

N E V A D A L E G I S L A T U R E

Fifty-Eighth Session

1975

SELECTED SIGNIFICANT LEGISLATION

Prepared by
Office of Research
Legislative Counsel Bureau

Andrew P. Grose
Director of Research

Mary Lou Love
Deputy Researcher

SELECTED SIGNIFICANT LEGISLATION BY CATEGORIES

Table of Contents

I.	Elections, Campaign Finance and Conflict of Interest...	1
II.	Sexual Discrimination.....	4
III.	Environment and Natural Resources.....	6
IV.	Taxation.....	8
V.	Medical Malpractice.....	10
VI.	Human Services, Health, Welfare and Aging.....	12
VII.	Courts, Corrections and Criminal Law.....	14
VIII.	State and Local Government.....	16
IX.	Legislative Improvement.....	20
X.	Education and Training.....	22
XI.	Commerce, Business and Consumer Affairs.....	23
XII.	Labor.....	28
XIII.	Transportation.....	30
	Ordinal Listing of Selected Significant Legislation....	31

NEVADA LEGISLATURE
58th Session-1975

SELECTED SIGNIFICANT LEGISLATION BY CATEGORIES*

I. Elections, Campaign Finance and Conflict of Interest.

One of the most significant areas for new legislation in the 58th session was election reform. The legislature established broad new controls in the field of campaign finance designed to minimize the role of money needed to win political office in Nevada.

A.B. 84 (chapter 738) and S.B. 335 (chapter 719) regulate campaign finances for state and local elective offices and should be viewed as one legislative package. These bills strengthen expenditure reporting requirements and enforcement provisions. Campaign finances in any primary or general election are now limited to the following:

Governor	\$150,000 or 80 cents per registered voter.
Lt. Governor, Secretary of State, State Treasurer, State Controller, Attorney General and Justice of the Supreme Court	\$75,000 or 40 cents per registered voter.
District Judge	\$10,000 or 80 cents per registered voter.
Justice of the Peace and every elected city, county and township officer	\$3,500 or 80 cents per registered voter.
State Senators	\$12,500 or 80 cents per each vote cast for the candidate for senator who received the greatest number of votes in the same district in last election.

*See ordinal listing of legislation on the last page.

State Assemblymen

\$7,500 or 80 cents per each vote cast for candidate for state assemblyman who received the greatest number of votes in same district in last election.

A.B. 294 (chapter 406) can be viewed as the companion bill to other legislation which limits campaign expenditures. This bill requires the reporting of campaign contributions both in total amount and as to specific sources for all those over \$500. In addition, A.B. 294 requires detailed reporting of campaign expenses. Finally, within 10 days after reporting, the secretary of state will make available for public inspection a complete listing of all contributions, sources of those over \$500 and all expenditures for all candidates.

A.B. 336 (chapter 335) is unique legislation which applies to ballots for president and vice president and statewide office. On all such ballots, there will now be a line or lever indicating that the voter desires to vote for none of the candidates listed. Such an action by the voter is intended to provide an additional measure of voter sentiment.

A.B. 570 (chapter 541) provides for extensive revision of election procedures. Among these changes are provisions concerning punch-card voting and recounts. The secretary of state's office is given greater authority for the adoption and interpretation of rules and regulations pertaining to elections. Primary election campaigns are extended by moving the filing date for candidacy to the last Friday in June from the 2nd Monday in June. Filing as an independent candidate is prohibited if a person is running as a candidate of a political party with the word "independent" in its name.

A.B. 610 (chapter 540) is a comprehensive ethics and disclosure bill for all public officers and employees. It is called the "Nevada Ethics in Government Law." The main purpose of the law is to define conflicts of interest and to eliminate them. In addition to providing a code of ethics, the law also requires financial disclosure by candidates, officeholders and other public officials. Rather than requiring specific dollar figures, the law establishes thresholds over which source of income must be reported, generally \$1,000. The public will then know the significant income sources of a public officer although the exact amount will not be listed, thus protecting the privacy of public

officers. To oversee ethics and conflicts of interest, the law establishes a State Ethics Commission of five members.

II. Sexual Discrimination.

The Equal Rights Amendment to the U.S. Constitution again failed to be ratified by Nevada. The legislature did, however, make significant changes in Nevada law designed to end various forms of sexual discrimination.

A.B. 219 (chapter 741) removes numerous discriminatory provisions in the state's labor law. Overtime payment for maximum hours, wage rates, rest periods, meal breaks and uniforms at employer expense are all to be governed without regard to sex. The maximum limit on hours worked by women is repealed.

A.B. 366 (chapter 408) provides Nevada Industrial Commission workmen's compensation benefits to spouses of covered workers, as opposed to wives.

A.B. 488 (chapter 706) extends the scope of the Nevada Equal Rights Commission to cover age, sex and handicapped discrimination.

S.B. 252 (chapter 210) provides that upon a divorce, the wife's name may be changed to any name that she has previously legally borne.

S.B. 253 (chapter 744) provides that alimony and property may be awarded to a husband in a divorce action if he is disabled or unable to provide for himself.

S.B. 286 (chapter 151) repeals Chapter 124 of NRS relating to the wife as sole trader. The repeal means that a married woman going into business will be treated the same as a married man.

S.B. 381 (chapter 518) prohibits discrimination in the granting of credit on the basis of sex or marital status. Married couples will have the right to apply for credit as a unit with their salaries considered jointly or individually at their discretion, and not at the discretion of the creditor.

S.B. 433 (chapter 764) makes the legal age for marriage the same regardless of sex. Previously, a female could marry at the age of 16 and a male at 18 without parental or guardian's consent. Now it is 18 for either. Previously, the father had to consent to the marriage of a daughter between 16 and 18.

S.B. 506 (chapter 393) equalizes the community property laws between husband and wife giving each equal standing to sue or be sued. Community property may be purchased or conveyed by either spouse, except under certain delineated circumstances when both must join in the purchase or conveyance. This law equalizes treatment of the community property subject to administration following the death of either spouse. Only the deceased spouse's share of the community property is subject to probate. The surviving spouse's share of the community property immediately becomes his or her separate property. The major effect of this law is to make the woman equally responsible with the man for management and control of community property.

S.B. 507 (chapter 498) removes sexual distinctions in the definition of eligibility for the National Guard of Nevada.

III. Environment and Natural Resources.

The 58th session acted to modify and refine major environmental legislation of the previous two sessions rather than to break new ground in this area. The most interest and controversy centered on the Tahoe Regional Planning Agency and its composition and powers.

A.B. 210 (chapter 606) establishes the Nevada Archeological Survey as an official state entity. The purpose of the survey, which will function under the auspices of the State Museum, is to insure the preservation and study of historic, prehistoric and paleo-environmental artifacts discovered on any public land.

A.B. 220 (chapter 371) recognizes the unique nature of desert and urban landscaping and reforestation by giving the state forester the responsibility for research in and production of desert type plants appropriate to southern Nevada. In conjunction with this bill, there was money authorized for the establishment of a nursery facility in southern Nevada.

A.B. 335 (chapter 314) is also related to forestry. It requires that the state forester do a decennial inventory of renewable forest and range resources in the state, the first one to be completed by 1980. The inventory is to identify what plant forms are in danger of extinction.

A.B. 375 (chapter 737) primarily makes technical changes in the subdivision law. However, in changing the definition of subdivision, the law will have considerable effect upon how many land divisions will fall under the law. Previously, the division into two or more parcels constituted subdividing. Now, division into five or more parcels constitutes subdividing.

A.B. 480 (chapter 752) limits the extent to which air pollution requirements are to be enforced. Specifically, no requirements in Nevada may be more stringent than those in federal law and state authority to review complex sources of air pollution expires in 1977 if federal regulations on this subject are delayed. The effect of this law is to make air pollution control efforts in Nevada no more stringent than required by federal law.

A.B. 708 (chapter 597) places a moratorium on the enforcement of air pollution standards for fossil fuel fired steam generating plants of 1,000 megawatts or greater capacity until July 1977. The purpose of this law is to allow the plant at Fort Mojave additional time to comply with standards.

S.B. 254 (chapter 502) proposes changes in the Tahoe Regional Planning Compact which is in Chapter 277 of NRS. The changes passed must now be concurred in by the California legislature and Congress before they are effective. The law would provide for two additional members of TRPA from California and from Nevada, such Nevada members to be the lieutenant governor and the secretary of state. The effect of the changes is to shift control of TRPA from representatives of the basin governments to members from outside the basin.

S.B. 468 (chapter 674) provides that in Clark County, the county shall be responsible for areawide wastewater management. The effect of this bill is to consolidate the wastewater management function in one entity.

S.B. 577 (chapter 660) provides for a vote on a \$10 million bond issue, \$9 million for parks and \$1 million for acquisition of fish and game habitat. Any additional funds for these purposes must receive the prior approval of the interim finance committee of the legislature.

S.B. 612 (chapter 693) prevents the implementation by the state environmental commission of compulsory motor vehicle emission inspection for all used vehicles, limiting the program instead to those used vehicles which are transferred to new owners in those counties where the program has been implemented. The cost of bringing many used vehicles up to pollution control standards might have been, in many cases, prohibitive in a time of economic recession.

IV. Taxation.

Several significant laws in the field of taxation were passed by the 58th session. New laws were both substantive and administrative.

A.B. 53 (chapter 61) provides that the \$10,000 property tax exemption for disabled veterans who are Nevada residents will apply to all such veterans without regard to whether or not they entered the service from Nevada.

A.B. 224 (chapter 587) provides for the development of a stratified property tax depreciation system for mobile homes. The new system is to be developed by the department of taxation. Under the present system all mobile homes in the state are depreciated at the same rate no matter what their differences. Under the new stratified system appropriate categories of mobile homes are set up, and each mobile home is depreciated at the rate found to be accurate for its particular category. The aim is to make assessment of mobile homes more accurate than at present.

A.B. 301 (chapter 267) seeks to aid the collection of property taxes on mobile homes by transferring mobile home licensing from the Department of Motor Vehicles to the county assessors. A distinctive mobile home trip permit costing \$2 and valid for 5 days will be issued by the county assessor upon satisfactory proof of ownership and payment of taxes in lieu of the \$5.50 metal license plate that was valid for 1 year and indistinguishable from plates used on other trailers. The bill exempts certain interstate movement and intrastate movement by nonresidents, dealers and manufacturers from its requirement. The permit will indicate its expiration date in highly visible numerals and will be made of paper and displayed in such a way that the permit is rendered unusable when removed from the mobile home.

S.B. 167 (chapter 749) is the law which implements the 1974 vote of the people approving the constitutional amendment to provide for a different assessment of agricultural and open space property. This law makes it possible for land used for agriculture or left as open space to be assessed according to its actual use rather than its highest and best use. This allows owners to pay lower taxes so long as such agricultural and open space use is maintained. The taxes that would have been paid under normal assessment are

deferred. If owners convert the land to a higher use, the taxes that were deferred for up to 7 years prior to the conversion then become due with interest of 6 percent for each of those years of deferment.

S.B. 311 (chapter 343) revises the Senior Citizen's Property Tax Assistance Act of 1973 by broadening the criteria for qualification. The original act provided for refunds to senior citizens whose gross incomes were \$5,000 or lower and whose property taxes exceeded 7 percent of their gross incomes. Very few qualified under these criterion. This law changes qualifications so that any senior citizen household with a gross income of \$10,000 or less may have its property taxes discounted or refunded anywhere from 10 percent up to 90 percent up to a maximum of \$300. The age requirement for tax relief under this law was lowered from 65 to 62. Local governments losing taxes by this act will be reimbursed by the state.

S.J.R. 5 (file No. 114) is a proposed amendment to the Nevada constitution that will allow the state of Nevada to collect the state credit on the federal estate tax. Presently, Nevada is the only state that does not collect this money, but instead lets it all go to the federal government. If passed again by the 59th session and approved by the voters in 1978, the estate tax credit can be collected by Nevada. This will mean upwards of \$3 million a year in state revenues without costing Nevada taxpayers any additional money.

V. Medical Malpractice.

The crisis in the field of medical malpractice insurance that has affected most of the nation has been keenly felt in Nevada as well. The 58th session responded to the crisis by passing ten bills and a resolution, all aimed at improving the "climate" for malpractice insurance in Nevada. "Smart's Confidential Insurance Bulletin," circulated in the western states, referred to this package as ". . . about the most extensive program of malpractice legislation of any state in the union."

S.B. 400 (chapter 295) provides for the creation by the insurance commissioner of a joint underwriting association to insure the availability of malpractice insurance in Nevada. This is a type of assigned risk plan calling for participation by all providers of essential insurance coverage.

S.B. 401 (chapter 296) provides a technical amendment to the insurance code making malpractice insurance a form of liability insurance rather than a separate category. The commissioner of insurance may provide by regulation a plan for reinsurance of insurers providing medical malpractice insurance.

S.B. 402 (chapter 297) broadens the protections for health care providers in so-called "good Samaritan" situations in which medical aid is rendered gratuitously. This law makes it more difficult to claim malpractice in such situations except for cases of "gross negligence."

S.B. 403 (chapter 298) requires that any damages awarded in a malpractice action be reduced by the amount of any prior payments to the plaintiff. Nevada law already existed which prohibits prior payments being used as evidence of guilt in any malpractice action.

S.B. 405 (chapter 299) narrowly defines the circumstances under which the doctrine of res ipsa loquitur (the thing speaks for itself) can be used to prove medical malpractice in judicial proceedings. This means that for all but the most obvious sorts of injuries defined in the bill, expert medical testimony is required to establish malpractice.

S.B. 406 (chapter 300) eliminates the tolling of the statute of limitations for minors, prison inmates and patients in the state mental hospital. Previously, the statute of limitations was

tolled, or held in abeyance, until a minor reached adulthood or a prisoner or patient was released. Thus, if a child was injured at the age of 5, he had until the age of 18 before the statute of limitations would begin to run. Now, the legal guardian is responsible to bring the action within the statute of limitations.

S.B. 408 (chapter 301) provides an informed consent law. Under this law, the extent of the explanation that a doctor must give the patient of a medical procedure is spelled out. If the doctor fails to go into greater detail, such failure shall not be grounds for a malpractice action.

S.B. 409 (chapter 302) establishes joint medical-legal screening panels, one in Reno and one in Las Vegas. No malpractice suit may be filed without first going to the screening panels composed of three doctors and three lawyers. Screening panels render opinions only on whether there is a reasonable possibility of acts constituting medical malpractice. They do not address amounts of damages. All findings of screening panels are to be filed with the state board of medical examiners, county medical societies and the attorney general for possible licensure action against doctors.

S.B. 432 (chapter 303) is aimed primarily at increasing the control by the state over the quality of health care provided. This is done primarily by increasing the power of the state board of medical examiners over license revocation or suspension and providing that the attorney general may act on behalf of the board in district court to suspend or revoke a license. Opportunity is provided for the filing of complaints against any health care provider with the board by individuals, screening panels or hospital staffs. Protection against suit is provided to any hospital staff which revokes a doctor's privileges on the basis of incompetence or negligence.

S.B. 610 (chapter 661) makes failure of insurer to furnish information to the commissioner of insurance about any medical malpractice insurance it issues grounds for suspension or revocation of certificate of authority.

S.C.R. 21 (file No. 115) provides for the interim study of the medical malpractice problem in Nevada.

VI. Human Services, Health, Welfare and Aging.

This category is very broad and therefore contains numerous bills. Much of the legislation in this field was amendatory rather than that which opens new fields. Increasing statutory rights for certain mental patients and mentally retarded persons constitute an exception to this observation.

A.B. 17 (chapter 326) was perhaps the most publicized bill in this field. It restricts smoking in a number of public places. Specifically, smoking in elevators, libraries, museums, public buses, rooms in public buildings including lecture or concert halls (while public meetings are in progress), public areas of state buildings, and public areas of any medical or dental office is prohibited, except that separate areas in which smoke can be contained may be provided.

A.B. 36 (chapter 82) prohibits the injection of liquid silicone into the human body. This law was passed because of the deleterious delayed side effects of such injections and because of inadequate federal control of the substance.

A.B. 100 (chapter 716) provides that health care may be provided to certain minors without the consent of parents or guardians under certain circumstances. The law permits treatment of such illnesses as drug abuse or venereal disease in certain minors by removing the necessity for parental consent.

A.B. 108 (chapter 494) provides for a statewide central registry of child abuse to be maintained by the welfare division and further defines who may receive data from the registry and under what circumstances. This law is aimed at the problem of finding out if an apparent case of abuse or neglect has been preceded by similar instances or not. This law will enable the division to identify the habitual child abuser or neglectful parent.

A.B. 168 (chapter 48) provides for the establishment of a state advisory committee on older Americans. The director of the division of aging services currently has the authority to appoint an advisory committee. This law gives a statutory composition to the committee.

A.B. 229 (chapter 113) provides the authority for the public schools to enter into agreements with the aging services division to provide hot lunches in school cafeterias for senior citizens.

A.B. 276 (chapter 184) provides that a lease entered into by married senior citizens of certain income levels may be terminated without penalty in the event of the death of either. Quite often an older couple can maintain a separate domicile but the death of one requires that the other seek institutional or family care. This law insures that such a choice can be made without economic penalty.

A.B. 320 (chapter 619) bans pay toilets in all state or local public buildings in Nevada. This law also represents a remedy for one form of sexual discrimination since the burden of pay toilets falls most heavily upon females.

S.B. 8 (chapter 114) provides that every state or local public building shall have at least one toilet facility for each sex which is accessible to and useable by the physically handicapped.

S.B. 69 (chapter 527) encourages the use of uniform billing and claims forms by health care providers. This law should cut down the administrative cost of processing health care claims and should have the additional benefit of affording comparability of health care costs throughout the state.

S.B. 208 (chapter 256) raises the maximum allowance to the blind paid by the state from \$215 per month to \$265.

S.B. 374 (chapter 745) enacts the Nevada Mental Health and Mental Retardation Law. This law is a revision and recodification of Nevada law on this subject. A very important feature of this law is the spelling out of the legal rights of mental patients, which in general means that they have far broader statutory rights than traditionally afforded such individuals in Nevada. In short, there must be a compelling medical reason to deny such persons any right afforded to the average citizen.

VII. Courts, Corrections and Criminal Law.

Extensive revision of the laws on rape was among the most significant legislation in this area. Several bills were aimed at clearing up ambiguities in the criminal code pointed out by the courts.

A.B. 97 (chapter 740) clears up the ambiguity in NRS 200.020 in which the conditions for capital murder are defined. Specifically, a district court found the term "common plan" as the basis for a multiple murder to be ambiguous. This law clarifies that section.

A.B. 284 (chapter 256) broadens the conditions under which payment may be made to victims of crime. The law currently is interpreted to allow compensation only to victims of crimes in which the victim was seeking to aid another person. This law broadens the applicability so that an individual who is injured in self defense after trying to first help another is still covered.

A.B. 456 (chapter 363) provides for separate penalties for conspiracy to commit murder, robbery, forcible rape, kidnapping or arson as opposed to other crimes. Conspiracy to commit the former is punishable as a felony with a 1 to 6 year term. Conspiracy to commit other crimes is a gross misdemeanor. Previously, all conspiracy was treated as a gross misdemeanor without regard to the object of the conspiracy.

A.B. 461 (chapter 707) affects judicial districts. It creates an additional judgeship for the eighth district, bringing Clark County up to 11 judges. It also transfers Churchill County from the ninth to the third judicial district.

A.B. 462 (chapter 563) provides that under certain circumstances an alcoholic or drug addict accused of a crime may elect treatment for his condition under the supervision of a state approved alcohol or drug treatment facility rather than stand trial. This option does not apply if the person is accused of a crime against the person or if he is accused of dealing in a controlled substance or if he has two or more felony convictions on his record. Also, the criminal charge is not dropped but prosecution is postponed while the accused undergoes treatment.

A.B. 502 (chapter 465) is another case of clarifying ambiguities in the criminal code perceived by the supreme court. NRS 193.165 provides that the use of a gun or other deadly weapon in the commission of a crime will cause an increased sentence. The clarification states that the use of the weapon is not a separate offense but a part of the crime itself.

A.B. 664 (chapter 654) provides for counties to establish programs of medical care for rape victims and for counseling for victims or their spouses. There is a \$1,000 limit on either service.

S.B. 52 (chapter 607) defines what constitutes the sexual abuse of a minor and also broadens the circumstances under which a husband is guilty of raping his wife.

S.B. 222 (chapter 600) primarily deals with the evidence in a trial for rape. Specifically, the conditions under which evidence of prior sexual conduct of the victim may be admissible are greatly restricted. No reference to the "unchaste character" of a victim may be made in any instruction to the jury. Finally, no medical costs incurred on behalf of a rape victim for initial emergency medical care or for examination for the purpose of gathering evidence are to be charged to the victim. Counties are to pay such costs.

VIII. State and Local Government.

This category deals with the organization of state government and its internal policies such as personnel. It also deals with the powers and duties of the political subdivisions of the state.

A.B. 317 (chapter 748) is an omnibus bill reorganizing the tax commission into the department of taxation, with a tax commission as head of the department. The composition of the commission is changed and qualifications of commissioners amended. The law reorganizes the county boards of equalization to permit persons to serve who have business experience, but who are not elected public officers. The law also reconstitutes the state board of equalization so that it functions separately from the tax commission and the department. The bill also establishes training requirements for state and county employees who appraise property for tax purposes. The measure gives county assessors power to subpoena documentation necessary for determining property values.

A.B. 495 (chapter 292) creates a credit union division in the department of commerce. The department currently has divisions for banking and savings and loans. There will now be a separate division to oversee and control credit unions operating in Nevada.

A.B. 572 (chapter 539) represents one of the most controversial subjects in this field. It amends the Local Government Employee-Management Relations Act in large part in response to a 1974 supreme court interpretation of that act that made the scope of bargaining very broad. This law is a general revision of Chapter 288 of NRS, correcting a number of problems that developed over the past 6 years. Specifically, the law defines more clearly what is within the scope of collective bargaining. It also establishes an employee-management relations advisory committee which is to advise the employee-management relations board, to oversee its operation and to report to the next legislature on needed changes in the law. The law also specifies more narrowly mandatory items under collective bargaining and what is protected from collective bargaining, making it clear that certain areas are completely within the power of local government employers unless they choose to open those areas to collective bargaining.

A.B. 577 (chapter 467) provides that in Washoe County, county commissioner districts will each be composed of two assembly

districts. There are 10 assembly districts in Washoe County. This law will simplify the election process both for election officials and voters.

A.B. 758 (chapter 750) provides for countywide transportation planning. It applies only to Clark County whose board of county commissioners will have countywide transportation planning powers. These powers include the power to establish a mass transit system.

S.B. 166 (chapter 35) also deals with the Local Government Employee-Management Relations Act. It primarily clarifies the powers of a local government employer to enter into a contract in excess of the terms of office of the officials approving the contract. The law presently limits the contracting power of local government and is not clear on the subject of labor contracts.

S.B. 255 (chapter 204) amends the law that required 8-hour work days for all state and local government employees. This law allows the use of innovative work weeks such as the 10-hour day, 4-day week, if employees agree.

S.B. 336 (chapter 575) is an omnibus revision of the public employees' retirement system (PERS). It creates a separate police and firemen's retirement fund and makes numerous changes in the administration of the system. Substantive changes include the right of employees to purchase previous service time with a public employer, the right to purchase up to 5 years previous out-of-state government service time and up to 5 years military service time. The law also raises the basic contribution by the employee from 7 to 8 percent. This can range up to 12 percent for someone who enters the system over age 45. In all cases, police and firemen pay a half percent more than regular employees. A significant option in the law is to allow public employers to pay the employee contributions. The law also provides for early retirement for police and firemen who may now retire with as little as 10 years service at age 55 or 20 years service at age 50. The law makes every member of the public employees' retirement system with 10 years' creditable service eligible for early retirement with benefits actuarially reduced. The law provides for cost of living increases for present retirees. Finally, the law amends the separate legislators' retirement law to increase legislator contributions from 10 to 15 percent and changed the computation formula for benefits from \$20 per month for every

year served up to 25 years to \$25 per month for every year served up to 30 years. At least 8 years service is still required for eligibility. This change raises the maximum benefit possible from \$500 to \$750 per month.

S.B. 354 (chapter 424) also creates a new division in the department of commerce called the housing division. The primary goal of this division is to promote the development of housing for low and moderate income persons. The law allows the division to become a mortgageholder for housing loans to qualified persons. The division will be able to issue up to \$200 million in obligations to finance its statutory purposes.

S.B. 390 (chapter 519) making Veterans' Day a legal holiday on November 11 for state and county government offices is a response to increasing sentiment noted throughout the country to recognize that day as Veterans' Day rather than the fourth Monday in October which, of course, does not have the historical significance of November 11.

S.B. 411 (chapter 622) provides that before a recall petition can be circulated for signatures, a notice of intent to file such a petition must be filed with the official to whom the petition will be presented. The notice of intent is good for 60 days and the recall petition must be filed within that period. This law prevents recall movements from being secret and also prevents them being dragged out for excessive periods.

S.B. 491 (chapter 677) is a new unincorporated town law. It applies to unincorporated towns only in Clark County and is permissive in other counties. The law sets forth specific criterion for the creation of unincorporated towns and specifies their powers and the powers of the county commissioners in respect to unincorporated towns.

S.B. 601 (chapter 648) is one of the major pieces of legislation of the 58th session. Among other things, this law creates the Metropolitan Cities Incorporation Law and the Urban County Law. Although general law, these two new parts of the NRS apply only to Las Vegas and Clark County. This law enables and directs a type of consolidation of the governments of Las Vegas and Clark County. It accomplishes this primarily by creating an 11-member county commission and then designating eight of those 11 as the city commission as well. The consolidation of numerous functional

departments in the city and county is also directed in this law. The law also establishes a separate and flexible annexation procedure in urban counties that will result in more fluid urban boundaries in Clark County. This law has no direct effect upon North Las Vegas, Henderson or Boulder City.

S.B. 605 (chapter 649) is a companion bill to S.B. 601. This law provides for two things. First, it provides for the apportionment of cigarette, alcohol and the city-county relief taxes in a fixed ratio in Clark County rather than on a population basis. This action protects the distribution to the smaller cities in the county. Second, this law mandates tax reduction to many residents of Clark County by denying metropolitan cities (Las Vegas) the power to levy utility franchise taxes in excess of 1 percent. They presently levy a 5 percent tax.

IX. Legislative Improvement.

There was a great deal of publicity given to legislative improvement or reform in the 58th session. This was in large part because of a study done by outside consultants and a legislative committee. The publicity engendered high expectations for numerous changes. Had it not been for such expectations, the bills passed in this area would seem more significant. In fact, several considerable changes were enacted.

A.B. 250 (chapter 160) did not generate great public interest but was strongly endorsed by local governments. Until now, bills with a fiscal impact upon state government have carried fiscal notes so that members and the public would know the cost of a proposal. This law requires that in the future any bill with a fiscal impact on local governments will also carry fiscal notes enabling a person to determine the impact on the local taxpayer.

A.B. 267 (chapter 373) provides that the legislative counsel bureau will charge executive agencies for their bill drafting. This law is intended to better reflect the source of the costs of the legislature and to reduce excessive or less than necessary bill requests from executive agencies. This in turn should reduce the bill drafting workload which should speed future sessions.

A.B. 454 (chapter 626) was perhaps the most significant legislation in this area. Prior to 1973, there was no law or rule regulating lobbyists. The 1973 session passed a lobbyist registration requirement. This 1975 law, known as the Nevada Lobbying Disclosure Act, in simplest terms requires the registration of all lobbyists and the filing of periodic statements indicating all expenditures in connection with lobbying. The bill sets a maximum of \$100 that can be expended by a lobbyist in a year on any member of the legislative branch.

A.B. 671 (chapter 456) changes the provisions on the composition and structure of the legislative commission. These matters will now be determined each session by joint rule. This allows greater flexibility and results now in proportional rather than equal partisan representation.

A.B. 742 (chapter 504) establishes in law the work priorities of the state printing division so as to insure the best possible service to the legislature when in session and to insure the timely printing of publications dealing with changes in the law.

A.B. 767 (chapter 688) deals primarily with the internal structure and procedures of the legislative counsel bureau. It changes the deadline for executive agency bill draft requests from September 1 to October 1 of the year prior to a session. It also clarifies the priority bill request system for agencies and legislators. The law also places fiscal note determination with the fiscal analyst rather than the legislative counsel. Finally, the law revises the distribution of legislative publications.

A.R. 25 (file No. 78) was a response to the controversy over open legislative meetings. This rule provides that all meetings of all bodies of the assembly will be open to the press and public.

A.J.R. 2 of the 57th session (file No. 70) is a proposed constitutional amendment to allow the use of a consent calendar. It will go on the 1976 ballot. Several states use consent calendars on which noncontroversial bills are placed on a regular basis to be voted on en masse, thus saving a great deal of time on the floor.

A.J.R. 26 of the 57th session (file No. 62) is a proposed constitutional amendment to increase the number of days for which legislators can be paid a salary from 60 to 100. Nevada does not have a constitutional limit on the length of a session but does have such a limit on pay. The last three sessions have lasted 99, 102 and 121 days respectively. It is probably unrealistic to expect any future session to end in less than 100 days.

S.B. 499 (chapter 613) is a first attempt by the legislative branch to establish some oversight of rulemaking by executive agencies. Such rules have the force of law and the compilation of these rules is the first step toward regular oversight and review.

S.R. 17 (file No. 41) provides that all meetings of all bodies of the senate, with certain specific exceptions, will be open to the press and public.

X. Education and Training.

The major question concerning education in the 58th session was budgetary. There were no basic changes in school support formulas and no major educational programs initiated.

A.B. 20 (chapter 41) clarifies the school starting age to specifically use the age of 5 by September 30 to enter kindergarten and age 6 by September 30 to enter first grade.

A.B. 24 (chapter 725) provides for the control and oversight by the state of the educational quality of private schools at all levels. It creates the commission on post-secondary institutional authorization which will act upon applications for licenses to operate post-secondary schools. The law will also regulate the granting of degrees. This law is designed to insure the quality of private education and to prevent fraud in the granting of degrees.

A.B. 54 (chapter 574) relates to A.B. 24 in that it seeks to control and prevent so-called "diploma mills." It especially is aimed at mail order operations which bestow "honorary" degrees.

A.B. 228 (chapter 211) appropriates money to the office of economic opportunity to use in career training of youths between 17 and 26. The office is to develop a program and present it for approval to the interim finance committee of the legislature by October 1975.

S.B. 352 (chapter 593) provides that mentally retarded minors may be admitted to special education programs at age 3. The age requirement for special education for other handicapped minors remains age 5.

S.B. 525 (chapter 713) provides new procedures for expelling or suspending students from school. Except for pupils posing a continuing danger to persons or property or posing an ongoing threat of disrupting the academic process, pupils may not be suspended or expelled until they have been notified of charges and been given an opportunity for a hearing.

XI. Commerce, Business and Consumer Affairs.

The concern for consumer protection was evident in several laws passed by the 58th session. In addition, the important place of mobile homes in the state economy was recognized with laws to increase protections to mobile home buyers.

A.B. 27 (chapter 739) grants powers to the state fire marshal division to investigate the qualifications of applicants for mobile home dealer, manufacturer or rebuilders licenses. The law also prohibits certain sales practices that misrepresent a product. The division may revoke licenses of anyone using prohibited practices. The division also licenses mobile home salesmen. The aim of this law is to create a degree of consumer protection in the mobile home industry that is presently lacking.

A.B. 28 (chapter 254) gives the state fire marshal division of the department of commerce the power to set standards for mobile home parks. Again, the goal is to provide protections to mobile home dwellers.

A.B. 29 (chapter 724) reconstitutes the state dairy commission to give consumer members four of the eight seats on the commission. The law also specifies categories of consumers from which members are to come. In addition, the law directs an interim study of the problems of the dairy industry in Nevada.

A.B. 38 (chapter 751) revises numerous provisions relating to the estates of deceased persons. The law provides that certain estates, not exceeding \$10,000, may be set apart without administration. The previous maximum was \$5,000. The law also provides that certain estates, with a gross value not exceeding \$60,000 (as opposed to \$8,000 under previous law), may be administrated under a summary procedure which reduces the time and expense involved in administration.

A.B. 170 (chapter 492) provides for the department of motor vehicles to issue identification cards to persons who do not have driver's licenses. This law recognizes the need for identification for check cashing and other purposes and it recognizes that not all adults have driver's licenses.

A.B. 257 (chapter 168) provides that the board of pharmacy may by rule require that prescription prices must be posted in a pharmacy and that price information must be provided over the telephone.

A.B. 265 (chapter 650) attempts to give some legal protection to service station operators and petroleum suppliers. Specifically, the law prohibits pressures from suppliers to prevent organizational activities of operators and wholesalers or to excessively control the sales and business practices of operators and wholesalers.

A.B. 308 (chapter 491) delineates the relationship of landlords of mobile home parks and tenants. In general, agreements between mobile home landlords and tenants may not be terminated without written notice 30 or 45 days in advance, depending on mobile home size, unless the conduct of the tenant constitutes a nuisance as defined in the statutes. Such written notice must explicitly state reasons for termination. The law sets forth valid reasons for terminating both oral and written rental agreements. Landlords' rules and regulations are enforceable against tenants only after proper notice has been given. If the sale of a mobile home will result in its remaining in the mobile home park, the landlord may require approval of a prospective buyer.

A.B. 319 (chapter 629) establishes consumer fraud as a separate cause of action apart from breach of contract or other causes of action in commercial dealings.

A.B. 388 (chapter 454) is related to S.B. 69. This law provides that the insurance commissioner by rule shall establish a uniform system of accounting and financial reporting for health and care facilities. After such uniform system is adopted, all health and care facilities will file such reports annually. The commissioner of insurance is empowered to carry out studies of health care costs in Nevada and other western states.

A.B. 452 (chapter 422) creates a consumers division in the public service commission. The division will receive consumer complaints against any regulated utilities, make investigations and if unable to resolve complaints, report to the commission.

A.B. 584 (chapter 423) prohibits manufacturers, blenders or bottlers of alcoholic beverages to engage in the importing, wholesaling or retailing of alcoholic beverages in any manner, including unusual extension of credit which accomplishes these prohibited acts. Importers, wholesalers or retailers may own less than 2 percent of ownership equity in any alcoholic beverage manufacturing, blending, or bottling business. Persons who import or wholesale

alcoholic beverages in Nevada may not engage in the retailing of alcoholic beverages. Violation of aforementioned prohibitions shall result in license suspension or revocation.

A.B. 641 (chapter 417) extends the use of economic development revenue bonds to capital improvement projects undertaken by public utilities. This law was designed to mitigate the problem of high costs of financing power plant construction. Because interest rates on economic development revenue bonds are tax free, it is presumed that investment in utilities will be more attractive to the buying public.

A.B. 716 (chapter 515) empowers the state public works board in conjunction with the public service commission to establish insulation standards for all public and private buildings in the state. City or county codes may be more stringent but the state standards are minimums.

A.B. 749 (chapter 632) prohibits the placement of outdoor advertising signs in rural areas at a distance greater than 660 feet from any interstate highway.

A.B. 800 (chapter 710) permits persons manufacturing, blending or bottling alcoholic beverages who were engaged in importing, wholesaling or retailing prior to May 1, 1975, to continue to do so only to the extent already so engaged.

S.B. 173 (chapter 542) grants new and extensive powers in the field of anti-trust activities to the attorney general. The law is called the Nevada Unfair Trade Practices Act. The attorney general is given power to investigate and act against any price fixing, bid rigging or other practices in restraint of trade. All penalties are civil.

S.B. 267 (chapter 704) relates to the public service commission. It prohibits the inclusion in any rate increase application of cost factors included in prior pending applications. The law also provides that except for emergencies, no rate increase application will be accepted from a company while another application is pending.

S.B. 300 (chapter 425) provides for the protection of garage customers, requiring garages to make specific repair costs estimates and to obtain specific approval of the customers to exceed the estimate by more than 20 percent or \$40, whichever is greater.

Also, the law requires the delivery to the customer of all parts replaced unless they were replaced under warranty at no charge to the customer.

S.B. 372 (chapter 758) was perhaps the most controversial and most debated bill in this category. This law amends the usury statute in such a way as to guarantee credit availability in Nevada in the event of a severe "crowding out" of credit by large federal debts. In such an event, interest rates would likely rise to the point that banks, which have to borrow money too, could not profitably lend money within the 12 percent usury limit. This law uses a tripwire approach so that if the prime rate reaches 9 percent, Nevada banks may add up to 3.5 percent to the prevailing prime rate rather than being limited to 12 percent. As long as the prime rate is under 9 percent, the 12 percent limit will prevail. The law also prohibits various practices in the granting of a loan that would have the effect of raising the cost of the loan.

S.B. 417 (chapter 543) is a response to the revelations concerning bullion dealers in the state. It also regulates investment advisers and transfer agents. The law gives new powers to the secretary of state as securities administrator to investigate the sales of securities or commodities options to determine any attempts to defraud. The administrator then has the authority to prevent any fraudulent business from operating in the state. The law also requires registration with the state before doing business in bullion in Nevada.

S.B. 500 (chapter 336) is designed to prevent deception or fraud in the use of corporate names. The secretary of state is authorized to deny for filing the articles of incorporation of a corporation using a name that would deceive or confuse the citizen.

S.B. 511 (chapter 316) prohibits ownership, operation, investment or any participation by a wholesale liquor dealer in a retail liquor store. The law also prohibits wholesalers from selling to retailers on credit. The tax commission is responsible for imposing penalties for violations, and a third or subsequent violation of the law by a wholesale liquor dealer may result in license suspension.

S.B. 544 (chapter 766) authorizes the creation of a new type of financial institution, the thrift company. A thrift company may sell or negotiate "thrift certificates" in either certificate or

passbook form. Interest on thrift certificates may be up to 2.5 percent above the highest rate paid by banks and savings and loan associations. Thrift companies may make secured loans of \$3,500 or more at rates which may exceed the rates set forth in the state usury law. The director of the department of commerce is responsible for regulation of the new institutions.

XII. Labor.

With the exception of A.B. 219 which was listed under sexual discrimination, most laws in this category deal with workmen's compensation. There is also a significant new law related to gaming.

A.B. 4 (chapter 496) allows workers under the coverage of the Nevada Industrial Commission to choose their own physicians for the care of work-related injuries and illnesses.

A.B. 256 (chapter 353) increases the state minimum wage to \$2.10 per hour until January 1976, then to \$2.30 per hour thereafter. For minors, the comparable figures are now \$1.95 and \$2.15 per hour.

A.B. 364 (chapter 421) raises from \$15,600 to \$24,000 per year the maximum amount of payment for purposes of workmen's compensation received by certain corporate officers or employees from one employer. Compulsory workmen's compensation coverage for a working member of a partnership is no longer required. For purposes of workmen's compensation, the definition of employer is expanded by this law to include elected or appointed members of county and local departments. The law now specifies that injuries suffered by an employee in an employer sponsored athletic or social event are not covered by workmen's compensation, unless the employee is paid to participate in the event.

A.B. 368 (chapter 410) increases burial benefits under the Nevada Industrial Commission from \$650 to \$1,200. It also provides survivor benefits to children for a longer period if they continue as full-time students after age 18.

A.B. 427 (chapter 413) allows for the lump sum payment of workers granted a 12 percent or smaller benefit by the Nevada Industrial Commission. Until now, such benefits were paid monthly and were generally quite small. A lump sum payment will allow an injured worker more flexibility for his future.

A.B. 428 (chapter 432) has the effect of raising Nevada Industrial Commission benefits by redefining average monthly wage from the state average as computed by the employment security department to 150 percent of the state average.

A.B. 440 (chapter 569) permits sole proprietors to elect workmen's compensation coverage by fulfilling certain conditions. Sole proprietors shall be deemed to be receiving \$300 per month for purposes of workmen's compensation coverage. Extends compulsory industrial insurance coverage to employers with one employee (previously, coverage was required if an employer had two or more employees). The law deletes the exemption from compulsory workmen's compensation coverage which formerly was granted to stockholders receiving compensation for services in ranch, agricultural or farm corporations.

A.B. 477 (chapter 488) temporarily lowers the national percentage of insured unemployment under which extended unemployment benefits are allowed from 4.5 percent to 4 percent. The 4.5 percent figure goes back into effect in December 1976. This has the effect of making extended benefits possible for more workers for the next 18 months.

S.B. 614 (chapter 703) places authority in the gaming control board to investigate those involved in labor organizing in the gaming industry. The investigatory powers are the same as for applicants for a gaming license. The aim of this law is to prevent influence or control of any aspect of gaming by unsavory elements sometimes using the cover of legitimate labor organizations.

XIII. Transportation.

Legislation in this category in the 58th session was more oriented toward energy and fuel savings than subjects traditionally associated with transportation.

A.B. 233 (chapter 140) is designed to protect road surfaces by prohibiting the use of studded tires except for specifically defined types of studs.

A.B. 759 (chapter 646) also is directed at fuel savings. It allows the public service commission to grant reduced rates to any common carrier providing transit service.

S.B. 197 (chapter 240) increased the axle weights allowable on state highways up to the new federal weights approved for interstate highways. This law will allow trucks to carry heavier loads on Nevada highways.

S.B. 488 (chapter 477) was passed to comply with federal requirements for a 55 MPH speed limit. This, too, is a fuel conservation measure. The law sets the maximum Nevada speed at the maximum federal allowable speed so that if the federal limit is increased, Nevada's will be automatically increased.

S.B. 604 (chapter 576) provides that the director of motor vehicles shall adopt regulations prescribing standards for tires and brakes and makes failure to comply with such standards cause for traffic citation or vehicle equipment violation. The law further empowers the director of motor vehicles to establish vehicle safety inspection centers at branch offices.

ORDINAL LISTING OF SELECTED SIGNIFICANT LEGISLATION

<u>Assembly Bills</u>		<u>Senate Bills</u>	
4	368	8	491
17	375	52	499
20	388	69	500
24	427	166	506
27	428	167	507
28	440	173	511
29	452	197	525
36	454	208	544
53	456	222	577
54	461	252	601
84	462	253	604
97	477	254	605
100	480	255	610
108	488	267	612
168	495	286	614
170	502	300	
210	570	311	<u>SJR's</u>
219	572	335	
220	577	336	5 (58th session)
224	584	352	
228	610	354	<u>SCR's</u>
229	641	372	
233	664	374	21
250	671	381	
256	708	390	<u>SR's</u>
257	716	400	
265	742	401	17
267	749	402	
276	758	403	
284	759	405	
294	767	406	
301	800	408	
308		409	
317	<u>AJR's</u>	411	
319		417	
320	2 (57th session)	432	
335	26 (57th session)	433	
336		468	
364	<u>AR's</u>	488	
366			
	25		