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SELECTED SIGNIFICANT  
LEGISLATION



PREPARED BY

RESEARCH DIVISION

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## INTRODUCTION

Selected Significant Legislation 1977 summarizes many of the important bills enacted by the 1977 Nevada legislature. Naturally, the selection of bills was discretionary since determining which new laws are "significant" is necessarily a subjective process. These general summaries, written in laymen's language, represent a general overview of legislation of the fifty-ninth session and are designed to be used by legislators as a reference in giving presentations and in responding to questions from the general public.

Selected Significant Legislation does not constitute a legal analysis of bills nor does it cover legislative appropriations which are treated in a separate volume prepared by the fiscal analysis division.

The research division, Legislative Counsel Bureau, takes full responsibility for the contents of this report and is grateful for the efforts of others who have reviewed it.



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BUSINESS

(See also Consumer Protection; Health; State and  
Local Government)



## Insurance

A.B. 352 (chapter 382) is an amendment to the insurance code which creates a class of health insurance administrators and regulates those people or organizations. Group health plans are generally administered by some person or entity between the insured and the insurer. This act spells out the duties and responsibilities of these intermediaries. The act also brings such administrators within the regulatory authority of the insurance commissioner. Surety requirements, license fees and penalties are also provided for administrators.

S.B. 127 (chapter 244) deals with the Nevada Insurance Guaranty Association Act. A guaranty association is comprised of all the insurers writing policies in particular fields of insurance. The purpose is to protect the policyholders of any insurer which might become insolvent. S.B. 127 amends this act to increase the responsibilities of the insurance commissioner to notify the association of any practices by member insurers that could lead to insolvency. It also narrows the types of claims which may be filed against the association. The act also gives the associations standing to defend an insured if an insolvent insurer has failed to do so. The act increases the power of the insurance commissioner to allocate the assets of an insolvent insurer to the guaranty association and others. The act also prohibits any insurer or agent from using the existence of the guaranty association to induce the purchase of, or discourage the termination of, any insurance covered by the association.

## Mobile Homes

S.B. 140 (chapter 483) deals with taxes and certificates of ownership of mobile homes. This act requires a seller of a new mobile home to file a report of sale with the county

assessor. It requires that the certificate of ownership for a used mobile home have a notice attached which states that title does not transfer until property taxes due on the mobile home for the preceding 12 months are paid.

S.B. 474 (chapter 573) amends the Nevada Mobile Home Standards Act. Specifically, it defines a mobile home as more than 8 feet in width and more than 40 feet in length. It transfers responsibilities for setting mobile home standards from the state fire marshal to the director of the Department of Commerce. Guidance for standards is to be taken from the National Mobile Home Construction and Safety Standards Act of 1974. Cities and counties are required to enforce the standards.

S.B. 506 (chapter 469) adds mobile homes to the definition of property eligible for the \$25,000 homestead exemption.

#### Nevada Industrial Commission

A.B. 19 (chapter 170) requires the appointment of a second appeals officer to the Nevada Industrial Commission and requires that both appeals officers be attorneys licensed to practice law in Nevada. In addition, the act requires that an appeals officer render his final decision on a contested claim within 120 days after conducting a hearing.

A.B. 160 (chapter 443) establishes the office of state industrial attorney. This position's purpose is to assist claimants against the Nevada Industrial Commission when such claimants require legal representation but cannot afford to pay for it. The office of state industrial attorney is to be supported by the state insurance fund. Any claimant may request representation by the state industrial attorney. The appeals officer decides whether it will be provided based on the claimant's financial status and the nature of his claim.

S.B. 170 (chapter 314) amends the Nevada Occupational Safety and Health Act primarily for the purpose of allowing employers temporary variance from standards adopted by the Department of Occupational Safety and Health in the Nevada Industrial Commission. Variances are to be granted only under specific conditions. The amendments allow the director of the department some flexibility in standards enforcement that does not now exist.

S.B. 281 (chapter 487) amends the provisions under which compensation payable by the Nevada Industrial Commission may be paid in a lump sum as opposed to monthly payments. The law had limited lump sum payments to those with a permanent partial disability of 12 percent or less. Now, certain claim recipients with greater than 12 percent disability will also be eligible for lump sum payments. The potential for rehabilitation shall be the basis for a lump sum payment to those with more than 12 percent disability. The spouse or dependent children of a deceased claimant who was receiving permanent partial disability payments under the law is now eligible to receive the present value of the deceased's undisbursed award.

S.B. 383 (chapter 414) requires the Nevada Industrial Commission to establish toll free WATS service to all of its offices or accept collect calls to its offices from claimants.

#### Wages and Benefits

A.B. 71 (chapter 555) amends the state minimum wage law. It authorizes the labor commissioner, by regulation, to set the exact minimum wage until January 1979 not to exceed the lesser of (1) the federal minimum wage, or (2) \$2.50 per hour up to July 1978 and \$2.75 per hour after that. The minimum wage for minors is set at 85 percent of whatever is set as the state minimum wage. The exceptions to the coverage of the law remain unchanged.

A.B. 181 (chapter 431) deals with unemployment compensation. It requires that an employee who voluntarily leaves a job is not eligible for unemployment benefits for the week in which he left and until he earns remuneration in covered employment equal to or exceeding his weekly benefit amount in each of 10 weeks.

A.B. 406 (chapter 429) deals with unemployment compensation. The act extends unemployment benefits to certain domestic employees (if the employer paid \$1,000 or more in a calendar quarter for domestic work), agricultural employees (if the employer paid \$20,000 or more in a calendar quarter or if the employer employed 10 or more workers for 20 or more days in a year) and to employees of the state and its political subdivisions. In the case of agricultural labor, the relationship between workers, crew leaders and agricultural employers is spelled out. Illegal aliens are not authorized unemployment benefits under this act. Educational personnel between academic terms are also specifically excluded from unemployment benefits.

#### Miscellaneous

A.B. 183 (chapter 146) requires the State Department of Agriculture to establish a meat-grading program. The bill is designed to assist local meat slaughtering businesses which may be assessed for services performed.

A.B. 699 (chapter 388) extensively amends the law regulating taxicabs in Clark County. An impoundment authority is provided which impounds any cab without a certificate of public convenience and necessity. Hearing procedures are provided for the return of impounded vehicles to owners. A special fund for all revenues from taxicab regulation in Clark County is established in the state treasury. The taxicab authority is granted power to issue a certificate without a hearing if no protests are filed. When a certificate of public convenience

is denied another application may not be resubmitted for 180 days. Fines are added to the power to suspend drivers for infractions of authority rules. The period for which infractions are counted is clarified as the 12-month period preceding the current infraction.

S.B. 82 (chapter 235) extends the requirement for notice prior to eviction for default on rent to tenants of commercial premises.

S.B. 183 (chapter 354) amends the private corporations law in relation to buying stock through a subscription plan. Such purchases imply installment payments. This amendment provides greater protections to the subscriber against sale of his stock at public auction (if he should default on his payments) by adding a notification requirement. Also, if a subscriber's stock is auctioned off, any money in excess of the debt must be returned to the subscriber.

S.B. 317 (chapter 287) makes several substantive changes in the laws regulating savings and loan associations. Conflicts of interest by the regulators of savings and loans or by directors of such associations are specifically defined. This act clarifies the right of state regulators to have accounts in savings and loan associations and to borrow money secured by a pledge of their deposits. Directors of associations who own 5 percent or more of the stock of an association are prohibited from being personally involved with loans, purchases or sales made by the association. The act also revises the percentages that can be loaned on various types of property and the years for repayment. In particular, the maximum repayment period for a home loan has been raised from 25 to 30 years and the loan value of unimproved real property has been raised from 35 to 60 percent and the repayment period increased from 3 to 6 years. The distribution of an association's loans among types of borrowers is also adjusted in this act.

S.B. 356 (chapter 295) seeks to regulate the relationship between the manufacturers and distributors of motor vehicles

and franchised dealers. It establishes criteria for the modification or termination of a franchise by a manufacturer or distributor and also for the opening of a new franchise by the same manufacturer when one already exists. The act prohibits certain practices in order to minimize interference by manufacturers and distributors in the management and operations of franchised dealers. It makes the withholding of payments to dealers illegal for services performed under preparation or warranty agreements. The act contains civil penalties of up to \$1,000 per day for infractions.

## CONSUMER PROTECTION

(See also Business; Energy, Public Utilities and  
Science; Environment and Natural Resources; Human  
Rights)



A.B. 59 (chapter 517) requires all retail petroleum dealers to differentiate the conditions pertaining to various prices and requires that such conditions be conspicuously posted. For instance, "full serve" and "self serve" pumps with their different prices must be displayed clearly. Similarly, if diesel fuel is advertised at a price exclusive of tax, this fact must be displayed conspicuously.

A.B. 143 (chapter 194) prohibits funeral homes or other places which accept human remains for disposition from requiring the remains to be embalmed or prepared before cremation, burial or final disposition. However, the state board of health may require embalming when necessary to protect the public. Violation of this law constitutes a misdemeanor.

A.B. 173 (chapter 543) is the "Residential Landlord and Tenant Act." The bill's purpose is to specify rights and responsibilities of landlords and tenants and to provide remedies for violations of these provisions. A.B. 173 sets forth conditions for payment of rent, security deposits and physical standards of rental units. The bill contains numerous protections and guarantees. One major provision no longer permits landlords to seize tenants' personal property for nonpayment of rent. On the other hand, tenants may not unreasonably deny landlords entry on the premises for inspection. Both landlords and tenants may deduct certain costs for repairs or damages from security deposits and rent, respectively. The bill permits leases to be terminated before the normal expiration date by spouses 60 or over with an income of \$10,000 or less upon the death of their spouse. There are numerous exclusions from the provisions of the act.

A.B. 201 (chapter 572) is a major bill affecting landlords and tenants in mobile home parks. This act sets forth minimum requirements for rental contracts or leases. It requires landlords to maintain a record of all deposits and makes all deposits refundable. It outlines the conditions under which a tenant may withhold rent. The bill also protects the rights

of tenants to organize, to complain to health or safety officials or to bring an action against the landlord without fear of retaliation.

A.B. 205 (chapter 336). In addition to revising requirements for placing manufacturers' and distributors' names on drug prescriptions, the bill prohibits owners of pharmacies from requiring pharmacists to dispense a specific drug when a choice of drugs is available.

A.B. 376 (chapter 256) is an insurance consumer protection law. It follows the trend developed in the past several years to allow a purchaser of goods or services to reconsider the purchase. In this case, any life insurance policy, other than industrial life insurance, may be returned within 10 days of delivery to the policyholder with all premiums or other paid fees returned. The bill allows the commissioner of insurance to inspect any insurance policy covering any risk in this state.

A.B. 448 (chapter 331) requires insurers to pay the proceeds of benefits of life insurance within 30 days after the insured's death. If proceeds are not paid within this period, the insurer must pay interest on them.

A.B. 598 (chapter 520) is a new NRS chapter designed to prevent financial hardships to individuals as a result of the default of a money order company. All such companies must now be licensed and regulated by the superintendent of banking. Surety bonds or other securities are required for each location engaging in a money order business. The superintendent has the power to take possession of the assets of a company to insure that holders of outstanding money orders are paid.

S.B. 274 (chapter 458) is designed to protect the property and money of deceased persons. The justice of the peace is required to inventory in the presence of one other person the property of deceased persons, unless taken from his possession by legal authority. The justice of the peace must deliver a copy of the inventory and any other money or property to the

county treasurer. In order to provide immediate security for the property of deceased persons without other means of property protection, the justice of the peace must seal the deceased person's residence.

S.B. 275 (chapter 361) prohibits appraisers from buying property of estates which they have appraised without disclosure to and approval by the court. Violation of this provision is a misdemeanor and voids the sale.

S.B. 452 (chapter 360) increases the penalty from \$25 to \$100 for failure of corporations to permit lawful inspections of their records by certain stockholders. In actions by stockholders to enforce their rights of inspection, the party which prevails is entitled to recover court costs and attorney's fees.



COURTS, CRIMES AND PUNISHMENTS

(See also Elections, Ethics and Open Meetings; Environment  
and Natural Resources; Gaming and Recreation; State and  
Local Government)



A.B. 138 (chapter 148) separates the board of parole and probation from the department of parole and probation. The five-member board is reduced to three persons who are in the state's unclassified service and must devote full time to the board.

A.B. 387 (chapter 434) changes the law prohibiting night arrests for misdemeanors except in certain instances. In addition to other situations specified by law, such arrests may be made when offenses are committed in the presence of a private person who immediately makes an arrest.

A.B. 476 (chapter 531) revises the Juvenile Court Act. The bill makes parents responsible for certain ancillary services provided to children under the jurisdiction of the juvenile division of the district court. Juvenile court jurisdiction does not automatically extend to crimes of murder or attempted murder. A child charged with murder or attempted murder may petition the juvenile court division for placement in a juvenile detention facility pending final disposition of the case. Under A.B. 476, children 17 years or older who are under juvenile court jurisdiction may be permitted to live in a residence without adult supervision or be exempted from school attendance in certain circumstances.

A.B. 519 (chapter 309) permits disclosure of a juvenile's name and the nature of the crime he is charged with if, in the past, he has been found guilty of two offenses which would have been felonies if committed by an adult.

A.B. 750 (chapter 593) authorizes district courts to appoint masters for criminal proceedings, if the appointments are approved by boards of county commissioners. A master is assigned by the court to inform defendants of their rights, assign counsel for indigents and perform other court administrative duties.

S.B. 68 (chapter 426) requires that an inquiry be held before returning a probationer to court for parole violation. Hearing procedures are set forth and include the right of the arrested probationer to: (1) Advance notice; (2) Counsel; (3) Presentation of evidence; and (4) Confrontation of persons giving adverse information.

S.B. 151 (chapter 249) requires the court administrator to develop a uniform system for compiling statistics as well as organizing an accounting system for the operation of the state court system.

S.B. 184 (chapter 383) stiffens penalties for child abuse. Physical or mental abuse to a child under 18, or permitting such abuse, constitutes a gross misdemeanor. If substantial physical or mental harm results, the offender shall be sent to the state prison for 1 to 20 years. County hospitals in counties of 100,000 or more population may be designated as regional registries for child abuse information.

S.B. 412 (chapter 598) redefines the crime of forcible rape as sexual assault and the crime of statutory rape as statutory sexual seduction. The bill focuses upon sexual assault as a crime of violence rather than one of passion. Penalties for the newly defined crimes remain the same as those for the old crimes of rape, except the bill inserts a more severe penalty for sexual assault without substantial bodily harm upon a child under age 14. S.B. 412 also deletes references to rape as an act perpetrated solely by men upon women. Additional protection is given to the victim of sexual assault by not permitting disclosure of his or her address to the defendant except in certain instances. The bill defines the heretofore undefined phrase "infamous crime against nature" as consensual homosexual activity.

A.J.R. 36 of the 58th Session (File No. 54) proposes an amendment to sections 4, 6 and 8 of article 6 of the Nevada constitution which would empower the legislature to fix the limit of original jurisdiction of the justices' courts and would revise the related appellate jurisdiction of the district courts and supreme court. This resolution was passed by the 1975 and 1977 legislatures and must be approved by the voters in the 1978 general election to become effective.

EDUCATION AND TRAINING

(See also State and Local Government)



A.B. 300 (chapter 338) requires every school district to set aside a period at the beginning of each school day for voluntary meditation, prayer or reflection by pupils.

A.B. 346 (chapter 559) gives additional safeguards to certificated school employees who have received an admonition. Employees who have met standards set by the administrator in the time granted for improvement shall have their records cleared of all references to the admonition. Certificated school employees who have been suspended but are later reinstated with back pay must receive interest on the back pay.

A.B. 400 (chapter 273) requires public school pupils to be tested in reading, writing and mathematics before completion of grades 3, 6, 9 and 12. Failure to pass the 12th grade proficiency examination disallows graduation. A certificate of attendance may be issued to pupils age 17 in lieu of a diploma. The bill allows different standards of proficiency for pupils with diagnosed learning disabilities. Standard proficiency examinations shall be prescribed by the state board of education. Students promoted to the 9th grade by July 1, 1977, are exempted from the act.

A.B. 452 (chapter 242) creates a special fund designated as the Western Interstate Commission for Higher Education (WICHE) student loan fund which will be used to provide loans to Nevada residents attending graduate or professional school under the WICHE program. Essentially the program provides that the state and student, jointly, purchase a position for the student at an out-of-state school. Commencing July 1, 1979, initial cost-sharing will be on a 50-percent student, 50-percent state basis. Before that time the student/state cost ratio will be 25/75. Any student who receives a loan for his share of the costs must repay the loan, plus interest, to the state. The remaining state contribution must also be repaid, unless the student returns to Nevada for 3 years to practice.

A.B. 747 (chapter 496) creates a special committee primarily composed of educators to study proposals for the regulation

and continuing education of public school teachers. The purpose of the study is to develop methods of improving teaching quality in public schools. A legislator from each of the standing money committees of the legislature will also serve on the committee.

S.B. 118 (chapter 107) revises classifications of public schools according to grades included. The bill's major impact is in specifying that teachers with secondary teaching certificates are permitted to teach only in fields of their major or minor preparation, unless exceptions are made in accordance with state board of education regulations.

S.B. 376 (chapter 490) requires school boards in counties with 100,000 or more persons to give 30 days notice of meetings where proposed policy changes relating to attendance, zoning, grading, staffing, curriculum, discipline and certain personnel matters will be considered. Emergency policies may be adopted by school boards without 30 days notice.

S.B. 457 (chapter 590) allows school boards to close schools or change their use after following the proper procedure which includes written notice to affected principals, teachers and parents. The law provides for hearings concerning changed school usage by school boards and by the state board of education pursuant to a request by any school district resident.

S.B. 498 (chapter 420) sets up the mechanism for withholding teacher salaries in order to carry out deferred compensation agreements.

ELECTIONS, ETHICS AND OPEN MEETINGS



A.B. 32 (chapter 7) eliminates the real property ownership requirement to vote or hold office in county fire protection districts.

A.B. 136 (chapter 117) clarifies provisions concerning those who must pay the cost of election ballot recounts. If the candidate who demanded the recount prevails, the cost is borne by the county in a local race, or, by the state in a statewide race. The NRS provision is unchanged which states that if the candidate who demands the recount does not prevail he must pay the cost of the recount.

A.B. 159 (chapter 554) repeals provisions of NRS which place limits on amounts which may be spent when campaigning for the state legislature and other elective state and local offices. With the repeal of spending limits, the bill changes requirements placed on the media regarding advertising by candidates.

A.B. 410 (chapter 550) revises provisions of NRS pertaining to the reporting of all campaign contributions and expenses. The bill requires every candidate for state, district, county or township office to file these reports before and after the general elections. The requirements apply to all candidates--even those who may withdraw or receive no contributions or have no expenses. The law specifies that campaign disclosure provisions apply to recall or special elections, as well as to primary and general elections. Copies of campaign contribution reports filed with county clerks must be transmitted to the secretary of state.

A.B. 437 (chapter 527) extensively amends Nevada's open meeting law by requiring that any public body supported by or expending tax money, with the exception of the judiciary and the Nevada legislature, must comply with the open meeting law. Minutes of public meetings must be maintained and are public records. Notice of all public meetings must be given 3 working days before a meeting. Electronic communications may not be used to circumvent the open meeting law. Meetings may be closed

to discuss a person's character, alleged misconduct, professional competence or health. Any violation of the open meeting requirement is a misdemeanor. A person who is convicted of violating the open meeting law forfeits his office.

A.B. 450 (chapter 528) enacts a new Nevada Ethics in Government Law which sets forth a code of ethics for public officers and employees. This bill was enacted in response to the Nevada Supreme Court ruling that the 1975 ethics law was unconstitutional. A.B. 450 creates an executive ethics commission and a legislative ethics commission who will give opinions regarding the code of ethics and respective additional standards and receive financial disclosure reports from public officers and candidates for office. Included in the code of ethics is the requirement that a public officer or employee may not vote or act on any matter in which he has a financial interest without first disclosing that interest. State or local government agencies may organize local ethics committees which may establish ethical standards no less restrictive than statewide standards and which may render opinions. Financial disclosure statements generally must include sources of income (without listing individual clients), certain real estate holdings and creditors to whom \$5,000 or more is owed. Violating provisions prohibiting state and local officers and legislators from holding interests in certain contracts with state or local government constitutes a gross misdemeanor and results in forfeiture of office. Excluded from the ethics standards portion of A.B. 450 are judges, officers of the court, notary publics, commissioners of deeds and members of any board, commission or other body whose function is advisory.

A.B. 621 (chapter 395) excludes persons who have been removed previously from judicial office by the legislature or the commission on judicial discipline from eligibility for the offices of supreme court justice or district judge.

S.B. 353 (chapter 489) requires the secretary of state to place explanations of proposed constitutional amendments or statewide measures, including arguments for and against, on sample ballots. Sample ballot explanations and condensations for the actual ballot must be in easily understood language of a reasonable length.

S.B. 385 (chapter 343) provides for the organization of the commission on judicial discipline which was mandated by a constitutional amendment approved in 1976. The bill permits the commission to use the attorney general as legal counsel and requires all public officers and employees of the state, its agencies and political subdivisions, and all officers of the court to cooperate with the commission in its investigations. The court administrator is designated as secretary and manager of fiscal affairs for the commission.

S.B. 453 (chapter 471) gives the new commission on judicial discipline exclusive jurisdiction over the censure or removal from office of justices of the peace and judges of municipal courts. Under former law, the grand jury could present written accusations and the district court could render judgment against justices of the peace.



ENERGY, PUBLIC UTILITIES AND SCIENCE

(See also Consumer Protection; Environment and Natural Resources; State and Local Government; Taxation)



A.B. 29 (chapter 556) gives the Public Service Commission of Nevada the authority to order an examination of the condition and management of the following public utilities: Community antenna television systems, telephone companies, electric light, heat and power companies or natural gas companies. A list of 20 examiners is to be established by the public service commission together with the public utility companies. The public utility chooses its examiner from that list. Costs of such examinations are allowable expenses of the public utility for the purpose of ratemaking.

A.B. 263 (chapter 392) removes the requirement that 2 of the 3 public service commissioners have expertise in specific areas of jurisdiction of the public service commission. The bill requires commissioners to be independent of the industries they regulate and to be persons of demonstrated competence.

A.B. 640 (chapter 294) is a far-reaching bill which grants the governor powers to declare a water or energy emergency after proper notice and hearing. Pursuant to a declaration of a water or energy emergency, the governor has the authority to issue, amend or rescind regulations to alleviate or manage the emergency. Allocation and conservation are two methods of dealing with emergencies. In preparation for any energy or water crisis, the governor is authorized to collect energy and water data and devise contingency plans. He may request or subpoena information on the use, supply, source, allocation and distribution of water and energy from any public or private entity. Information provided for this purpose may be designated by the provider as confidential. The bill also sets forth procedures for persons aggrieved by acts taken pursuant to the law. A person who violates an emergency energy or water order or regulation issued by the governor is guilty of a misdemeanor. In addition, the violator is subject to a \$1,000 civil penalty. Each day of violation is a separate offense.

S.B. 171 (chapter 201) exempts geothermal exploration holes from the requirements for wells and underground water. The bill requires information obtained as a result of a geothermal project to be filed with the state engineer and remains confidential for 5 years.

S.B. 197 (chapter 486) creates the office of state science adviser on an experimental basis. Included in the office's far-reaching duties are assisting departments of state government in developing in-house resources on scientific and technological issues and responding to specific requests from the executive, legislative and judicial departments. The science adviser is charged with advising the governor and the legislature on legislation related to science and technology. The office is to be located in the office of the state planning coordinator. The governor appoints the science adviser from a list of 1-year sabbatical applicants acceptable to the board of regents of the University of Nevada System. Beyond regular travel and subsistence allowances, there is no general fund money appropriated for the support of the office. The science adviser may apply for contributions from federal or other sources to carry out the provisions of the act.

S.B. 326 (chapter 513) requires the public works board to set standards for the conservation of energy in all buildings constructed beginning July 1, 1978. The standards must be included in the building codes of local governments, except when superseded by more stringent standards. The standards shall be enforced by the governing body of any county, city or town of this state.

S.B. 502 (chapter 421) changes the royalty due the state from 12.5 of the net proceeds to 15 percent of the gross value of oil, gas or other hydrocarbons extracted from state land. On geothermal extractions, the royalty fee is changed from 12.5 percent of the value of the resource to 10 percent of the gross value derived from the lease. S.B. 502 requires that state land leasing terms not be less favorable to the state than similar leaseholds in the vicinity.

ENVIRONMENT AND NATURAL RESOURCES

(See also Health; Energy, Public Utilities  
and Science; State and Local Government)



A.B. 438 (chapter 565) permits residential watermeters to be installed in cities with populations over 7,500 and in counties whose population is under 200,000 only with the customer's consent to obtain sample data about any benefits of watermeters. Unless the residential customer agrees to pay separate rates, he will continue to pay the same amount as if no watermeter had been installed. These conditions need not be met in order to install watermeters for commercial or industrial users. A.B. 438 also requires the state engineer to obtain the right to pump water from Lake Tahoe into the Truckee River to meet the domestic water needs of Washoe County, and he is mandated to take steps to store water in reservoirs within the watershed of the Truckee River.

A.B. 443 (chapter 408) authorizes local governments to adopt ordinances for the conservation of water.

A.B. 445 (chapter 564) prohibits local government from approving final subdivision maps unless the subdivider has submitted plans for the installation of water-saving devices for each water user in the subdivision.

A.B. 464 (chapter 463) requires evidence of emission control compliance where it is required upon registration of a motor vehicle. In counties of 100,000 or more population, the state environmental commission must adopt regulations for the control of motor vehicle emissions. The commission may adopt standards for counties under 100,000 persons if conditions require. The department of motor vehicles is responsible for regulating the manner in which motor vehicles are inspected and issued certificates of compliance.

A.B. 616 (chapter 404) prohibits the commercial removal of Christmas trees, cacti and yucca without the permission of the government or private owner. Christmas trees, cacti or yucca from Nevada which are shipped from the state for commercial purposes must have shipping permits from the state forester firewarden.

A.B. 732 (chapter 532) requires the State Department of Conservation and Natural Resources to implement a single management plan for the Marlette Lake-Hobart Reservoir watersheds.

S.B. 106 (chapter 588) limits the state's power to regulate indirect or secondary source air pollution. A state agency may review new indirect air pollution sources only to the extent that enforcement is required by the United States Clean Air Act of 1963. Counties and cities may enforce indirect source regulations which are no more strict than federal regulations.

S.B. 141 (chapter 199) creates the State Carey Act Commission to facilitate land transfers from the Federal Government to private individuals under the Carey Act of 1894. The bill requires that persons desiring to reclaim the land under the act file an application for temporary withdrawal which must be accompanied by county certification that the lands proposed for withdrawal are or will be zoned for the intended use.

S.B. 212 (chapter 587) reduces the scope of authority and responsibility of the state land use planning agency. This law makes very clear that the primary focus of land use planning should be with local governments. The mandate of the state land use planning agency is changed to primarily one of technical assistance to and mediation between local governments. The agency loses the authority to identify areas of critical environment concern and gives this authority to the governor or local governments. The act makes clear that an area of depleting water supply caused by the beneficial use or storage of water in other areas is not to be an area of critical environmental concern.

S.B. 266 (chapter 518) revises the law pertaining to the Tahoe Regional Planning Agency. To become effective, it is necessary for both California and the U.S. Congress to concur with the bill. The law's major change is that it eliminates the requirement of a dual majority to block proposals before

the agency. If the majority of members from one state does not agree with the action of the other body on any proposal, the matter is rejected. The bill also creates a "redline" area to contain gaming operations at Lake Tahoe.

S.B. 322 (chapter 399) prohibits the installation after July 1, 1978, in any new hotel, motel, apartment or dwelling of toilets using more than 3 1/2 gallons of water per flush or shower heads using more than 4 gallons of water per minute.

S.B. 393 (chapter 298) attempts to retain prohibited outdoor advertising in areas of economic hardship in the state. Upon notification from local or other governing agencies that removal of certain signs will cause an economic hardship to a specific area, the state highway engineer shall forward it to the U.S. Secretary of Transportation for inclusion as a legally exempted area.

S.C.R. 9 (File No. 42) creates a select committee on public lands to meet with members of Congress and the executive branch in an effort to secure greater ownership and control of federal lands within the state.



GAMING AND RECREATION



A.B. 211 (chapter 570) provides for the capital leasing of gaming equipment. Under the measure, licensed gaming equipment distributors who lease gaming equipment under agreements where the payments are fixed sums determined in advance, are exempted from obtaining gaming licenses. The bill also exempts certain state-based banks and corporations from obtaining distributors' licenses if they are lessors who specifically acquire gaming equipment for capital lease transactions.

A.B. 355 (chapter 571) requires that any person who is found unsuitable to receive a gaming license shall not be employed by a corporate licensee in any other capacity, except as a bona fide entertainer, without the approval of the gaming commission. The bill clarifies the standards for granting a gaming license as well as procedures to be used when making licensing determinations. Additionally, the bill specifies grounds for refusing or revoking a work permit. A.B. 355 reflects the legislature's concern with the various legal questions raised in the Frank Rosenthal case decided by the Nevada Supreme Court in early 1977. The bill retains the statutory principle that a gaming license is a revocable privilege--not a right. This principle was unanimously supported by the Nevada Supreme Court in the Rosenthal case.

A.B. 363 (chapter 582) directs the Las Vegas Convention and Visitors Authority, on behalf of Clark County, to issue bonds and other securities in the principal amount of \$26 million for the purpose of constructing sports and recreation facilities. The measure specifies the potential composition of such facilities and the mechanism for payment of the securities or bonds by levies of ad valorem taxes and pledge of the net revenues of the facilities.

A.B. 373 (chapter 569) provides for the regulation of the foreign gaming (outside the State of Nevada) interest of certain persons licensed under the Nevada Gaming Control Act. The bill specifies licensees who may be involved in foreign

gaming and establishes criteria for approval of licensees to participate in foreign gaming. The bill permits the gaming commission to impose conditions for participation in foreign gaming, which is a privilege and may be revoked, suspended, conditioned, limited or restricted by the gaming commission. The measure also increases the gaming policy committee from seven to nine members by adding one state senator and one assemblyman.

A.B. 468 (chapter 176) increases the penalty for conducting or operating any cheating game or device from imprisonment in the county jail for up to 1 year or a fine of up to \$1,000 or both to imprisonment in the state prison for not less than 1 year nor more than 10 years or a fine of up to \$5,000 or both.

A.B. 469 (chapter 205) makes possession of a cheating device with intent to defraud a crime, and makes violators subject to 1 to 10 years imprisonment or a fine of up to \$5,000 or both.

A.B. 491 (chapter 568) changes the procedure by which the State Gaming Control Board, Nevada Gaming Commission, any applicant, licensee or other specified person may obtain judicial determination regarding the validity or construction of the Nevada Gaming Control Act or any regulation of the gaming commission. The measure requires the commission to be made a party to all actions brought for such judicial review and specifies that the filing of a complaint for judicial determination does not state enforcement of any commission or board action. The board or commission, however, is permitted to grant a stay upon appropriate terms. The bill also provides for judicial procedure to obtain documents from the Gaming Control Board or Nevada Gaming Commission.

A.B. 530 (chapter 275) expands the definition of slot machine cheating by including the intentional creation of a slot machine malfunction which facilitates the alignment of any winning combination or enables the removal of money from a slot machine.

A.B. 630 (chapter 505) permits greyhound racing outside unincorporated cities or towns in counties having populations of less than 100,000 if such racing has been approved by the county license board and the Nevada Racing Commission. The bill allows those counties to receive 1 percent of the pari-mutuel wagering money handled at the racing events. It prohibits the use of live animals as bait for dog races and the use of any dogs which have been trained by the use of live animals or rewarded with blood.

A.B. 700 (chapter 566) provides additional procedures for the gaming commission in levying and collecting state license fees or taxes required under the Nevada Gaming Control Act. It provides remedies to the commission for collection and payment of license fees, taxes, penalties and interest. A.B. 700 also establishes a procedure for action against the commission for the recovery of overpayment of any fees or taxes.

S.B. 314 (chapter 453) authorizes the state land registrar to accept Tule Springs Park from the City of Las Vegas for use as a state park and appropriates \$1.4 million in bond funds to the state park system for the planning and development of Tule Springs Park as part of the state park system.



HEALTH

(See also Business; Consumer Protection; Human Rights)



A.B. 33 (chapter 347) changes the law pertaining to inspection of licensed health and care facilities to permit inspection at any time, with or without notice, by the health division or by any person designated by the division for aging services. The primary purpose of authorizing inspections by designated persons is to permit the nursing home ombudsman to investigate complaints.

A.B. 118 (chapter 44) requires the state board of health, upon recommendation by the state health officer, to adopt regulations governing tests to prevent mental retardation in newborn infants.

A.B. 120 (chapter 233) requires health insurance contracts to cover complications of pregnancy (not pregnancy itself), unless exclusionary provisions apply generally to all benefits payable under the policy.

A.B. 121 (chapter 601) requires the state board of health to license amygdalin (laetrile) and procaine hydrochloride with preservatives and stabilizers (Gerovital H3) for manufacture in Nevada. Physicians are relieved from penalties for prescribing or administering these drugs to patients who consent to their use. Pharmacists are not subject to penalties for filling prescriptions for laetrile or Gerovital issued by physicians. Prescriptions for these drugs by trade names may be filled with generic equivalents. The law requires drugs manufactured in Nevada but not approved by the FDA to be so labeled. A 10-percent tax is levied by the state upon the gross receipts of manufacturers of laetrile and Gerovital.

A.B. 147 (chapter 245) requires the state board of health to adopt drinking water standards which are at least as stringent as those standards established by the federal "Safe Drinking Water Act." The board must also establish secondary standards of aesthetics for drinking water. A.B. 147 allows the state board of health to establish an operating permit system for public water suppliers. The bill requires the state health officer and local health officials to inspect and investigate

public water systems to ensure compliance with the law. During an emergency when an imminent hazard to water quality exists, the state health officer may require the water supplier to remedy the condition or to cease water distribution. Notification to water users by water suppliers is required under circumstances such as failure of the system to comply with drinking water standards or the granting of variances from water standards. Violations of this act constitute a misdemeanor. In addition, violation of: (1) prescribed drinking water standards, (2) provisions pertaining to remedying imminent hazards, and (3) conditions under which a variance was granted, or (4) failure to give required notice results in a civil penalty of up to \$5,000 per day of violation.

A.B. 307 (chapter 537) is designed to regulate the practice by hospitals of special ratemaking for patients who utilize hospitals on weekends. The bill sets forth instances when insurers may and may not reduce benefits because of refunds offered by hospitals. The commissioner of insurance is required to conduct a study of hospital charges and the effect of inducements to utilize hospitals on weekends. All hospitals which offer such refunds must participate in and bear the costs of the study.

A.B. 344 (chapter 329) changes the qualifications for the majority members of the boards of directors for nonprofit corporations rendering hospital, medical or dental services. The bill repeals the requirement that 75 percent of the hospitals, 51 percent of the physicians and 51 percent of the dentists licensed in Nevada must give their consent before nonprofit corporations may establish hospital, medical or dental service plans.

A.B. 583 (chapter 250) requires the Department of Human Resources to include amblyopia tests (loss of sharp vision) in the state maternal and child health program.

A.B. 625 (chapter 279) allows public hospital boards of trustees to impose a 6 percent per year interest charge on unpaid bills.

A.B. 681 (chapter 499) changes the name of the state board of examiners for skilled nursing facility administrators to the state board of examiners for nursing facility administrators. The name change reflects the addition of intermediate care facility administrators to the board's jurisdiction.

S.B. 38 (chapter 43) allows the state board of health to establish license fees for the use of state-owned disposal sites for radioactive materials. The bill makes state board of health regulations for disposal sites part of each agreement for the use of sites. The state board of health is authorized to levy penalties of up to \$3,000 per day or \$25,000 per month for failure to comply with a license or agreement.

S.B. 194 (chapter 125) abolishes the state comprehensive health planning advisory council and replaces it with the state health coordinating council. The duties of the new council include preparing a state health plan and reviewing the budgets of health systems agencies. The bill makes approval by the Department of Human Resources or the office of health planning and resources necessary before the construction or expansion of health care facilities.

S.B. 438 (chapter 370) makes Nevada's law on prescribed controlled substances more stringent. A pharmacist is prohibited from refilling certain controlled substances unless the frequency of prescriptions conforms with directions for use or increased amounts are verified with the physician. Failure to keep complete records of controlled substances purchased or dispensed may result in the revocation of registration to manufacture or distribute controlled substances.



HUMAN RIGHTS

(See also Consumer Protection; Medical Malpractice;  
Welfare)



A.B. 8 (chapter 393) permits any adult person to direct cessation of life-sustaining procedures for himself if he should be in a terminal condition and become comatose or incapable of communicating with his physician. The bill's safeguards include prohibiting the declaration's required witnesses from being related to the person or from being the attending physician, an employee in the care facility or a person with a claim against the estate of the declarant. Life insurance policies shall not be impaired or invalidated by the withholding of life-sustaining procedures from an insured person. Persons who tamper with declarations or revocations with the intent to withhold life-sustaining procedures which directly hasten the death are guilty of murder.

A.B. 63 (chapter 477) regulates the access of state and local government agencies to financial records held by the financial institutions of the state. This law requires a customer authorization, subpoena or search warrant before a government agency can obtain the financial records of any customer. However, a number of exceptions to this requirement are in the bill. Financial institutions shall maintain records of disclosures for 5 years and customers must have access to them. Government agencies shall not share records obtained pursuant to this law with any other government agencies, unless independent authorization has been secured.

A.B. 247 (chapter 595) revises procedures and enforcement powers of the Nevada Equal Rights Commission. Under this law the commission may issue cease and desist orders to persons engaging in unlawful discriminatory practices. Additionally, the commission may order such persons to restore all rights and benefits to the aggrieved party. If commission orders are not complied with, the court may order compliance. The bill limits restitution for victims of unlawful discrimination to actual damages for any economic loss. Complainants may not file grievances with any other administrative agencies if their case has been decided by an agency considering the same facts.

A.B. 301 (chapter 174) provides that the proposed "Equal Rights Amendment" to the United States Constitution be placed on Nevada's general election ballot, November 7, 1978, for an advisory vote by the electorate. Regardless of the outcome, results of the vote will not be legally binding on the legislature. The bill's provisions are to be carried out unless the "Equal Rights Amendment" is ratified by 38 other states and Congress accepts their ratification by July 1, 1978.

A.B. 499 (chapter 248) permits a person who intends to donate all or part of his body upon death to attach written permission for carrying out the declaration to a driver's license or identification card.

S.B. 58 (chapter 85) enables both sexes to be equally eligible for appointments to the Nevada highway patrol.

S.B. 64 (chapter 131) requires the county recorder to record the inventories of the separate property of all married persons, not just married women, upon payment of proper fees.

S.J.R. 14 of the 58th Session (File No. 50) proposes an amendment to section 3 of article 15 of the Nevada constitution which would delete constitutional restrictions on eligibility for public office related to dueling and being a female elector. This resolution was passed by the 1975 and 1977 legislatures and must be approved by voters in the 1978 general election to become effective.

S.J.R. 16 of the 58th Session (File No. 71) proposes an amendment to section 31 of article 4 of the Nevada constitution which would require the legislature to more clearly define the property rights of married persons. The proposed amendment would delete the present constitutional requirement that the legislature adopt laws providing for the registration of the separate property of married women. This resolution was passed by the 1975 and 1977 legislatures and must be approved by the voters in the 1978 general election to become effective.

LEGISLATIVE IMPROVEMENT

(See also Elections, Ethics and Open Meetings)



S.B. 445 (chapter 581) amends the Nevada Lobbying Disclosure Act. The bill requires the secretary of state to furnish identification badges to registered lobbyists and requires lobbyists to wear them when they are in the legislative building. The act is further amended by excluding elected officers of state and local government from the definition of a lobbyist. Also excluded from lobbyist provisions are persons who contact members of the legislature who represent the district in which they reside. S.B. 445 limits the requirement for lobbyists' expenditure reports to those expenditures of \$50 or more per month. The bill extends to local government officials and employees the prohibition on compensation for lobbying from sources other than the state, political subdivision or organization of public officials. Finally, the secretary of state is required to compile an alphabetical list of registered lobbyists with accompanying information.

A.R. 22 (File No. 100) amends the Assembly Standing Rules to provide that all bill requests must be submitted to the legislative counsel within the first 30 days of the session. Before this rule, 40 days were allowed for bill drafting requests.

S.R. 8 (File No. 162) amends the Senate rules in the same manner as A.R. 22 amended the Assembly rules.

S.C.R. 4 (File No. 63) marks a departure from the usual three conference committees appointed to resolve differences between the Assembly and the Senate over different versions of legislative measures. S.C.R. 4 limits the conference committee procedure to a single binding conference committee. The joint resolution requires a majority of members on a conference committee to be members who voted for the bill or resolution.



MEDICAL MALPRACTICE



A.B. 267 (chapter 481) amends the law providing for medical-legal screening panels. The panels were created by 1975 legislation and this act makes changes based on the initial experience of the panels. It adds nurses to those covered by the panels and ensures that there will be a nurse on the panel if one appears before the panel. The list of doctors and nurses available for panel service is expanded from nine to 20. A request for a panel hearing must be delivered by registered or certified mail and include a brief statement of the case facts. Panels have subpoena power and authorization to petition the district court for an order to obey a subpoena. Proceedings before a screening panel are made exempt from the doctor-patient privilege. Finally, screening panels are exempted from the open meeting law.

A.B. 268 (chapter 519) reverses an action taken by the 1975 legislature. In 1975, in an attempt to shorten the length of time over which some malpractice actions extended, the law removed provisions which permitted legal disabilities to prevent the running of the statute of limitations for malpractice actions. In place of these provisions, legal custodians of state prisoners and patients committed to the mental hospital were made responsible to bring actions. A.B. 268 restores provisions for mental patients which prevent the statute of limitations from running for the length of the disability. Parents are still responsible for commencing actions on behalf of their children, but a new exception has been added which allows an action for injury causing sterility to be brought up to 2 years after the child discovers the sterility, regardless of his age at time of discovery.

A.B. 269 (chapter 160) creates an additional payment option for any policyholder covered by a joint underwriting association (JUA). A JUA, such as the Nevada Medical Liability Insurance Association for medical malpractice insurance, sets a cost for a policy during a policy year. If, when all of the claims filed for that policy year have been paid, the association has a deficit for that year, the law permits the association to reassess all the policyholders for that year

on a pro rata basis to cover the deficit. This law allows the policyholder the option of paying an additional fee above the premium, but not greater than the premium, which will guarantee that he will not have an additional assessment several years later. This provision will especially interest doctors planning to retire. They will not have to contend with unforeseen assessments after retirement.

S.B. 185 (chapter 538) pertains to patients' health care records. It defines a health care record, requires that such records be maintained for 5 years and provides for access to patients' records. Access is guaranteed to any patient or representative of the patient. It is also guaranteed to investigators for the attorney general or the board of medical examiners. If records are used for investigatory purposes, the identity of a patient may not be divulged in any public hearing unless the patient agrees.

S.B. 190 (chapter 326) provides civil immunity for the board of medical examiners, a medical review panel of a hospital, a medical-legal screening panel, a medical society or others in a lawful investigation concerning physician discipline. It also requires that the board of medical examiners investigate any physician whenever the physician has paid \$5,000 or more as a result of a medical malpractice action. The law also requires that insurers report to the insurance commissioner all settlements, awards or judgments against insured physicians for breach of professional duty within 30 days of payment. The commissioner must then report all such settlements, awards or judgments to the board of medical examiners within 30 days.

S.B. 413 (chapter 428) is an extensive redrafting of the physician disciplinary provisions of chapter 630 of NRS intended to clarify those provisions. In addition, certain substantive changes in those provisions are made. The law clarifies the definition of "unprofessional conduct" and distinguishes it from "gross or repeated malpractice" and "professional incompetence." The board of medical examiners is authorized to appeal to district court for an order to

compel a person to comply with a subpoena of the board. The court must issue such an order if petitioned to do so by the board. The process by which a complaint against a doctor is received, evaluated, categorized, investigated and acted upon is laid out in step-by-step fashion as are the options available at each stage and the conditions which trigger each option. The previous law on physician discipline grew by accretion over a number of years and considerable ambiguity had developed. Among other things, this act provides that the board shall turn over to the attorney general all cases alleging professional incompetence or gross or repeated malpractice. Upon a report from the attorney general, the board may dismiss the complaint or proceed with a wide range of disciplinary actions.



SENIOR CITIZENS

(See Consumer Protection; Health; State and Local  
Government; Taxation)



A.B. 15 (chapter 134) reduces the driver's license fee for persons over 70 from \$3 to \$2.

A.B. 296 (chapter 165) deletes the requirement for deduction of social security benefits received because of an injury from a motor vehicle from benefits payable under motor vehicle insurance policies.

S.B. 17 (chapter 412) enables Nevada residents 60 years old or older to use special services of state parks free of charge.

S.B. 57 (chapter 177) eliminates the requirement that drivers 70 years old or older must renew their licenses every 2 years. Under this law, renewal occurs every 4 years for all drivers, regardless of age. The age of a licensee, by itself, does not constitute grounds for a driver's examination.



STATE AND LOCAL GOVERNMENT  
(See all other categories)



## Finances

A.B. 547 (chapter 525) provides for an extensive study of local government finances in Nevada. The study is to be conducted by an eight-member committee of four legislators and four local government officials. A \$50,000 appropriation is provided to support the study. A report is to be submitted to the legislative commission and to the 1979 legislative session.

S.B. 18 (chapter 86) provides that membership on the interim finance committee continues until the next legislative session even if a member is defeated for reelection or does not run again. The purpose of this bill is to ensure a quorum for senate and assembly members on the committee.

S.B. 110 (chapter 286) amends the law on local government finances to provide a method by which the state may monitor local government finances and, if financial warning signs develop, help to restore the fiscal integrity of local governments. The primary monitoring responsibility is with the Department of Taxation. If the department finds that specific conditions of financial difficulty exist, it will hold a hearing to inquire into the financial condition of the entity and to make recommendations to the entity. If the situation warrants, the department can ask the state board of finance, composed of elected officials, to give it authority to impose conditions and controls on a local government in financial difficulty. The board of finance determines when such authority will end.

S.B. 420 (chapter 403) allows the issuance of so-called "double barrelled" bonds for hospital purposes in counties with a population of 200,000 or more without a vote of the people. The law will apply to bonds issued by the county commissioners for Southern Nevada Memorial Hospital. Previously, any bonds to which general revenues were pledged had to be approved at an election. Bonds for which revenues alone were pledged did not need to be approved by the voters. In Clark County bonds backed by general revenues and hospital revenues (double barrelled bonds) may be issued without a vote.

## General Improvement Districts

A.B. 163 (chapter 292) is one of four laws passed by the 1977 legislature dealing with general improvement districts. The bills resulted from an interim study. This act amends several chapters of NRS but concentrates on chapter 318. It requires that general improvement districts initiated by county commissioners be subject to the same service plan requirement as those initiated by anyone else. The law clearly states that general improvement districts should not be used to finance private development costs. It expands the responsibilities and increases the powers of county commissioners with respect to districts. Voting is allowed in district elections for all district residents but is denied to nonresident property owners who formerly could vote. County commissioners are given specific responsibilities for new districts to ensure that they are properly created. County general obligation bond commissions are given the duty of reviewing all district debts, not just general obligation bonds. The changes can be characterized as narrowing the conditions under which a district may be created and making the controls on their operations more stringent. The purpose is to ensure the fiscal integrity and enhance the efficiency of these districts.

A.B. 165 (chapter 293) exempts general improvement districts providing water and sewer service from the jurisdiction of the public service commission. This change treats districts the same as cities and counties, which are not regulated by the public service commission. In place of PSC jurisdiction, rate hearing and rate setting procedures for districts are provided in this act. The filing and enforcement of liens for districts are made consistent with the procedure for cities. Cost assessment for the extension of district services is provided.

A.B. 166 (chapter 122) allows general improvement districts to pay their trustees up to \$6,000 a year. Previously, the

trustees of districts that provided water, sewer, garbage or television services were eligible for pay. The trustees of any district are now eligible. This act also reduces the allowable general obligation debt of a district from 100 percent of assessed value to 50 percent.

A.B. 167 (chapter 239) exempts general improvement district from certain county clerk's fees from which other local governments have been exempt. This act also requires that counties either maintain the roads which they have accepted for dedication or pay the districts which maintain them a pro rata share of the county gas tax. This act charges all county officers and departments with providing assistance, on a cost basis, to districts in the county.

#### Officers and Employees

A.B. 169 (chapter 551) significantly alters administrative and procedural policies of the local government employee-management relations board. Board members, previously uncompensated, will receive \$40 per day. The board must hear a complaint or appeal within 6 months of its occurrence and may award reasonable attorney's fees to the prevailing party.

A.B. 421 (chapter 506) amends the law which limits public employees to 95 percent of the salary of the governor and classified employees to 95 percent of the salary of their immediate supervisor. The bill exempts physicians and surgeons from the limit of 95 percent of the governor's salary. It adds veterinarians, the state welfare administrator and engineers for the division of Colorado River resources to the list of exemptions limit to 95 percent of their immediate supervisors' salary. The bill allows the interim finance committee the authority to make additional exceptions to these salary restrictions.

A.B. 502 (chapter 289) permits school boards to set sick leave policy including payment for unused sick leave, either by regulations or negotiations.

S.B. 100 (chapter 424) permits counties to provide by ordinance or negotiation for the accumulation of unused sick leave as long-term or chronic illness leave. S.B. 100 also permits counties to provide for annual leave and sick and disability leave by negotiation as well as by ordinance.

S.B. 169 (chapter 524) entitles an employee upon retirement after 15 years or more service to receive payment for unused sick leave in excess of 30 days. The amount paid may not exceed \$2,500, and sick leave accrued but not carried forward is not counted.

S.B. 173 (chapter 594) makes a number of changes in the law governing the public employees' retirement system. The maximum benefit is raised from 65 to 90 percent of average final salary. Contribution rates have been standardized to 8 percent for regular employees and 8 1/2 percent for police and firemen. The practice of older employees paying 2 or 4 percent over the base rate is ended. Administrative fees will not be deducted from pay checks. Future contributions will be based on regular pay, not overtime and other miscellaneous pay.

S.B. 440 (chapter 462) enacts arbitration termed "last best offer" on an experimental basis to be used only in bargaining relating to firefighters. The process will be similar to that used for other local government employees until an impasse is reached and arbitration is ordered. Each side will then submit final offers and the arbitrator must select one side's total package. It is believed this arbitration will bring the opposing sides closer together because both would hesitate to propose extreme positions which would be rejected by the arbitrator. It is assumed this approach eliminates the tendency of arbitrators to "split the difference."

## Records and Regulations

A.B. 710 (chapter 586) provides for legislative oversight of executive department regulations. All proposed regulations are to be sent to the Legislative Counsel Bureau and reviewed by the legislative commission to ensure consistency with legislative intent. If the commission does not object to a regulation, it is filed with the secretary of state. If one is objected to, however, it is returned to the issuing agency with the reasons for the objection. If the legislature is in session, proposed regulations are delivered to the presiding officers of the two houses and reviewed by the applicable standing committees. In either instance, if there are objections the issuing agency is given an opportunity to revise the regulation. Whether revised or not, the agency may file the regulation and it will become effective. If a regulation is not revised in response to an objection, the objection is filed with the regulation. Such an objection presumably would have weight if such a regulation were to be challenged.

S.B. 62 (chapter 560) adds a requirement to the Administrative Procedure Act that all regulations issued pursuant to the act be gathered into the Nevada Administrative Code. The legislative counsel is responsible for the compilation and maintenance of the code. In conjunction with this responsibility, he is given certain authority concerning the style and format of regulations issued by executive agencies. In the past, there was no way to discover if a regulation had been amended or repealed. The administrative code will contain current, accurate regulations and the history of each regulation will be shown.

S.B. 87 (chapter 258) amends the public records law. It authorizes the state division of archives to provide micro-filming services on a cost basis to local governments. It also authorizes the archivist to refuse to store materials without permanent or historical value, and it assures local

governments that materials they store in archives remain their property and may be reclaimed at any time. The division of archives upon the advice of the local government advisory committee of the Department of Taxation will establish, by regulation, minimum retention schedules for local government records.

S.B. 302 (chapter 299) provides for the publication of a state biennial report and a statistical abstract. This law's intention is to end the uncoordinated and diverse reports prepared by various state agencies and replace them with a single state report having a standardized format. The state planning coordinator is responsible for both publications.

#### Reorganization

A.B. 17 (chapter 196) amends the Metropolitan Police Department's law. The law was passed in 1973 and provided for the merger of the Las Vegas police Department and the Clark County Sheriff's Department. This bill creates a new police commission consisting of the sheriff and city and county representatives based on a population formula. Under 1970 population figures, there will be two city commissioners and one county commissioner on the police commission plus the sheriff who is now the chairman of the commission. The law also revises the funding arrangement. The Nevada Tax Commission did have the power to determine the funding ratio for city and county. The law now requires the city and county to each pay half.

A.B. 152 (chapter 600) revises the law pertaining to the Nevada State Dairy Commission. The commission is restructured from eight commissioners (four industry, four consumer) to a three-member board not associated with the dairy industry. The dairy commission is no longer required to set minimum milk prices at the producer, wholesale and retail levels. Instead, the commission has the discretion to set minimum

prices if it determines they are needed based on hearings and findings of fact. If the commission sets prices, the burden of proof for milk price increases is placed on the person who petitions for such change. Written notice of all hearings held by the dairy commission must be mailed to the consumer affairs division of the Department of Commerce. Recent monetary settlements for violation of the new law pertaining to kickbacks are transferred from the dairy commission to the general fund. The possible penalty for violations of law regulating the dairy industry is increased by A.B. 152 from a flat \$500 to up to \$1,000 per violation. The bill also provides for an automatic abolishment of the dairy commission if it has not justified its existence by 1981.

A.B. 278 (chapter 530) is a major reorganization of state boards and commissions. The law standardizes the appointment provisions for all boards and commissions. The act goes through the NRS in numerical chapter order amending multitudinous provisions for boards and commissions in an attempt at greater uniformity and consistency. Some boards or commissions have been abolished. Salary and travel and per diem expenses are provided for most board and commission members and made uniform.

A.B. 563 (chapter 423) amends the law governing the Nevada State Council on the Arts by reducing council membership from 17 to nine. The governor is given the power to remove members for excessive absences. Members are given a \$40 per day salary for council meetings. The council's executive board has been eliminated.

A.B. 613 (chapter 455) merges the fire departments of the city of Las Vegas and Clark County into a single, areawide fire department covering Las Vegas, the unincorporated towns of Paradise, Winchester, Sunrise Manor and East Las Vegas and adjacent unincorporated areas. North Las Vegas, Henderson and Boulder City will continue to have their own fire departments. The law provides for the financial contribution to the department by the county which will be 80 cents per \$100 or as much

as the city contributes, whichever is less. The city commission shall have administrative supervision and control over the merged department and it will control the department budget committee, although three county commissioners will sit on that committee.

S.B. 116 (chapter 430) reorganizes the state prison system into a Department of Prisons. In addition, much of the statutory language governing prison operations, dating in large part from 1873, has been amended or repealed. The prison system is still under the control of the constitutional board of prison commissioners composed of the governor, secretary of state and attorney general. The present warden is redesignated as director of the department.

S.B. 153 (chapter 529) reorganizes certain functions of the Department of Conservation and Natural Resources and the Department of Human Resources and creates a new Department of Energy. Environmental health functions formerly under the jurisdiction of health offices in the Department of Human Resources are transferred to the new division of environmental protection in the Department of Conservation and Natural Resources. The Department of Energy is charged with collecting and evaluating data about the long and short range energy needs of Nevada. In addition, the Department of Energy must formulate an energy conservation plan and petroleum allocation emergency plans.

S.B. 198 (chapter 474) creates the Washoe County Airport Authority governed by a seven-member board composed of four from the City of Reno, one from the City of Sparks and two from Washoe County. The authority's jurisdiction is to be throughout Washoe County. The board will select its own officers, operate the airport and, with the approval of Washoe County, levy a countywide ad valorem tax. All airport properties of the City of Reno are to be transferred to the authority which will also assume all obligations of the airport.

S.B. 359 (chapter 549) creates a division of historic preservation and archeology in the Department of Conservation and Natural Resources. This reorganization combines the historical

preservation functions of the state parks division and the functions of the archeological survey into a new division. The Nevada archeological survey is abolished.

S.B. 503 (chapter 534) proposes an enlargement and reorganization of the City of Las Vegas subject to the voters of Las Vegas and the people in the areas to be added to the city. If approved by the voters both in Las Vegas and the areas to be added in September 1978, some of East Las Vegas, most of Paradise and Sunrise Manor and all of Winchester as well as some unincorporated areas outside these towns will become part of Las Vegas. The city commission will be expanded from four to eight to give representation to the areas added to the city. Each commissioner district will have a citizens' advisory council. The act provides for the protection of the rights of employees of the city or the county affected by the enlargement of the city. The state distributive revenues to the other three incorporated cities are frozen at their current percentage level. The City of Las Vegas is prohibited from levying a utility franchise tax. The effective date of the boundary change is not until July 1979 so that, if the act is approved, the 1979 legislature can pass additional implementing legislation.

### Miscellaneous

A.B. 21 (chapter 224) requires that state highway signs, under certain circumstances, be indicated by metric measurements. The conditions are (1) if the Federal Government issues specifications for such signs, and (2) if the Federal Government makes money available for the purpose.

A.B. 128 (chapter 208) allows the state or any of its local governments to establish programs of self-insurance in addition to or instead of private liability insurance. The rising cost of private liability insurance, especially to local governments, has made it economically feasible to consider self-insurance.

A.B. 475 (chapter 580) is an extensive amendment of the subdivision law. It provides subdividing procedures, the creation of parcels and planned unit developments, the changing and abandoning of such subdivisions and the powers and duties of state and local entities involved in the subdivision process.

A.B. 703 (chapter 351) adds a new requirement precedent for the approval of a new subdivision by a local government. The local government must ascertain, by a certificate from the county treasurer, that the land proposed for subdividing does not have outstanding taxes on it.

S.B. 298 (chapter 456) requires the State Board of Examiners to issue up to \$6 million in general obligation bonds to renovate the State Capitol Building.

TAXATION

(See also Business; Energy, Public Utilities and Science;  
Gaming and Recreation; Health; State and Local  
Government)



A.B. 100 (chapter 406) provides for the direct taxation of cigarettes sold in the state, including Indian reservations. The tax is precollected by wholesale or retail dealers and recovered from consumers by adding the tax to the selling price. The Department of Taxation is required to refund such taxes to any person if cigarettes are sold on an Indian reservation or colony where an excise tax has been imposed by the governing body. A cigarette tax refund is also payable to an Indian on a reservation where no excise tax, or a lesser excise tax, on cigarettes is imposed.

A.B. 277 (chapter 345) gives a tax allowance against property taxes, not to exceed \$2,000, to owners of residences which are heated or cooled by solar or wind energy, geothermal resources or water power. The amount of the tax allowance is the difference between the tax on the property with the system and the tax on the property without the system. The tax allowance is only valid in any year in which the qualified system is actually utilized.

A.B. 622 (chapter 500) tightens the law giving property tax exemptions to disabled veterans. Veterans honorably discharged with 100 percent permanent service-connected disabilities are entitled to a 100 percent property tax exemption for the first \$10,000 of assessed valuation. Other disabled veterans receive property tax exemptions of lower percentages and lesser amounts of property valuations, depending upon the percent of service-connected disability. Formerly, all honorably separated disabled veterans were exempted from property taxes on the first \$10,000 assessed valuation of property.

S.B. 19 (chapter 577) revises NRS provisions pertaining to exemptions from the vehicle privilege tax. Widows, orphans and certain veterans who were involved in active duty in wartime are allowed a tax exemption on vehicles of up to \$1,000 valuation. Totally blind persons are entitled to a vehicle tax exemption of up to \$3,000 valuation. A veteran with a service-connected disability is allowed a tax exemption

on the first \$10,000 valuation of vehicles. To the extent that widows, orphans, totally blind persons and veterans receive exemptions from the vehicle privilege tax, their exemptions from personal property taxes are reduced.

S.B. 297 (chapter 203) prohibits increases in the assessed valuation of a residence owned and occupied by a handicapped person due to improvements which remove architectural barriers.

S.B. 367 (chapter 596) extensively revises the Senior Citizens' Property Tax Assistance Act by extending the tax exemption to 2 acres of land surrounding a home instead of 1 acre. The bill includes supplemental security income as income for eligibility purposes but excludes hospital and medical insurance benefits. That portion of rent considered to be property tax is increased from 15 to 17 percent of total rent. Portions of rent for taxes on mobile home lots are now included in taxes for which refunds may be available for senior citizens. Eligibility for the program has been changed to require the homeowner or renter to have maintained his dwelling for 6 months before filing a refund claim. The income eligibility ceiling is raised from \$10,000 to \$11,000. In addition, some lower income brackets will receive a greater percentage of their property tax back in refunds. The actual amount of tax paid or \$300 continues to be the maximum allowable refund.

S.B. 399 (chapter 375) amends provisions relating to taxes on agricultural or open-space real property. The Department of Taxation is required to prescribe regulations for determining full cash value assessment of agricultural real property located in a higher use area. Records of full cash value assessment must be kept by county assessors for purposes of adding the deferred tax to the property.

A.J.R. 7 (File No. 129) proposes an amendment to section 1 of article 10 of the constitution of the State of Nevada to permit property tax exemptions for the conservation of energy by using nonfossil resources. This resolution must be passed again by the 1979 legislature and approved by the voters before it takes effect.

A.J.R. 9 (File No. 155) proposes an amendment to section 1 of article 10 of the constitution of the State of Nevada to permit a property tax exemption for the reduction of any form of pollution. This resolution must be passed again by the 1979 legislature and approved by the voters before becoming law.

A.J.R. 21 of the 58th Session (File No. 96) proposes an amendment to section 1 of article 10 of the Nevada constitution which would provide for the exemption of business inventories from property taxes after a progressive reduction of such taxes. The proposed amendment would allow the legislature to exempt any other personal property, including livestock. This resolution was passed by the 1975 and 1977 legislatures. This constitutional proposal must be approved by voters in the 1978 general election to become effective.



WELFARE



A.B. 87 (chapter 243) clarifies responsibilities of the state welfare board. In making policies and regulations for welfare programs, the board is required to formulate these policies in a manner which will not require expenditures beyond amounts appropriated for the fiscal year. The state welfare administrator is required to execute and enforce the board's decisions, and regulations or policies do not become effective without board approval.

A.B. 88 (chapter 41) deletes the requirement that the state welfare division must provide foster care services to children paroled from the Nevada youth training center or the Nevada girls training center.

A.B. 314 (chapter 319) makes willful misuse of food stamp coupons or purchase authorizations a crime. Penalties range from a misdemeanor to imprisonment in the state prison and a fine, depending on the value of the food stamps involved.

A.B. 556 (chapter 544) establishes a recordkeeping procedure whereby upon adoption, a supplementary birth certificate is prepared based on a report of the adoption. The report and the original birth certificate are sealed and filed. If the adoptee was born outside the state, the report is forwarded to that state.

A.B. 617 (chapter 365) authorizes the state welfare division and licensed child-placing agencies to publish photographs and relevant personal information in newspapers or media about hard-to-place children. The law forbids agencies to publish information which reveals the children's or parents' identity. In addition, approval of the agency having custody of the child must be obtained before publishing photographs or information.

S.B. 163 (chapter 284) authorizes county commissioners of any county to create the office of public guardian. Public guardians may be appointed for persons aged 60 or older who either have no relatives or friends to serve as guardians or

lack the assets to employ a private guardian. Eligible persons or persons acting on their behalf may petition the district court for the appointment of public guardians. Public guardians must post bonds and keep financial records of their cases. A ward of a public guardian or any interested person may petition the court to terminate the guardianship.

S.B. 454 (chapter 381) provides for the recovery of aid to dependent children from responsible parents. This bill is designed to allow the state welfare division to collect from responsible parents alimony and any other support payments which may be used to diminish the amount of public assistance paid by the state for support of dependent children. Recipients of public assistance automatically assign to the welfare division all rights to support not to exceed the amount of public assistance allowed. The state welfare division and prosecuting attorneys are responsible for establishing paternity and enforcing the responsible parent's duty to support dependent children.

S.B. 519 (chapter 385) obligates federal countercyclical grants (money to offset state revenue losses) to the state Medicaid program. Any money not required to meet Medicaid expenses may be spent on other existing state programs.

## STUDY RESOLUTIONS

(See also Education and Training; Environment and  
Natural Resources; State and Local Government)



A.C.R. 1 (File No. 118) orders a study of conditions at the state prison.

A.C.R. 3 (File No. 33) directs the legislative commission to study the effect of regulation of small businesses by state and local governments.

A.C.R. 6 (File No. 119) directs the legislative commission to study all provisions of law relating to obscenity. The resolution requires participation in the study by the Nevada State Library Association, the State Department of Education and district and city attorneys.

A.C.R. 8 (File No. 120) directs the legislative commission to study alternative methods of assessing and taxing geothermal resources, products and byproducts.

A.C.R. 25 (File No. 121) directs the legislative commission to study the feasibility of creating a new county to govern the north shore area of Lake Tahoe. The resolution requires members of the Washoe County board of county commissioners and residents of the Incline-Crystal Bay area to be appointed as advisers during the study.

A.C.R. 34 (File No. 122) directs the legislative commission to study the extent of unclaimed property in Nevada and determine the amount of money which the state would derive from changes in the law on disposition of abandoned property.

A.C.R. 38 (File No. 165) creates a Legislative Counsel Bureau staff study of the relation of crimes and punishments to be supervised by the legislative commission.

A.C.R. 40 (File No. 123) directs the legislative commission to study the regulation of air and surface transportation in Nevada and the feasibility of creating an independent agency to regulate transportation.

A.C.R. 44 (File No. 124) directs the legislative commission to study the community college division of the University of Nevada System to determine future needs for such colleges and whether they should be governed separately from the University of Nevada System.

A.C.R. 54 (File No. 125) creates a legislative commission study of the structures and functions of the State Board of Education and the State Department of Education.

A.C.R. 55 (File No. 126) directs the legislative commission to study the administration of mental hygiene and mental retardation programs in Nevada.

S.C.R. 12 (File No. 136) authorizes the legislative commission to study problems concerning professional liability insurance if the commission determines that such a study is necessary.

S.C.R. 14 (File No. 152) directs the legislative commission to study pupil achievement in Nevada's public schools. The subcommittee appointed to conduct the study shall include representatives of classroom teachers, school administrators, parents and taxpayers.

S.C.R. 19 (File No. 156) creates a committee comprised of legislative and gubernatorial appointees to study labor-management relations in private enterprise and develop a plan to resolve serious labor disputes.

S.C.R. 34 (File No. 151) directs the legislative commission to study the problems and treatment of alcoholism and drug abuse and the feasibility of requiring health insurance policies to cover treatment of these illnesses.

S.C.R. 36 (File No. 137) directs the legislative commission to conduct a study and recodification of Nevada's education laws.

S.C.R. 37 (File No. 153) directs the legislative commission to study local government liability insurance and employee group insurance available to local governments.

S.C.R. 38 (File No. 132) directs the legislative commission to study the feasibility of establishing a state home for veterans in Nevada.

S.C.R. 39 (File No. 139) directs the legislative commission to study the administrative procedures followed by the Nevada Industrial Commission and the feasibility of providing workmen's compensation in alternative ways such as private carriers and self-insurance. The resolution declares that the legislative commission shall contract with independent consultants for technical assistance.



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