer of the charge card related to the delinquent balance.

### **A.B. 135 (Chapter 405)**

Assembly Bill 135 requires the Division of State Library and Archives, Department of Administration, to develop and, under certain circumstances, conduct a program of education and training concerning the retention and disposition of official State records for the employees of agencies, boards, and commissions that are required to have a schedule approved by the Committee to Approve Schedules for the Retention and Disposition of Official State Records. The head of such an agency, board, or commission must:

- Require, under certain circumstances, that certain employees complete the training program; and

- Issue a letter of reprimand to an employee who knowingly and willfully disposes of an official State record in a manner contrary to an approved records retention schedule or take more severe disciplinary action against such an employee in appropriate circumstances.

This measure is effective on June 8, 2015, for the purpose of performing preparatory administrative tasks and on January 1, 2016, for all other purposes.

**A.B. 180 (Chapter 57)**

Assembly Bill 180 requires the Public Employees' Retirement Board to select an independent public accountant to perform audits of the Public Employees' Retirement System through a process for open bidding or a request for proposals not less than once every four years. The bill also precludes the Board from considering a bid or proposal from the person who was selected in the immediately preceding cycle.

The bill is effective on July 1, 2015.

**A.B. 388 (Chapter 340)**

Assembly Bill 388 changes, from a calendar year to a 12-month period selected by the officer's or employee's public employer, the period during which a public officer or employee is eligible to take a specified number of days of leave of absence for military duties without loss of compensation. The measure requires the Personnel Commission to prescribe this 12-month period by regulation for each State agency and for each political subdivision to prescribe this 12-month period for its agencies.

In addition, A.B. 388 limits the compensation, equivalent to 24 working days of leave, for a State officer or employee whose work schedule includes a Saturday or Sunday. The limits set forth for these 24 working days of leave provide that, for each hour during any such period of leave:

- If the officer's or employee's military pay is equal to or exceeds his or her regular compensation, the officer or employee receives only his or her military pay and not his or her regular compensation; or
- If the officer's or employee's military pay does not exceed his or her regular compensation, he or she is entitled to receive, in addition to his or her military pay, the difference between the regular compensation and his or her military pay for those hours.

Finally, A.B. 388 clarifies the terms "work schedule" and "working day," and it specifies the types of compensation and leave an officer or employee is not entitled to take while on military leave.

This bill is effective on June 4, 2015, for the purposes of adopting regulations and performing preparatory administrative tasks and on July 1, 2015, for all other purposes.



**A.B. 436 (Chapter 461)**

Assembly Bill 436 eliminates the existing plan to encourage continuity of service, otherwise known as longevity pay, for State employees. This change does not affect any longevity pay for local governmental employees.

This bill is effective on June 9, 2015.

**A.B. 466 (Chapter 342)**

Assembly Bill 466 authorizes the Director of the Office of Energy in the Office of the Governor to adopt regulations establishing a procedure by which any State officer or employee may repay, through payroll deductions, a loan made to the officer or employee from the Renewable Energy Account. The bill further authorizes any officer of the State who disburses money in payment of salaries and wages of officers and employees of the State, as well as the Legislative Fiscal Officer, to withhold certain amounts from the salary or wages for credit to the Renewable Energy Account.

The bill is effective on June 4, 2015.

**A.B. 489 (Chapter 472)**

Assembly Bill 489 is known as the State Employee Salary Act and provides for the compensation of State employees. The measure establishes the maximum allowable salaries for employees in the unclassified and classified medical service of the State. The bill also makes appropriations from the State General Fund and the State Highway Fund for pay increases for various groups of State employees including those in the nonclassified, classified, unclassified, and classified medical service, and for professional and classified employees of the Nevada System of Higher Education. These increases include a 1 percent increase for Fiscal Year (FY) 2015-2016 and a 2 percent increase for FY 2016-2017.

The bill authorizes the Department of Health and Human Services and the Department of Corrections to provide callback pay for employees in unclassified medical positions and pharmacists to perform on-call responsibilities to ensure 24-hour coverage in psychiatric facilities. The measure also authorizes the State Gaming Control Board to continue the credential pay plan, which provides up to \$5,000 annually for unclassified State Gaming Control Board employees who possess a current Nevada certified public accountant certificate or a license to practice law, or who 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.

This bill is effective on July 1, 2015.

**S.B. 12 (Chapter 261)**

Senate Bill 12 replaces the position of Assistant Investment Officer within the Public Employees' Retirement System with the position of Chief Financial Officer.

This bill is effective on July 1, 2015.

**S.B. 62 (Chapter 225)**

Senate Bill 62 authorizes the Personnel Commission to adopt regulations concerning a number of different employee-related matters, including the restoration of employee positions, reemployment, employee disability, and an employee's use of medical marijuana. The bill requires the Personnel Commission to adopt regulations to provide that an employee who was a promotional appointee, but who failed to attain permanent status, must be restored to his or her prior position unless it is held by an employee with greater seniority, in which case the employee must be placed in a vacant position in the same class that he or she held prior to the promotion. If no such position is available, the employee must be appointed to either a vacant position in a comparable class or any lower class. After that, if no such position exists, the employee must be placed on any appropriate reemployment lists.

Senate Bill 62 clarifies that if an employee can no longer perform his or her job functions due to a disability, the agency can consider separation or disability retirement, provided the employee cannot be appointed to another position at or below his or her grade level. Such an employee would need to be appointed to a vacant position for which he or she is qualified, and such an appointment must not cause "undue hardship" to the agency.

The remainder of S.B. 62 addresses matters relating to the State's substance abuse and on-the-job alcohol consumption policies as they relate to employees who hold a valid registry identification card for medical marijuana. The bill authorizes the Personnel Commission to adopt regulations concerning employees who engage in the medical use of marijuana. Finally, the bill provides that the Commission may adopt regulations relating to applicants for public safety positions who test positive for marijuana and who hold a valid registry identification card for medical marijuana.

Provisions relating to employee reemployment and appointment, as well as provisions allowing a State agency to request a drug and alcohol screening test due to a work-related accident or injury, are effective on May 27, 2015, for the purposes of adopting regulations and performing preparatory administrative tasks and on January 1, 2016, for all other purposes. The remainder of the bill is effective on July 1, 2015.

**S.B. 64 (Chapter 8)**

Senate Bill 64 revises the qualifications of the Chief Financial Officer (CFO) of the Housing Division, Department of Business and Industry. The measure requires that, in addition to having a comprehensive knowledge of the principles and practices of public finance, the CFO have either: (1) a license to practice as a certified public accountant issued by this State or another state of the United States; or (2) at least five years of responsible experience in investment banking, general accounting, public finance, or a related field.

This bill is effective on March 10, 2015.

**S.B. 69 (Chapter 502)**

Senate Bill 69 changes certain requirements for a retired judge or justice to become reemployed with the Nevada Court System and still qualify to receive allowances under the Judicial Retirement Plan for the duration of his or her active service. Instead of requiring the retired justice or judge be at least 60 years of age at the time of reemployment, he or she must be receiving:

- A benefit that is not actuarially reduced; or
- A benefit that is actuarially reduced, as long as the retired justice or judge has reached the age at which he or she could have retired with a benefit that was not actuarially reduced.

Additionally, the minimum required period before the acceptance of such employment is reduced from 6 months to 90 days. The bill exempts certain retired justices and judges from forfeiting all retirement allowance when accepting reemployment in such a position. Lastly, S.B. 69 removes a sunset provision that would have prevented a retired justice or judge who is reemployed and commissioned from: (1) continuing to be entitled to a retirement allowance in addition to compensation for service; and (2) being eligible to receive additional service credit under certain circumstances.

The removal of the sunset provision of this bill is effective on June 9, 2015. The remaining provisions are effective on July 1, 2015.

**S.B. 406 (Chapter 471)**

Senate Bill 406 makes various changes to the Public Employees' Retirement System, the Judicial Retirement Plan, and the Legislators' Retirement System for persons who become members on or after July 1, 2015. Among other things, the bill:

- Revises certain factors used to calculate retirement benefits;
- Requires the forfeiture of retirement benefits for a member convicted of certain felonies committed on the job;
- Revises the manner in which postretirement increases and benefit payments are calculated;
- Provides an additional survivor benefit option for current and future members;
- Changes the age of eligibility to receive retirement benefits for members, other than police officers or firefighters;
- Requires members of the Judicial Retirement Plan to pay 50 percent of the required contributions to the Plan; and

- Repeals the June 30, 2015, expiration of certain provisions relating to retired public employees who fill positions for which there are critical labor shortages.

Provisions concerning benefit options available to certain survivors of members killed in the line of duty or in the course of employment are effective on June 9, 2015. Other provisions are effective on June 9, 2015, for the purposes of adopting regulations and performing preparatory administrative tasks and on July 1, 2015, for all other purposes.

**S.B. 420 (Chapter 381)**

Senate Bill 420 creates the position of General Counsel as a member of the executive staff of the Public Employees' Retirement System. The General Counsel must be an attorney in good standing licensed and admitted to practice law in Nevada. The Public Employees' Retirement Board is authorized to set the salary for the position at a level not to exceed the amount set forth in the System's budget as approved by the Legislature for the 2015-2017 Biennium.

This bill is effective on June 5, 2015.

**S.B. 471 (Chapter 481)**

Senate Bill 471 requires the payment of a subsidy from the State Retirees' Health and Welfare Benefits Fund for retirees enrolled in the federal TRICARE program, similar to the payment of a subsidy required from the State Retirees' Health and Welfare Benefits Fund for retirees enrolled in Medicare.

The bill is effective on July 1, 2015.

**S.B. 510 (Chapter 355)**

Senate Bill 510 authorizes certain employees of the Legislative Branch to transfer, as part of the normal transfer process afforded to other State employees in the classified service, to any position in the classified service of the State for which he or she is qualified, without regard to the duties and compensation of the position. These provisions apply only to employees of the Legislative Branch who have served four consecutive months or more in the Legislative Branch.

The bill is effective on June 4, 2015.

**S.B. 513 (Chapter 483)**

Senate Bill 513 provides, with certain exceptions, that a State employee who returns to work at the same or another State agency after a break in service of more than one year does not lose the subsidy that would otherwise be paid toward his or her health benefits upon retirement. The bill also establishes the amount of the State's share of group insurance costs for State officers, employees, and retirees, and it establishes the State's share of costs for qualified medical expenses under Medicare for State retirees.

This bill is effective on July 1, 2015.

## **TAXATION AND REVENUE**

### **A.B. 25 (Chapter 64)**

Assembly Bill 25 authorizes the use of money collected through the residential construction tax for the improvement of park facilities and specifies that improvement includes the expansion, modification, redesign, redevelopment, or enhancement of existing facilities. The bill also clarifies that the parks and related facilities that are acquired, improved, expanded, or installed, as applicable, with the money collected through the tax must be attributable to the new construction or development for which the money was collected. In addition, the money collected through the tax must be expended within the park district from which it was collected and must not be expended for maintenance or operational expenses.

This bill is effective on May 14, 2015.

### **A.B. 32 (Chapter 122)**

Assembly Bill 32 expands the definition of “special fuel dealer” for the purposes of imposing taxes on the sale or use of special fuels to include a person who sells liquefied natural gas. The bill revises the tax imposed on liquefied petroleum gas and compressed natural gas and amends the factors for the conversion of volumetric measurements for purposes of taxing such fuels. Finally, A.B. 32 requires that tax returns filed with Nevada’s Department of Motor Vehicles by a special fuel dealer report all quantities of special fuel in gallons.

This bill is effective on July 1, 2015.

### **A.B. 70 (Chapter 401)**

Assembly Bill 70 provides for the administration and enforcement of the taxes imposed on sales by medical marijuana establishments. The bill eliminates the requirement that the Department of Taxation periodically review the excise tax rate and provide recommendations to the Legislature relating to the adjustments of the rate. An agency of a local government that performs inspections, reviews, or other tasks is required to ensure medical marijuana establishments comply with all applicable ordinances or rules to maintain certain records. The agency is required to provide the records to the establishment within 30 days after the inspection or review, and the establishment must pay the cost of the inspection or review. Lastly, an independent contractor and its employees are allowed to register as medical marijuana establishment agents and provide labor to a medical marijuana establishment.

This bill is effective on July 1, 2015.

### **A.B. 71 (Chapter 547)**

Assembly Bill 71 allows a financial institution or other employer that hires a veteran who has been unemployed for a period of at least three months to deduct the total amount of wages reported from the employer’s calculation for payroll taxes for the first year following the hire and 50 percent of that person’s wages for the following two years. The bill also provides that a person who qualifies as both a veteran and the surviving spouse of a veteran with a

permanent service-connected disability may claim both of the veterans' exemptions from property taxes and governmental services taxes. Additionally, the bill provides an exemption from the sales and use tax for certain family members of a Nevada National Guard member killed while on active duty for three years following the death of the Guard member.

The bill is effective on June 12, 2015, for the purposes of filing claims for exemptions and performing preparatory administrative tasks and on July 1, 2015, for all other purposes. The provisions allowing an employer to claim deductions for hiring certain veterans expire by limitation on July 31, 2022.

**A.B. 83 (Chapter 488)**

Assembly Bill 83 expands the definition of "manufacturer" of cigarettes and tobacco products to include those using certain commercial-grade cigarette rolling machines. A manufacturer must obtain a license from the Department of Taxation in order to operate such a rolling machine, and such a machine is subject to seizure and destruction if operated illegally. The bill also provides that certain nonresident manufacturers are not required to obtain a State business license.

This bill is effective on June 9, 2015.

**A.B. 191 (Chapter 366)**

Assembly Bill 191 revises provisions relating to the imposition by certain counties of additional taxes on motor vehicle fuel and certain special fuels. First, the bill removes the prohibition on increasing those taxes in a county whose population is 700,000 or more (currently Clark County), as long as a majority of the voters in the county at the 2016 General Election authorize the board of county commissioners to continue to provide for annual tax increases. Beginning January 1, 2027, additional annual increases in taxes on motor vehicle fuel and certain special fuels may not be implemented unless a majority of voters in Clark County again authorize the Board to do so at the 2026 General Election.

Second, A.B. 191 repeals provisions of existing law that require a statewide ballot measure at the 2016 General Election seeking approval to impose additional State taxes on motor vehicle fuel and certain special fuels. Instead, the bill requires the board of county commissioners of a county other than Clark or Washoe County, upon approval by a majority of voters at the 2016 General Election, to impose such additional taxes in the same manner as the board is required under existing law to impose the additional county taxes on motor vehicle fuel and certain special fuels.

Finally, if voters authorize the board of county commissioners of a county to increase those fuel taxes in that county, any additional money collected must be: (1) deposited with the State Treasurer; (2) credited to the State Highway Fund; and (3) used by the Department of Transportation only to finance projects for the construction, maintenance, and repair of State highways in the county in which the tax is collected.

Provisions eliminating the prohibition on a fuel tax increase in Clark County, repealing existing laws that require a statewide ballot measure on the imposition of additional State fuel taxes, and requiring voters in all counties except Washoe County to authorize the board of county commissioners to increase fuel taxes are effective on June 5, 2015. Provisions prescribing the collection and distribution of those additional fuel taxes are effective on November 9, 2016, if Clark County voters authorize the fuel tax increases at the 2016 General Election, and on January 1, 2017, if Clark County voters do not authorize the fuel tax increases. All other provisions are effective on January 1, 2017.

**A.B. 366 (Chapter 135)**

Assembly Bill 366 provides for the uniform use of the proceeds of certain motor vehicle fuel taxes by a county, city, or town for the construction, maintenance, or repair of a right-of-way within the locality's jurisdiction. The bill defines "right-of-way" to mean any existing public road, highway, street, or alley, and any real property or interest therein that is acquired, dedicated, or reserved for the construction, operation, and maintenance of a public road, highway, street, or alley.

This bill is effective on July 1, 2015.

**A.B. 497 (Chapter 512)**

Assembly Bill 497 allows a municipality to adopt an ordinance ordering an undertaking and creating a tax increment area for a water project. The measure includes provisions for the allocation of a portion of the sales and use taxes or the modified business tax collected in the tax increment area or financing of the undertaking through the Municipal Bond Bank for a project if the estimated cost exceeds \$50 million, and only after the Interim Finance Committee approves a request submitted by the governing body of the municipality.

This bill is effective on July 1, 2015.

**S.B. 21 (Chapter 12)**

Senate Bill 21 revises provisions related to reimbursements by Nevada's Department of Motor Vehicles to a person who uses special fuel (primarily diesel fuel) in a motor vehicle operated or intended to operate interstate and who pays certain taxes imposed on special fuels consumed outside Nevada. First, this bill makes it optional, rather than mandatory, for a special fuel user to file with the Department a request for reimbursement of amounts owed by the Department to the special fuel user. Second, this bill removes provisions requiring the Department to determine whether a special fuel user may owe additional taxes pursuant to Nevada law. Finally, S.B. 21 clarifies that special fuel users are reimbursed only for taxes imposed on special fuels that are consumed outside this State.

This bill is effective on July 1, 2015.

**S.B. 79 (Chapter 435)**

Senate Bill 79 redefines “other tobacco products” to exclude an alternative nicotine or vapor product so that those products will not be regulated or taxed as “other tobacco products.” The bill also provides definitions for an “alternative nicotine product” and a “vapor product.” The term “other tobacco product” replaces the term “product made from tobacco, other than cigarettes.”

The bill is effective on July 1, 2015.

**S.B. 94 (Chapter 232)**

Senate Bill 94 makes the transferrable tax credit program for film productions permanent and changes certain provisions related to administration and eligibility. The bill also removes the \$10 million cap on the total amount of tax credits that may be approved and substitutes a limitation based on the amount of tax credits appropriated or authorized for each fiscal year by the Legislature. Definitional changes include substituting “production company” for “producer” and making other substitutions to better reflect the terminology and financing practices used in the film industry. The measure clarifies that game shows and reality shows are eligible subject to conditions and extends the deadlines relating to production deadlines and approval of audits by the Governor’s Office on Economic Development.

To increase the incentives to hire Nevada residents, the bill:

- Excludes hiring extras from the calculation of “below the line” personnel;
- Phases out, by January 2017, the consideration of wages paid to non-Nevada residents as a basis for obtaining tax credits; and
- Includes postproduction expenditures as a “qualified direct production expenditure” if the postproduction expenditures are in Nevada.

The bill is effective on July 1, 2015.

**S.B. 155 (Chapter 235)**

Senate Bill 155 allows a farmer or rancher to claim a refund of 80 percent of the taxes paid on bulk purchases of 50 gallons or more of special fuel that is not placed directly into the tank of a motor vehicle. The bill redefines “implements of husbandry” to include farm equipment, tractors, and similar agricultural equipment.

A person who operates or transports a motorized implement of husbandry designed to operate at a speed of 25 miles per hour or less on the highways in the State must obtain and display either a farm license plate from Nevada’s Department of Motor Vehicles (DMV) or a reflective placard for slow-moving vehicles approved by the United States Department of Transportation.



The bill revises the fee for a farm license plate to provide that the fee is \$100 for a permanent farm plate rather than the existing annual fee of \$20.50. The DMV may suspend or revoke a farm license plate if the applicant fails to maintain liability insurance coverage of at least \$300,000 per accident for bodily injury and property damage caused by the agricultural user while operating the implement of husbandry on the highways of this State.

The bill is effective on May 27, 2015, for the purposes of adopting regulations and performing preparatory administrative tasks and on January 1, 2016, for all other purposes.

### **S.B. 266 (Chapter 538)**

Senate Bill 266 revises the Live Entertainment Tax (LET) to impose the tax, regardless of the location of the entertainment, if an admission fee is collected. The LET rate is 9 percent of the admission charge, and the tax is no longer imposed on food, refreshments, and merchandise. The measure defines what is considered an “admission charge” and excludes certain complimentary admissions and license or rental fees for luxury boxes or suites in facilities with a maximum occupancy of more than 7,500 persons. The definition of “facility” is revised such that the tax applies if an admission charge is paid for the right to enter or have access to areas with live entertainment. The LET will be imposed on, among other things, escort services, outdoor concerts, performances by disc jockeys, and entertainment in a facility for which more than 15,000 tickets are being sold.

The bill adds exclusions from the tax, including:

- Entertainment offered by a nonprofit entity if the number of tickets offered is 7,500 or less;
- Athletic events by professional teams based in Nevada;
- Events put on by students and sponsored by a school organization;
- Athletic events put on by the Nevada System of Higher Education involving students;
- Race events by NASCAR if two races are held at the race track;
- Some marketing and promotional activities associated with serving food and drinks; and
- Spontaneous performances or go-go dancing.

The Department of Taxation must deposit \$150,000 from the LET receipts for credit to the Nevada Arts Council annually. The provisions of the bill apply to taxable receipts collected on or after October 1, 2015.

The bill is effective on June 11, 2015, for purposes of adopting regulations and performing preparatory tasks; on July 1, 2015, with respect to the funds for the Nevada Arts Council; and on October 1, 2015, for all other purposes.

**S.B. 376 (Chapter 447)**

Senate Bill 376 revises various provisions relating to the regulation of taxicabs. Specifically, the bill:

- Allows a person to operate a taxicab as an independent contractor in areas regulated by the Taxicab Authority;
- Prohibits an employee of a holder of a certificate of public convenience and necessity from acting as a driver for a transportation network company during the same time the employee is paid as a taxicab driver;
- Allows a taxicab to use a system other than a taximeter to indicate passenger fare;
- Prohibits the Taxicab Authority from limiting the geographical area in which taxicab service is provided; and
- Requires the Department of Taxation, rather than the Nevada Transportation Authority (NTA) and the Taxicab Authority, to collect the 3 percent excise tax on motor carrier fares.

In addition, S.B. 376 provides that any decision or action by the NTA which substantially impairs, restricts, or rescinds the ability or authorization of a fully regulated carrier to operate in Nevada, or which refuses an applicant the ability or authorization to operate in this State as a fully regulated carrier, is a final decision and may be appealed directly to a court of competent jurisdiction for judicial review.

Finally, any person aggrieved by a final decision of the Taxicab Authority is entitled to judicial review, rather than requiring the person appeal to the NTA.

Provisions of this bill related to filing and administration of the excise tax are effective on June 9, 2015. Provisions transferring the responsibility for collecting the excise tax are effective on August 28, 2015. The bill is effective on January 1, 2016, for all other purposes.

**S.B. 411 (Chapter 425)**

Senate Bill 411 authorizes a board of trustees of a school district, other than in Clark County, to create a Public Schools Overcrowding and Repair Needs Committee. The membership of the committee must include State and local elected officials, economic development organizations, labor and teacher organizations, the general public, and representatives of specific industry sectors, such as gaming, retail, homebuilding, and general business. If established, such a committee must make recommendations on the imposition of a tax or taxes to be used to fund school construction, repairs, remodeling, site acquisition, or the purchase of vehicles, equipment, and furniture.

Taxes that may be recommended include the following: (1) room tax on transient lodging; (2) supplemental governmental services tax on motor vehicles; (3) additional real property

transfer tax; (4) additional sales and use tax; and (5) additional property tax. The recommendation must specify the proposed rate or rates and may specify a time period for the tax. The committee's recommendations must be forwarded to the board of county commissioners, which must submit the tax recommendations to the voters as a ballot question at the 2016 General Election. If the voters approve the tax or taxes, the county commission must impose and collect the tax. Proceeds from any such tax may not be used to settle or arbitrate labor disputes or to make districtwide adjustments to salaries for school district employees. The authorization to create a committee expires on April 2, 2016.

The bill is effective on June 8, 2015.

### **A.J.R. 8 (File No. 36)**

Assembly Joint Resolution No. 8 proposes to amend the *Nevada Constitution* to require any measure that increases revenue through a tax, fee, assessment, or rate to receive an affirmative vote of not less than two-thirds of the voters voting. This requirement also applies to any measure resulting from an initiative petition or a referendum from the Legislature.

If approved in identical form during the 2017 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval at the 2018 General Election.

## **Business Taxes**

### **S.B. 103 (Chapter 419)**

Senate Bill 103 exempts a person whose primary business is the sale of insurance from the definition of "financial institution" and from the modified business tax (MBT) rate for financial institutions. "A business that primarily consists of" is defined as a business that derives more than 50 percent of its annual income from the sale of insurance. The bill clarifies that insurance agents who derive more than half of their income from insurance sales will pay the MBT applicable to general businesses.

The bill is effective on June 8, 2015.

### **S.B. 483 (Chapter 487)**

Senate Bill 483 revises provisions governing the generation of revenue by the State of Nevada. The bill imposes a commerce tax on each business entity engaged in business in this State whose Nevada gross revenue exceeds \$4 million. The measure defines a set of tax rates specific to the industry in which the business entity is primarily engaged. The bill further provides for the administration, collection, and enforcement of the commerce tax by the Department of Taxation in a manner similar to other State taxes.

The measure also implements the following revenue changes and enhancements:

- Removes the sunset on the 0.35 percent increase in the Local School Support Tax;

TAXATION AND REVENUE (continued)

- Continues the prepayment of the net proceeds of minerals tax (mining tax) for one more year;
- Maintains the elimination of the deduction for health and industrial insurance from gross proceeds for the mining tax for one more year;
- Requires mining businesses that are subject to the mining tax to pay a 2 percent modified business tax (MBT) on their quarterly taxable wages;
- Increases the annual business license fee for corporations from \$200 to \$500 and makes the \$200 annual business license fee permanent for all other business entities;
- Increases several filing fees paid by business entities to the Secretary of State's Office by \$25 per year;
- Changes the MBT on non-financial institutions to exempt the first \$50,000 in quarterly taxable wages and sets a tax rate of 1.475 percent on quarterly taxable wages over \$50,000;
- Allows businesses subject to the commerce tax to take up to a 50 percent credit on the amount of the commerce tax paid in the previous year against their MBT liability in the current year;
- Creates a trigger mechanism to reduce the MBT rate if the actual combined collection of the MBT and the commerce tax exceeds 4 percent of the projected revenues for both taxes;
- Increases the cigarette tax rate by 50 mills per cigarette, which equates to \$1 more per pack, and directs the revenues from the increase to the State General Fund; and
- Requires all of the governmental services tax proceeds from the 10 percent increase in the depreciation schedule enacted in 2009 continue to be deposited in the State General Fund for Fiscal Year (FY) 2015-2016. However, in FY 2016-2017, only 50 percent of those funds will be deposited in the State Highway Fund and, starting in FY 2017-2018, 100 percent of the depreciation increase funds will go to the State Highway Fund.

Finally, the bill requires each application for a State business license submitted between October 1, 2015, and October 1, 2016, to include certain information regarding the amount of revenue earned by the business from the sale of services used in Nevada and the industry in which the business is primarily engaged.

Provisions that revise the allocation of the proceeds of the governmental services tax are effective on various dates. Other provisions are effective on June 9, 2015, for the purpose of performing preparatory administrative tasks and on July 1, 2015, for all other purposes.

## Property Taxes

### **A.B. 391 (Chapter 184)**

Assembly Bill 391 expands the property tax exemption for certain property owned by a religious society or corporation to include both developed and undeveloped parcels of land used exclusively for worship.

This bill is effective on July 1, 2015.

### **A.B. 452 (Chapter 463)**

Assembly Bill 452 provides that for the purposes of appeals to a county board of equalization or the State Board of Equalization, the term “owner” includes a person who owns or controls taxable property or possesses in its entirety taxable property. A written authorization for an appeal may be signed by an owner or an employee or affiliate of the owner acting within his or her scope of employment. Any objection to the written authorization must be in writing to the person who filed the appeal, and that person may submit documentation to cure the objection within five days after receipt of the notice.

This bill is effective on July 1, 2015.

### **S.B. 78 (Chapter 229)**

Senate Bill 78 authorizes any person or business entity owning property that is appraised and assessed by the Department of Taxation to file an appeal of an overvaluation of its property with the State Board of Equalization without having to first appear before the County Board of Equalization. The direct appeal to the State Board must be filed by January 15, unless that day falls on a weekend or legal holiday, in which case the appeal must be filed by the next business day. Property that is appraised and assessed by the Department of Taxation includes all reduction, smelting, and milling works, plants, and facilities, whether associated with a mine or not, all drilling rigs, and all supplies, machinery, equipment, apparatus, facilities, buildings, structures, and other improvements used in connection with any mining, drilling, reduction, smelting, or milling operation.

The bill is effective on July 1, 2015.

### **S.B. 377 (Chapter 255)**

Senate Bill 377 provides that an appeal filed by mail with the county board of equalization is deemed filed based on the postmark date on the envelope. If the postmark date is omitted, illegible, or not provided directly by the post office, the appeal is deemed filed on the day the appeal is received.

If the community association for a common-interest community does not provide the county assessor with the information needed to allocate the taxable value of common elements among the community units, the property taxes on the common elements must be paid for by the owner of the common elements.

The bill is effective on July 1, 2015.

**S.J.R. 13 (File No. 41)**

Senate Joint Resolution No. 13 proposes to amend the *Nevada Constitution* to limit the amount of certain property taxes that may be levied cumulatively each year on real property to 1.25 percent of the base value of the property.

Additionally, the measure outlines various specifics related to the base value of a property, including:

- If one-half or more of the ownership interest in a real property is transferred, the base value of the property becomes the cash value of the property on the date the ownership interest is transferred;
- An improvement to real property increases its base value by the cash value of the improvement, except under certain circumstances;
- The base value of a property cannot change from one year to the next by more than 3 percent, except under certain circumstances;
- An owner who lives in Nevada and who is 62 years of age may transfer the base value of his or her principle residence to a new residence of comparable value; and
- An owner whose real property is taken by the exercise of eminent domain may transfer the base value of the condemned property to a new property of comparable value.

If approved in identical form during the 2017 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval at the 2018 General Election.

**Sales Taxes**

**A.B. 57 (Chapter 124)**

Assembly Bill 57 removes the distinction between a seller of advertising and promotional direct mail who maintains a place of business in Nevada and one who does not. This bill requires a purchaser to report and pay any applicable sales or use taxes, and it relieves the seller, in the absence of bad faith, from any obligation to collect, pay, or remit any applicable sales or use tax.

This bill is effective on July 1, 2015.

**A.B. 380 (Chapter 219)**

Assembly Bill 380 provides that a retailer located outside of this State who engages in certain specified activities is required to collect and remit the sales and use taxes imposed in this State. Specifically, the bill creates a rebuttable presumption that retailers located outside of Nevada must collect and remit sales and use taxes if: (1) the retailer is part of a controlled group of business entities with a component member who has a physical presence in Nevada and who engages in certain activities in Nevada relating to retail sales in Nevada; or (2) the retailer

enters into an agreement with a Nevada resident for the referral of customers through the resident's website and the cumulative gross receipts from sales by the retailer through such referrals exceeds \$10,000 during the preceding four calendar quarters.

Any finding or ruling made by the Department of Taxation or the Nevada Tax Commission that a retailer is not required to collect and remit sales or use taxes even though the retailer or an affiliate owns or operates a warehouse, distribution center, or similar facility in Nevada, must be reported to the Director of the Legislative Counsel Bureau within 30 days of such a finding or ruling.

Provisions of this bill relating to retailers with referral agreements are effective on October 1, 2015. All other provisions are effective on July 1, 2015.

## **Tax Abatements and Credit**

### **A.B. 161 (Chapter 406)**

Assembly Bill 161 authorizes the Office of Economic Development to approve a partial abatement of taxes for up to 20 years for certain qualified new and existing businesses that own, operate, manufacture, service, maintain, test, repair, overhaul, or assemble an aircraft or any component of an aircraft. The bill revises the administration of the sales and use tax requiring the business, rather than the customer, to pay the sales or use tax on any tangible personal property purchased in the performance of a contract for the ownership, operation, manufacture, servicing, maintenance, testing, repair, overhaul, or assembly of an aircraft or any component of an aircraft.

The bill also repeals an existing law that exempts the gross receipts from certain sales and use taxes from the sale of aircraft and major components of aircraft to an air carrier that maintains its central office and bases a majority of its aircraft in Nevada.

This bill is effective on June 8, 2015.

### **A.B. 165 (Chapter 22)**

Assembly Bill 165 establishes the Nevada Educational Choice Scholarship Program. The measure authorizes the formation of scholarship organizations to provide grants for pupils of low-income families for attendance at schools of their choice in Nevada, including private schools. The organization may not own or operate any school, and it must be exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code. The organization must not spend more than 5 percent of the money it receives for administrative costs, nor may it limit grants to a single school or to specific pupils. The sources of scholarship funds collected by the organization may come from gifts, grants, and donations. The grant provided on behalf of a pupil must not exceed \$7,755 for Fiscal Year (FY) 2015-2016, and the maximum grant amount must be adjusted each year in accordance with changes to the Consumer Price Index. Schools receiving such grants must maintain records of each pupil's academic progress in such a manner that the information may be aggregated and reported to Nevada's Department of Education.

The bill provides for a tax credit against the modified business tax and establishes a process for a taxpayer who intends to donate to a scholarship to request approval for the credit from the Department of Taxation. In addition, A.B. 165 establishes a process that the Department of Taxation must follow to approve or deny applications for the tax credit. The total credits approved may not exceed \$5 million for FY 2015-2016, \$5.5 million for FY 2016-2017, and for each fiscal year thereafter, 110 percent of the amount authorized for the immediately preceding fiscal year.

The bill is effective on April 13, 2015.

**S.B. 74 (Chapter 227)**

Senate Bill 74 changes requirements applicable to businesses applying for a partial abatement of certain taxes. To be eligible for a partial abatement, a business must offer primary jobs and meet certain employment requirements within a period of two years. If the partial abatement is approved, the business also must provide an estimate of the total number of new employees that will be hired within the first two years. The agreement between the business receiving the partial abatement and the Governor's Office of Economic Development must state the effective date of the abatement and that primary jobs will be offered.

The bill also limits the availability and amount of abatements based on the rate of unemployment in the county and the average hourly wage paid by the business to its new employees. Abatements of the Local School Support Tax are not permitted if the business pays its new employees less than 100 percent of the statewide average wage. The calculation of the average hourly wage is based only on wages paid to new employees.

The bill is effective on May 27, 2015, for the purposes of adopting regulations and performing other preparatory tasks and on July 1, 2015, for all other purposes. The provisions relating to limitations on abatements expire by limitation on June 30, 2023.

**S.B. 170 (Chapter 498)**

Senate Bill 170 authorizes the Office of Economic Development to grant a partial abatement of personal property taxes and local sales and use taxes to a qualified data center that locates or expands in this State and any colocated businesses within a qualified data center. The amount of the property tax abatement is limited to 75 percent of the personal property taxes imposed on eligible equipment and machinery located in the data center. The amount of the sales and use tax must not include, for Fiscal Year 2015-2016, an abatement of the Local School Support Tax. The bill deletes provisions that specifically apply to a data center located in a historically underutilized business zone, a redevelopment area, an area eligible for a community development block grant, or an enterprise community.

This bill is effective on June 9, 2015, for the purposes of adopting regulations and performing preparatory administrative tasks and on January 1, 2016, for all other purposes.



**S.B. 412 (Chapter 426)**

Senate Bill 412 grants employers a tax credit against their liability under the modified business tax for matching a contribution of an employee to a college savings plan offered through the Nevada Higher Education Prepaid Tuition Program and the Nevada College Savings Plan. The tax credit is 25 percent of the amount of the matching contribution by the employer, not to exceed \$500 per contributing employee, each year. Unused credits may be carried forward for five years.

This bill is effective on June 8, 2015, for the purposes of adopting regulations and performing administrative tasks; on January 1, 2016, for purposes of contributions made to the Nevada College Savings Trust Fund; and on July 1, 2016, for purposes of contributions made to the Nevada Higher Education Prepaid Trust Fund.

**NOTE: See also Senate Bill 1 (Chapter 4) of the 28th Special Session.**



## **TRANSPORTATION**

### **A.B. 21 (Chapter 273)**

Assembly Bill 21 extends the maximum period of maturity for special obligation bonds that provide funding for pending and currently projected highway constructions projects from not more than 20 years to not more than 30 years.

This bill is effective on May 29, 2015.

### **A.B. 131 (Chapter 70)**

Assembly Bill 131 provides that submission of an application for a license, permit, or card to Nevada's Department of Motor Vehicles (DMV) by any eligible male authorizes the DMV to register him with the Selective Service System unless the applicant has checked a box provided on the application indicating that he is not required to register pursuant to federal law. "License, permit, or card" includes a driver's license, commercial driver's license, identification card, instruction permit, restricted license, special restricted license, driver authorization card, or a duplicate, renewal, or reinstatement of such a license, permit, or card. The application must inform the applicant that unless he has checked the box, submission of the application indicates that the applicant either already has registered with the Selective Service System or that he is authorizing the DMV to forward to the Selective Service System the necessary information for such registration.

This measure is effective on May 14, 2015, for purposes of adopting regulations and performing other preparatory administrative tasks and, for all other purposes, on the date on which the Director of the DMV notifies the Governor and the Director of the Legislative Counsel Bureau the DMV possesses sufficient resources to carry out the amendatory provisions of this bill.

### **A.B. 188 (Chapter 71)**

Assembly Bill 188 allows a motor vehicle, motorcycle, or moped, to the extent not preempted by federal law, to be equipped with high-intensity discharge headlamps provided that such headlamps have a correlated color temperature of not less than 5,000 kelvins and not more than 6,000 kelvins.

### **A.B. 203 (Chapter 520)**

Assembly Bill 203 adds to the list of permissible deductions from the governmental services fee the amount of any fee or charge that is imposed by a governmental entity and is paid by a short-term lessor of vehicles. The bill also provides an exemption from the governmental services fee for any passenger car leased by or on behalf of this State, its unincorporated agencies and instrumentalities, and any county, city, district, or other political subdivision of this State.

This bill is effective on July 1, 2015.

**A.B. 239 (Chapter 327)**

Assembly Bill 239 regulates the operators of unmanned aerial vehicles (UAVs) and provides certain criminal and civil penalties for the unlawful operation or use of a UAV in this State. A person is prohibited from operating or using a UAV under certain circumstances including: (1) weaponizing and discharging the weapon; (2) operating a UAV within 500 feet horizontally or 250 feet vertically from a critical facility without written consent; and (3) operating a UAV within 5 miles of a public airport under certain circumstances.

The bill authorizes a person who owns or lawfully occupies real property in the State to bring an action for trespass against the owner or operator of a UAV that is flown at a height of less than 250 feet over the property under certain circumstances. A person may not bring an action for trespass if the UAV is:

- Lawfully in the flight path from landing at the airport, airfield, or runway;
- In the process of taking off or landing;
- Under the lawful operation of a law enforcement agency; or
- Under the lawful operation of a business licensed in this State or a land surveyor under certain circumstances.

A person who prevails in an action for trespass is entitled to recover treble damages for any injury to the person or the person's real property as a result of the trespass. In addition, a person may be awarded reasonable attorney's fees and costs and injunctive relief.

The measure establishes the circumstances under which a law enforcement agency may operate a UAV in this State. An agency may operate a UAV without obtaining a warrant:

- If the agency has probable cause to believe that a person has committed a crime, is committing a crime, or is about to commit a crime and exigent circumstances exist making it unreasonable for the agency to obtain a warrant;
- If a person provides written consent;
- For conducting search and rescue operations;
- If an imminent threat exists to life and safety of an individual or the public at large; or
- Upon the declaration by the Governor of a state of emergency or disaster.

A law enforcement agency is prohibited from operating a UAV for the purpose of gathering evidence or other information within the curtilage of a residence or any other location upon the property in the State at which a person has reasonable expectation of privacy, unless a warrant

is first obtained. Any photograph, image, recording, or other information that is unlawfully acquired or gathered inconsistent with statute, and any evidence that is derived, is inadmissible in any judicial, administrative, or other adjudicatory proceeding and may not be used to establish reasonable suspicion or probable cause as the basis for investigating and prosecuting a crime or offense.

Assembly Bill 239 requires the Department of Public Safety, to the extent that money is available, to establish and maintain a registry of UAVs that are operated by public agencies in this State and requires the Department to adopt regulations prescribing the public purposes for which a public agency may operate a UAV. The Department is required to prepare and submit to the Director of the Legislative Counsel Bureau a report outlining activities of public agencies regarding the operation of UAVs in the State.

This bill is effective on June 2, 2015, for the purposes of adopting regulations and performing preparatory administrative tasks and on October 1, 2015, for all other purposes.

**A.B. 251 (Chapter 177)**

Assembly Bill 251 authorizes a used vehicle dealer to sell a new vehicle if the vehicle has been substantially modified by the used vehicle dealer or a third party for the benefit of a person with a disability. “Substantially modified” is defined as equipped or adapted to aid or allow a person with a disability to operate, travel in, enter, exit, or load a vehicle. The term includes, without limitation:

- Mechanical or structural changes to a vehicle that allow a person with a disability to safely drive or ride as a passenger;
- A device or mechanism that is used for loading or unloading a wheelchair or scooter and is mounted on the roof, in the passenger area, in the trunk, or other storage area of a vehicle; and
- Mechanical or electrical adaptive control devices that are installed in a vehicle to enable a person with mobility restrictions to control, without limitation, the accelerator, foot brake, turn signals, dimmer switch, steering wheel, or parking brake of a vehicle.

This measure is effective on July 1, 2015.

**A.B. 383 (Chapter 220)**

Assembly Bill 383 authorizes Nevada’s Department of Motor Vehicles (DMV) to issue a Nevada driver’s license to an applicant who has a valid driver’s license from a country that has issuance requirements comparable to this State. The bill also authorizes the Director of the DMV to enter into such reciprocal agreements with the appropriate officials of other countries.

The bill requires the Director of the DMV, in recognition of the 30th anniversary of the sister-state relationship between Nevada and Taiwan, to begin negotiations as soon as

practicable with the Director General of the Taipei Economic and Cultural Office in San Francisco, California, for reciprocity in issuing drivers' licenses to: (1) residents of Nevada who reside in Taiwan; and (2) Taiwanese citizens who reside in Nevada.

This bill is effective on May 27, 2015.

**S.B. 3 (Chapter 119)**

Senate Bill 3 requires the Department of Motor Vehicles (DMV) to establish and maintain an Internet-based registry of emergency contact information to be known as the Next-of-Kin Registry. Anyone who has a Nevada driver's license, driver authorization card, or identification card may establish a record within the Registry. In the case of a motor vehicle accident, a law enforcement officer or other authorized employee of a law enforcement agency must search the Registry when practicable and make a reasonable attempt to notify the emergency contact person. In the event of the death of a driver or passenger, law enforcement personnel must coordinate the next-of-kin notification with the coroner or medical examiner and ensure that notification is made only after positive victim identification is confirmed. In the case of an accident or emergency situation other than a motor vehicle accident, the bill allows, but does not require, law enforcement personnel to search the Registry for an emergency contact person.

The bill also contains various privacy provisions, including:

- Prohibiting information from the Registry from being released for the purposes of determining legal presence;
- Limiting the circumstances under which the DMV may grant access to the Registry information of a registrant;
- Requiring the DMV to disclose to registrants who will have access to information contained in the Registry, as well as who will be notified in the case of an emergency; and
- Providing that those who have access to the Registry are not exempt from criminal or civil liability for willful misuse of the Registry.

This bill is effective on May 20, 2015, for the purposes of adopting regulations and performing preparatory administrative tasks and, for all other purposes, on the date on which the Director of the DMV notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to enable the DMV to carry out the amendatory provisions of this measure.

**S.B. 23 (Chapter 41)**

Senate Bill 23 revises certain reporting requirements for the Director of Nevada's Department of Transportation (NDOT). This bill requires the Director to report biennially to the Legislature the requirements for the construction and maintenance of highways for the next four years, rather than three years. Senate Bill 23 also reduces the length of NDOT's plan for resurfacing State highways, on which it must report to the Legislature, from 12 years to

10 years. The Board of Directors of NDOT must submit a proposed work program to the Governor annually by October 1, rather than July 15, to align with the upcoming federal fiscal year. Finally, the Board may provide a copy of the proposed work program to county commissioners by means other than mailing a printed copy.

This bill is effective on July 1, 2015.

**S.B. 110 (Chapter 299)**

Senate Bill 110 provides that a person who owns private property on which a recreational vehicle is abandoned has a lien on the recreational vehicle. The measure establishes a procedure by which a person may obtain title to a recreational vehicle abandoned on private property after attempting to notify the owner and specifies the requirements for such a notification. This bill also requires a municipal solid waste landfill to accept a recreational vehicle for disposal under certain circumstances.

This measure is effective on July 1, 2015.

**S.B. 142 (Chapter 83)**

Senate Bill 142 revises the definition of “trimobile” to mean every motor vehicle designed to travel with three wheels in contact with the ground, at least one of which is power driven. The term does not include a motorcycle with a sidecar. The bill also provides that money in the Account for the Program for the Education of Motorcycle Riders may only be used to pay the expenses of the Program and not for any other purpose.

This bill is effective on May 14, 2015.

**S.B. 155 (Chapter 235)**

Senate Bill 155 allows a farmer or rancher to claim a refund of 80 percent of the taxes paid on bulk purchases of 50 gallons or more of special fuel that is not placed directly into the tank of a motor vehicle. The bill redefines “implements of husbandry” to include farm equipment, tractors, and similar agricultural equipment.

A person who operates or transports a motorized implement of husbandry designed to operate at a speed of 25 miles per hour or less on the highways in the State must obtain and display either a farm license plate from Nevada’s Department of Motor Vehicles (DMV) or a reflective placard for slow-moving vehicles approved by the United States Department of Transportation.

The bill revises the fee for a farm license plate to provide that the fee is \$100 for a permanent farm plate rather than the existing annual fee of \$20.50. The DMV may suspend or revoke a farm license plate if the applicant fails to maintain liability insurance coverage of at least \$300,000 per accident for bodily injury and property damage caused by the agricultural user while operating the implement of husbandry on the highways of this State.

The bill is effective on May 27, 2015, for the purposes of adopting regulations and performing preparatory administrative tasks and on January 1, 2016, for all other purposes.

**S.B. 188 (Chapter 317)**

Senate Bill 188 replaces the word “accident” or “collision” with “crash” in *Nevada Revised Statutes* (NRS) where the term is used to refer to motor vehicle accidents. The bill also directs the Legislative Counsel to make conforming changes to the *Nevada Administrative Code*.

In addition, the bill provides that, for purposes of the Nevada Insurance Code (Title 57 of NRS), including forms and filings, the terms “accident” and “crash,” as they are used in reference to motor vehicles, have the same meaning. Additionally, the measure provides that the amendatory provisions of the bill shall be construed as nonsubstantive and clarifies that it is not the intent of the Nevada Legislature to modify any existing application, construction, or interpretation of any statute which has been so amended.

This bill is effective on June 1, 2015, for the purpose of adopting regulations or performing preparatory administrative tasks and on January 1, 2016, for all other purposes.

**S.B. 206 (Chapter 282)**

Senate Bill 206 makes various changes to the process for indicating on a driver’s license, driver authorization card, or identification (ID) card whether a person wishes to be an organ donor. Upon issuance of a driver’s license or other ID card, the bill requires the Department of Motor Vehicles (DMV) to provide a person an opportunity to indicate that he or she “does not at that time wish” to be an organ donor, rather than “refuses” to be a donor. The bill also provides that if a person opts to be a donor upon issuance of a driver’s license or ID card, the indication will remain on his or her driver’s license or ID card at the time of renewal unless the person indicates otherwise. If a person initially indicates he or she does not wish to be a donor, the DMV must provide the opportunity to change the indication upon renewal of a license or card.

This bill is effective on May 29, 2015, for the purposes of adopting regulations and performing preparatory administrative tasks and, for all other purposes, on the date on which the Director of the DMV notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to enable the DMV to carry out the amendatory provisions of this measure.

**S.B. 209 (Chapter 285)**

Senate Bill 209 removes the requirement that an honorably discharged veteran of the Armed Forces of the United States submit a copy of the DD Form 214 in order to have a designation of veteran status placed on his or her driver’s license, commercial driver’s license, identification card, or instruction permit. Instead, this bill requires a veteran to submit satisfactory evidence of an honorable discharge or other document of honorable separation to Nevada’s Department of Motor Vehicles.

This bill is effective on May 29, 2015, for the purposes of adopting any regulations and performing preparatory administrative tasks and on January 1, 2016, for all other purposes.



**S.B. 324 (Chapter 377)**

Senate Bill 324 prohibits a person from discharging a pollutant onto any State highway, right-of-way, or drainage unless the person has a valid permit. In the event of unpermitted discharge, the person must, upon receipt of an order of compliance, either abate, remove, or remediate the discharge in a timely manner. If a person fails to comply, S.B. 324 provides various enforcement powers to the Director of Nevada's Department of Transportation (NDOT). Specifically, the Director may:

- Enter and inspect premises to investigate the source of a discharge;
- Issue orders for compliance to enforce discharge laws;
- Seek injunctive relief to remedy unpermitted discharge;
- Impose administrative and civil penalties; and
- Request criminal prosecution by the Attorney General for violations.

Senate Bill 324 also authorizes the Director to appoint a third Deputy Director to implement, oversee, and enforce NDOT's environmental programs. The Deputy Director must coordinate the implementation of the storm water program with appropriate personnel at the State Department of Conservation and Natural Resources (DCNR). The bill also removes provisions requiring the Director of NDOT to be a licensed professional engineer in the State of Nevada.

Finally, S.B. 324 creates the Advisory Committee on Transportational Storm Water Management to work with the Division of Environmental Protection, DCNR, regarding the implementation of the storm water program. The Committee must report at least quarterly to NDOT regarding its activities, and NDOT must report at least quarterly to the Interim Finance Committee on the status of the implementation of the storm water program.

This bill is effective on June 5, 2015, for the purposes of adopting regulations and performing preparatory administrative tasks and on July 1, 2015, for all other purposes. Provisions creating the Advisory Committee expire by limitation on June 30, 2021.

**S.B. 410 (Chapter 267)**

Senate Bill 410 authorizes a school bus to travel at the posted speed limit when transporting students to and from school-related activities. The bill also clarifies that a student between 14 and 18 years of age, who has a restricted license for driving to and from school in a rural area, may not exceed a speed of 55 miles per hour.

This bill is effective on July 1, 2015.

**S.B. 457 (Chapter 260)**

Senate Bill 457 creates the Nevada High-Speed Rail Authority, which is responsible for pursuing the implementation of the Nevada High-Speed Rail System connecting southern Nevada and southern California. The Authority must select a franchisee to construct and operate the high-speed rail system based on specific criteria. The franchisee may, with the assistance of the Authority, acquire land for rights-of-way, conduct studies, issue debt, and enter into governmental agreements for the construction and implementation of the system. The Authority may issue bonds, notes, or obligations and enter into agreements, among other things.

This bill is effective on May 27, 2015.

**S.B. 492 (Chapter 482)**

Senate Bill 492 requires the Department of Motor Vehicles, after paying the expenses of administering the titling and registration of off-highway vehicles, to at least once each fiscal quarter, transfer into the Account for Off-Highway Vehicles any amount in the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration in excess of \$150,000. Any money remaining in the Revolving Account at the end of the fiscal year does not revert to the State Highway Fund.

This bill is effective on July 1, 2015.

**S.B. 502 (Chapter 394)**

Senate Bill 502 authorizes Nevada's Department of Motor Vehicles (DMV) to add a nonrefundable \$1 technology fee to any transaction for which a fee is currently charged to pay expenses associated with implementing, upgrading, and maintaining the DMV's platform of information technology.

The bill increases the limitation for the costs of collecting license or registration fees and other charges with respect to the operation of any motor vehicle from 22 percent of the proceeds to 27 percent during the period in which the DMV collects the technology fee.

This bill is effective on July 1, 2015, and expires by limitation on June 30, 2020.

**Motor Carriers and Transportation Network Companies**

**A.B. 101 (Chapter 165)**

Assembly Bill 101 exempts from the definition of "charter bus transportation" buses used to transport workers to and from certain work sites, including, without limitation, construction sites, mines, and renewable energy facilities in counties with a population of less than 100,000 (currently all counties except Clark and Washoe Counties).

This bill is effective on May 25, 2015.

**A.B. 175 (Chapter 278)**

Assembly Bill 175 provides for the permitting and regulation by the Public Utilities Commission of Nevada (PUCN) of transportation network companies (TNCs), which are entities that use a digital network or software application service to connect passengers to drivers who provide transportation services. This measure:

- Establishes the minimum requirements for TNC drivers;
- Requires a TNC to perform a background check of each driver;
- Requires a TNC to provide certain notices and disclosures relating to insurance coverage before a person may become a driver;
- Establishes insurance requirements for the operation and maintenance of motor vehicles operated by TNC drivers; and
- Requires a TNC to report certain information about accidents involving its drivers.

The measure requires the PUCN to collect certain information related to the sufficiency of insurance coverage limits and background check requirements and report that information to the Legislature.

The measure does not exempt any person from the requirement to obtain a State business license. In addition, the bill does not prohibit an airport from requiring a TNC or driver to obtain a permit or certification to operate at the airport, pay a fee to operate at the airport, or comply with any other requirement to operate at the airport. A TNC or a driver who provides transportation services within the scope of a permit issued by the PUCN is not subject to the provisions of existing law governing motor carriers or public utilities.

Assembly Bill 175 also creates an excise tax of 3 percent of the total fare charged when a TNC connects a passenger and driver and on the connection of a passenger and a common motor carrier or taxicab. The first \$5 million of revenue raised each biennium is directed to the State Highway Fund; the remainder is directed to the State General Fund.

The bill allows a TNC to begin operating in Nevada immediately upon receipt of a permit from the PUCN and, until July 1, 2017, has 30 days after the adoption of regulations to meet those requirements.

Finally, the bill expressly allows a violation of the existing requirement to wear a safety belt while riding in a taxicab to be considered:

- As negligence or as causation in any civil action or as negligent or reckless driving; and

- As misuse or abuse of a product or as causation in any action brought to recover damages for injury to a person or property resulting from the manufacture, distribution, sale, or use of a product.

Provisions concerning the failure of a passenger to wear a safety belt in a taxicab are effective on October 1, 2015. Provisions imposing the excise tax on common motor carriers and taxicabs are effective on the 90th day after passage and approval of this bill. All other provisions are effective on May 29, 2015.

**NOTE: See also Assembly Bill 176 (Chapter 279).**

**A.B. 176 (Chapter 279)**

Assembly Bill 176 requires the regional transportation commission in a county whose population is 700,000 or more (currently Clark County) to establish and administer the Nevada Yellow Dot Program in coordination with each regional transportation commission in this State. The bill also requires this regional transportation commission to disseminate information about the Program to the public and to public safety agencies. The commission is authorized to obtain grants or sponsorships for the Program, and first responders are immune from civil liability for damages as a result of any act or omission they take relating to an emergency in connection with the Program.

The measure provides for the permitting by the Nevada Transportation Authority (NTA) of transportation network companies (TNCs) and the regulation by the NTA of the transportation services. The bill establishes certain requirements for drivers of TNCs, requires a background check of each driver, and establishes the requirements of insurance for the operation and maintenance of motor vehicles operated by TNC drivers. A person is prohibited from doing business as a TNC unless the person holds a valid permit issued by the NTA. A permit issued by the NTA is not subject to the provisions of existing law governing motor carriers or public utilities. Further, a TNC may commence operations in this State immediately upon being issued a permit.

The measure does not exempt any person from the requirement to obtain a State or local business license. In addition, the bill does not prohibit an airport from requiring a TNC or driver to obtain a permit or certification to operate at the airport, pay a fee to operate at the airport, or comply with any other requirement to operate at the airport. Each TNC must provide the NTA with reports about accidents involving a TNC driver. The NTA must collect these reports, determine whether the limits of insurance coverage required are sufficient, and report to the Director of the Legislative Counsel Bureau. The NTA also must investigate and compare specific types of background checks to determine the effect on public safety and report the results to the Legislative Commission.

Finally, A.B. 176 revises the provisions of A.B. 175 of this session to make the NTA, rather than the Public Utilities Commission of Nevada, responsible for carrying out the provisions of that bill relating to fees, assessments, and excise taxes for TNCs.

Provisions of this bill that revise provisions of A.B. 175 of this session are effective on May 29, 2015. Provisions of this bill that establish the Yellow Dot Program are effective on January 1, 2016. Other provisions of this bill are effective on May 29, 2015.

**NOTE: See also Assembly Bill 175 (Chapter 278).**

**A.B. 385 (Chapter 294)**

Assembly Bill 385 makes various changes related to tow cars. The bill prohibits a tow car operator from towing and the vehicle owner or operator from directing a vehicle be towed to a location other than a vehicle storage lot designated by the insurance company that provides coverage for the vehicle, unless the vehicle owner or operator directs the tow car operator to tow the vehicle to a location other than a vehicle storage lot. Nor may a tow car operator seek authorization to tow a vehicle to a location other than the designated vehicle storage lot.

If the vehicle owner or operator directs the tow car operator to tow the vehicle to such a location, a law enforcement officer, if one is on the scene, must confirm that the vehicle owner or operator provided such direction. If a law enforcement officer is not on the scene, the tow car operator must have the vehicle owner or operator confirm in writing that he or she directed the tow to another location, and that the tow car operator did not solicit the owner or operator to tow the vehicle to such a location.

This bill further requires the tow car operator to: (1) make a good faith effort to determine the identity of the insurance company that provides coverage for the vehicle; (2) retain any documents provided by a law enforcement officer indicating the identity of the insurance company; and (3) provide copies of such documents to a vehicle storage lot upon delivery of the vehicle to the lot.

Assembly Bill 385 requires a tow car operator to retain a copy of any written documentation from a law enforcement officer or written confirmation from a vehicle owner and imposes civil penalties on a tow car operator who fails to tow a vehicle to the appropriate location.

**A.B. 477 (Chapter 370)**

Assembly Bill 477 requires the Administrator of the Taxicab Authority to appoint a staff attorney to perform legal services or serve as a hearing officer.

This bill is effective on July 1, 2015.

**S.B. 376 (Chapter 447)**

Senate Bill 376 revises various provisions relating to the regulation of taxicabs. Specifically, the bill:

- Allows a person to operate a taxicab as an independent contractor in areas regulated by the Taxicab Authority;

- Prohibits an employee of a holder of a certificate of public convenience and necessity from acting as a driver for a transportation network company during the same time the employee is paid as a taxicab driver;
- Allows a taxicab to use a system other than a taximeter to indicate passenger fare;
- Prohibits the Taxicab Authority from limiting the geographical area in which taxicab service is provided; and
- Requires the Department of Taxation, rather than the Nevada Transportation Authority (NTA) and the Taxicab Authority, to collect the 3 percent excise tax on motor carrier fares.

In addition, S.B. 376 provides that any decision or action by the NTA which substantially impairs, restricts, or rescinds the ability or authorization of a fully regulated carrier to operate in Nevada, or which refuses an applicant the ability or authorization to operate in this State as a fully regulated carrier, is a final decision and may be appealed directly to a court of competent jurisdiction for judicial review.

Finally, any person aggrieved by a final decision of the Taxicab Authority is entitled to judicial review, rather than requiring the person appeal to the NTA.

Provisions of this bill related to filing and administration of the excise tax are effective on June 9, 2015. Provisions transferring the responsibility for collecting the excise tax are effective on August 28, 2015. The bill is effective on January 1, 2016, for all other purposes.

## **Special License Plates**

### **A.B. 103 (Chapter 61)**

Assembly Bill 103 requires the Department of Motor Vehicles to design, prepare, and issue special license plates honoring veterans who have received the Silver Star or the Bronze Star Medal with “V” device, Combat V, or Combat Distinguishing Device. A veteran who is eligible for these plates and has suffered a 100 percent service-connected disability may have the international symbol of access inscribed on the license plates. The bill specifies that no fee in addition to applicable registration and license fees and government services taxes may be charged for the issuance or renewal of these special license plates. Finally, a vehicle on which such plates are displayed is exempt from the payment of parking fees charged by the State or any political subdivision or other public body within the State, other than the federal government.

This bill is effective on July 1, 2015.

### **A.B. 155 (Chapter 15)**

Assembly Bill 155 allows for the issuance of a special license plate recognizing professional firefighters to a retired firefighter who has earned ten years of creditable service in any jurisdiction outside the State of Nevada. The applicant must provide proof of former

employment that is acceptable to the Department of Motor Vehicles. Existing law limits the issuance of these special license plates to current professional firefighters and retired professional firefighters with creditable service in Nevada.

This bill is effective on July 1, 2015.

**A.B. 189 (Chapter 211)**

Assembly Bill 189 makes various changes relating to special license plates. The bill requires an application by a charitable organization for a special license plate to include a budget prepared by or for the organization if it is not a governmental entity whose budget is included in the *Executive Budget*. The charitable organization must annually provide the Commission on Special License Plates with a copy of its most recent federal tax return and a report on the organization's budget detailing how the special plate fees have been expended. The measure also requires the organization to publish annually the tax return on its website or in a newspaper of general circulation in the county where the organization is based.

This bill further authorizes the Commission on Special License Plates to request the Legislative Commission direct the Legislative Auditor to perform an audit of any charitable organization receiving fees from the sale of special license plates if the Commission on Special License Plates has reasonable cause to believe or has received a credible complaint that the organization has:

- Filed with the Commission or the Department of Motor Vehicles forms or records that are inadequate or inaccurate;
- Committed improper practices of financial administration; or
- Failed to use adequate methods and procedures to ensure that all money received by the organization from special license plates is appropriately expended.

Finally, A.B. 189 provides that certain records submitted to the Commission on Special License Plates by a charitable organization are public records and are available for public inspection.

This measure is effective on July 1, 2015.

**A.B. 250 (Chapter 62)**

Assembly Bill 250 provides that a veteran who is eligible for a Pearl Harbor, Purple Heart, or Congressional Medal of Honor special license plate and who, as a result of his or her service, has suffered a 100 percent service-connected disability and receives compensation from the United States for the disability, may have the international symbol of access inscribed on his or her special license plates. Additionally, a vehicle on which such plates are displayed is exempt from the payment of parking fees charged by the State or any political subdivision or other public body within the State, other than the federal government.

Assembly Bill 250 further provides that a veteran who is eligible for ex prisoner of war special license plates and who, as a result of his or her service, has suffered a 100 percent service-connected disability and receives compensation from the U.S. for the disability, may have the international symbol of access inscribed on his or her special license plates.

This bill is effective on May 14, 2015, for purposes of adopting regulations and performing other preparatory administrative tasks and, for all other purposes, on July 1, 2018, or the date on which the Director of the DMV notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to enable the DMV to carry out the amendatory provisions of this act, whichever is earlier.

**A.B. 449 (Chapter 155)**

Assembly Bill 449 provides for the issuance of a special license plate supporting the Boy Scouts of America. Fees from these license plates are to be used to: (1) assist boys from low-income families with the costs of participating in Boy Scouts; and (2) promote the Boy Scouts of America in schools. The bill also provides for the issuance of a special license plate recognizing a person who has achieved the rank of Eagle Scout. Fees from these plates are to be used to assist boys with the costs of participating in local area camps sponsored by the Boy Scouts of America.

Similarly, A.B. 449 provides for the issuance of special license plates recognizing a person who has been awarded the Girl Scout Gold Award by the Girl Scouts of America. Fees from these license plates are to be used to: (1) assist girls from low-income families with the costs of participating in Girl Scouts; and (2) promote the Girl Scouts of America in schools.

Finally, the bill provides that special license plates recognizing a person who has achieved the rank of Eagle Scout in the Boy Scouts of America or has been awarded the Girl Scout Gold Award by the Girl Scouts of America are exempt from the requirements that a special license plate generally:

- Must be approved by the Department of Motor Vehicles, based on a recommendation from the Commission on Special License Plates;
- Is subject to a limitation on the number of separate designs of special license plates that the Department may issue at any one time; and
- May not be designed, prepared, or issued by the Department unless a certain minimum number of applications for the license plate is received.

**S.B. 121 (Chapter 82)**

Senate Bill 121 allows a person to request personalized prestige license plates instead of special “classic rod” or “classic vehicle” license plates when registering a vehicle as a “classic rod” or “classic vehicle.” Specifically, the bill allows a person to register a qualifying vehicle as a classic rod or classic vehicle while still: (1) obtaining a seven-digit personalized prestige license plate; and (2) receiving the benefits of such registration, including exemption from emissions test requirements.



This bill is effective on May 14, 2015, for the purposes of adopting regulations and performing preparatory administrative tasks. For all other purposes, the bill is effective on January 1, 2016, or the date on which the Director of the Department of Motor Vehicles (DMV) notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to enable the DMV to carry out the amendatory provisions, whichever occurs later.

### **S.B. 229 (Chapter 347)**

Senate Bill 229 provides for the issuance of special license plates indicating support for the rights guaranteed by the Second Amendment to the *United States Constitution*. The fees generated by such special license plates, in addition to all other applicable registration and license fees and governmental services taxes, must be deposited with the State Treasurer and distributed to the Nevada Firearms Coalition or its successor on a quarterly basis. Such funds are to be used only to provide or pay for firearm training or firearm safety education. These special license plates must be approved by the Commission on Special License Plates and, after approval, will not be issued until one of the 30 design slots for special license plates becomes available. A surety bond must be posted with Nevada's Department of Motor Vehicles.

## **Traffic Laws**

### **A.B. 143 (Chapter 171)**

Assembly Bill 143 authorizes a motor vehicle insurer to provide evidence of insurance in an electronic format that can be displayed on a mobile electronic device. A person who presents a mobile electronic device to provide evidence of insurance assumes all liability for any resulting damage to the device. Additionally, if evidence of insurance is provided to a peace officer in an electronic format, the peace officer shall not intentionally view any other content on the mobile device.

This measure is effective on May 25, 2015, for purposes of adopting regulations and performing other preparatory administrative tasks and on October 1, 2015, for all other purposes.

### **A.B. 422 (Chapter 137)**

Assembly Bill 422 provides that handlebars on a motorcycle or moped may extend not more than six inches above the driver's shoulder. The bill also prohibits a local authority from enacting an ordinance governing the operation and equipment of a motorcycle or a moped that conflicts with any existing State laws.

### **S.B. 2 (Chapter 78)**

Senate Bill 2 increases the maximum speed limit at which a person may drive or operate a vehicle from 75 miles per hour to 80 miles per hour. This bill allows the Department of Transportation to establish speed limits up to 80 miles per hour for motor vehicles on highways and expands the imposition of a limited \$25 fine for speeding violations within certain incremental parameters up to 85 miles per hour.

**S.B. 43 (Chapter 42)**

Senate Bill 43 requires the driver of a bus carrying passengers or a vehicle containing hazardous materials to stop before crossing at grade any railroad tracks. The bill also makes it unlawful for the driver of any vehicle to fail to completely cross railroad tracks without stopping due to insufficient: (1) space on the opposite side of the railroad crossing; or (2) undercarriage clearance.

**S.B. 156 (Chapter 236)**

Senate Bill 156 provides that a person who unlawfully proceeds through a temporary roadblock established because of flooding or water on the roadway is liable for the expenses of any emergency response that is required to: (1) remove the driver or any passenger from the vehicle; and/or (2) move or remove the vehicle from the roadway or any area near the roadway if the vehicle creates a hazard.

The bill also provides that a person who is convicted of reckless driving for driving a vehicle into any area temporarily covered by a rise in water may be liable for the expenses of any emergency response that is required to: (1) remove the driver or any passenger from the vehicle; and/or (2) move or remove the vehicle from the area.

The liability imposed by S.B. 156 must not exceed \$2,000 per incident. A person is immune from liability if the person proceeds through a temporary roadblock to make a good faith effort to assist another person who is or appears to be in danger as a result of flooding or water on the roadway.

This bill is effective on July 1, 2015.

**S.B. 245 (Chapter 272)**

Senate Bill 245 increases from 15 years to 20 years the maximum term of imprisonment for a person who leaves the scene of an accident that results in bodily injury to or the death of a person. A person charged with a hit-and-run is not eligible for probation and may be charged with multiple counts if more than one person involved in the accident is injured or dies. Finally, a person charged under the driving under the influence statute and any of the three statutes that impose a duty to stop at the scene of an accident may not use as an affirmative defense that the reason the person's blood alcohol level exceeded the legal level was because he or she consumed alcohol after the incident.

**S.B. 263 (Chapter 46)**

Senate Bill 263 expands existing exemptions from driving on a sidewalk to include an electric vehicle designed to travel on three wheels, if the vehicle is operated: (1) as an authorized emergency vehicle; (2) by an officer or other authorized employee of a law enforcement agency; or (3) by a security guard. Each board of county commissioners may enact an ordinance regulating the time, place, and manner of the operation of such a vehicle operated by a security guard, including prohibiting the use of such a vehicle in specific areas of the county.

This bill is effective on July 1, 2015.

**S.B. 354 (Chapter 253)**

Senate Bill 354 allows a pedestrian traveling on a sidewalk who encounters an obstruction that makes the sidewalk impassable to proceed carefully on the highway immediately adjacent to the sidewalk for a short period. Such a pedestrian:

- Must walk or otherwise travel as far to the side of the highway near the sidewalk as possible;
- May walk or travel in the direction in which he or she was traveling on the sidewalk, regardless of the direction of traffic;
- May walk or travel in a bicycle lane if the area between the lane and the sidewalk is impassable; and
- Must return to the sidewalk as soon as practicable.

The driver of a motor vehicle must yield the right-of-way to any pedestrian traveling in such circumstances.

This bill is effective on May 27, 2015, for the purposes of adopting regulations and performing any other preparatory administrative tasks and on January 1, 2016, for all other purposes.

**Vehicle Registration****A.B. 204 (Chapter 129)**

Assembly Bill 204 requires that an authorization letter which is issued with a special license plate, parking placard, or parking sticker by the Department of Motor Vehicles (DMV) or by a city or county contain the photograph of the holder of the plate, placard, or sticker that appears on the person's driver's license or identification card. The bill also requires the owner or operator of a motor vehicle displaying such a plate, placard, or sticker to present the authorization letter to a law enforcement representative upon request.

This measure is effective on May 21, 2015, for purposes of adopting regulations and performing other preparatory administrative tasks and, for all other purposes, on the date on which the Director of the DMV notifies the Governor and the Director of the Legislative Counsel Bureau the DMV possesses sufficient resources to carry out the amendatory provisions of this bill.

**A.B. 484 (Chapter 478)**

Assembly Bill 484 requires the Department of Motor Vehicles (DMV) to reissue a license plate or plates every eight years and authorizes the Director of the DMV to adopt regulations to provide procedures for reissuance. The license plate for a trailer with a three-year registration period must be reissued at the first renewal registration that occurs after the existing plate has been issued for eight years. The DMV must include the amount of any fee charged for the

reissuance with the notification of renewal of registration for the plates. Finally, the bill prohibits the transfer of personalized prestige license plates from one vehicle or trailer to another if the transfer results in an inappropriate use of letters or combination of letters and numbers.

Provisions of this bill that make conforming changes and prohibit the transfer of certain personalized prestige license plates are effective on June 9, 2015. All other provisions are effective on July 1, 2015, for the purposes of adopting regulations and performing preparatory administrative tasks and on July 1, 2016, for all other purposes.

**S.B. 127 (Chapter 234)**

Senate Bill 127 authorizes the Department of Motor Vehicles (DMV) to issue a credit to a person who:

- Cancels a vehicle's registration and does not qualify for a refund; or
- Transfers registration from one vehicle to another, if the registration fee or governmental services tax paid on the original vehicle is more than that owed on the vehicle to which the registration is transferred. Such credit may be applied to the registration of any other vehicle the person owns.

Any unused credit expires when the original vehicle's registration was due to expire.

This bill is effective on May 27, 2015, for the purpose of performing preparatory administrative tasks and, for all other purposes, on January 1, 2016, or the date on which the Director of the DMV notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to enable the DMV to carry out the amendatory provisions of this bill, whichever occurs first.

**S.B. 404 (Chapter 326)**

Senate Bill 404 requires the owner of a moped to register the vehicle with Nevada's Department of Motor Vehicles (DMV) before operating the moped on State highways. A one-time \$33 registration fee is required, as is a nontransferable, nonrefundable government services tax. Upon registration, the DMV must issue a license plate distinct from a motorcycle license plate. Moped registration is effective until the owner transfers ownership or cancels the registration and surrenders the license plate to the DMV.

This bill is effective on June 2, 2015, for the purposes of adopting regulations and performing other preparatory administrative tasks. For all other purposes, S.B. 404 is effective on January 1, 2017, or the date on which the Director of the DMV notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to enable the DMV to carry out the amendatory provisions of the bill, whichever occurs first.

**NOTE: See also Assembly Bill 2 (Chapter 2) of the 28th Special Session.**

## **VETERANS AND ACTIVE MEMBERS OF THE ARMED FORCES**

### **A.B. 62 (Chapter 145)**

Assembly Bill 62 designates the third Wednesday of March during each regular session of the Legislature as “Veterans Day at the Legislature.” This bill also makes several changes with respect to veteran services. Specifically, the bill:

- Authorizes the Governor to name a State building, park, monument, bridge, road, or other State property after a deceased member of the Armed Forces of the United States who was a resident of this State and who was killed in action;
- Revises provisions relating to bidding preferences on State purchasing contracts and public works projects for businesses owned and operated by veterans with service-connected disabilities. The Purchasing Division and the State Public Works Division, both within the Department of Administration, must provide a biannual report to the Legislature regarding bids and proposals submitted by and awarded to these businesses;
- Establishes a procedure to ensure proper internment of honorably discharged indigent veterans at a national cemetery or a veterans cemetery in this State;
- Allows a veteran who is to be interred at a State veterans cemetery, or his or her immediate family, to choose to have the area immediately above and surrounding the interred remains of the veteran landscaped with xeriscaping; and
- Requires Nevada’s Department of Veterans Services to provide the veterans in this State with a detailed legislative update following each regular legislative session.

This bill is effective on July 1, 2015.

### **A.B. 71 (Chapter 547)**

Assembly Bill 71 allows a financial institution or other employer that hires a veteran who has been unemployed for a period of at least three months to deduct the total amount of wages reported from the employer’s calculation for payroll taxes for the first year following the hire and 50 percent of that person’s wages for the following two years. The bill also provides that a person who qualifies as both a veteran and the surviving spouse of a veteran with a permanent service-connected disability may claim both of the veterans’ exemptions from property taxes and governmental services taxes. Additionally, the bill provides an exemption from the sales and use tax for certain family members of a Nevada National Guard member killed while on active duty for three years following the death of the Guard member.

The bill is effective on June 12, 2015, for the purposes of filing claims for exemptions and performing preparatory administrative tasks and on July 1, 2015, for all other purposes. The provisions allowing an employer to claim deductions for hiring certain veterans expire by limitation on July 31, 2022.

**A.B. 76 (Chapter 13)**

Assembly Bill 76 requires the Department of Education to share with the Interagency Council on Veterans Affairs aggregate data collected concerning each pupil whose parent or guardian is a member of the Armed Forces of the United States or a reserve component thereof, or the National Guard. The bill also encourages the Board of Regents of the Nevada System of Higher Education to foster a culture that recognizes and supports veterans, and it extends from two years to five years the time period a veteran who has been honorably discharged is eligible for in-state tuition and fees. Finally, A.B. 76 requires that the Board of Regents submit, on or before November 30 of each year, a report to the Legislature or the Legislative Committee on Education when the Legislature is not in regular session concerning the participation in the Nevada System of Higher Education of students who are veterans.

This bill is effective on July 1, 2015.

**A.B. 89 (Chapter 546)**

Assembly Bill 89 enacts provisions relating generally to the employment of veterans and enacts certain other provisions relating generally to professionals. The measure requires the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to gather and report aggregate unemployment data concerning veterans to the Interagency Council on Veterans Affairs on a quarterly basis. The bill also requires a regulatory body to prepare and submit an annual report to the Council on the number of veterans who have applied for a license, who have been issued a license, or who have renewed a license.

Assembly Bill 89 explicitly allows private employers to adopt employment policies that provide a hiring preference on the basis of an applicant being a veteran or the spouse of a veteran, subject to review by the Nevada Equal Rights Commission. Additionally, A.B. 89 provides for an exemption from the driving skills test in order to receive a commercial driver's license for persons with military experience in driving such vehicles.

The bill authorizes certain qualified physicians, osteopaths, podiatrists, and other providers of health care and professionals to obtain a license by endorsement to practice in Nevada if the provider or professional:

- Holds a valid and unrestricted license by endorsement to practice in the District of Columbia or another state or territory of the United States;
- Is an active member or veteran of, or the spouse or surviving spouse of an active member or veteran of, the Armed Forces of the U.S.; and
- Meets certain other requirements.

Additionally, certain regulatory bodies must grant a license by endorsement to a qualified professional who is licensed in another state or territory and is also an active member, veteran, spouse of an active member, or surviving spouse of a veteran of the Armed Forces of the U.S., to practice his or her respective profession in this State.

A qualified health care professional who receives a license by endorsement is entitled to at least a 50 percent reduction in the fee for the initial issuance of a license or an examination as a prerequisite to licensure. The measure also authorizes certain regulatory bodies to enter into a reciprocal agreement with the corresponding regulatory authority in another state or territory of the U.S. for the purpose of authorizing a licensee to practice concurrently in Nevada and another jurisdiction under certain circumstances.

The bill is effective on July 1, 2015.

**A.B. 103 (Chapter 61)**

Assembly Bill 103 requires the Department of Motor Vehicles to design, prepare, and issue special license plates honoring veterans who have received the Silver Star or the Bronze Star Medal with “V” device, Combat V, or Combat Distinguishing Device. A veteran who is eligible for these plates and has suffered a 100 percent service-connected disability may have the international symbol of access inscribed on the license plates. The bill specifies that no fee in addition to applicable registration and license fees and government services taxes may be charged for the issuance or renewal of these special license plates. Finally, a vehicle on which such plates are displayed is exempt from the payment of parking fees charged by the State or any political subdivision or other public body within the State, other than the federal government.

This bill is effective on July 1, 2015.

**A.B. 140 (Chapter 170)**

Assembly Bill 140 provides that the court cannot attach, levy, seize by or under any legal or equitable process, or make an assignment or otherwise divide, any federal disability benefits awarded to a veteran for a service-connected disability in making a disposition of community and joint tenancy property, an alimony award, or an award of spousal support, unless there is a valid premarital agreement.

**A.B. 241 (Chapter 545)**

Assembly Bill 241 creates the Women Veterans Advisory Committee and sets forth its membership. The Committee shall support and assist the Department of Veterans Services in various capacities related to women veterans and submit to the Governor on or before February 15 of each year a report concerning activities of the Committee during the preceding year and any related recommendations. The Department of Veterans Services must provide administrative assistance to the Committee. This measure also requires the Committee to work cooperatively with the Interagency Council on Veterans Affairs and make recommendations concerning the needs of, and resources available to, women veterans.

This measure is effective on June 12, 2015, for the purposes of adopting regulations and performing preparatory administrative tasks and on October 1, 2015, for all other purposes.

**A.B. 250 (Chapter 62)**

Assembly Bill 250 provides that a veteran who is eligible for a Pearl Harbor, Purple Heart, or Congressional Medal of Honor special license plate and who, as a result of his or her service, has suffered a 100 percent service-connected disability and receives compensation from the United States for the disability, may have the international symbol of access inscribed on his or her special license plates. Additionally, a vehicle on which such plates are displayed is exempt from the payment of parking fees charged by the State or any political subdivision or other public body within the State, other than the federal government.

Assembly Bill 250 further provides that a veteran who is eligible for ex prisoner of war special license plates and who, as a result of his or her service, has suffered a 100 percent service-connected disability and receives compensation from the U.S. for the disability, may have the international symbol of access inscribed on his or her special license plates.

This bill is effective on May 14, 2015, for purposes of adopting regulations and performing other preparatory administrative tasks and, for all other purposes, on July 1, 2018, or the date on which the Director of the DMV notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to enable the DMV to carry out the amendatory provisions of this act, whichever is earlier.

**A.B. 388 (Chapter 340)**

Assembly Bill 388 changes, from a calendar year to a 12-month period selected by the officer's or employee's public employer, the period during which a public officer or employee is eligible to take a specified number of days of leave of absence for military duties without loss of compensation. The measure requires the Personnel Commission to prescribe this 12-month period by regulation for each State agency and for each political subdivision to prescribe this 12-month period for its agencies.

In addition, A.B. 388 limits the compensation, equivalent to 24 working days of leave, for a State officer or employee whose work schedule includes a Saturday or Sunday. The limits set forth for these 24 working days of leave provide that, for each hour during any such period of leave:

- If the officer's or employee's military pay is equal to or exceeds his or her regular compensation, the officer or employee receives only his or her military pay and not his or her regular compensation; or
- If the officer's or employee's military pay does not exceed his or her regular compensation, he or she is entitled to receive, in addition to his or her military pay, the difference between the regular compensation and his or her military pay for those hours.



Finally, A.B. 388 clarifies the terms “work schedule” and “working day,” and it specifies the types of compensation and leave an officer or employee is not entitled to take while on military leave.

This bill is effective on June 4, 2015, for the purposes of adopting regulations and performing preparatory administrative tasks and on July 1, 2015, for all other purposes.

**A.B. 482 (Chapter 548)**

Assembly Bill 482 requires the Director of the Department of Veterans Services to prepare a report that provides an analysis of the funding of programs and services for veterans in the State. The measure requires the transmission of a digital copy of the report to each veteran in the State for whom the Department has an e-mail address and the publication of the report on the Department’s website. The Interagency Council on Veterans Affairs is required to develop and disseminate best practices, as well as foster the development and dissemination of research and policy for improving outcomes for veterans and members of the military and their families through policy recommendations. Further, this bill requires the development and administration of a fellowship program, the cultivation of leadership opportunities for veterans, and the development and dissemination of models for outreach and engagement of veterans.

This measure is effective on July 1, 2015.

**S.B. 60 (Chapter 504)**

Senate Bill 60 transfers from the Secretary of State to the Attorney General the authority to issue fictitious addresses to certain persons and provides funding necessary for the Attorney General to carry out the program of issuing fictitious addresses. The bill also creates the Office of Military Legal Assistance within the Office of the Attorney General and extends the expiration date of the Substance Abuse Working Group from June 30, 2015, to June 30, 2019.

The provision of the bill that extends the expiration date for the Substance Abuse Working Group is effective on June 10, 2015. All other provisions of the bill are effective on July 1, 2015.

**S.B. 90 (Chapter 6)**

Senate Bill 90 allows a member of the State military forces to demand a trial by court-martial before the imposition of any punishment, including a nonjudicial punishment such as suspension from duty, forfeiture of pay, or reduction in pay grade.

This bill is effective on July 1, 2015.

**S.B. 145 (Chapter 23)**

Senate Bill 145 authorizes a nonresident member of the Armed Forces of the United States, a reserve component thereof, or the National Guard, who is stationed at a military installation in Nevada to enroll in the Program for the Education of Motorcycle Riders.

This bill is effective on April 15, 2015.

**S.B. 209 (Chapter 285)**

Senate Bill 209 removes the requirement that an honorably discharged veteran of the Armed Forces of the United States submit a copy of the DD Form 214 in order to have a designation of veteran status placed on his or her driver's license, commercial driver's license, identification card, or instruction permit. Instead, this bill requires a veteran to submit satisfactory evidence of an honorable discharge or other document of honorable separation to Nevada's Department of Motor Vehicles.

This bill is effective on May 29, 2015, for the purposes of adopting any regulations and performing preparatory administrative tasks and on January 1, 2016, for all other purposes.

**S.B. 268 (Chapter 246)**

Senate Bill 268 requires the Director and Deputy Director of the Department of Veterans Services to develop plans and programs to assist veterans who have suffered sexual trauma while on active duty or during military training. The Interagency Council on Veterans Affairs is required to include in its report to the 79th Session of the Nevada Legislature information provided by the Director concerning these plans and programs. The measure creates in the State General Fund the Account to Assist Veterans Who Have Suffered Sexual Trauma and prescribes uses of the money in the Account.

This measure is effective on July 1, 2015, and expires by limitation on June 30, 2017.

## **28TH SPECIAL SESSION**

### **September 10-11, 2014**

#### **A.B. 1—28th Special Session (Chapter 3)**

Assembly Bill 1 revises provisions in the Economic Development Electric Rate Rider Program by extending the term of the discounts from four to eight years and extending the required term of associated contracts from five to ten years. The limits on the allowable discounted electric rates are adjusted to account for the extension of the program.

As an additional criteria of eligibility, the measure adds a requirement for the Governor's Office of Economic Development to determine whether the approval of an application is in the best interests of the State.

Finally, the bill provides that the amendments apply prospectively and do not affect any existing contracts.

The bill is effective on September 11, 2014.

#### **A.B. 2—28th Special Session (Chapter 2)**

Assembly Bill 2 permits a manufacturer of passenger cars powered solely by electric motors to sell its new or used passenger cars directly to the public provided it was selling its cars in Nevada on or before January 1, 2016.

The bill is effective on September 11, 2014.

#### **A.B. 3—28th Special Session (Chapter 1)**

Assembly Bill 3 limits the aggregate amount of insurance premium tax credits available to insurers with a home office or regional home office in this state to \$5 million annually. The credits shall be allocated on a pro rata basis to insurers based upon the percentage of the total amount calculated for all insurers under the current method.

Effective in 2021, the bill repeals the insurance premium tax credits for insurers with a home office or regional home office in this state.

The provision setting a cap on the credit is effective on January 1, 2016, and the repeal of the insurance premium tax credit is effective on January 1, 2021.

#### **S.B. 1—28th Special Session (Chapter 4)**

Senate Bill 1 authorizes the granting of transferable tax credits and abatement of certain taxes to certain participants of a qualified project. To qualify, the lead participant must make an application to the Governor's Office of Economic Development (GOED) and demonstrate, among other things: (1) that the participants in the project will make a collective minimum investment of \$3.5 billion within ten years of approval of the application; and (2) that at least 50 percent of the employees engaged in construction of the project and 50 percent of the

persons employed at the project are Nevada residents. These requirements may be waived by GOED if there are insufficient qualified and available Nevada residents and notice of the waiver is made public and posted on GOED's website. To be considered a Nevada resident, each project participant must document that the person: (1) has a Nevada driver's license or identification card; (2) is employed full-time for an average minimum of 30 hours per week; and (3) is offered coverage under a health insurance plan provided by the employer.

If qualified, the lead participant of the project may be approved for transferable tax credits as follows: (1) \$12,500 for each qualified employee up to a maximum of 6,000 employees, for a potential total of \$75 million; (2) an amount equal to 5 percent of the first \$1 billion of new capital investments, or \$50 million; and (3) an amount equal to 2.8 percent of the next \$2.5 billion of new capital investment, or \$70 million. The bill provides that no more than \$45 million in transferable tax credits may be issued in any of the first seven fiscal years, except for unused credits carried forward, and caps the total credits which may be approved at \$195 million. Real and personal property taxes and employer excise taxes (modified business tax) may be abated for qualified projects for up to 10 years and local sales and use taxes, as defined in the bill, may be abated for up to 20 years.

The bill also sets forth requirements for public notice of action on the application, verification of eligibility, audits, and notification of affected local governments. The measure requires repayment of transferable tax credits and abatements if the lead participant or other participants fail to meet the criteria relating to minimum investments or otherwise become ineligible.

Local governments are also authorized to abate licensing or permitting fees for qualified projects pursuant to an ordinance allowing for a pilot project regarding abatements. Local governments may create economic diversification districts (EDDs), by ordinance, within which all sales and use taxes owed by participants for tangible personal property purchased or used in the jurisdiction for the qualified project, may be pledged to pay for costs of acquiring, improving, or equipping the qualified project. Sales and use taxes already abated cannot be pledged. Any such agreement between a local government and the lead participant must automatically terminate on or before the end of the fiscal year in which the 20th anniversary of the creation of the district occurs.

Reports are required to be submitted to the Governor and Legislature: (1) annually by GOED on the number of qualified projects submitted and approved, along with related matters; (2) quarterly by GOED on the dollar amount of the abatements, number of qualified employees and their wages, and investment amounts; (3) annually by a local government which has approved an abatement as to the number and amount of abatements and the number of persons employed within the jurisdiction by the qualified project and their wages; and (4) for an EDD, annually by the local government as to the status of the qualified project within the EDD and an assessment of the financial impact of the district on local government services within the EDD.

The bill also reduces from \$80 million to \$10 million the amount of transferable tax credits that may be granted to producers of qualified film productions.

The bill is effective on September 11, 2014. The provisions relating to the transferable tax credits for film production expire by limitation on June 30, 2023, and the other provisions of the bill expire by limitation on June 30, 2036.

**A.C.R. 1—28th Special Session (File No. 1)**

Assembly Concurrent Resolution No. 1 adopts the Joint Standing Rules of the Senate and the Assembly for the 28th Special Session of the Nevada Legislature.



## **VETOED BILLS**

### **Return to 2017 Session**

#### **A.B. 326 (Vetoed June 11, 2015)**

Assembly Bill 326 revises certain requirements for the issuance of a special license plate inscribed with the words “Old Timer,” “Classic Rod,” or “Classic Vehicle” providing that only vehicles made before 1996 are eligible for such plates.

The bill also prohibits the Department of Motor Vehicles from issuing these license plates, as well as the “Street Rod” license plate, for a period of two years, beginning July 1, 2015.

**NOTE: Will be returned to the 2017 Legislature for the veto to be sustained or overridden.**

#### **A.B. 472 (Vetoed June 8, 2015)**

Assembly Bill 472 provides that money from the Patriot Relief Account may no longer be used to reimburse a member of the Nevada National Guard for premiums paid on a group life insurance policy purchased pursuant to the provisions of Title 38 of the *United States Code* for veterans’ benefits commonly known as Servicemembers’ Group Life Insurance. The bill also limits to \$1,000 per semester, quarter, or term, as applicable, less any amount provided by the federal government, the amount that a member of the Nevada National Guard who is enrolled in an institution within the Nevada System of Higher Education may be reimbursed from the Account for the cost of textbooks.

**NOTE: Will be returned to the 2017 Legislature for the veto to be sustained or overridden.**

#### **S.B. 99 (Vetoed June 10, 2015)**

Senate Bill 99 revises statutes governing registration and community notification concerning sex offenders and persons guilty of certain crimes against children. It also revises provisions concerning certain juvenile sex offenders. The bill makes technical corrections to procedures concerning sex offender registration and petitions to reduce the time period during which an offender must register and be subject to community notification requirements. It also revises provisions regarding information that must be included in the record of an offender’s registration and a registered offender’s duty to update information. In addition to other requirements, a sex offender or an offender convicted of a crime against a child must update his or her registration within 48 hours upon a change to his or her driver’s license, identification card, or the description of a vehicle registered to or frequently driven by the offender.

The measure also sets forth a revised registration and community notification process regarding a child who is 14 years of age or older at the time of an alleged offense and who is adjudicated delinquent for the offense. Procedures concerning the termination of registration and

community notification requirements for such juveniles are also provided, as are continuing registration and community notification requirements for a child adjudicated delinquent for an aggravated sexual offense.

**NOTE: Will be returned to the 2017 Legislature for the veto to be sustained or overridden.**

**S.B. 161 (Vetoed June 9, 2015)**

Senate Bill 161 prohibits the filing or maintenance of a product liability action against a seller who is not the manufacturer of the product and provides specific circumstances under which such a seller is not immune from liability.

These circumstances include instances in which the seller has substantial control over the design, formula, production, assembly, maintenance, packaging, installation, modification, or resale of the product. The bill also provides that a seller who fails to exercise reasonable and product-appropriate care in the storage or transport of a product may be subject to a liability action.

If jurisdiction over a manufacturer cannot be obtained in this State, or if the manufacturer has been judged insolvent, a seller may be named subject to an action.

**NOTE: Will be returned to the 2017 Legislature for the veto to be sustained or overridden.**

**S.B. 183 (Vetoed June 9, 2015)**

Senate Bill 183 revises the legislative intent regarding the regulation and licensing of motor carriers to provide fair and impartial regulation and promote safe service in motor transportation. The bill eliminates certain requirements in the application process for a motor carrier certificate of public convenience and necessity (CPCN) to reflect the legislative intent. In addition, S.B. 183 allows a person to intervene in a hearing on a CPCN application only if the person has actual or constructive knowledge that the applicant poses a threat to the physical safety of the traveling public.

**NOTE: Will be returned to the 2017 Legislature for the veto to be sustained or overridden.**

**S.B. 238 (Vetoed June 10, 2015)**

Senate Bill 238 requires that an advisory question be placed on the ballot at the general city election to be held in the City of Ely on June 6, 2017, asking whether the governments of White Pine County and the City of Ely should be combined.

**NOTE: Will be returned to the 2017 Legislature for the veto to be sustained or overridden.**



**S.B. 296 (Vetoed June 9, 2015)**

Senate Bill 296 prohibits a party from including a claim for exemplary or punitive damages in certain pleadings at the commencement of a civil action and establishes a process by which a party may amend its pleadings to include such a claim.

The bill also sets forth conditions under which limits on exemplary or punitive damages do not apply to a manufacturer, distributor, or seller of a defective product, including:

- The failure to take appropriate action after a governmental agency's final order altering the conditions of or prohibiting the sale of a given product;
- A finding by a governmental agency or court that the entity in question has made an unlawful payment to an official or employee of a governmental agency to secure or maintain product approval;
- The illegal withholding or misrepresentation from a governmental agency of information material to approval of the product and to the harm suffered by the plaintiff; and
- A finding by a governmental agency that the entity, after the product was sold, knowingly violated applicable laws or regulations by failing to report risks of harm that are material and relevant to the harm alleged by the plaintiff.

**NOTE: Will be returned to the 2017 Legislature for the veto to be sustained or overridden.**



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## **ASSEMBLY STANDING COMMITTEES AND LEADERSHIP**

Seventy-Eighth Session—2015

(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.)

### **COMMERCE AND LABOR**

Kirner, Seaman, P. Anderson, Ellison, Fiore, Hansen, Nelson, O'Neill, Silberkraus, Bustamante Adams, Carlton, Diaz, Kirkpatrick, Neal, Ohrenschall

### **EDUCATION**

Woodbury, Stewart, Armstrong, Dooling, Edwards, Gardner, Hickey, Shelton, E. Anderson, Diaz, Flores, Joiner, Munford, Swank

### **GOVERNMENT AFFAIRS**

Ellison, Moore, Dooling, Shelton, Silberkraus, Stewart, Trowbridge (part), Wheeler (part), Woodbury, Carrillo, Flores, Joiner, Munford, Neal, Spiegel

### **HEALTH AND HUMAN SERVICES**

Oscarson, Titus, Dickman, Gardner, Hambrick, Jones, Moore, Trowbridge, Araujo, Benitez-Thompson, Joiner, Spiegel, Sprinkle, Thompson

### **JUDICIARY**

Hansen, Nelson, Fiore, Gardner, Jones, O'Neill, Seaman, Trowbridge (part), Wheeler (part), E. Anderson, Araujo, Diaz, Ohrenschall, Thompson

### **LEGISLATIVE OPERATIONS AND ELECTIONS**

Stewart, Shelton, Fiore, Moore, Seaman, Trowbridge, E. Anderson, Munford, Ohrenschall, Thompson

### **NATURAL RESOURCES, AGRICULTURE, AND MINING**

Titus, Wheeler, Dooling, Edwards, Ellison, Gardner, Hansen, Oscarson, Araujo, Carlton, Carrillo, Swank

### **TAXATION**

Armstrong, Kirner, Dickman, Hambrick, Hickey, Nelson, Trowbridge, Benitez-Thompson, Bustamante Adams, Diaz, Kirkpatrick, Neal

### **TRANSPORTATION**

Wheeler, Dickman, Dooling, Fiore, Jones, O'Neill, Silberkraus, Woodbury, Araujo, Carrillo, Flores, Kirkpatrick, Spiegel, Sprinkle

### **WAYS AND MEANS**

P. Anderson, Hambrick, Armstrong, Dickman, Edwards, Hickey, Kirner, Oscarson, Titus, Benitez-Thompson, Bustamante Adams, Carlton, Kirkpatrick, Sprinkle, Swank

**SPEAKER**

John Hambrick

**SPEAKER PRO TEMPORE**

John C. Ellison

**MAJORITY FLOOR LEADER**

D. Paul Anderson

**ASSISTANT MAJORITY FLOOR LEADER**

Ira Hansen

**MAJORITY WHIP**

Jim Wheeler

**ASSISTANT MAJORITY WHIPS**

Jill Dickman—North

Victoria Seaman—South

**MINORITY FLOOR LEADER**

Marilyn Kirkpatrick

**CO-ASSISTANT MINORITY FLOOR LEADERS**

Teresa Benitez-Thompson

Maggie Carlton

## **SENATE STANDING COMMITTEES AND LEADERSHIP**

Seventy-Eighth Session—2015

(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.)

### **COMMERCE, LABOR AND ENERGY**

Settelmeyer, Farley, Hardy, Harris, Atkinson, Manendo, Spearman

### **EDUCATION**

Harris, Hammond, Gustavson, Lipparelli, Denis, Segerblom, Woodhouse

### **FINANCE**

Kieckhefer, Roberson, Ford (part), Goicoechea, Lipparelli, Parks, Smith (part), Woodhouse

### **GOVERNMENT AFFAIRS**

Goicoechea, Hardy, Lipparelli, Atkinson, Parks

### **HEALTH AND HUMAN SERVICES**

Hardy, Kieckhefer, Lipparelli, Smith (part), Spearman (part), Woodhouse

### **JUDICIARY**

Brower, Harris, Hammond, Roberson, Ford, Kihuen, Segerblom

### **LEGISLATIVE OPERATIONS AND ELECTIONS**

Farley, Settelmeyer, Brower, Atkinson, Segerblom

### **NATURAL RESOURCES**

Gustavson, Goicoechea, Settelmeyer, Manendo, Parks (part), Smith (part)

### **REVENUE AND ECONOMIC DEVELOPMENT**

Roberson, Brower, Hardy, Kieckhefer, Ford, Kihuen, Spearman

### **TRANSPORTATION**

Hammond, Gustavson, Farley, Denis, Manendo

**PRESIDENT PRO TEMPORE**

Joseph (Joe) P. Hardy, M.D.

**MAJORITY LEADER**

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**ASSISTANT MAJORITY LEADER**

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**CO-MAJORITY WHIPS**

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James A. Settlemeyer

**MINORITY LEADER**

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**ASSISTANT MINORITY LEADER**

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**CO-MINORITY WHIPS**

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