

NEVADA LEGISLATURE  
SIXTY-FOURTH SESSION  
1987

SUMMARY OF LEGISLATION



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RESEARCH DIVISION  
LEGISLATIVE COUNSEL BUREAU



## I N T R O D U C T I O N

The 1987 Nevada legislature considered 1,732 legislative measures. Of this total, 824 bills were enacted, and 164 resolutions were adopted. Three bills were vetoed by the governor.

This Summary of Legislation contains summaries of all of the bills passed by the 1987 legislature, including the vetoed bills. Certain measures which may have widespread interest have been given detailed treatment. The descriptions of bills in this document do not constitute legal analyses and are not intended for use by the legal community in place of the actual statutes. Also summarized are all of the concurrent and joint resolutions that were adopted. Thorough coverage of appropriations acts is available in the document entitled Legislative Appropriations Report, prepared by the fiscal analysis division of the legislative counsel bureau.

Please consult the "Table of Contents" and the "Subject Index" for references to summaries of the legislation enacted within specific topical areas.

Research Division  
Legislative Counsel Bureau  
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## SUMMARIES OF BILLS AND RESOLUTIONS BY MAJOR SUBJECT AREAS

### APPROPRIATIONS

The bills categorized under the heading of "Appropriations" have the major objective of transferring money for specified uses. Other measures summarized elsewhere within this document may also contain appropriations in conjunction with their primary substantive purposes.

#### S.B. 1 (chapter 1)

Senate Bill 1 appropriates \$2.5 million from the state general fund to the legislative fund.

#### S.B. 4 (chapter 50)

Senate Bill 4 appropriates \$150,000 to the legislative fund to assist with the expenses associated with hosting the 1988 annual meeting of the National Conference of State Legislatures in Reno, Nevada.

#### S.B. 14 (chapter 283)

Senate Bill 14 appropriates \$43,232 to the legislators' retirement fund. This allocation corrects a shortage in contributions that occurred during the 1985-1987 biennium.

#### S.B. 29 (chapter 723)

Senate Bill 29 appropriates \$1.2 million for the construction of a building to be used by the Clark County Community College as a center of health science, as an area for professional and paraprofessional health education, and as a clinic to provide medical services to Medicaid recipients. The bill further specifies that the project is exempted from review by the state public works board.

#### S.B. 78 (chapter 5)

Senate Bill 78 makes supplemental appropriations for several functions within the division of mental hygiene and mental retardation in the state department of human resources. It also extends the time within which the division may commit the expenditure of a previous allocation made by the interim finance committee.

The supplemental appropriations are made effective upon passage and approval of the bill. The extension of time is made retroactively effective to January 30, 1987.

#### S.B. 101 (chapter 412)

Senate Bill 101 provides an appropriation of \$10,000 each year for fiscal year 1987-1988 and fiscal year 1988-1989 to the welfare division of Nevada's department of human resources. This appropriation is to be used to provide

APPROPRIATIONS (continued)

emergency services to pay the costs of food, medical care, shelter and transportation for persons who are temporarily unable to care for their children.

S.B. 102 (chapter 626)

Senate Bill 102 appropriates \$42,500 to the welfare division for a program to prepare children in foster care for living as independent adults.

S.B. 108 (chapter 51)

Senate Bill 108 makes supplemental appropriations of \$6,192 to the director of the department of commerce and \$6,000 to the division of financial institutions within the department of commerce.

S.B. 109 (chapter 517)

Senate Bill 109 appropriates \$8,750 to the department of parole and probation to pay the cost of relocating its office.

S.B. 110 (chapter 114)

Senate Bill 110 makes a supplemental appropriation of \$324,138 to the state's Consolidated Bond Interest and Redemption Fund for the outstanding payments of principal and interest.

S.B. 117 (chapter 48)

Senate Bill 117 makes a supplemental appropriation of \$397,000 to the children's health services of the health division of the department of human resources, and it makes supplemental appropriations totaling \$72,182 to the bureau of community health services in the health division of the department of human resources.

S.B. 121 (chapter 168)

Senate Bill 121 appropriates \$150,000 to the division of water resources in the state department of conservation and natural resources to pay litigation costs involving the Truckee River system and consulting experts on matters related to water.

S.B. 145 (chapter 47)

Senate Bill 145 authorizes the state public works board to use money that was previously appropriated for a mental health facility in order to redesign the facility for the purpose of increasing its capacity.

S.B. 146 (chapter 286)

Senate Bill 146 appropriates \$128,578 to the department of prisons. The funds are divided for the following renovation

APPROPRIATIONS (continued)

projects: \$45,000 to replace the water heaters at the northern Nevada correctional center; \$833,578 to repair and renovate the Indian Springs conservation camp; and \$50,000 to overhaul a generator at the southern desert correctional center.

S.B. 147 (chapter 59)

Senate Bill 147 appropriates \$96,732 to the youth services division of the department of human resources for improvement of facilities at the northern Nevada children's home and the southern Nevada children's home.

S.B. 148 (chapter 280)

Senate Bill 148 appropriates a total of \$3,550,000 to the University of Nevada System. The funds are allocated as follows: \$1,500,000 for equipment for the Mackay School of Mines and the College of Engineering at the University of Nevada-Reno; \$1,000,000 for instructional equipment for the University of Nevada-Las Vegas (UNLV); \$300,000 for a research facility for the environmental biology program at UNLV; and \$750,000 for the four community colleges within the University of Nevada System.

S.B. 149 (chapter 334)

Senate Bill 149 appropriates \$473,552 to the state board of examiners. The funds are allocated in the following manner: \$55,266 to the emergency fund; \$15,837 to the state claims account; and \$402,449 to the statutory contingency fund. This appropriation restores the balances of these funds.

S.B. 150 (chapter 151)

Senate Bill 150 appropriates \$237,000 to the state gaming control board for the addition of disk storage main memory high performance terminal parts and a disk cache processor to enhance its electronic data processing system.

S.B. 158 (chapter 33)

Senate Bill 158 appropriates \$2.5 million from the state general fund to the legislative fund.

S.B. 163 (chapter 594)

Senate Bill 163 appropriates \$250,000 from the reserve fund for the supplemental relief tax to the City of Gabbs, Nevada, to pay a portion of the costs of a new water system.

S.B. 187 (chapter 820)

Senate Bill 187 appropriates \$110,000 for fiscal year 1987-1988 and \$110,000 for fiscal year 1988-1989 to Nevada's state department of education. This appropriation is to be distributed to the county school districts, the University

APPROPRIATIONS (continued)

of Nevada System and appropriate nonprofit or voluntary organizations to provide additional support for programs to increase the literacy of adults.

S.B. 208 (chapter 628)

Senate Bill 208 appropriates \$50,000 each fiscal year over the next biennium to the Nevada state council on the arts for the support of the arts.

S.B. 209 (chapter 627)

Senate Bill 209 appropriates \$400,000 each fiscal year during the next biennium for the continuation of the study and testing of deep carbonate aquifers in eastern and southern Nevada. The funds will only be available when an equal amount of federal money is allocated for the project.

S.B. 210 (chapter 66)

Senate Bill 210 appropriates \$45,000 to the commission on economic development to continue the program to attract the superconducting super collider to Nevada.

S.B. 212 (chapter 519)

Senate Bill 212 appropriates \$244,672 for the Thomas and Mack Center in Las Vegas, Nevada, and \$70,000 to the Lawlor Events Center in Reno, Nevada, for each of the 1987-1988 and 1988-1989 fiscal years.

S.B. 225 (chapter 127)

Senate Bill 225 removes an unconstitutional tax on the right to receive electric power from real and personal property which is exempt from taxation on the basis of its public ownership. The bill also changes the date upon which the state board of equalization begins its annual session from the first Monday in March to the third Monday in March.

S.B. 251 (chapter 721)

Senate Bill 251 appropriates \$200,000 to the rehabilitation division of Nevada's department of human resources. This appropriation is to be allocated to the "Help Them Walk Again Foundation, Inc." to provide treatment for persons suffering spinal cord injuries. The appropriation is contingent upon the foundation raising an equal amount from sources other than the State of Nevada.

S.B. 267 (chapter 383)

Senate Bill 267 appropriates \$1,513,726 to the division of state parks in the state department of conservation and natural resources for capital improvements in parks and recreational areas. The bill also authorizes the division to use \$96,410 in unobligated park bonds for the same purpose.

APPROPRIATIONS (continued)

S.B. 331 (chapter 676)

Senate Bill 331 appropriates \$145,000 to the commission on economic development for the completion of the water system at the Battle Mountain Airport and Aviation Center. The funds must be repaid to the state general fund at a rate of \$29,000 each year for 5 years.

S.B. 339 (chapter 171)

Senate Bill 339 appropriates \$40,550 to the state commission on economic development for a quick-start training program for the Sherwin-Williams Company's new facility in Sparks, Nevada.

S.B. 351 (chapter 708)

Senate Bill 351 makes appropriations for the purchase of additional books and materials for public libraries in the state. The bill specifies that the appropriations may not be used to reduce or replace the amount designated in the budget of any public library for purchasing books.

S.B. 354 (chapter 230)

Senate Bill 354 appropriates \$60,000 to the District Judges Salary Account to pay the salaries of the district judges for fiscal year 1986-1987.

S.B. 356 (chapter 224)

Senate Bill 356 appropriates \$10,000 to the Supreme Court Justice and Widows Pension Account to pay pensions for fiscal year 1986-1987.

S.B. 374 (chapter 299)

Senate Bill 374 extends until June 30, 1988, the reversion of the appropriation made in 1985 to complete the Interpretive Center at the Nevada Railroad Museum.

S.B. 395 (chapter 288)

Senate Bill 395 extends until June 30, 1988, the reversion of the appropriation made in 1985 for the construction of prison camps.

S.B. 423 (chapter 130)

Senate Bill 423 makes a supplemental appropriation of \$43,126 to Nevada's department of prisons to provide additional staffing and equipment at the northern Nevada correctional center.

S.B. 424 (chapter 287)

Senate Bill 424 appropriates \$56,750 to the University of Nevada System for its small business development center.

APPROPRIATIONS (continued)

S.B. 462 (chapter 249)

Senate Bill 462 appropriates \$800,000 to the legislative fund.

S.B. 474 (chapter 718)

Senate Bill 474 appropriates \$200,000 for fiscal year 1986-1987, and \$220,000 for fiscal year 1987-1988, from the reserve fund for the supplemental city-county relief tax (SCCRT) to Lincoln County, Nevada. The purpose of the appropriation is to provide funding for budget shortfalls to maintain necessary services.

S.B. 505 (chapter 282)

Senate Bill 505 appropriates \$157,100 for the cost of repairing the governor's mansion and the purchase of new carpet.

S.B. 514 (chapter 767)

Senate Bill 514 appropriates \$20,000 to the Western Interstate Commission on Higher Education for the cost of collecting debts owed the commission.

S.B. 520 (chapter 521)

Senate Bill 520 makes several supplemental appropriations from the state general fund to Nevada's department of prisons. The appropriations are to be used for repairs and completion of various projects throughout the prison system.

S.B. 533 (chapter 744)

Senate Bill 533 appropriates \$100,000 from the reserve fund for the supplemental city-county relief tax to White Pine County, Nevada. This appropriation is to help relieve fiscal distress caused by high unemployment and economic decline.

S.B. 552 (chapter 711)

Senate Bill 552 appropriates \$445,000 to the commission on economic development to complete an application to the Federal Government to locate the superconducting super collider in Nevada.

S.B. 587 (chapter 678)

Senate Bill 587 appropriates \$19,557,894 to the state public works board for carrying out its program of capital improvements. The bill also sets forth schedules of repayment for certain state agencies.

S.B. 596 (chapter 746)

Senate Bill 596 is the authorized expenditures act. This act authorizes expenditures by various officers, departments, boards, agencies, commissions and institutions in the

APPROPRIATIONS (continued)

state for fiscal year 1987-1988 and fiscal year 1988-1989 from funds other than the general fund or the highway fund. The money whose expenditure is authorized by this act includes money which comes from federal grants, interagency fees, fines, licenses and other miscellaneous services. Expenditures for the biennium authorized by this act total about \$1.8 billion.

A.B. 19 (chapter 12)

Assembly Bill 19 appropriates \$87,500 to the department of administration for the drafting of legislative measures for executive agencies and the judicial department of the state during the 1987 legislative session.

A.B. 20 (chapter 11)

Assembly Bill 20 appropriates \$5,000 for the governor's portrait.

A.B. 21 (chapter 9)

Assembly Bill 21 appropriates \$66,000 to the legislative counsel bureau for reproduction of volumes of Nevada Reports which are out of print or of limited supply.

A.B. 46 (chapter 668)

Assembly Bill 46 appropriates \$100,000 to the commission on economic development for the continued construction of the Moapa Valley Fairground.

A.B. 64 (chapter 732)

Assembly Bill 64 appropriates \$425,000 to the University of Nevada-Reno for the design and planning of a new engineering and laboratory center. The measure also directs that Nevada's state controller shall not distribute these funds until the university has received contributions or pledges of money from sources other than the State of Nevada or the Federal Government in the amount of \$1 million.

A.B. 99 (chapter 43)

Assembly Bill 99 makes supplemental appropriations to the southern Nevada children's home bureau of the youth services division in the department of human resources (\$6,000), the Nevada girls training center bureau of the youth services division (\$136,313), the labor commissioner (\$5,504) and the department of museums and history (\$14,268).

A.B. 122 (chapter 19)

Assembly Bill 122 appropriates from the state general fund to the state permanent school fund the sum of \$21,960 to compensate for transfer of state school grant lands to state agencies for their use.

APPROPRIATIONS (continued)

A.B. 134 (chapter 79)

Assembly Bill 134 appropriates \$2,349,211 to the state public works board to construct an additional 88 inpatient beds for the Southern Nevada Adult Mental Health Center. It also appropriates \$168,409 to the board to upgrade the airconditioning system in the inpatient units of Buildings B and C of the Las Vegas Mental Health Center.

A.B. 137 (chapter 118)

Assembly Bill 137 makes a supplemental appropriation of \$15,873,766 to the State Distributive School Fund for the payment of the basic support guaranteed to school districts.

A.B. 142 (chapter 495)

Assembly Bill 142 appropriates \$263,876 and \$1,198,584 from the state general fund to Nevada's department of prisons and state department of conservation and natural resources, respectively. These funds are to be used to equip and furnish conservation camp facilities.

A.B. 143 (chapter 398)

Assembly Bill 143 appropriates \$179,300 to Nevada's department of prisons. This appropriation is for the installation of equipment for a microwave communication system.

A.B. 144 (chapter 496)

Assembly Bill 144 makes an appropriation of \$146,033 from the state general fund to the department of prisons for the replacement of beds and mattresses. Any money not expended or unobligated by June 30, 1989, will revert to the state general fund.

A.B. 152 (chapter 73)

Assembly Bill 152 appropriates \$96,033 to the Motor Pool Working Capital Fund for the purchase of 12 vehicles to be added to the motor pool fleet. The bill also appropriates \$31,768 to the welfare division to match federal money for the purchase of eight vehicles for the division's use.

A.B. 160 (chapter 98)

Assembly Bill 160 appropriates \$325,000 to the state department of education to settle an audit.

A.B. 186 (chapter 592)

Assembly Bill 186 appropriates a total of \$296,000 from the state general fund and the Pollution Control Fund to the Tahoe Regional Planning Agency for the costs of conducting various projects.

APPROPRIATIONS (continued)

A.B. 187 (chapter 400)

Assembly Bill 187 provides a supplemental appropriation of \$3,080 to the department of prisons for the reimbursement of moving expenses for Ron Angelone and Harol Whitley.

A.B. 210 (chapter 46)

Assembly Bill 210 makes a supplemental appropriation of \$15,386 to the aging services division.

A.B. 244 (chapter 399)

Assembly Bill 244 appropriates \$6,755,351 from Nevada's state general fund to the contingency fund. The purpose of the appropriation is to increase the balance of the contingency fund to \$8,000,000.

A.B. 245 (chapter 290)

Assembly Bill 245 appropriates \$180,000 to the secretary of state to establish an on-line computerized Uniform Commercial Code filing system.

A.B. 247 (chapter 100)

Assembly Bill 247 appropriates \$70,850 to the state department of education for contract services for the validation of a competency test for the initial certification of prospective teachers, administrators and other certified personnel.

A.B. 248 (chapter 494)

Assembly Bill 248 appropriates \$317,281 to Nevada's department of prisons for the purpose of purchasing equipment and materials for law libraries in:

1. Conservation camps (\$54,990);
2. Ely maximum security prison (\$67,695); and
3. Reno correctional facility (\$194,596).

The measure also appropriates an additional \$235,035 to the department of prisons to purchase equipment and materials for modular housing units at the Nevada state prison and the southern desert correctional center and to employ correctional officers for security during the construction of those units.

A.B. 275 (chapter 307)

Assembly Bill 275 appropriates \$298,014 to the legislative fund for improvements to the legislative building and surrounding grounds.

APPROPRIATIONS (continued)

A.B. 471 (chapter 279)

Assembly Bill 471 appropriates \$219,187.87 to Blum, Nash and Railsback of Washington, D.C. This appropriation is for payment in full for legal services rendered to the attorney general relating to litigation in United States v. Exxon Corporation.

A.B. 515 (chapter 590)

Assembly Bill 515 appropriates \$5,000 to the Nevada High School Rodeo Association for the Nevada International Invitational Rodeo. The measure also appropriates \$2,500 to Miss Rodeo Nevada Pageant, Inc., for the Miss Rodeo Nevada Pageant.

A.B. 578 (chapter 403)

Assembly Bill 578 changes the distribution of money appropriated to the Tahoe Regional Planning Agency by section 1 of chapter 567, Statutes of Nevada, 1985, page 1733. The new distribution of funds:

1. Reduces money for legal expenses of the agency from \$216,666 to \$184,966;
2. Reduces money for various studies and a program to inform the public from \$83,331 to \$30,031; and
3. Provides \$85,000 for general operating expenses of the agency.

A.B. 600 (chapter 258)

Assembly Bill 600 makes a supplemental appropriation to the Southern Nevada Adult Mental Health Services. A sum of \$11,639 is allocated for the employing, training and orienting of new staff at the Horizon Recovery Center Facility.

A.B. 704 (chapter 730)

Assembly Bill 704 appropriates \$80,000 from the state general fund to the City of Las Vegas, Nevada, for distribution to the Doolittle Community Center for the operation of a tutorial program for disadvantaged youths and the establishment of a Big Brother/Big Sister program.

A.B. 737 (chapter 404)

Assembly Bill 737 delays to June 30, 1988, the reversion of any unexpended or unobligated money that was appropriated to the bureau of vocational rehabilitation in the rehabilitation division of the department of human resources through chapter 308, Statutes of Nevada, 1985, page 921, for the purpose of acquiring a system of data processing.

APPROPRIATIONS (continued)

A.B. 776 (chapter 607)

Assembly Bill 776 appropriates \$81,251 for each year of the next biennium to the state department of education. The funds are to be used for apprenticeship training programs and may not be expended unless matched with an equal amount from a source other than the State of Nevada.

A.B. 787 (chapter 262)

Assembly Bill 787 makes a supplemental appropriation to the youth services division. A sum of \$23,974 is allocated for the support of the southern Nevada children's home.

A.B. 789 (chapter 491)

Assembly Bill 789 appropriates \$237,000 to Nevada's department of museums and history for the purchase of antique railroad equipment. The appropriation is contingent upon the department receiving and expending \$50,000 in each year of the next biennium from a source other than the State of Nevada.

A.B. 821 (chapter 673)

Assembly Bill 821 appropriates \$150,000 from the reserve fund for the supplemental city-county relief tax to Clark County, Nevada, to pay a portion of the costs of acquiring or rehabilitating the sewage disposal facilities for the Blue Diamond area in the county.

A.B. 828 (chapter 609)

Assembly Bill 828 appropriates \$50,000 to the state department of education. The appropriation is to be distributed to all nonprofit, public broadcasting stations in Nevada-- 75 percent of the funds to public television and 25 percent to public radio.

A.B. 829 (chapter 761)

Assembly Bill 829 makes an appropriation from the estate tax account for the endowment of the University of Nevada System to the state board of education to provide matching money for the student financial aid grant program.

The bill appropriates \$225,000 for fiscal year 1987-1988 and \$225,000 for fiscal year 1988-1989 to match a grant received from the Federal Government pursuant to the state student incentive grant program. The state department of education must be allocated up to \$21,000 per year from this appropriation for the administration of the grant program, and the balance must be used to provide grants to undergraduate and

APPROPRIATIONS (continued)

graduate students who have been determined as having financial need and who are enrolled at least half time in approved public institutions of postsecondary education.

A.B. 875 (chapter 621)

Assembly Bill 875 appropriates \$57,268 to the Motor Pool Fund for the purchase of seven vehicles for use by the department of parole and probation. The measure also appropriates an additional \$5,873 to the department of parole and probation for seven hand-held radios.

A.B. 889 (chapter 759)

Assembly Bill 889 appropriates \$100,000 over the next biennium to the commission on economic development for the costs of operating the International Trade Office.

A.B. 890 (chapter 738)

Assembly Bill 890 appropriates \$85,000 from the state general fund to the legislative fund. This appropriation is for the support of the interim studies approved by the 64th session of the legislature.

A.B. 893 (chapter 747)

Assembly Bill 893 is the general appropriations act. This act appropriates \$707 million from the state general fund for the operation of state government in fiscal years 1987-1988 and 1988-1989. The act also makes an appropriation from the state highway fund for the operation of various agencies.

## BALLOT QUESTIONS

### S.B. 230 (chapter 511)

Senate Bill 230 provides for the submission to the voters of Nevada the question of whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption for the sale, storage, use or other consumption of gold, silver or platinum medallions or bars which are authorized by law to bear the state seal and gold, silver, platinum and other precious metals sold at retail as bullion, ingots, bars or bullion coins.

If this question is approved by the voters, the legislature has provided that the Local School Support Tax Law and the City-County Relief Tax Law will be amended to provide the same exemption.

The question will appear on the ballot at the general election on November 8, 1988.

### S.B. 260 (chapter 358)

Senate Bill 260 provides for the submission to the voters of a proposal to exempt 40 percent of the value of new mobile or manufactured homes and the entire value of used mobile or manufactured homes from sales and use taxes. The question will appear on the ballot at the general election to be held on November 8, 1988.

### S.B. 316 (chapter 182)

Senate Bill 316 provides for the submission to the voters of the question of whether the state's Sales and Use Tax Act should be amended to provide an exemption for personal property loaned or donated to tax-exempt organizations. If this proposal is adopted by the voters, the bill also stipulates that the Local School Support Tax Law and the City-County Relief Tax Law are amended to contain the same exemption.

If this question is approved by the electorate at the general election on November 8, 1988, the provisions of the bill become effective on January 1, 1989.

### S.B. 401 (chapter 486)

Senate Bill 401 provides for the submission to the voters at the November 8, 1988, general election of the question as to whether building materials, and new and used equipment purchased by businesses operating in zones for economic development (enterprise zones) should be exempted from sales and use taxes. If the ballot question is approved, a provision regarding the refund or credit of the local school support tax paid by these businesses on these items would automatically be repealed.

## BALLOT QUESTIONS (continued)

### S.J.R. 6 - 63rd Session (File No. 43)

Senate Joint Resolution No. 6 of the 63rd session of the legislature proposes to amend the state constitution to authorize specifically the legislative review of administrative regulations. Because this measure was adopted by the legislature in 1985 and 1987, it will be placed on the 1988 ballot for a vote of the citizens of the state.

### S.J.R. 16 - 63rd Session (File No. 22)

Senate Joint Resolution No. 16 of the 63rd session proposes to amend the Nevada constitution as it pertains to the initiative and referendum. This resolution, if approved by the voters at the 1988 general election, would establish a "birth and death" (beginning date and ending date) for initiative and referendum petitions. A primary purpose of the measure is to establish certain dates after which a petition may be filed with the secretary of state before it is circulated for signatures. Dates for filing petitions with the secretary of state after circulation are not changed. Approval of this proposal would assure that petitions could not "float" around the state for more than approximately 9 months before filing for signature verification.

### S.J.R. 17 - 63rd Session (File No. 71)

Senate Joint Resolution No. 17 of the 63rd legislative session proposes to amend the Nevada constitution relative to the selection and retention of supreme court justices and district court judges. If approved by the voters in 1988, this measure would permit the governor to appoint these justices and judges to their initial terms in the manner already provided for in the constitution, which requires the governor to select from a list of nominees prepared by the commission on judicial selection. Thereafter, in order to succeed himself, a justice or judge must stand for a retention election where the question of whether or not the justice or judge should succeed himself is put to the people.

Senate Joint Resolution No. 17 of the 63rd session is patterned after the so-called Missouri Plan of judicial selection and retention.

### S.J.R. 21 - 63rd Session (File No. 30)

Senate Joint Resolution No. 21 of the 63rd legislative session proposes to amend section 3 of article 11 of the Nevada constitution to clarify historic language that is obsolete and confusing. Unnecessary references to specific land grants of the 1800's are deleted. The amendment also simplifies the remaining provisions. It clarifies the intent to pledge permanently several types of revenue, including all

BALLOT QUESTIONS (continued)

proceeds of school grant lands, for educational purposes. The new language more clearly complements state law, which provides that these revenues are placed in the permanent school fund, and that the interest from that fund is deposited in the state distributive school fund.

The resolution will be placed on the ballot for a vote of the people at the 1988 general election.



## COMMERCE

Bill summaries within the topic of "Commerce" are categorized under the following subheadings:

1. Corporations, Partnerships and Other Business Associations;
2. Professional Licensing; and
3. Other Bills Generally Related to the Topic.

### Corporations, Partnerships and Other Business Associations

#### S.B. 6 (chapter 28)

Senate Bill 6 allows the certificate or articles of incorporation of a private corporation to contain provisions eliminating or limiting the personal liability of its directors, officers or stockholders. However, the bill does not limit liability for acts or omissions of a director or officer which involve intentional misconduct, fraud, payments of dividends in violation of state law or any other knowing violation of the law.

The bill also provides a statutory exemption from personal liability for the directors and officers of nonprofit corporations and organizations as long as their actions are legal and made in good faith.

The measure permits a corporation to make financial arrangements indemnifying its directors, employees and officers against certain liability. It also allows for the advancement of expenses to corporate directors and officers as incurred while defending legal actions.

#### A.B. 37 (chapter 4)

Assembly Bill 37 amends the statutes concerning the filing, amendment and execution of certificates of limited partnership under chapter 88 of Nevada Revised Statutes (NRS). Chapter 88 of NRS is the Uniform Limited Partnership Act which was adopted by the 1985 legislature and became effective on January 1, 1987.

The intent of this measure is to eliminate unnecessary filing requirements for limited partners who are not bound by the obligations of the partnership. It provides that only general partners are covered by certain statutory requirements for filing, amending and executing certificates of limited partnerships.

Assembly Bill 37 eliminates the statutory requirement that the name and address of each limited partner be contained in the certificate of limited partnership filed with the secretary of state. In addition, it provides that such certificates need not be amended when limited partners are admitted or withdrawn. The bill also allows for the execution of certificates without the signatures of limited partners on the original certificate.

Assembly Bill 37 is effective upon passage and approval.

A.B. 120 (chapter 241)

Assembly Bill 120 authorizes foreign corporations which do not maintain business offices in Nevada to produce motion pictures in this state. The bill also provides that foreign corporations are not required to comply with provisions (1) relating to filing corporate documents to qualify to do business in Nevada, and (2) relating to modification of corporate names unless they make secured loans in the state without the participation of a domestic lender.

A.B. 124 (chapter 157)

Assembly Bill 124 expands the authority of partners to sell all or substantially all of the property of the partnership without unanimous approval. The bill stipulates that such a sale is allowed as long as the sale is approved by a vote or the prior consent of the partners as stated in an agreement of the partners, and all partners are provided written notice, sent by registered or certified mail, at least 15 days before the date of the sale.

The bill also exempts foreign limited partnerships from the provisions of chapter 602 of NRS which addresses doing business under a fictitious name. Furthermore, it temporarily expands the authority of general partners to change the name of a limited partnership and provides the relevant procedures.

Assembly Bill 124 was made effective upon passage and approval.

A.B. 202 (chapter 26)

Assembly Bill 202 substitutes the Uniform Limited Partnership Act (1985) for the Revised Uniform Limited Partnership Act of 1976.

The measure provides, among other things, that limited partnerships must notify the secretary of state within 30 days of a change of address, and keep records of the details on the limited partnership agreement. Under the provisions of

this bill, a limited partnership may perform any business that a regular partnership conducts, with the exception of banking or insurance practices. The bill also details filing fees for address changes, the annual designation of an agent for service of process and restated certificates of limited partnership.

This act became effective upon passage and approval.

A.B. 205 (chapter 465)

Assembly Bill 205 modifies the provisions relating to corporations and other business associations. The bill specifies criteria and procedures which the secretary of state is to use in determining whether to accept filings of corporations, limited partnerships and insurance associations which propose names that are deceptively similar to other such organizations. The measure also outlines procedures for registration of limited partnerships and certain types of corporations and insurance associations. It modifies the fees associated with filings related to corporations and other business associations, and it clarifies the methods for service of a legal process upon a corporation.

A.B. 299 (chapter 104)

Assembly Bill 299 provides that, under specified circumstances, no vote of stockholders of a constituent corporation surviving a merger is necessary to authorize the merger. In cases where a merger is effected without the stockholders' approval, the president or vice president and the secretary or assistant secretary of the surviving corporation must certify that the merger agreement follows the provisions of this bill. The bill also specifies that a corporation which has not issued shares of stock may merge or consolidate by a resolution adopted by its board of directors.

Assembly Bill 299 was made effective upon passage and approval.

A.B. 336 (chapter 269)

Assembly Bill 336 makes various changes relating to corporations. It allows a corporation to provide in its articles or certificate of incorporation that the holder of a bond, debenture or other obligation of the corporation has the same rights as a stockholder of that corporation.

The bill changes the provisions of law regarding the permissible number and method of electing directors. It also allows corporations to issue stock for cash.

The measure grants corporations the authority to provide in their articles or certificate of incorporation for the issuance of uncertified shares of some or all of the shares of stock. Unless specifically stated by law, the obligations and rights of stockholders are identical whether or not their shares of stock are represented by certificates. The bill applies existing notification requirements for corporations to foreign corporations operating in Nevada.

A.B. 748 (chapter 327)

Assembly Bill 748 conditions the exercise of voting rights of shares of stock acquired through certain corporate acquisitions upon the approval of the stockholders. It establishes the procedures associated with making this determination and the conditions under which a stockholder may require the corporation to purchase his shares.

This bill applies to acquisition of a controlling interest in an issuing corporation unless, before an acquisition is made, the articles of incorporation or bylaws of the corporation state otherwise. An issuing corporation is defined as a corporation organized in Nevada and which:

1. Has 200 or more stockholders at least 100 of whom are residents of this state; and
2. Does business in Nevada directly or through an affiliated corporation.

Professional Licensing

S.B. 16 (chapter 180)

Senate Bill 16 makes various minor changes relating to the state board of osteopathic medicine. The bill requires that licensing examinations must be held at least once a year. The law previously required that examinations be held at least twice a year. The bill also changes the annual renewal date for licenses and increases the renewal license fee from \$10 to \$50.

S.B. 66 (chapter 276)

Senate Bill 66 revises the laws and procedures related to dispensing opticians. It adds the fitting of contact lenses pursuant to a written prescription by a dispensing optician to the definition of "ophthalmic dispensing." The measure specifies the activities and information of the board of dispensing opticians which are open to the public or may be kept confidential.

The bill defines the procedures and fees related to licensing of dispensing opticians and apprentices. It also provides procedures for renewal, reinstatement, revocation and placing of licenses in inactive status.

S.B. 77 (chapter 111)

Senate Bill 77 makes a number of changes in the statutes which relate to the regulation of physicians. It specifies the course of study required for every person desiring to practice medicine in the state. The bill also exempts licensed physicians from other states from having to have a Nevada license in order to obtain training or provide instruction in Nevada as long as the training or instruction is approved by Nevada's board of medical examiners.

The measure requires licensed physicians to notify the board within 14 days of the closure of their offices as well as notify the board of the location of their patients' records.

It sets forth a procedure for resuming the practice of medicine for a physician who has retired.

The bill also increases the fee for the administration of any one part of the Federation Licensing Examination from \$100 to \$200 and increases the fee for application and issuance of temporary or special licenses from \$100 to \$300.

The bill expands the grounds for initiating disciplinary action or denying licensure to include filing false reports, failing to comply with statutory requirements, habitual intoxication from alcohol or drugs, or failure to be found competent to practice medicine as the result of an examination to determine medical competency.

It also prohibits a person from using the title "M.D." when he is not licensed by Nevada's board of medical examiners. In a somewhat related matter, the bill allows the use of silicone oil to treat detached retinas.

S.B. 125 (chapter 644)

Senate Bill 125 strengthens the licensing and regulation requirements for collection agencies. The bill sets forth disciplinary actions the commissioner of the division of financial institutions may take against a collection agency found in violation of the law. These changes make the disciplinary actions more consistent with the provisions which govern other financial institutions regulated by the state.

Under the bill, collection agencies are authorized to obtain a permit to operate a branch office. A nonrefundable fee of \$125 for the application and an examination must accompany each application for a permit and the permit must be renewed each year. Annual financial reports are required to be submitted to the administrator within 60 days after the end of the collection agency's fiscal year. Moreover, the measure requires that every collection agency maintain a signed contract with each of its customers.

S.B. 134 (chapter 775)

Senate Bill 134 makes various changes relating to homeopathic medicine. It changes the definition of "homeopathic physician" to specify that the person must have complied with all the statutory requirements and regulations adopted by the board of homeopathic medical examiners.

The requirements for licensure are increased to include a degree of Doctor of Medicine or Doctor of Osteopathic Medicine. The applicant must have attended the school granting the degree during the 2 years immediately preceding. The applicant must also verify that he has received 6 months of postgraduate training in homeopathy. The measure includes provisions by which an applicant who has failed the written examination can take it again. The board is also allowed to require an applicant to pass an oral examination.

The bill substantially expands the grounds for initiating disciplinary action or denying the issuance of a license. The measure also revises the procedures by which a complaint is investigated and acted upon by the board. Sanctions are provided as options for the board to take in penalizing homeopathic physicians who have been determined to be in violation of the law. A process is also set forth for restoring licenses. The bill also declares that any person who furnishes information to the board about a homeopathic physician who is licensed or is applying for a license is immune from civil liability.

S.B. 176 (chapter 81)

Senate Bill 176 amends the maximum fees which the board of landscape architecture may charge and provides for a document copying fee. The bill increases the maximum fees for examination and reexamination from \$100 to \$250, and it raises the maximum fee level for registration, renewal and reinstatement from \$70 to \$160. In addition, this measure increases the delinquency fee ceiling from \$20 to \$100.

Under Senate Bill 176, the maximum change of address fee is reduced from \$10 to \$5, and a maximum fee of 25 cents per page is instituted for copying a document.

The bill was made effective upon passage and approval.

S.B. 177 (chapter 749)

Senate Bill 177 requires the state board of podiatry to maintain records of everyone who has applied for a license to practice in the state whether the license was issued or denied. In addition, the bill separates the offices of secretary and treasurer but allows the members to assign the duties of both offices to one person.

S.B. 178 (chapter 748)

Senate Bill 178 makes various changes in Nevada law relating to the licensing of podiatrists and podiatry hygienists. The bill sets forth the requirements by which temporary licenses of no more than 1 year may be granted. It also provides additional grounds for discipline and specifies various disciplinary actions. The measure gives the board more flexibility to establish, by regulation, the requirements for passing the licensure examination. It also requires podiatrists to be trained in techniques of cardiopulmonary resuscitation.

The bill repeals the sections of the law which relate to retirement from practice and suspension of certificates. It also increases the fine for persons who practice podiatry or podiatry hygiene without compliance with the provisions of the law.

S.B. 214 (chapter 701)

Senate Bill 214 makes several technical changes relating to licensing by the board of examiners for audiology and speech pathology. All graduate students enrolled in a program or school approved by the board are exempted from statutory licensing requirements. Previously, the law only exempted students at the University of Nevada who were pursuing a graduate degree in audiology or speech pathology. The bill also exempts individuals who hold a current certificate from the Council on the Education of the Deaf as a teacher of the deaf from the licensing requirements.

S.B. 234 (chapter 484)

Senate Bill 234 regulates the practice of social work in Nevada. The bill creates the board of examiners for social workers consisting of five members appointed by the governor.

Four of the members must be licensed or eligible for licensure. One member must be a representative of the general public.

The bill provides for the board's organization, powers and duties. Requirements for licensure and related fees are included.

The bill also amends pertinent chapters of the NRS to entitle licensed social workers to be reimbursed by insurance companies if the type of service rendered is provided under the coverage of the policy and the treatment was under the authorized scope of practice of the social worker.

S.B. 241 (chapter 476)

Senate Bill 241 makes various changes relating to contractors. The bill requires that a contractor display his name and license number on each commercial motor vehicle registered under his name. The letters and numbers must be at least 1 1/2 inches high.

Under the bill, if a contractor performs construction without obtaining any necessary building permit, there is a rebuttable presumption that the contractor willfully and deliberately violated state and local building laws. The board, however, may not require the contractor to obtain that permit more than 90 days after the construction is completed.

S.B. 254 (chapter 789)

Senate Bill 254 makes various changes concerning the licensing and regulation of private investigators. The bill allows licensees to be self-insured if they can demonstrate they have sufficient means. It also requires the private investigator's licensing board to establish the criteria for self-insurance required to be maintained by licensees.

The bill establishes the criteria by which a licensed person may employ a nonlicensed person. The measure further provides for the board's power of subpoena in any proceeding before it concerning the activity of any unlicensed person or the discipline of a licensee.

In addition, the bill prohibits counties and cities from enacting ordinances that regulate persons licensed by the state board, except general business regulations designed to raise revenue or assure compliance with local building codes, zoning ordinances, and fire safety regulations.

S.B. 263 (chapter 233)

Senate Bill 263 repeals the residency requirement for obtaining a license as a real estate broker or salesman. It establishes procedures whereby such a license may be issued to a nonresident of the state. The bill also clarifies the provision concerning exemption of financial institutions from the provisions of chapter 645 of NRS relative to real estate brokers and salesmen.

S.B. 276 (chapter 362)

Senate Bill 276 increases the powers of the board of examiners for audiology and speech pathology by allowing the board to issue subpoenas, administer oaths when taking testimony and adopt a seal. The bill also sets forth the procedure by which the board may report to the district court if any witness refuses to attend, testify or produce any papers required by a subpoena.

S.B. 283 (chapter 240)

Senate Bill 283 deletes the statutory requirement that social workers must be certified by the Academy of Certified Social Workers. The bill also amends the definition of a person professionally qualified in the field of psychiatric mental health to require that a psychiatrist licensed to practice medicine in the state must also be certified by the American Board of Psychiatry and Neurology.

S.B. 298 (chapter 741)

Senate Bill 298 makes various changes in the law relating to the members of the state board of pharmacy. Previous law prohibited appointment of more than two members of the six-member board from the same county. This bill clarifies the law by specifying that no more than two of the five registered pharmacists on the board can be from one county. The member representing the general public may be from any county.

The bill also deletes a provision which stated that the member of the board who is a representative of the general public could not participate in preparing, conducting, or grading examinations. In addition, the bill provides that the board's secretary may not be one of its members.

S.B. 313 (chapter 788)

Senate Bill 313 changes all references in the NRS to certified marriage and family counselors to licensed marriage and family therapists. The name of the board for marriage and family counselors is changed to the board of examiners for marriage and family therapists. The fees the board is

authorized to charge and collect are increased. In addition, negligence, fraud or deception in connection with services being provided are added to the reasons for which the board may refuse to grant a license or may suspend or revoke a license. Disciplinary measures are also outlined in the bill.

The bill further provides that insurance policies which provide for treatment that is within the scope of the practice of a licensed marriage and family therapist must grant the insured reimbursement for treatment by a marriage and family therapist.

S.B. 320 (chapter 376)

Senate Bill 320 amends the laws governing the practice of dentistry and dental hygiene. The definition of practicing dentistry is expanded to include determining whether particular treatments are necessary or desirable. Applicants for a license to practice dentistry are required by this bill to present to the board of dental examiners of Nevada a certificate granted by the National Board of Dental Examiners showing that they have passed the national board's examination with a score of at least 80 percent. Previously, applicants were allowed to provide such a certificate or take a written examination on their theoretical knowledge of dentistry.

The bill provides that in order for a dental hygienist to be deemed to be supervised by a dentist, the dentist must be physically present in the office and capable of responding immediately to an emergency. Certain fees paid by dentists and dental hygienists are also increased. The bill provides a new fee of \$500 for reinstating a license which has been revoked.

The bill, furthermore, expands the range of disciplinary actions which the board of dental examiners of Nevada may impose. It also removes a provision which exempted dentists and dental hygienists in the full-time employment of the State of Nevada from regulation by the board of dental examiners of Nevada.

S.B. 333 (chapter 671)

Senate Bill 333 amends state law regarding the grounds for disciplinary action by the state barbers' health and sanitation board. The law formerly provided grounds only for the denial, revocation or suspension of a barber's certificate or a barber's school license. The bill allows the board to revoke, suspend, or refuse to issue or renew a certificate or license if it determines that a violation of the law has occurred. The board also may impose a fine of not more than \$1,000.

S.B. 334 (chapter 387)

Senate Bill 334 revises the qualifications of the members of the state barbers' health and sanitation board. The measure removes the requirement that at least one of the members who is a registered barber must be a resident of a county other than Clark or Washoe. Instead, it allows the third barber member to be a resident in any county in the state. In addition, the bill deletes the requirement that the barber members must be registered journeyman barbers, at least one of whom must be an employer of two or more full-time barbers. The bill instead requires that each barber member of the state board must be registered.

S.B. 338 (chapter 389)

Senate Bill 338 authorizes reciprocal licensing of barbers and cosmetologists under certain circumstances. The bill eliminates the requirement that cosmetologists must first be certified as an apprentice in barbering before taking the barber's examination. Four hundred hours of specialized training at a school of barbering must be completed in order for a cosmetologist to be entitled to take the examination for the barber's license.

The bill also allows a registered barber to be licensed as a cosmetologist after passing an examination and completing 400 hours of specialized training approved by the state board of cosmetology. Moreover, the measure sets forth the amount of additional study required before an applicant who fails an examination for reciprocal licensing may take another examination.

S.B. 347 (chapter 458)

Senate Bill 347 enlarges the authority of the state contractors' board over unlicensed individuals acting as contractors. The board is authorized to issue subpoenas in connection with an investigation of an unlicensed contractor. Moreover, the board is authorized to issue an order to cease and desist to any unlicensed contractor who submits a bid on a job in Nevada.

S.B. 373 (chapter 335)

Senate Bill 373 makes it unlawful for any person or combination of persons to submit a bid on a construction job if that person or combination of persons is not licensed in the state as a contractor. The bill also makes any bid submitted by a person who is not licensed as a contractor in Nevada automatically void.

S.B. 397 (chapter 696)

Senate Bill 397 allows the board of county commissioners of a county whose population is less than 18,000 people to petition the board of medical examiners to waive certain licensure requirements for a person intending to practice medicine in that county. The bill specifies the criteria under which the waiver may be granted. An applicant receiving a license granted under this waiver is restricted to practice within the designated county, and such a waiver must be renewed every 2 years.

S.B. 410 (chapter 779)

Senate Bill 410 revises several provisions concerning the licensing of psychologists. The bill clarifies the educational requirements for licensing. The board of psychological examiners is also required to administer the "Examination for the Professional Practice of Psychology" test to applicants. A passing grade for the written examination is changed from a grade of 75 percent to a score of 70 percent.

S.B. 428 (chapter 535)

Senate Bill 428 makes various changes concerning the licensing and regulation of cosmetologists and aestheticians. The bill revises the training requirements associated with licensure. It also increases salaries of members of the state board of cosmetology to \$80 a day.

The measure eliminates the provisions which allowed a cosmetologist's apprentice to engage in the practice of cosmetology under the immediate supervision of a licensed cosmetologist without himself having a license, and it repeals the statutory definition of "cosmetologist's apprentice." The bill specifies that a school of cosmetology must contain at least 5,000 square feet of floor space. It also decreases the amount of the surety bond the owner of each school of cosmetology must post from \$50,000 to \$10,000.

S.B. 429 (chapter 471)

Senate Bill 429 makes several technical changes to the laws relating to the practice of cosmetology. The bill reduces the minimum amount of training that a person who applies for a license as an electrologist must have under the immediate supervision of an approved electrologist from 1,000 hours to 500 hours. In addition, the measure requires that an application for a temporary educational permit must be submitted at least 10 days before the date of a demonstration or exhibit.

S.B. 445 (chapter 423)

Senate Bill 445 makes several changes in state law pertaining to the state board of registered professional engineers and land surveyors. The maximum limit for the registration fee for professional engineers is increased from \$150 to \$200. The bill also conforms the provisions governing the unlawful practice of land surveying to the provisions governing the unlawful practice of professional engineering. In addition, the measure specifies that a person in violation of these state laws is guilty of a gross misdemeanor.

S.B. 458 (chapter 652)

Senate Bill 458 authorizes the certification of advanced practitioners of nursing. The bill prescribes the scope of their duties. Relevant terms are also defined in the measure.

S.B. 463 (chapter 390)

Senate Bill 463 includes mobile units within the definition of "cosmetological establishment." The definition refers to a place where cosmetology is practiced, other than a licensed barbershop, and in which one or more licensed manicurists practice.

S.B. 477 (chapter 378)

Senate Bill 477 resolves a conflict in the procedure for disciplinary actions taken by the real estate division in the department of commerce against licensed sales agents of time shares. This bill requires the administrator of the division to appoint a hearing officer to conduct a hearing in order to determine whether to impose a fine or revoke or suspend a license.

A.B. 11 (chapter 55)

Assembly Bill 11 permits individuals with inactive real estate licenses to be licensed as an escrow agent or agency. The previous law did not allow for licensed realtors--active or inactive--to also be licensed as an escrow agent or agency or to be a principal officer, director or trustee of an escrow agency.

A.B. 263 (chapter 502)

Assembly Bill 263 provides for the regulation of public health sanitarians. A public health sanitarian is a person who is qualified to advocate or recommend the use of sanitary measures for the public benefit.

The bill creates a board for registration of public health sanitarians consisting of the state health officer or his designee, two sanitarians and two public members appointed by the governor. One of the sanitarians must be employed by

the Washoe County Health District, and one by the Clark County Health District.

The measure requires that all sanitarians be examined and registered by the board. The bill sets forth the minimum requirements which sanitarians must meet and the licensing fees which they must pay. The bill also defines the procedures which the board must follow in disciplining licensees and the grounds on which disciplinary action may be taken.

The bill appropriates \$783.90 to pay the costs of organizing the board.

A.B. 438 (chapter 542)

Assembly Bill 438 repeals all provisions in Nevada law which relate to naturopathy as a healing art. The bill provides that all licenses issued by the board of naturopathic healing expire on July 1, 1987. The terms of all members of the board of naturopathic healing expire at the same time, and any money held by the board reverts to the general fund.

A.B. 453 (chapter 373)

Assembly Bill 453 allows the state board of physical therapy examiners to charge a fee not to exceed \$25 to replace a lost certificate of registration or to change a name on the certificate. In addition, the bill authorizes the board to require continuing education for physical therapists' assistants as a prerequisite for the renewal of their licenses.

A.B. 454 (chapter 488)

Assembly Bill 454 amends the laws relating to the state contractors' board. The bill provides that the board may not issue a contractor's license under a name that is the same as that of another licensee, or is so similar that the two licensees are likely to be confused.

The measure makes it clear that both financial information and data pertaining to a licensee's net worth are to be kept confidential. The bill also provides that the executive officer of the board may issue a cease and desist order, on behalf of the board, to any person acting as a contractor or submitting a bid on a job situated in Nevada without a contractor's license. Previously, only the board itself was authorized to issue these orders.

The bill provides further that the board may suspend the license of a contractor who fails to maintain the surety bond or cash deposit required by state law. Previously, the

board was required to revoke a contractor's license if he did not furnish an equivalent bond or deposit. The measure also raises from \$200 to \$300 the maximum fee which may be charged for an annual application, examination and license fee.

A.B. 582 (chapter 574)

Assembly Bill 582 specifies the requirements for a person to be certified as an instructor in a barber school. The state barbers' health and sanitation board is authorized to examine instructors, charge an examination fee of up to \$15 and a fee for issuing or renewing an instructor's license. The board may also require that an instructor complete a course of continuing education as a condition for the renewal of his certificate.

The bill also provides that a barber school must have at least two instructors present if the school's active enrollment exceeds 20 students. Previous law required two instructors to be present if active enrollment exceeded 10 students. The measure further deletes a provision which prevented operators of barber schools from making a charge for services rendered by the students to the public.

A.B. 730 (chapter 357)

Assembly Bill 730 enables any person who holds a chiropractic license but does not maintain an active practice to place his license on inactive status. The bill also provides procedures for restoring an inactive license to active status, and it modifies the procedures for the issuance of a license to an applicant who is already licensed in another state.

A.B. 802 (chapter 615)

Assembly Bill 802 amends the laws regulating chiropractors. The bill provides that, except in an emergency, the Nevada state board of chiropractic examiners must give at least 3 days' written notice before meeting. Previously, the board had been required to give 30 days' notice. The bill also provides that a person who presents false credentials to the board or gives false evidence is guilty of a misdemeanor.

A.B. 883 (chapter 663)

Assembly Bill 883 revises the provisions in state law governing the licensing and regulation of automobile wreckers, salvage pools and body shops. The bill defines "rebuilt vehicle" and requires the documentation of such a vehicle to reflect that it is rebuilt.

The bill requires operators of salvage pools and body shops to be licensed by the department of motor vehicles and public safety (DMV&PS). The annual license fee is set at \$300 to be deposited in a special revenue fund for the regulation of salvage pools, automobile wreckers and body shops. The bill establishes bonding requirements, specifies illegal actions and other acts which would cause a business license to be suspended or revoked, and requires certain records to be maintained for these types of businesses.

The bill also establishes further requirements for the licensing of an automobile wrecker and allows licensed automobile wreckers and salvage pool operators to obtain license plates for the movement of vehicles related to their business.

This bill becomes effective January 1, 1988.

#### Other Bills Generally Related to the Topic

##### S.B. 97 (chapter 93)

Senate Bill 97 removes an obsolete reference to the regulation of community antenna television systems by the public service commission of Nevada (PSCN). Jurisdiction over these types of systems was transferred from the PSCN to county and city governments by the legislature in 1985.

##### S.B. 130 (chapter 548)

Senate Bill 130 revises the provisions governing cemeteries and contracts for the sale of services and merchandise in connection with burials and funerals. Previously existing sections of NRS regarding agents' and sellers' licenses and regulations/procedures concerning prepaid contracts are replaced by modified provisions. The bill also makes several additional technical and substantive changes to the statutes relative to sales and financial practices within this industry.

##### S.B. 156 (chapter 710)

Senate Bill 156 requires that the form for any prescription for an ophthalmic lense issued by an ophthalmologist or optometrist contain lines or boxes which the issuer may check to indicate whether the prescription is approved for contact lenses.

##### S.B. 197 (chapter 131)

Senate Bill 197 revises certain provisions of the law relating to a purchaser's cancellation of a sales contract for subdivided land. The bill provides that the purchaser

of a subdivision lot may cancel the contract of sale up until midnight on the fifth calendar day following the date of execution of the contract. The right of cancellation may not be waived, and the contract must provide for this cancellation procedure.

Any notice of cancellation must be delivered personally to the developer or sent to his business address by certified mail or telegraph. The developer is required to return all payments made by the purchaser within 15 days after receipt of the cancellation notice.

S.B. 211 (chapter 91)

Senate Bill 211 establishes a formula for calculating a reasonable return on capital investment for retailers of dairy products. It also provides that costs for overhead be calculated by accepted accounting principles and allocated proportionately to each unit of production and defines overhead cost and lists its elements. In addition, the bill increases the salary for members of the state dairy commission from not more than \$60 per day to not more than \$75 per day, as fixed by the commission.

S.B. 221 (chapter 473)

Senate Bill 221 makes assorted changes in state law relating to the sale of interests in subdivided land and other real property. Among other things, the bill provides for: a developer's permit, including annual renewal and associated fees; reasonable attorney's fees for the prevailing party in an action for damages concerning misrepresentation of the facts regarding a subdivision; actions against a developer or agent making untrue statements in the selling of a time share; appointment of a receiver for developers or associations of time-share owners under situations of mismanagement; and a fee for the renewal of permits by time-share developers.

The bill also amends state law concerning memberships in campgrounds by defining "public offering statement" and "statement of record," and providing for actions involving untrue or omitted statements of material fact by a developer or his agent. Provisions are included for the appointment of a receiver for a campground if its affairs are being mismanaged. The bill repeals NRS 119B.290 which provided a less stringent remedy for an error or omission in the contract of a campground membership.

S.B. 253 (chapter 353)

Senate Bill 253 requires persons who dispense drugs to comply with the regulations of the state board of pharmacy. The bill also requires medical practitioners to obtain

authorization from the board to dispense controlled substances or dangerous drugs. The initial and biennial fee for this authorization is set at \$300. The board is given authority to adopt regulations governing the dispensing of chemicals, drugs, medicines and poisons.

S.B. 317 (chapter 380)

Senate Bill 317 makes several changes in state law pertaining to time shares. A fee of \$25 is added to the existing fees of \$175 for a sales agent's license. The additional fee is to help defray related investigation expenses of the licensing agency (the division of real estate in the department of commerce). If a sales agent fails to pay the existing \$100 license renewal fee before his license expires, he may be reinstated within 1 year if he pays the renewal fee plus an additional reinstatement fee of \$50. The bill also requires a contract of sale of a time share to include a statement of the right of the purchaser to cancel the contract within 5 calendar days.

S.B. 359 (chapter 685)

Senate Bill 359 makes various changes relating to actions concerning real property. It amends the statutes pertaining to standards for conducting foreclosure sales and deficiency judgments by modifying the definition of "indebtedness" and making other related changes. The measure also establishes additional requirements for giving notice of default and election to sell pursuant to a trustee's power of sale, and it makes provision for the commencement of an action when the enforcement of the trustee's power of sale is stayed by federal court order. In addition, the bill revises provisions concerning guarantors, sureties and certain other obligors.

S.B. 495 (chapter 479)

Senate Bill 495 clarifies state law by providing that the liability of a lessee for the residual value of a motor vehicle is limited only upon the scheduled expiration of the lease. The bill also requires a lease of a commercial vehicle to include a description of the reasonable standards for wear and tear only if the lessor has established such standards.

S.B. 529 (chapter 629)

Senate Bill 529 requires the administrator of the division of financial institutions in Nevada's department of commerce to establish, by regulation, forms for the application for credit and the contract to be used in the sale of vehicles when the sale involves a security interest. These forms are required to be used by the seller and any other lender when

a vehicle is sold in this state and a security interest is taken to secure all or a part of the purchase price of the vehicle. The bill also specifies certain disclosures and a notice to the buyer which must be included in the forms in addition to the requirements for contracts in existing federal and state law.

S.B. 534 (chapter 566)

Senate Bill 534 expands the powers of the housing division of Nevada's department of commerce to allow the division to respond to changes resulting from the 1986 federal tax reform act and changes in the bond market which have led to the increased use of taxable bonds to finance housing.

The bill expands the authority of the division to develop funding mechanisms, permits the housing authority to invest in federally-backed, high quality investment opportunities, and expands the division's authority to develop alternate arrangements to sell mortgage obligations. The measure continues, however, the safeguards for investments in existing law and requires investments to be rated in the top three categories from a national rating service.

The measure also requires the administrator of the housing division to appoint an advisory committee on housing to advise him on the investment of money or the issuance of obligations. The committee is to be composed of five members. These members are to represent an association of mortgage bankers, persons engaged in residential construction, banks, savings and loans associations, and general financial institutions in this state which loan money for mortgages.

S.B. 553 (chapter 478)

Senate Bill 553 authorizes certain grand lodges in Nevada and their subordinate lodges to establish and operate funeral establishments.

A.B. 60 (chapter 8)

Assembly Bill 60 adopts the Uniform Fraudulent Transfer Act and repeals the Uniform Fraudulent Conveyance Act (chapter 112 of NRS) which was enacted in 1931. The Uniform Fraudulent Transfer Act is used commonly in bankruptcy cases as a method of recovering assets which the debtor has transferred from the creditor.

Assembly Bill 60 provides, among other things, tests for insolvency and fraudulent transfer of assets. The bill also contains provisions for an action for relief against a fraudulent transfer or obligation. Furthermore, it makes

technical changes to NRS 11.190 which limits the time periods for commencing actions other than those for the recovery of real property.

A.B. 61 (chapter 15)

Assembly Bill 61 adopts the Uniform Trade Secrets Act. It defines a trade secret to include information--such as formulas, patterns, compilations, programs, devices, methods, techniques or processes--whose value is dependent upon the maintenance of its secrecy. The bill applies to persons who improperly acquire, disclose or use trade secrets. In addition, the bill allows for injunctions to protect against the actual or threatened misappropriation of a trade secret.

A.B. 112 (chapter 95)

Assembly Bill 112 extends the prohibition against the unlawful sale, offer of sale or display for sale of a motor vehicle to all vehicles, and it clarifies the statutory penalty for violations. It provides that punishment for the unlawful sale, offer or display of a vehicle valued at \$100 or more is imprisonment for not less than 1 year nor more than 6 years, or a fine of not more than \$5,000, or both. In cases involving a vehicle valued at less than \$100, a violation is punished as a misdemeanor.

The measure also repeals NRS 207.250, "Unlawful sales of motor vehicles."

A.B. 138 (chapter 206)

Assembly Bill 138 requires the seller of a new home or lot which will be served by a small water or sewer utility to post on the property or at his sales office a notice relative to this service. The notice must state the current rates for the service or, if the public utility is not presently serving customers, the projected rates to be charged. The notice must also contain the name, address and telephone number of the public utility and the division of consumer relations of the public service commission of Nevada.

In addition, the seller is required to give the purchaser a copy of the notice before the home or lot is sold.

A.B. 158 (chapter 161)

Assembly Bill 158 addresses permitting and regulation of food establishments. It allows the state or local boards of health to exempt a food establishment from regulation if the food which it sells or serves does not constitute a potential or actual public health hazard.

The bill authorizes health authorities to issue permits to operate temporary food establishments for a period not to exceed 14 days. It also provides that a permit may not be transferred from person to person or from place to place, and it must be posted in the relevant food establishment.

A.B. 182 (chapter 25)

Assembly Bill 182 adopts the Uniform Statutory Rule Against Perpetuities. The bill expands the criteria for determining the validity of nonvested property interests. It also makes technical changes to NRS 117.103 which applies the rules against perpetuities to condominiums.

A.B. 203 (chapter 553)

Assembly Bill 203 provides for the regulation of the buying and selling of commodities. The bill is a version of a model act drafted by the North American Securities Administrators Association. The bill authorizes the securities and fraud division of Nevada's office of the secretary of state to regulate those types of commodity transactions which are not within the exclusive jurisdiction of the Federal Government. It is designed to enable the state to suppress fraudulent commodities transactions without interfering with the normal flow of commerce.

The bill defines the term "commodity" to include agricultural, grain, or livestock products and byproducts, metals or minerals, gems and gemstones, fuels, foreign currencies and all other goods, items or products of any kind except collectible coins, real property, timber or agricultural products sold by the owner or lessee of the property on which it is produced, and works of art. The term "commodity contract" is defined to include contracts for the purchase or sale of a commodity for investment or speculation rather than use, except contracts in which the commodity is delivered within 28 days of the payment. The measure also specifies the qualifications necessary for a person or business to sell or purchase, or offer to sell or purchase, commodities under a commodities contract.

The administrator of the securities and fraud division of the office of the secretary of state is authorized to issue cease and desist orders, take disciplinary action against licensed brokers, or impose civil penalties of up to \$100,000 to suppress commodities fraud. The administrator may also initiate actions in court to remedy, stop, or prevent commodities fraud. In addition to the civil penalties, the bill provides for criminal penalties including fines of up to \$20,000 and imprisonment for up to 10 years.

The effective date of the bill is January 1, 1988.

A.B. 217 (chapter 261)

Assembly Bill 217 requires each contractor to disburse any payment, with accrued interest, he receives for the completion of a construction or remodeling project to his subcontractors and suppliers within 15 days, and it specifies that this disbursement be in direct proportion to the subcontractors' and suppliers' basis in the total contract between the contractor and the owner.

The bill also requires the contractor to pay interest on any of this money that is not paid to the subcontractors and suppliers when it is due. The method for calculating the rate of interest is specified.

A.B. 220 (chapter 42)

Assembly Bill 220 amends the statutory provisions regarding liens for labor and materials and miners' liens. The measure provides a lien for the unpaid balance of the price agreed upon if the parties entered into a contract. It provides for a lien in an amount equal to the fair market value of the labor performed or material furnished, including a reasonable allowance for overhead and a profit, in the absence of a contract. The bill further specifies that a "record owner" does not include a mortgagee; a trustee under, or a beneficiary of, a deed of trust; or the owner or holder of a lien encumbering real property or any improvement thereon.

A.B. 221 (chapter 36)

Assembly Bill 221 clarifies the definition of "account" used in Nevada's "Uniform Commercial Code." It provides that all rights to payment earned or unearned under a charter or other contract involving the use or hire of a vessel and all rights incident to the charter or contract are "accounts."

A.B. 260 (chapter 243)

Assembly Bill 260 releases a subcontractor from liability for nonperformance if he stops work because of the failure of a general contractor to pay according to an agreed schedule. The bill provides an exception in cases in which the failure to pay is caused by the general contractor's need to withhold wages, unemployment compensation premiums, or industrial insurance premiums from the payment to the subcontractor.

A.B. 276 (chapter 154)

Assembly Bill 276 prohibits a retail seller from charging a fee to a buyer for canceling a retail installment contract within 72 hours after its execution, unless notice of the fee is clearly stated in the printed or typed portion of the contract.

A.B. 300 (chapter 563)

Assembly Bill 300 establishes that the statutory provisions regarding deficiency judgments and the foreclosure of real mortgages do not apply to a person whose debt or right is no longer secured by a mortgage, deed of trust or lien upon real estate, due to the sale of the property in complete or partial payment of a debt or right which was secured by a senior mortgage, deed of trust or lien. This measure also excludes actions or proceedings in other jurisdictions, under laws for creditors to collect upon collateral of property located outside Nevada, from Nevada's "one-action" rule for recovery of a debt secured by a mortgage or lien upon real estate.

Under the provisions of the bill, the period for filing an application for a deficiency judgment is extended from 3 to 6 months after the date of the foreclosure sale or the trustee's sale. In situations where the debt is secured by more than one parcel of real property, more than one interest in the real property, or more than one deed of trust or mortgage, the 6-month period starts after the date of the foreclosure sale or trustee's sale of the last parcel or other interest securing the debt. The bill further provides that the application cannot be filed more than 2 years after the sale.

A.B. 313 (chapter 317)

Assembly Bill 313 pertains to retailers of motor vehicle fuel. This bill makes a retailer liable for the taxes on fuels and any penalty and interest if the retailer knew or should have known that the applicable taxes had not been paid. The retailer can comply with this requirement by verifying the identification number printed on the delivery ticket of the dealer.

The bill directs the department of taxation to issue an identification number with the license required for a fuel dealer to operate. The license and all duplicate licenses must bear the dealer's identification number. The measure also requires the dealer to print his identification number on each of his delivery tickets.

A.B. 351 (chapter 549)

Assembly Bill 351 requires businesses engaged in the sale of goods which do not allow refunds or exchanges to inform their customers of that policy by:

1. Printing a statement on the face of the sales receipt;
2. Printing a statement on the face of the price tag; or

3. Posting a sign in an open and conspicuous place.

The sign must be at least 8 by 10 inches in size, printed with boldface letters.

A.B. 357 (chapter 196)

Assembly Bill 357 authorizes the renovation and operation of a brewery in the Comstock historic district. The bill allows a person who operates a brewery in such a renovated structure to brew and sell beer to consumers on the premises only if:

1. The premises are conspicuously designated as a "brew-pub";
2. The brewery does not produce more than 500 barrels of beer in any calendar year; and
3. Beer produced on the premises is not sold outside of the the renovated structure.

The measure provides further that the statute which prohibits a manufacturer of alcoholic beverages from engaging in the business of importing, wholesaling or retailing alcoholic beverages does not apply to a person brewing and selling beer in a legal "brew-pub" in the Comstock historic district.

A.B. 420 (chapter 796)

Assembly Bill 420 deals with the relationship between retailers and wholesalers of motor vehicle fuel and the refiners who supply that fuel. A refiner is defined as a company which produced more than 30 percent of the domestic and imported crude oil supplied to its refinery during the most recent calendar year for which information is available, refines motor vehicle fuel from crude oil, and has a total refinery capacity of more than 175,000 barrels a day.

The bill prohibits refiners from opening new service stations directly operated by their own agents or employees after July 1, 1987. Refiners also are not allowed to engage in the direct operation of more than 15 service stations in Nevada after July 1, 1988.

The only exception to these general prohibitions is that refiners may operate a service station for up to 90 days if the retailer voluntarily relinquishes the franchise or the franchise is terminated because the retailer has violated the franchise agreement or has been convicted of a crime which affects the franchise. During the time that a refiner

is temporarily operating a service station, it may sell motor vehicle fuel to another station in the same market area for not less than 4 cents below the retail price at the station it is operating.

A.B. 450 (chapter 194)

Assembly Bill 450 prohibits the display of a vehicle for sale or lease on a vacant lot or the unimproved portion of a public right of way, unless certain conditions are met. The bill allows a registered owner to display his vehicle on a vacant lot if the applicable zoning regulations authorize such an activity and if he owns the lot or has the written consent of the owner. The measure requires that the written consent must be posted on the vehicle, along with other specific information.

A.B. 468 (chapter 625)

Assembly Bill 468 defines a domestic contractor for the purpose of determining who qualifies for preference in granting contracts for public works. A domestic contractor is defined as a contractor who has been doing business in Nevada for at least 3 years.

A.B. 498 (chapter 278)

Assembly Bill 498 amends the law relating to contractors. Under certain circumstances, a person may qualify for a contractor's license on behalf of another person or firm. If such a "qualified employee" ceases to be connected with the firm, the firm is required to inform the state contractors' board. The bill reduces from 30 days to 10 days the time within which this notification must be made. It also allows the board to revoke or suspend the license of a contractor who fails to replace the person who originally qualified for the license with another similarly qualified person within 30 days.

A.B. 546 (chapter 467)

Assembly Bill 546 provides two criteria which must exist before a person can rent or lease space for others to display vehicles for sale, as follows:

1. The tenant or lessee must have an ownership interest in the vehicle; and
2. The landlord or lessor must be a licensed manufacturer, distributor, rebuilder, lessor or dealer.

An exception is provided for an executor, administrator, sheriff or other person who is authorized by law to sell a

motor vehicle. This bill also repeals the requirement that the suggested retail price of a new truck or van be displayed on the windshield or window of the vehicle.

A.B. 640 (chapter 349)

Assembly Bill 640 authorizes a real estate broker or salesman to represent more than one developer. An application to the real estate division in the department of commerce, which provides whatever reasonable information and fees the division requires, must be completed with respect to each developer.

A.B. 657 (chapter 797)

Assembly Bill 657 imposes specified duties on the manufacturer or distributor and on the dealer upon the termination or refusal to continue a franchise for the sale of motor vehicles.

The manufacturer or distributor is required to compensate the dealer for his inventory of new vehicles, his inventory of parts and accessories, any special tools or other equipment, and the fair rental value of the place of business for 90 days.

The dealer is required to deliver to the manufacturer or distributor any invoices and money deposited by customers for services not delivered before the effective date of the termination or refusal to continue a franchise. The dealer also is required to furnish copies of his service records on any motor vehicle or other product of the manufacturer or distributor.

A.B. 747 (chapter 297)

Assembly Bill 747 provides for the absolute and complete transferability of real property after the withdrawal or cancellation of a notice of a pending action affecting the property.

A.B. 751 (chapter 333)

Assembly Bill 751 restricts the power of a rural electric cooperative to lease, sell, or otherwise dispose of all or a substantial portion of its assets. Such an action must be:

1. Authorized by not less than three-fourths of the cooperative's directors; and
2. Agreed to by two-thirds of the members of the cooperative in writing or by a vote.

A.B. 763 (chapter 776)

Assembly Bill 763 amends the law relating to the resale of repossessed vehicles or construction equipment. The bill deletes the requirement that the notice of intent to sell include specific language concerning the potential liability of the former owner if the amount obtained through sale of the vehicle is insufficient to pay outstanding balances and amounts due.

A.B. 822 (chapter 565)

Assembly Bill 822 authorizes the director of the department of commerce to enter into contracts with and receive grants from any source for a program for financing the exportation of foreign goods. The bill also authorizes the director to promote and assist in the creation of shared foreign sales corporations. Moreover, the director is able to promote and create nonprofit corporations consistent with the purposes, powers and duties of the department. The measure also provides that the director has the option of issuing bonds (which he is otherwise authorized to issue) that are not exempt from federal income tax.

A.B. 835 (chapter 474)

Assembly Bill 835 requires a licensed motor vehicle dealer to satisfy the outstanding security interest on any motor vehicle which he takes in trade on the purchase of another vehicle. The bill requires the security interest to be paid within 30 days after the vehicle is taken in trade.



CORRECTIONS, CRIMES, PUNISHMENTS AND  
VICTIMS OF CRIME

Summaries within the topic of "Corrections, Crimes, Punishments And Victims Of Crime" are categorized under the following subheadings:

1. Parole and Probation;
2. Prison Industries;
3. Victims of Crime; and
4. Other Bills Generally Related to the Topic.

Bills summarized elsewhere in this document may also define crimes or punishments in conjunction with their primary substantive purposes.

Parole and Probation

S.B. 86 (chapter 18)

Senate Bill 86 requires all persons on parole or probation to be charged a fee by the department of parole and probation to defray the costs of their supervision. The previous exemption from this requirement for parolees and probationers transferred into Nevada under the Interstate Compact for the Supervision of Parolees and Probationers is repealed.

Unless waived by the department's executive office because of a determined "economic hardship" on the parolee or probationer, payment of the fee is a condition of parole or probation.

S.B. 318 (chapter 227)

Senate Bill 318 amends state law by requiring the state board of parole commissioners to consider, before releasing a prisoner on parole, whether there is a reasonable probability that he will remain at liberty without violating the laws and whether his release is compatible with the welfare of society. Existing state law requires a positive finding by the board regarding these matters before parole may be granted.

A.B. 412 (chapter 232)

Assembly Bill 412 removes provisions which restrict the court in granting probation to or suspending the sentence of a person who commits misdemeanor battery upon a family member.

CORRECTIONS (continued)

A.B. 511 (chapter 143)

Assembly Bill 511 increases the number of members of the state board of parole commissioners from three to five members. The bill also requires the concurrence and ratification of a majority of the members of the board on any decision involving a person who committed a capital offense, who is serving a life sentence, or whose sentence has been commuted by the state board of pardons.

A.B. 560 (chapter 174)

Assembly Bill 560 allows the state board of parole commissioners, upon the recommendation of the department of parole and probation, to petition the court of original jurisdiction for a modification of sentence after an offender sentenced to life imprisonment has served 10 consecutive years on parole.

A.B. 584 (chapter 416)

Assembly Bill 584 revises provisions relating to parole and requires intensive mandatory supervision of certain prisoners released on parole.

Except as otherwise provided and in cases where a consecutive sentence is still to be served, this bill requires that a prisoner sentenced to imprisonment for a term of 3 years or more must be released on parole 9 months before the end of his term if he has not been released on parole previously for that sentence and is not otherwise ineligible for parole. The bill provides that each parolee released under these provisions must be supervised closely by the department of parole and probation, in accordance with a statewide plan developed by the chief parole and probation officer.

The measure does, however, outline procedures whereby the board may determine that a prisoner will be a danger to public safety if placed on parole and therefore not grant the parole. It also specifies that its provisions only apply to prisoners whose terms of imprisonment end on or after March 31, 1988.

The measure provides further that a parolee, released on parole according to this act, whose parole is revoked for any violation of a rule or regulation governing his conduct:

1. Forfeits all credits for good behavior earned before his parole;

2. Must serve the entire unexpired term of his original sentence; and
3. May not again be released on parole during his term of imprisonment.

A.B. 738 (chapter 460)

Assembly Bill 738 authorizes the chief of the youth parole bureau in the youth services division, department of human resources, to pay the expenses incurred in providing alternative placements for residential programs and for structured, nonresidential programs for youthful offenders who are paroled from the Nevada girls training center and the Nevada youth training center.

Prison Industries

S.B. 9 (chapter 438)

Senate Bill 9 establishes an additional fee of 50 cents for each license plate issued for a motor vehicle, trailer or semitrailer. This fee is to be credited to the prison industry fund to defray the cost of producing the license plate. The measure further requires the director of Nevada's department of prisons to utilize the facility for the production of license plates, which is located at the department of prisons, in order to produce all license plates required by the department of motor vehicles and public safety.

S.B. 10 (chapter 439)

Senate Bill 10 combines the prison industry fund and the prison farm funds into one account designated as the fund for prison industries. Money in the fund is to be maintained in separate budgetary accounts including at least one for industrial programs and one for the prison farm.

S.B. 12 (chapter 435)

Senate Bill 12 changes the repayment schedule for appropriations by the 1981 legislature to the prison industry fund and the prison farm fund.

The measure requires the department of prisons to pay to the state general fund 25 percent of any net profit produced during the preceding fiscal year from prison industries until the department has repaid all of the money appropriated.

S.B. 15 (chapter 436)

Senate Bill 15 creates an advisory board on industrial programs for correctional institutions. The board is made up

of legislators, representatives of manufacturers and businesses in Nevada, and representatives of organized labor.

The measure also requires the director of Nevada's department of prisons to appoint an assistant director for industrial programs to administer prison industries programs. Finally, the measure appropriates \$3,000 to pay the moving expenses of the first appointed assistant director for industrial programs.

S.B. 503 (chapter 300)

Senate Bill 503 provides that interest and income earned on the prison farm and the prison industry funds must be credited to the funds.

Victims of Crime

A.B. 162 (chapter 814)

Assembly Bill 162 relates to victims of crime. For the purposes of receiving relevant financial assistance, the definition of "victim" is expanded to include a person who is physically injured or killed by a person driving while intoxicated (DUI).

The bill adds a civil penalty of \$35 to the existing penalty for conviction of driving while intoxicated. The money derived from this increase is deposited in the fund for the compensation of victims of crime. The bill provides that this revenue must be segregated from other money in the fund, and that no other money in the fund may be used to compensate victims of drivers who are intoxicated.

A.B. 634 (chapter 218)

Assembly Bill 634 amends the definition of a victim of a sexual assault to include a person upon whom a sexual assault has been attempted as well as a person who has been sexually assaulted.

A.B. 675 (chapter 364)

Assembly Bill 675 allows a district attorney to disclose to the victim of an act committed by a child the disposition of the case and provides that the victim shall not disclose this information to any other person.

A.B. 681 (chapter 217)

Assembly Bill 681 allows payment of compensation for a person who pays the funeral expenses of the victim of a crime.

Other Bills Generally Related to the Topic

S.B. 88 (chapter 804)

Senate Bill 88 authorizes the use of residential confinement as an alternative to incarceration for a person who has been convicted of a crime and has violated the conditions of his probation or parole. The seriousness of the original crime is to be considered by the judge in determining whether or not to impose this alternative. The bill further requires that the person placed on residential confinement be under the intensive supervision of Nevada's department of parole and probation and establishes the relevant conditions.

Residential confinement is defined as "the confinement of a person convicted of a crime to his place of residence under the terms and conditions established by the sentencing court."

The measure also authorizes justices of the peace and municipal court judges to sentence a person convicted of a misdemeanor to a term of residential confinement and establishes the conditions under which the sentence is to be served.

Finally, the bill authorizes the use of electronic surveillance as a part of intensive supervision and allows justice and municipal courts to contract with a qualified person to provide supervision of the persons sentenced to residential confinement.

S.B. 172 (chapter 68)

Senate Bill 172 relates to the start of the 30-day time period during which a person must "make good" any bad check he has written. The bill changes the start of that period to the date that a written demand note is "mailed" to him by certified mail rather than the date it is "delivered" to him.

S.B. 173 (chapter 304)

Senate Bill 173 expands the definition of perjury by making it unlawful for a person to execute an affidavit in the verification of a pleading which contains a false statement. The bill also makes it unlawful for a person to execute an affidavit or other instrument which contains a false statement before a person authorized to administer oaths. Under both situations, the bill makes it unlawful for a person to induce another person to commit this type of perjury.

CORRECTIONS (continued)

S.B. 198 (chapter 181)

Senate Bill 198 makes it a misdemeanor for any person to impersonate an officer or employee of a utility company. It is patterned after other Nevada law which prohibits a person from impersonating a public officer.

S.B. 223 (chapter 252)

Senate Bill 223 provides that any person who has unauthorized possession of a key or other device used by a guest in a hotel or by the hotel to gain entrance to a hotel room, under circumstances which demonstrate the person's intent to use the device to commit a crime, is guilty of a gross misdemeanor. The word "hotel" is defined broadly in the bill to include any building where sleeping or rooming accommodations are furnished to the public.

S.B. 268 (chapter 512)

Senate Bill 268 amends state law relating to the detention by law enforcement authorities of a person suspected of a crime. The bill increases from 30 to 60 minutes the maximum amount of time that a suspect may be detained before he is either arrested or released.

S.B. 270 (chapter 571)

Senate Bill 270 establishes a uniform procedure for the forfeiture of the proceeds and property gained through criminal activity. The bill provides for the distribution of forfeited property and the proceeds from the sale of this property. The bill also establishes procedures for determining whether the law enforcement agency which commenced forfeiture proceedings or other claimants have rights to certain seized property and proceeds.

S.B. 323 (chapter 134)

Senate Bill 323 enacts the California-Nevada Compact for Jurisdiction on Interstate Waters. This compact provides concurrent jurisdiction over criminal offenses on water bodies--specifically Lake Tahoe and Topaz Lake--which form common interstate boundaries. The compact is ratified when the California and Nevada legislatures enact substantially similar language.

S.B. 360 (chapter 677)

Senate Bill 360 makes it a crime for any person to administer drugs or other incapacitating substances to another person in order to enable or assist himself in committing a felony. The drugs and substances specified in the bill are chloroform, ether, laudanum, any controlled substance, anesthetic, or intoxicating or emetic agent. Punishment for this crime is imprisonment in the state prison for 1 to 15 years, not including the punishment for the felony committed.

CORRECTIONS (continued)

S.B. 363 (chapter 600)

Senate Bill 363 clarifies existing state law by requiring a peace officer to demand proof of financial responsibility for the operation of a motor vehicle when a driver is stopped for a violation of the traffic laws. The officer is required to issue a citation if he has probable cause to believe that the owner of the vehicle is not maintaining automobile liability insurance as required by law.

The bill also allows such a citation to be issued to the owner of a motor vehicle if the driver of the vehicle is not the owner. The bill authorizes the driver to sign the citation on behalf of the owner and requires him to notify the owner within 3 days. In addition, the law enforcement agency is required to send immediately, by certified mail, a copy of the citation to the registered owner of the vehicle.

S.B. 396 (chapter 807)

Senate Bill 396 formalizes the requirement for a system of classification and evaluation of offenders placed within the state's prisons. The classification system applies to the initial intake of offenders, as well as to the periodic reclassification of inmates.

The bill also requires deductions from an offender's account to defray the costs paid by the department of prisons for the offender's medical care. In addition, the measure allows a pharmacy in a prison institution to dispense a controlled substance without a physician's order to a person administering the lethal injection to a person who has been sentenced to death.

S.B. 443 (chapter 228)

Senate Bill 443 increases from 30 to 90 days the maximum amount of annual credit that a prison inmate may earn for exceptional meritorious service. Existing law specifies how credits earned may be applied against an offender's sentence.

S.B. 452 (chapter 611)

Senate Bill 452 relates to law enforcement officials who authorize the removal of vehicles which are believed to be abandoned. The bill requires these officials to make all practical inquiries to determine if the vehicle is stolen. These inquiries are to include checking the license plate number, vehicle identification number and any other available information to identify the legal owner of the vehicle. The bill further directs that this information is to be supplied to the person who is storing the vehicle.

S.B. 476 (chapter 531)

Senate Bill 476 provides a civil penalty for making a purchase with an invalid credit card. The bill also provides criminal penalties for making a purchase with a credit card without sufficient money to pay for the extension of credit.

In a criminal action, intent to defraud and knowledge of insufficient money is presumed to exist: (1) if payment is refused by the credit card issuer when it is presented in the usual course of business, and (2) if within 10 days after payment is refused, the holder of the credit card fails to pay the full amount due plus any handling charges.

S.B. 479 (chapter 726)

Senate Bill 479 requires the state's central repository for records of criminal history to disseminate to a prospective or current employer, upon request, information relating to sexual offenses against children concerning an employee or prospective employee who gives his written consent to the release of that information.

The employer's request for information also must be signed by the employee regarding:

1. His consent to the information search;
2. His consent to the release to the employer of that information; and
3. His awareness of the type of information which may be searched, the employer's right to check this information as a condition of employment, and his right to challenge the accuracy or sufficiency of any information disseminated to the employer.

The bill establishes procedures to be used by the central repository concerning a search for information, the dissemination of that information, and reports back to the employer and employee. A search must be based on the employee's fingerprints or a previous search concerning the same person. A notice of information relating to sexual offenses may be disseminated to the employer only if the search indicates certain criminal history involving a sexual offense against a child.

An employer is made liable to a child served by the employer for sexual offenses committed against the child by an employee hired after January 1, 1988. This liability exists if the employee was the subject of information relating to sexual offenses available to the employer and the employer

failed to request notice of this information, or if the employer hired or retained the employee after being unable to obtain the information because of the employee's refusal to consent to its release. Actions must be brought within 3 years of the occurrence, or awareness of the occurrence, upon which the action is based.

S.B. 480 (chapter 658)

Senate Bill 480 provides a definition of the term "controlled substance" which is made applicable to all portions of NRS. Except as otherwise expressly provided in a particular statute or required by the context, "controlled substance" means a drug, immediate precursor or other substance which is listed in schedule I, II, III, IV or V for control by the state board of pharmacy pursuant to its authority under NRS 453.146 of the "Uniform Controlled Substances Act."

S.B. 509 (chapter 515)

Senate Bill 509 requires the director of Nevada's department of prisons to purchase textbooks for use by offenders who are enrolled in courses of general education and vocational training offered by any part of the University of Nevada System. The measure appropriates \$5,000 for fiscal year 1987-1988 and \$5,000 for fiscal year 1988-1989 for the purchase of those textbooks.

S.B. 531 (chapter 370)

Senate Bill 531 imposes an administrative assessment of \$20 when a defendant pleads or is found guilty of a felony or gross misdemeanor. The assessment is in addition to any fine imposed by the judge. Money collected through the assessment is to be paid to the state treasurer on or before the 5th day of each month to be credited to a special account for the assistance of criminal justice. Money in the special account is to be distributed to the attorney general as authorized by the legislature.

A.B. 28 (chapter 70)

Assembly Bill 28 directs the state board of examiners to issue state general obligation bonds in the amount of \$35.9 million for the construction of a maximum security prison in Ely, Nevada. The bill specifies that the prison is to be capable of housing 500 inmates and being expanded to house 1,000 inmates. The bill further expresses the legislature's intention that the next prison to be authorized in this state, whether public or private, be located in Lovelock, Nevada. The provisions of the bill were made effective upon passage and approval.

A.B. 29 (chapter 369)

Assembly Bill 29 increases the penalty for the first offense for possession of child pornography from a misdemeanor to a gross misdemeanor. The bill also provides that, for any subsequent offense, the person be punished by imprisonment for not less than 1 year but not more than 6 years and may be further punished by a fine of not more than \$5,000.

A.B. 34 (chapter 40)

Assembly Bill 34 protects the State of Nevada, its agencies and its political subdivisions from civil liability in certain instances. The bill prevents individuals injured or killed in a public building or public vehicle while engaging in a criminal act such as arson, burglary or vandalism, from taking civil action against public agencies, employees and officers in Nevada. This bill does not protect any public employee or officer who intentionally causes injury, wrongful death or other damage to an individual.

A.B. 101 (chapter 41)

Assembly Bill 101 prohibits the sale for profit of a copy of a marriage certificate issued by a county recorder. The measure provides that a person who sells or offers to sell a copy of a marriage certificate is guilty of a misdemeanor, and it establishes each sale or offer to sell as a separate violation. The bill does not, however, apply to fees charged by a county recorder.

Assembly Bill 101 authorizes any court of competent jurisdiction to enjoin a person who violates or proposes to violate the prohibitions against the sale of a copy of a marriage certificate. Furthermore, it provides that actions for such injunctions may be prosecuted by the attorney general or any district attorney, or upon the complaint of the state registrar of vital statistics (administrator of the health division, department of human resources) or any county recorder.

A.B. 106 (chapter 613)

Assembly Bill 106 requires the executive director of Nevada's employment security department to furnish the name, address and place of employment of any person listed in the department's employment records to any law enforcement agency upon written request. The request must contain a statement certifying that the request is made to further a criminal investigation currently being conducted by the agency.

A.B. 107 (chapter 497)

Assembly Bill 107 increases the penalty for any person who solicits another person to commit murder, but no criminal

CORRECTIONS (continued)

act is committed as a result of the solicitation. The penalty for this act is increased from a gross misdemeanor to a felony which shall be punished by confinement in the state prison for not less than 1 year nor more than 10 years. The bill allows the court also to impose a fine of not more than \$10,000.

A.B. 113 (chapter 35)

Assembly Bill 113 authorizes and provides procedures for the use of a telegraphic copy or abstract of a governor's warrant of arrest for extradition purposes. The use of telegraphic copies is expected to facilitate the extradition process.

A.B. 147 (chapter 138)

Assembly Bill 147 adds misrepresentation of the validity of evidence to the existing prohibitions against forging or falsifying any notice or evidence of proof of financial responsibility for the operation of a motor vehicle. This bill also reduces the penalty for a violation of these prohibitions from a gross misdemeanor to a misdemeanor.

A.B. 148 (chapter 145)

Assembly Bill 148 requires a peace officer at the scene of an accident to request information concerning the validity of the registration of the motor vehicles involved in the accident. If the peace officer is informed that a registration has been suspended for failure to maintain proof of financial responsibility, and if the license plates and registration have not been surrendered, the peace officer is required to issue a traffic citation and to seize, tow and impound the motor vehicle.

This bill provides for the owner of the motor vehicle to claim his vehicle when he presents proof that the vehicle's registration has been reinstated by the department of motor vehicles and public safety, and when he pays the cost of the towing and impoundment. The peace officer and his governmental entity are not civilly liable for any damage that occurs to the vehicle from the time it is seized until the towing process begins.

A.B. 196 (chapter 292)

Assembly Bill 196 prohibits the operation of watercraft under power or sail while under the influence of alcohol or a controlled substance. In determining whether a person is under the influence of alcohol, the bill establishes the same presumptions relative to alcohol in the blood as apply to operation of motor vehicles. The measure also provides for implied consent to testing for the presence of alcohol

or controlled substances in an operator's blood. It further includes statutory provisions concerning evidence in court, certification and operation of equipment, and required procedures which are in the statutes relating to operation of motor vehicles under the influence of alcohol or controlled substances.

A.B. 199 (chapter 159)

Assembly Bill 199 enacts the Interstate Compact for Jurisdiction on the Colorado River. This compact provides concurrent jurisdiction over criminal offenses committed on the Colorado River which forms a common interstate boundary.

The Interstate Compact for Jurisdiction on the Colorado River is ratified by enactment of substantially similar language by at least two states of which the Colorado River forms a common boundary. Arizona and California already have enacted this measure.

A.B. 233 (chapter 76)

Assembly Bill 233 allows the administrator of the youth services division in the department of human resources to transfer a male inmate of the Nevada youth training center to the Nevada girls training center if the inmate is between the ages of 8 and 18 years, and the superintendent of the girls training center gives consent for the transfer. It also provides that the director of the department of human resources shall administer a program regarding the abuse of alcohol and other drugs for the inmates of the girls training center. In addition, the bill removes the general peace officer powers from group supervisors at the training centers.

A.B. 235 (chapter 137)

Assembly Bill 235 revises the penalty for operating a motor vehicle without insurance. The penalty is changed from a fine of not less than \$300 nor more than \$500 to a misdemeanor offense with a fine of not less than \$300.

Elimination of the maximum \$500 fine and classification of a violation as a misdemeanor offense allows a fine up to \$1,000, imprisonment in the county jail for not more than 6 months, or both a fine and imprisonment.

A.B. 270 (chapter 578)

Assembly Bill 270 requires the court to charge all persons who are found guilty or plead guilty of violating Nevada's laws related to controlled substances or dangerous drugs a fee of \$50 for any analysis of the drug or substance which was performed in association with the case.

CORRECTIONS (continued)

The money collected must be stated separately on the court's docket and included in the amount posted for bail. If the defendant is found not guilty or the charges are dropped, the court must return the \$50 fine to the defendant. The bill also specifies the procedures related to distribution and expenditure of the fees.

A.B. 302 (chapter 469)

Assembly Bill 302 limits the liability of volunteers of certain charitable organizations. The bill provides immunity from liability for civil damages resulting from an act or omission of a volunteer of a charitable organization if he is an agent of the charitable organization or if he performs services for the organization that are not supervisory in nature and are not part of his duties or responsibilities as a director, officer or trustee of the organization, unless his act is intentional, malicious, wanton or willful. These provisions do not, however, restrict the liability of a charitable organization for the acts or omissions of a volunteer performing services on its behalf.

A.B. 303 (chapter 209)

Assembly Bill 303 increases the authority of peace officers to arrest a person without an arrest warrant. The bill allows peace officers to arrest persons suspected of driving with a canceled, revoked or suspended driver's license or driving in violation of the provisions of a restricted driver's license.

The measure also grants peace officers the authority to issue a misdemeanor citation to any person involved in a traffic accident, and it provides further that such a misdemeanor citation will be treated the same as a traffic citation in regard to a person being released from custody after signing a promise to appear.

A.B. 321 (chapter 543)

Assembly Bill 321 requires a person with a prior conviction within the previous 7 years for driving while intoxicated to submit to a blood test, if the police officer has reasonable cause to believe that the person was driving while under the influence of liquor or a controlled substance.

A.B. 413 (chapter 421)

Assembly Bill 413 restricts the eligibility for alcoholics and drug addicts convicted of crime to choose treatment under the supervision of a state approved facility. The bill adds the following to the list of ineligible offenders:

CORRECTIONS (continued)

1. Persons convicted of committing felonies or gross misdemeanors against another person;
2. Persons convicted of conspiracy to sell, possession with intent to sell or trafficking a controlled substance;
3. Persons convicted of similar crimes in other states; and
4. Alcoholics and drug addicts convicted of crime who previously chose this option and were admitted to a treatment program within the preceding 5 years.

The bill allows the court to impose any conditions on treatment that could be imposed as conditions of probation. It requires the offender to satisfy these conditions in order for the court to set aside the conviction. The measure also limits the treatment to a period of not less than 1 year nor more than 3 years.

A.B. 414 (chapter 215)

Assembly Bill 414 expands the scope of first degree kidnaping by including kidnaping "for the purpose of killing the person or inflicting substantial bodily harm upon him" in the definition of the term.

A.B. 459 (chapter 392)

Assembly Bill 459 authorizes the court to require a nonresident convicted of driving while under the influence of intoxicating liquor or a controlled substance to attend an educational course on the abuse of alcohol and controlled substances in his resident state, or to complete a comparable correspondence course.

A.B. 461 (chapter 583)

Assembly Bill 461 creates the advisory commission on the evaluation and education of persons found guilty of driving while under the influence of alcohol or a controlled substance. The commission consists of the governor or his designated representative and 12 other members appointed by the governor. The bill specifies the qualifications associated with each of these 12 appointments.

The commission is directed to make recommendations to the department of motor vehicles and public safety for the adoption of regulations concerning:

1. Standards for the fees and curricula of educational courses on the abuse of alcohol and controlled substances; and

2. Standards and procedures for the certification of instructors for these courses.

The department is directed to consider these recommendations and adopt relevant regulations before January 1, 1988.

The bill also authorizes the department, as well as counties and cities in the state, to establish and participate in temporary programs related to mandatory evaluation of offenders and mandatory participation of the offenders in relevant educational courses. The commission is directed to review, monitor and evaluate these programs and present its report and recommendations to the 65th session of the legislature.

The provisions of the bill expire on July 1, 1989.

A.B. 513 (chapter 210)

Assembly Bill 513 prohibits persons under 21 years of age from possessing an alcoholic beverage in any public place, other than those places and situations specifically exempted in the bill. The measure specifies, however, that it does not preclude any local governmental entity from enacting an additional or broader restriction.

A.B. 516 (chapter 612)

Assembly Bill 516 amends the state law applying to controlled substances. The bill provides that any person who gives, sells, trades or otherwise makes available a controlled substance which causes the death of another person is guilty of murder.

A.B. 531 (chapter 329)

Assembly Bill 531 amends the laws relative to watercraft. It clarifies the statutory prohibition against altering a vessel's hull number and increases the penalty for doing so from a misdemeanor to a gross misdemeanor. The bill also conforms state requirements concerning the lighting of watercraft to the relevant federal law.

The measure also revises the times of the day during which water skiing is prohibited. Previous law prohibited water skiing from 1 hour after sunset to 1 hour before sunrise. This bill makes water skiing illegal from sunset to sunrise, as established by the Nautical Almanac Office of the United States Naval Observatory in Washington, D.C.

CORRECTIONS (continued)

A.B. 579 (chapter 585)

Assembly Bill 579 changes the administrative assessment collected from persons convicted of misdemeanors from a fixed amount to an escalating amount based on the size of the fine. It also provides for the distribution and use of the money collected.

A.B. 742 (chapter 355)

Assembly Bill 742 increases the penalty for any association, corporation, partnership, person or other entity who terminates or threatens to terminate employment of a juror or prospective juror from a misdemeanor to a gross misdemeanor. The bill also allows a juror or prospective juror who is unlawfully discharged from employment to obtain punitive or exemplary damages in an amount not to exceed \$50,000 in any civil action commenced against the employer. Furthermore, the measure provides a misdemeanor penalty for any person who dissuades or attempts to dissuade a person who has received a summons for jury duty from serving as a juror.

A.B. 808 (chapter 487)

Assembly Bill 808 authorizes a justice of the peace or a municipal judge to suspend, for not more than 1 year, the sentence of a misdemeanor offender, unless the suspension is expressly prohibited.

The measure provides the conditions of suspension which may be imposed, and it declares that reports may be ordered. The bill also authorizes suspension of a portion of the sentence that exceeds the mandatory minimum for conviction of driving under the influence of alcohol or a controlled substance.

## COURTS AND PROCEDURES

### S.B. 45 (chapter 413)

Senate Bill 45 revises the rate of interest on court judgments when no rate is provided by the judgment, by a contract or otherwise by law. Previous law provided an interest rate of 12 percent per annum. This bill establishes a rate equal to the prime rate at the largest bank in Nevada as ascertained by the commissioner of the division of financial institutions on January 1 or July 1, as the case may be, immediately preceding the date of judgment, plus 2 percent. The rate must be adjusted accordingly on each January 1 and July 1 thereafter until the judgment is satisfied.

The bill also establishes similar rates of interest to be paid on certain liens and in certain cases involving unlawful employment practices.

### S.B. 76 (chapter 750)

Senate Bill 76 increases from one to two the number of district judges for the third judicial district in Fallon, Nevada. The bill also increases from one to two the number of district judges for the fourth judicial district in Elko.

The governor is required to appoint the two additional judges called for in this bill in January 1988. A general election for both judges is required at the 1988 general election, with initial terms of the persons elected to expire in January 1991.

The bill also makes an appropriation from the state general fund to pay for the additional cost of these two judges.

### S.B. 182 (chapter 459)

Senate Bill 182 increases the showing required of a person filing a petition for recovery from the real estate education, research, and recovery fund. The petitioner is required to show that after reasonable effort he has been unable to find any property or assets possessed by the judgment debtor which could be used to satisfy his claim. He must also show that he has tried to recover damages from each and every judgment debtor.

### S.B. 193 (chapter 733)

Senate Bill 193 designates municipal courts as courts of record in cases in which a jury trial is required.

### S.B. 195 (chapter 606)

Senate Bill 195 revises the procedures for judicial review of a revocation of a driver's license for driving under the influence of alcohol or drugs. The bill changes the requirement for judicial review of an administrative hearing. The

measure requires that this review be in accordance with the administrative procedures act as primarily a review of the administrative record rather than a trial de novo--a complete judicial review with testimony. This procedure applies to a license revocation resulting from a failure to submit to a blood-alcohol test or upon a finding of 0.10 percent of alcohol in a person's blood for a suspected DUI case.

The bill also establishes a 60-day time limit after the petition for judicial review is filed with the district court for copies of the petition to be served upon the department of motor vehicles and public safety and all parties of record. The goal of the time limit is to prevent the petition from being served after the tapes of the administrative hearing have been erased.

S.B. 286 (chapter 539)

Senate Bill 286 makes various changes in state law concerning writs of habeas corpus and petitions for postconviction relief. Among other things, the bill prohibits the issuance of a writ of habeas corpus unless the petitioner has previously filed a petition for postconviction relief. The bill also revises various time frames for the filing of certain petitions and motions and provides a procedure for the stay of execution of a death sentence. Forms for a petition for a writ of habeas corpus (postconviction) and a petition for postconviction relief are provided in the bill.

The bill also contains provisions for the release of a person on bail pending appeal.

S.B. 332 (chapter 393)

Senate Bill 332 makes various changes in state law relating to court reporters. The basic fees which a court reporter is entitled to receive are increased, and the required size and written content of a transcribed page are defined. The bill also eliminates the requirement that a court reporter be sworn by a magistrate in order to perform his duties. A shorthand reporter is required by the measure to safely retain his notes, whether or not transcribed, for 8 years if they concern any matter subject to judicial review.

S.B. 344 (chapter 212)

Senate Bill 344 provides a procedure for the commitment of a criminal defendant acquitted by reason of insanity. After acquittal, the judge is required to have the person taken into protective custody by a peace officer and transported to a mental health facility or hospital for detention pending a mental health hearing. The judge also must appoint two physicians, at least one of whom is a psychiatrist, to

examine the person. After the examination, the physicians' report is made in an open court hearing. If there is no clear and convincing evidence that the person is mentally ill, the court is required to order his discharge. If there is clear and convincing evidence that the person is mentally ill, he is committed to custody as currently provided for by state law. The court is required to issue its findings within 90 days after the defendant is acquitted.

S.B. 355 (chapter 222)

Senate Bill 355 authorizes the supreme court law librarian to charge a fee for persons who use any computerized service for legal research to which the library subscribes.

S.B. 379 (chapter 259)

Senate Bill 379 extends to marriage and family therapists on behalf of their clients the privilege to refuse to testify or otherwise disclose certain information.

The client also is given the privilege to refuse to disclose, and to prevent any other person from disclosing, confidential communications made while under diagnosis or treatment by a marriage and family therapist. Exceptions to these privileges include communications indicating the client intends to commit a crime, investigations or proceedings involving the welfare of the client or his minor children, proceedings to hospitalize the client for mental illness or proceedings in which the client's treatment is an element of a claim or defense.

S.B. 481 (chapter 330)

Senate Bill 481 clarifies that the ability to object under certain circumstances to the admissibility of an affidavit of an expert witness regarding the presence of alcohol or a controlled substance in the blood or urine of a defendant exists only in a criminal proceeding.

The bill also provides that, in counties with less than 25,000 population, if 3 judicial days of adjournment are insufficient to receive expert testimony in these types of cases, the judge or justice of the peace may extend the period of adjournment for a period not exceeding 10 days.

S.B. 511 (chapter 709)

Senate Bill 511 revises certain provisions in state law which govern comparative negligence in actions to recover damages for death or injury to persons, or for injury to property. If one of the defendants in such an action settles with the plaintiff before the entry of judgment, the comparative negligence of that defendant and the amount

of settlement must not be admitted into evidence or considered by the jury. The judge is required to deduct the amount of that settlement from the net sum recoverable by the plaintiff pursuant to the verdicts.

These provisions do not, however, affect the joint and several liability, if any, of the defendants in an action based upon strict liability, an intentional tort, a spillage of toxic or hazardous materials, concerted acts of the defendants, or injuries related to products manufactured, distributed or sold in Nevada.

S.B. 554 (chapter 536)

Senate Bill 554 revises the designation of household goods that are exempt from execution in the enforcement of judgments. The bill provides that "necessary household goods" are as defined in the Code of Federal Regulations (CFR) existing on January 1, 1987.

A.B. 110 (chapter 271)

Assembly Bill 110 authorizes the court to set concurrent sentences for a subsequent felony offense committed by a person on probation. The measure also removes a defendant's ability to waive a presentence investigation. It further provides that no presentence investigation and report on the defendant is necessary if the department of parole and probation has completed one within the previous 5 years.

A.B. 129 (chapter 760)

Assembly Bill 129 provides that the presence of a defendant is not required at the arraignment or any preceding stage of a trial if the court has provided for the use of a closed-circuit television to facilitate communication. In this situation, the bill authorizes members of the news media to observe and record the proceeding from both locations unless the court specifically provides otherwise.

In a related matter, the bill requires that the court determine that a defendant was fully aware of his applicable constitutional rights when he gave his consent to permit arraignment, plea, trial or imposition of sentence in his absence.

A.B. 171 (chapter 255)

Assembly Bill 171 clarifies the monetary amount paid for travel expenses to witnesses in state courts. The bill specifies a 19-cents-per-mile payment for any witness appearing before a court in the county in which he resides.

## COURTS (continued)

If the witness is traveling from outside of the county or outside of Nevada and voluntarily appears in court at the request of the attorney general or the district attorney and the board of county commissioners, he is entitled to reimbursement for the actual and necessary travel expenses. The witness is also qualified to receive the same allowances for lodging and subsistence as are provided state employees and officers generally.

The measure provides that any person at the trial who is sworn as a witness is entitled to the same reimbursement schedule regardless of the service of a subpoena. It also establishes that no person is obligated to testify in a civil action or proceeding unless he has been paid an amount equal to 1 day's fees and his reimbursable travel expenses.

The measure repeals the previous statute that applied to the payment of witnesses for criminal cases in district and justice's courts.

### A.B. 222 (chapter 45)

Assembly Bill 222 expands the jurisdiction of justices' courts by granting them jurisdiction over actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed \$2,500.

### A.B. 228 (chapter 58)

Assembly Bill 228 adds the justices' courts to the statute which requires that the supreme court and the district courts shall have a seal. The bill also deletes the provision that no other courts may have a seal. In addition, the bill provides that the seal shall be kept by each court's clerk, deputy clerk or the justice of the peace if a deputy clerk has not been appointed for the justice's court.

Assembly Bill 228 extends the jurisdiction of justices' courts for small claims to cases where the defendant does business or is employed in the township in which the case is to be maintained. Their previous jurisdiction for small claims applied only to cases where the defendant is a resident of the township.

The measure also allows a justice of the peace to grant a certificate of proof or acknowledgment of a conveyance affecting real property. The measure eliminates the previous statutory requirements that, in certain cases, such proof or acknowledgment from a justice of the peace had to be accompanied by a certificate of the clerk of the district

court of the local county as to the official character of the justice of the peace and the authenticity of his signature.

A.B. 234 (chapter 132)

Assembly Bill 234 extends the period that certain courts may adjourn a trial or hearing to allow a witness to testify concerning the presence of alcohol or a controlled substance within a person charged with a crime involving driving under the influence of intoxicating liquor or a controlled substance. The bill allows judges, justices of the peace or hearing officers in counties with a population of less than 25,000 to extend the 3-day adjournment limit for a period not exceeding 10 days to provide for the presence of the witness to be examined or cross-examined.

A.B. 254 (chapter 136)

Assembly Bill 254 extends the authorization for the admission of orders, rules, regulations, findings and decisions of the division of occupational safety and health in the department of industrial relations as evidence in any prosecution for violation of Nevada's occupational health and safety laws. Previous law limited this authorization to the prosecution of violations of safety laws only. Assembly Bill 254 adds orders, rules, regulations, findings and decisions relating to the prosecution of violations of the state occupational health laws as well.

A.B. 556 (chapter 195)

Assembly Bill 556 requires justices of the peace in Clark and Washoe counties, Nevada, to be attorneys at law. The bill requires justices of the peace in the smaller counties to have a high school diploma or its equivalent as determined by the state board of education. These provisions do not, however, apply to any person who held the office of justice of the peace on June 30, 1987.

The bill also requires that Nevada's state court administrator arrange for judicial instruction in statutory amendments and other appropriate legal developments to be provided to all justices of the peace at least once a year.

A.B. 557 (chapter 216)

Assembly Bill 557 establishes fees for certain additional acts performed by a justice of the peace, including:

1. Preparation of copies of records, proceedings or papers;
2. Issuance of certificates of the clerk;

3. Search of records or files;
4. Filing of bail bondsman's power of attorney; and
5. Filing of bond satisfaction or forfeiture.

A.B. 559 (chapter 293)

Assembly Bill 559 requires the court administrator to compile statistics relating to the number, nature and date of each civil action filed in the district courts from the information maintained by the clerks of the courts. The bill also mandates that the court administrator make reports regarding these cases.

A.B. 570 (chapter 328)

Assembly Bill 570 revises the provisions for sealing the records of a person convicted and sentenced for the possession of a controlled substance not for the purpose of sale. The bill provides that a hearing is not required in order for the court to seal the records 3 years after a person is convicted and sentenced, unless the department of parole and probation petitions the court, for good cause shown, not to seal the records and requests a hearing on the matter.

A.B. 588 (chapter 257)

Assembly Bill 588 authorizes the court to require a person arrested for a felony offense to surrender to the court any passport he possesses, before being released on bail.

A.B. 609 (chapter 352)

Assembly Bill 609 amends the statute pertaining to the admissibility of the affidavit of an expert witness for the purpose of testimony regarding the presence of alcohol, a controlled substance, or a chemical, poison or organic solvent in a person's blood or urine. The bill states that such an affidavit is admissible in evidence in an administrative proceeding in addition to a criminal trial in district court or a preliminary examination or trial in justice or municipal court.

Furthermore, the bill removes the provision that the affidavit of a person who prepared a chemical solution or gas which has been used in calibrating a device for a breath test to determine the amount of alcohol in a person's blood is admissible in evidence to prove the name of the law enforcement agency or laboratory to which he delivered the solution or gas.

A.B. 620 (chapter 202)

Assembly Bill 620 removes the prohibition against releasing a person without bail after he has failed to appear after being released, either on a bond or undertaking or without bail.

A.B. 740 (chapter 346)

Assembly Bill 740 authorizes the preferential setting of a date for the trial of civil actions upon the motion of a party to an action who is 70 years of age or older, unless the court finds that the party does not have a substantial interest in the case as a whole. The bill also allows the court to grant a motion for preference in setting a trial date if a party to the action suffers from an illness or condition that may result in death within 6 months, if the interests of justice would be served in granting the motion.

If a motion for preference is granted under the provisions of the bill, the court must set a date for the trial that is not more than 120 days after hearing the motion and is not allowed to continue the trial date beyond the 120 days, except for the physical disability of a party or an attorney, or for other good cause.

The bill further provides that the court may, upon the motion of the plaintiff, give preference in setting a date for the trial of the action if the plaintiff seeks to recover damages allegedly caused by a defendant during the commission of a crime punishable as a felony for which there is a conviction. If the motion is granted, the trial of the action must, unless infeasible, be held not more than 120 days after the court hears the motion.

A.B. 744 (chapter 281)

Assembly Bill 744 requires the use of a certified shorthand reporter to report a jury trial in a justice's court. The bill provides, however, an exception for court proceedings which are recorded by using sound recording equipment.

A.B. 772 (chapter 442)

Assembly Bill 772 provides that the cost of instruction for the continuing education of district judges must be paid from the account for continuing judicial education.

A.B. 780 (chapter 406)

Assembly Bill 780 precludes a witness from being declared incompetent to testify solely by reason that he or a member of his family has received medical, psychiatric, or psychological care or counseling in connection with the act or

event which is the basis for the proceeding. The bill provides that evidence relating to such care or counseling is not inadmissible under this act, if it is otherwise admissible under other provisions pertaining to witnesses and evidence (Title 4 of NRS).

A.B. 791 (chapter 441)

Assembly Bill 791 requires notice of the failure by a defendant to appear at a criminal proceeding to be given to the local agent of each surety. The bill mandates that such notification be given by certified mail within 15 days after the failure to appear.

A.B. 806 (chapter 443)

Assembly Bill 806 amends the existing law relating to offers of judgment. The bill reduces the time for acceptance of an offer from 30 to 10 days after the offer is made.

The bill adds attorney's fees to the costs which a party may not recover if he rejects an offer of judgment and fails to obtain a more favorable judgment. The measure also adds that the court may, in this situation, order him to pay to the party who made the offer interest on the judgment and reasonable attorney's fees. The bill provides further that, if the attorney of the party for whom the offer of judgment is made is collecting a contingent fee for his services, the amount of any attorney's fees awarded to the party for whom the offer is made must be deducted from that contingent fee.

A.B. 850 (chapter 522)

Assembly Bill 850 authorizes the state public defender to collect certain sums from Carson City, and Churchill, Douglas, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Lyon, Mineral, Nye, Pershing, Storey, and White Pine counties for the use of his services.

A.B. 851 (chapter 527)

Assembly Bill 851 prohibits a district court from sending a defendant back to a lower court for a preliminary examination if the defendant unconditionally waives such an examination.



## DOMESTIC RELATIONS

### S.B. 98 (chapter 102)

Senate Bill 98 includes "failure of parental adjustment" as an additional ground for termination of parental rights concerning a child. "Failure of parental adjustment" is defined to occur when a parent or parents are unable or unwilling to correct substantially the circumstances, conduct or conditions which led to the placement of their child outside of their home.

The bill provides that there is evidence of failure of parental adjustment when the parents of a child in the custody of the welfare division of the department of human resources fail to comply substantially with the terms of a plan to reunite the family within 6 months after the date on which the child was placed in the custody of the welfare division or the plan was commenced, whichever occurs later.

### S.B. 99 (chapter 116)

Senate Bill 99 revises the basic considerations required under state law for the termination of parental rights. This bill specifies that the initial and primary consideration of the court is whether the best interests of the child would be served by the termination. However, a finding of the court also is required concerning the conduct of the parent or parents with regard to at least one of the considerations listed in existing law. The finding thus must include a consideration such as abandonment or neglect of the child, unfitness of the parent, risks to the well-being of the child, and so on.

### S.B. 114 (chapter 20)

Senate Bill 114 requires each county treasurer in Nevada, on or before the 15th day of each month, to deposit the relevant marriage license fees with the state treasurer for credit to the account for aid to victims of domestic violence. Previous Nevada law did not specify when these fees were to be deposited, and this omission resulted in "cash flow" difficulties in the provision of timely assistance to victims of domestic violence.

### S.B. 116 (chapter 57)

Senate Bill 116 amends a portion of state law pertaining to the termination of parental rights. The bill requires that a minor's legal custodian or guardian be personally served with a hearing notice if the custodian or guardian lives in Nevada and his place of residence is known to the petitioner. The law previously required that such notice only be provided to the minor's father or mother.

DOMESTIC RELATIONS (continued)

S.B. 271 (chapter 133)

Senate Bill 271 enacts the Interstate Compact on Adoption and Medical Assistance. The primary function of the compact is to provide coordinated interstate procedures and policies to safeguard the interests of children with special needs who are adopted pursuant to an adoption assistance agreement and who move to another state with their new families.

S.B. 272 (chapter 773)

Senate Bill 272 revises various provisions of state law pertaining to adoption. The bill specifies that, in an adoption proceeding, the court may grant reasonable visitation rights to certain relatives of the child only if similar rights had been granted previously in a custody proceeding.

The bill makes it unlawful for any person to pay the natural parent of a child in return for assistance or consent in the placement of the child for adoption. However, a person may pay for medical and living expenses related to the birth of another person's child, as long as it is an act of charity and is not contingent on the adoptive placement of the child. The provisions of this entire section do not apply if a woman enters into a lawful contract to act as a surrogate, be inseminated and give birth to the child of a man who is not her husband.

The measure also makes invalid all releases for and consents to adoption given by a mother if signed within 72 hours of the child's birth. This provision supplements existing law which makes such releases and consents invalid if made before the birth of a child.

The welfare division of the department of human resources is required to promulgate regulations establishing the procedure to be used in placing children for adoption, including adoptions in which the natural parent or parents have limited knowledge of the prospective adoptive parent or parents.

In addition, the bill contains a number of other technical provisions and amendments pertaining to petitions of adoption, affidavits of expenses and fees, and other matters pertaining to adoption.

S.B. 381 (chapter 166)

Senate Bill 381 provides that, if a child is committed to the custody of a regional facility for children, the court may order that the expense of the child's support and maintenance be paid by the county of the child's residence. The court may order that the parents, guardians or other persons liable for the support of the child reimburse the county in

## DOMESTIC RELATIONS (continued)

whole or in part. Regional facilities for children are defined in the bill to include China Springs Youth Camp in Douglas County, Spring Mountain Youth Camp in Clark County, and any other institution which cares for delinquent minors, excluding the Nevada youth training center (Elko County) and the Nevada girls training center (Lincoln County).

### S.B. 524 (chapter 520)

Senate Bill 524 simplifies and clarifies the state law pertaining to uncontested and summary divorces. The bill provides that if there is a marital settlement agreement, it must be identified in the affidavit and attached thereto as an exhibit.

A joint petition filed for a summary divorce proceeding must contain certain information. The bill adds new informational requirements, including grounds for the divorce, date and place of the marriage, minor children of the marriage, and whether the wife, to her knowledge, is pregnant. The bill also repeals an infrequently used divorce option which became law in 1985 concerning the signing of a joint petition before a clerk of the court.

### A.B. 395 (chapter 808)

Assembly Bill 395 amends the law and procedures relating to support for children. It authorizes the court to order the assignment of wages to the person entitled to payment of child support and specifies the procedures for withholding of income. The bill outlines the responsibilities of the employer in this situation and provides a penalty for noncompliance. The measure also specifies the relevant responsibilities of the parents of the child, the court, the district attorney and the welfare division of the state department of human resources.

The bill further provides a procedure for requiring payments toward arrearages (delinquent payments), and it eliminates previous limitations on actions to enforce orders for support. The measure further directs the court to appoint a master to hear all cases in a county to establish or enforce an obligation for child support, unless the district attorney obtains an exemption to the requirement.

### A.B. 424 (chapter 813)

Assembly Bill 424 establishes formulas for computing child support payments based on the number of children and a parent's gross monthly income. The court is required to apply the appropriate formula in order to:

DOMESTIC RELATIONS (continued)

1. Determine the required support in any contested case; and
2. Change the amount of required child support for any request filed after July 1, 1987.

The court determines the amount of gross monthly income of a parent in cases where the amount is disputed. If a parent is willfully underemployed or unemployed to avoid a child support obligation, that obligation must be based upon the parent's true earning potential.

Under the provisions of the bill, the minimum amount of support that may be awarded in any case is \$100 per month per child, regardless of the formula used, in order to meet the basic needs of the child, unless the court finds that a parent is unable to pay this amount. Willful underemployment or unemployment is not a sufficient cause to prevent the court from awarding at least the minimum amount. The bill provides the factors for the court to consider in adjusting the support, and it mandates continuing support beyond the age of majority for handicapped children until they are self-supporting or no longer handicapped.

The measure also requires both parents to bear equally the health care expenses of their children.

A.B. 599 (chapter 552)

Assembly Bill 599 enables a minor who is at least 16 years of age, married or living apart from his parents, to petition the juvenile division of the district court for a decree of emancipation.

The bill specifies the procedures and criteria to be followed in these situations. It clarifies the legal status of an emancipated minor and provides that decrees of emancipation are conclusive and binding. The measure also specifies the types of actions for which the recipient is no longer considered a minor and the situations under which he retains the status of a minor.

A.B. 626 (chapter 586)

Assembly Bill 626 relates to marriage and the relevant procedures and forms. The bill authorizes the county clerk of each county in Nevada to consolidate the affidavit of application for a marriage license, the certificate of marriage and the marriage license on a single form. The bill also requires that instructions for obtaining a certified copy of the marriage certificate be printed or stamped on the back of the form.

## DOMESTIC RELATIONS (continued)

The measure clarifies that a marriage license must be obtained at the county seat, and it provides that a marriage license expires 1 year after its date of issuance. The bill specifies the form for the marriage certificate which must be given to each couple after a marriage is solemnized, and it requires that all information contained in the certificate, except signatures, must be typed or legibly printed by hand.

In addition, the bill increases from \$5 to \$7 the additional fee collected and credited to the account for aid for victims of domestic violence.

### A.B. 636 (chapter 507)

Assembly Bill 636 provides that it is no defense to a sexual assault charge that the perpetrator was, at the time of the assault, married to the victim, if the assault was committed by force or by the threat of force.

### A.B. 637 (chapter 666)

Assembly Bill 637 creates the advisory committee to study the laws relating to children. The bill terminates the committee on September 1, 1988. The measure provides that the 12 voting members of the committee shall consist of two state senators, two assemblymen, two district judges who serve as juvenile judges, one supreme court justice, one representative of the department of human resources, one district attorney, one county commissioner, one chief juvenile probation officer and the superintendent of public instruction (state department of education) or a person who is designated by him. The legislative commission is required to appoint a member of the advisory committee to serve as chairman.

The study must include, but is not limited to, an evaluation of the need to modernize Nevada's laws relating to children who are 18 years of age or younger and the feasibility of consolidating these laws into a comprehensive and integrated body of law.

The bill appropriates \$15,000 from the state general fund for the study and mandates that the recommendations and results of the study be reported to the 65th session of the legislature.

### A.B. 708 (chapter 532)

Assembly Bill 708 authorizes the grandparents of an unmarried minor child to visit the child and spend sufficient time with him or her to establish a meaningful relationship, if the court determines that such visitation is in the best

## DOMESTIC RELATIONS (continued)

interests of the child. The provisions of the bill apply if one parent of the minor child is deceased, divorced or separated from the other parent, or the parental rights of either parent have been terminated.

The bill amends existing law which allows the district court to grant visitation rights to certain relatives of a minor child, and it provides factors for the court to consider when a person other than a parent seeks such visitation rights. It authorizes the court to grant to the grandparents, parents and other children of either parent a reasonable right to visit the child if the parental rights of either or both natural parents of a child are relinquished or terminated, and the child is placed in the custody of a public agency or a private agency licensed to place children in homes.

The measure provides further that, if the court issues an order keeping the child in protective custody pending a disposition by the court and in the best interests of the child, it may place the child in the temporary custody of a grandparent of the child or grant the grandparent a reasonable right to visit the child while he is in protective custody. In determining the custody of a child after the court finds that he is in need of protection, the bill allows the court to consider, among other factors, whether the child has resided with a particular relative for 3 years or more before the incident which brought the child to the court's attention.

Under additional court orders in child protection hearings, this measure enables the court to order a reasonable right of visitation for a grandparent of the child if the child is not permitted to remain in the custody of his parents.

### A.B. 727 (chapter 320)

Assembly Bill 727 changes the composition of the seven-member committee for the protection of children which is located within the department of human resources. The bill removes the requirement that a district court judge and a legislator be appointed to the committee. These two members are replaced by two additional members of the general public, bringing the total number of public members on the committee to three.

### A.B. 807 (chapter 493)

Assembly Bill 807 enables the former spouse of a member of the Armed Forces of the United States to sue for the partition of military retirement benefits not addressed in their divorce.

## DOMESTIC RELATIONS (continued)

The bill states the legal principles under which the court may make its determinations. The measure specifies that the district court has jurisdiction over such court actions only when the military spouse:

1. Is a resident of Nevada, other than by reason of military assignment;
2. Is domiciled in this state; or
3. Consents to the exercise of jurisdiction by the court.

### A.B. 874 (chapter 601)

Assembly Bill 874 revises the provisions governing child custody. The bill requires the custodial parent or a parent having joint custody to obtain written consent from the other parent, prior to changing his residence to a place outside of Nevada and taking the child with him.

If the noncustodial parent or other parent having joint custody refuses consent, the parent planning the move may petition the court for permission to move the child. The failure to obtain consent from the court or the other parent may be considered as a factor if a change of custody is requested by the noncustodial parent or other parent having joint custody.

In addition, the measure enables a parent or other party to proceed without an attorney in an action for the modification or termination of custody.



## EDUCATION

### S.B. 54 (chapter 69)

Senate Bill 54 extends the "sunset" provision until July 1, 1989, and thus allows use in the next biennium of the alternate method of calculating basic support for school districts in which enrollment has declined for 2 consecutive years. The act became effective upon passage and approval.

### S.B. 55 (chapter 298)

Senate Bill 55 amends the law to clarify the disposition of the tax authorized to be levied by each board of county commissioners for the payment of interest and redemption of outstanding bonds of the county school district. This bill requires that the tax, and any interest earnings from the tax, be credited to the county school district's debt service fund.

The measure specifies that its amendatory provisions do not apply until July 1, 1988, to a county which on or before January 1, 1987, was using the interest earnings from the proceeds of the tax for purposes other than support of its public schools.

### S.B. 67 (chapter 125)

Senate Bill 67 broadens the prohibition against discrimination in the admission of students to the University of Nevada System. In addition to the previous prohibition against discrimination based on color, race or sex, the bill provides that the system's board of regents shall not discriminate on account of age, national origin, physical handicap or religion.

Senate Bill 67 also removes a provision which prohibited the board of regents from admitting students who are under 15 years of age, not of good moral character, or who have not passed an admission examination.

### S.B. 68 (chapter 119)

Senate Bill 68 requires that a child be enrolled in school under the name appearing on the document submitted as proof of his identity. The bill also makes it a misdemeanor to attempt to enroll a child under a false name or to refuse to furnish suitable identifying documents with intent to deceive. This bill is designed to relate to missing children, particularly parental abductions.

Senate Bill 68, however, allows a parent or legal guardian to petition the appropriate district court for an order which would allow a child to be enrolled in a school under a name other than that appearing on the identification document. In addition, the bill provides that a child in the

custody of the welfare division of the department of human resources may be admitted to a school under a name other than the one which appears on identifying documents or records if the court determines that to do so would be in the best interests of the child.

S.B. 89 (chapter 516)

Senate Bill 89 establishes two programs for the improvement of writing by teachers and pupils. The bill mandates that the programs train teachers as consultants for training others who teach writing in Nevada's public schools, community colleges and universities. One program must be conducted in Clark County, using the available equipment and facilities of the Clark County School District and the University of Nevada-Las Vegas. The other program must be in Washoe County, using the available equipment and facilities of the University of Nevada-Reno and the Washoe County School District.

The goal of the programs is to involve teachers of all grade levels and from all courses of study in improving the writing of each public school pupil and each freshman college student by enhancing teachers' skills and ensuring that writing teachers are taught to write well.

The bill creates an advisory board which consists of seven members appointed by the governor. The advisory board must appoint the administrators of each of the programs, review biennially the scope and priority of each program's services, and evaluate program success. The bill details the objectives the board must use in reviewing and evaluating the programs.

The measure also appropriates \$100,000 for each year of the coming biennium to be allocated equally between the programs in Clark and Washoe counties. The money is appropriated from the state general fund to the University of Nevada System for deposit in separate accounts for each program, and the board of regents must disburse funds from these accounts upon the request of the administrators of the programs. The sums appropriated within this bill are available for both fiscal years and may be transferred from one fiscal year to the other.

S.B. 111 (chapter 630)

Senate Bill 111 authorizes the superintendent of public instruction to grant certain exemptions from the requirement that unlicensed personnel of school districts be directly supervised by licensed personnel in all instructional duties.

## EDUCATION (continued)

The bill provides the criteria for granting these exemptions and the procedures for filing and recording the exemptions.

Exempted personnel who are unlicensed are required to be under administrative supervision when performing instructional or noninstructional duties. Fingerprints are to be submitted by unlicensed personnel for investigation pursuant to the provisions governing the fingerprinting of applicants for educational licensure. The bill also authorizes the superintendent of public instruction to adopt regulations concerning these provisions.

### S.B. 113 (chapter 92)

Senate Bill 113 amends the law regarding notice of a pupil's truancy. The bill changes the requirement for a written notice of a pupil's "absence" to a notice of "truancy."

### S.B. 138 (chapter 440)

Senate Bill 138 permits a reduction of the minimum 180 days of free public school in cases of emergency.

The bill requires each school district to schedule at least 3 contingent days of school in addition to the regular 180 days. These contingent days must be used if an accident, inclement weather or a natural disaster causes a majority of the district's facilities to close. If more than 3 days of school are lost because of such a situation, the superintendent of public instruction may permit, upon appropriate application by the school district, the additional lost days to be counted as school days in session. This measure provides further that the state board of education must adopt regulations providing procedures for changing schedules of instruction to be used when a particular school within a school district is forced to close because of an accident, inclement weather or a natural disaster.

### S.B. 160 (chapter 126)

Senate Bill 160 allows the board of regents of the University of Nevada System to establish separate personnel policies and procedures which govern student employees, physicians engaged in a program for residency training and postdoctoral fellows. It provides that these policies and procedures may be distinct from those established for the unclassified personnel of the University of Nevada System. The measure specifies, however, that any such policies and procedures may not diminish the eligibility of these people for industrial insurance coverage.

The measure also states that the board of regents is not bound by any of the provisions of chapter 396 of NRS

("University of Nevada System") or Title 23 of NRS ("Public Officers and Employees") in establishing the personnel policies, and that the provisions of these two portions of the law specifically do not apply to a student trainee, a physician engaged in a program of residency training or a post-doctoral fellow, unless otherwise provided by the board of regents.

S.B. 166 (chapter 284)

Senate Bill 166 amends the provisions governing proficiency examinations for pupils in public schools. The bill modifies the statute to require pupils to demonstrate adequate performance on achievement and proficiency examinations. The previous law referred only to proficiency and did not mention achievement. The measure also changes the grade at which the high school proficiency examination is to be administered from the 12th to the 11th grade.

S.B. 168 (chapter 635)

Senate Bill 168 authorizes the state board of education to adopt regulations for the approval of programs for the education of teachers which are accredited by the National Council of Accreditation of Teacher Education. The bill also allows the commission on professional standards in education to grant relief from its regulations regarding the licensure of teachers and other educational personnel for the resolution of administrative or medical conflicts.

S.B. 169 (chapter 311)

Senate Bill 169 authorizes the state board of education to establish a nonprofit corporation to obtain money and personal property for awards in recognition of exceptional teachers, pupils and public schools. The nonprofit corporation may also fund special projects designed to enhance the educational system.

S.B. 186 (chapter 683)

Senate Bill 186 modifies the formula used to determine the basic financial support of each school district. The bill provides that pupils who are inmates of Nevada's prison system must not be counted for the purpose of basic support pursuant to the formula.

The measure authorizes the state department of education to spend \$1,628,000 from the state distributive school fund in each year of the 1987-1989 biennium to reimburse school districts for the support of pupils who are incarcerated in a facility or institution operated by the department of prisons.

S.B. 285 (chapter 599)

Senate Bill 285 revises the scope of the background investigation of a potential employee of a postsecondary educational institution. The bill clarifies that the investigation is limited to the criteria specified in the statute, and it adds that the investigation includes submission of the applicant's fingerprints to the central repository for Nevada records of criminal history.

The measure declares, however, that the background investigation of an applicant for an administrative or financial position is not limited to the items set forth in this section of the statutes.

S.B. 467 (chapter 433)

Senate Bill 467 creates the commission on professional standards in education to prescribe standards for the licensing of teachers and other educational personnel. The commission consists of nine members appointed by the governor, and the bill prescribes the qualifications of the various members. The measure also provides specific procedures for the appointment of the administrators, the counselor, and three of the four teachers who serve on the commission.

Under the bill, the commission must adopt regulations prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of these licenses. The commission is specifically directed to adopt regulations governing examinations for the initial licensing of teachers and other educational personnel. The examinations must test the ability of the applicant to teach and his knowledge of each specific subject he proposes to teach. Each examination must include Nevada's laws relating to schools, the constitution of the State of Nevada, and the Constitution of the United States.

This bill allows the state board of education to disapprove any regulation adopted by the commission if the regulation threatens the efficient operation of the public schools or creates an undue financial hardship for any administrator, teacher or other educational personnel or any school district. If the state board does not disapprove a regulation within 90 days after it is adopted by the commission, it is deemed approved.

Senate Bill 467 also mandates that the state board of education prescribe by regulation the standards for approval of courses of study or training offered by an educational institution to qualify a person to be a teacher or administrator or to perform other educational functions. Every

## EDUCATION (continued)

applicant for a license from the superintendent of public instruction must submit with his application proof that he has satisfactorily completed a course of study and training approved by the board. The board may either review and evaluate relevant courses itself or may recognize a course approved by an acceptable national agency for accreditation. If the state board denies or withdraws its approval of a course, the educational institution is entitled to a hearing and judicial review of the board's decision.

Senate Bill 467 also makes additional, more technical changes to the statutes related to certification and the functioning of the state board of education.

### S.B. 532 (chapter 374)

Senate Bill 532 eliminates the provision which requires the superintendent of public instruction to administer the higher education student loan program. The bill allows the superintendent to continue to administer the program or to notify the state board of education at least 30 days in advance if he intends to stop administering it. Before the superintendent ceases to administer the student loan program, the state board of education, with the concurrence of the governor, must designate another public agency or private nonprofit organization to administer the program in a manner which ensures continued access by postsecondary schools in this state, including all of the institutions of the University of Nevada System.

### A.B. 102 (chapter 429)

Assembly Bill 102 creates a position in the state department of education for the coordination of the use of libraries and related technical systems. The bill authorizes the superintendent of public instruction to appoint a coordinator or assign the duties of the coordinator to an existing employee of the department. The measure also specifies the duties of the newly created position.

### A.B. 166 (chapter 451)

Assembly Bill 166 authorizes the superintendent of public instruction to provide for the education and care of eligible, handicapped persons in foster homes or other residential facilities located outside of the state. Previous law restricted this assistance to eligible, handicapped persons housed in Nevada facilities which have an appropriate special education program for each person's particular handicap.

### A.B. 188 (chapter 108)

Assembly Bill 188 increases the maximum amount the board of trustees of a school district may pay to parents in lieu of

## EDUCATION (continued)

furnishing transportation to a pupil. When the daily transportation of a pupil is not practical or economical, the board of trustees may pay the parents of the pupil to assist in defraying the cost of board, lodging and other subsistence expenses of the pupil to attend a public school in a city or town in Nevada or in an adjoining state. Assembly Bill 188 increases the amount of this payment from \$6 to \$10 per school attendance day.

### A.B. 371 (chapter 183)

Assembly Bill 371 amends the provisions regarding the certification of certain agents and employees of postsecondary educational institutions. It provides that a person applying to be an agent or employee of a postsecondary educational institution is not required to arrange for a sheriff's investigation of his background if he meets specified criteria.

The bill also makes it unlawful for any person to act as or perform the services of an agent of a postsecondary educational institution, unless he has a currently valid agent's permit.

### A.B. 415 (chapter 503)

Assembly Bill 415 prohibits the involuntary transfer or reassignment of a noncertificated employee of a school district as a form of discipline.

The bill provides that any such involuntary transfer or reassignment must be based on assignment and seniority and may not be made as a form of discipline. If an employee believes that he was transferred or reassigned in a disciplinary action, he is entitled to a hearing. The measure makes an exception for employee reassignments which are for less than 30 days in response to temporary work requirements.

### A.B. 421 (chapter 547)

Assembly Bill 421 revises the provisions governing the dismissal of certain postprobationary educational personnel. The bill removes the presumption of just cause for the termination of employment of a postprobationary administrator or teacher when there is proof that he has been properly evaluated and has received overall unsatisfactory evaluations for 3 different years within the immediately preceding 5 or fewer years.

### A.B. 446 (chapter 361)

Assembly Bill 446 revises the provisions governing the organization of the state department of education to create an additional deputy superintendent position. The bill changes the title of the previous position of deputy superintendent

of public instruction to deputy superintendent of instructional, research and evaluative services; and it changes the title of the associate superintendent for administration to the deputy superintendent of administrative and fiscal services. The bill also establishes the qualifications for the person who fills the position of deputy superintendent of instructional, research and evaluative services.

A.B. 535 (chapter 456)

Assembly Bill 535 requires that the annual audit of a school district be concluded and the report submitted to the board of trustees no later than 4 months after the close of the fiscal year for which the audit is conducted. Other local governments have 5 months after the close of the fiscal year to submit their audits.

A.B. 552 (chapter 714)

Assembly Bill 552 requires each county school district to establish a course of instruction for pupils in public schools concerning acquired immune deficiency syndrome (AIDS) and the human reproductive system. Each school district must begin offering this instruction on or before the first day of the 1987-1988 school year.

The bill amends the statute which allows the board of trustees of a school district to establish a course of instruction on the human reproductive system, related communicable diseases and sexual responsibility. It provides that each school district's board of trustees must establish a course or unit of a course of factual instruction concerning AIDS and instruction on the specified sex education subjects.

Pursuant to the bill and the sex education statute, the course must be taught by a teacher or school nurse approved by the board of trustees. All of the course's instructional materials must be available for inspection by parents or guardians of pupils at reasonable times and locations prior to the course being taught, and written notice of the materials' availability must be furnished to all parents or guardians before instruction commences.

This measure conforms to the existing provisions which require each school district to include a notice of the course to a parent or guardian and a form for consent in the usual manner used by the local district to transmit written material to parents. The consent form allows the parent or guardian to authorize the pupil to attend the course. If written consent of the parent or guardian is not received, the student must be excused from attendance without any penalty as to credits or academic standing.

EDUCATION (continued)

Furthermore, the bill directs each board of trustees to appoint an advisory committee with the following membership:

1. Five parents of pupils in the school district; and
2. Four representatives, one from each of four of the following professions or occupations:
  - a. Medicine or nursing;
  - b. Counseling;
  - c. Religion;
  - d. Pupils who attend school in the district; and
  - e. Teaching.

This committee advises the board of trustees concerning the course materials for instruction regarding AIDS and other sex education and recommends the ages of pupils to receive such instruction, but the board of trustees makes the final decision on these matters.

The bill requires also the state board of education to collect and compile the material and statistics developed by each school district for the course of instruction concerning AIDS and report this information to the 1989 session of the Nevada legislature.

A.B. 613 (chapter 643)

Assembly Bill 613 authorizes the board of regents of the University of Nevada System, on or after August 30, 1988, to issue general obligation bonds in a total amount not more than \$4.6 million to finance the construction, acquisition and improvement of the following projects:

1. A new building and other facilities as an expansion of the building housing the Western Nevada Community College in Carson City, Nevada, in an amount not to exceed \$2 million;
2. A building to house facilities for research at the University of Nevada-Reno, in an amount not to exceed \$2.2 million; and
3. A new Alumni House at the University of Nevada-Las Vegas, in an amount not to exceed \$400,000.

A.B. 684 (chapter 670)

Assembly Bill 684 declares that it is the intent of the legislature to reduce the class size for all classes in the public schools for grades kindergarten (K) through 3 to no more than 22 students. Each school district which contains a class which exceeds this limit is directed to develop a plan for achieving the desired class size by the year 2000. The state department of education is directed to compile these plans and submit a report to the legislature by January 15, 1989.

A.B. 836 (chapter 485)

Assembly Bill 836 authorizes the University of Nevada to construct and equip two buildings to house laboratories for the desert research institute. The bill also authorizes the university to issue securities to pay for part of the cost of the buildings.

Finally, the measure allows the University of Nevada System to include money derived from the facilities, such as grants, fees, contracts, leases, or investments, in its pledged revenues.

A.B. 892 (chapter 780)

Assembly Bill 892 contains appropriations and authorizations of state aid for school districts for the 1987-1989 biennium. The bill raises the average basic support guarantee per pupil from \$2,354 in fiscal year (FY) 1987, to \$2,437 in FY 1988, and \$2,489 in FY 1989. In addition, separate legislation (Senate Bill 597, chapter 769, Statutes of Nevada, 1987) provides funding for a 3 percent salary increase which would raise the average basic support guarantee to \$2,517 per pupil in FY 1987-1988, and \$2,571 per pupil in FY 1988-1989. These basic support guarantees will be increased further if additional salary increases of up to 3 percent become effective July 1, 1988, under a trigger mechanism based on available state revenue.

For the second year of the biennium, this measure contains provisions for a limited ad valorem adjustment to be made to the basic support guarantees of the various districts. The aggregate statewide school funding mechanism is based on an anticipated 7.9 percent increase in assessed valuation for FY 1988-1989. Since actual assessed value increases might vary between districts, the bill allows the state department of education to adjust the property tax portion of the wealth factor only in order to maximize the equality of educational dollars in the state.

The bill provides an additional 60 special education units in FY 1987-1988, and another 40 units in FY 1988-1989. The

EDUCATION (continued)

basic guarantee for each special education program unit is increased from \$23,700 to \$24,000 in each year of the 1987-1989 biennium.

The measure includes state general fund appropriations to the state distributive school account of \$207,322,231 for FY 1987-1988, and \$214,227,022 for FY 1988-1989. Additional funds of \$35,278,000 in FY 1987-1988, and \$36,823,000 in FY 1988-1989, are authorized to be expended from the annual slot tax, interest earning on the permanent school fund, federal mineral land lease income and out-of-state local school support taxes.



## ELECTIONS

### S.B. 85 (chapter 53)

Senate Bill 85 requires the inclusion of a fiscal note on sample ballots for statewide measures and constitutional amendments. The fiscal analysis division of the legislative counsel bureau is responsible for the preparation of fiscal notes which must explain the anticipated fiscal effects of each ballot proposal. The legislative commission must review each fiscal note of this type and approve such changes as it deems necessary. Approved fiscal notes must be provided to the secretary of state on or before April 1 of the year in which the general election is to be held. This process parallels existing law which requires the legal and research divisions of the legislative counsel bureau, with review and approval by the legislative commission, to prepare condensations and explanations, including arguments for and against passage, of constitutional amendments and statewide measures proposed by the legislature.

The bill also removes the requirement that the sample ballot must contain the full text of each constitutional amendment and statewide measure. It further provides that reimbursement of counties for the costs of punchcards used in primary and general elections must be paid from the reserve for statutory contingency fund, upon recommendation by the secretary of state and approval by the state board of examiners.

### S.B. 119 (chapter 17)

Senate Bill 119 provides that, if a recall or special election is held on the same day as a primary or general municipal election, voter registration must close on the fifth Saturday preceding election day in counties which do not use computer voter registration.

Previously, these counties were required to register voters up to the third Saturday preceding such recall or special elections. This requirement created a conflict when recall or special elections coincided with primary or general municipal elections for which registration closed on the fifth Saturday preceding election day.

The bill also provides that, for a special municipal election to issue general obligation bonds, a notice of the close of registration must be published in a general circulation newspaper once in each calendar week for 2 weeks immediately prior to the close of registration for the election.

### A.B. 40 (chapter 152)

Assembly Bill 40 clarifies Nevada's election laws as they apply to city elections. Several provisions pertaining to

## ELECTIONS (continued)

city elections previously contained in Nevada's law on cities and towns are moved and incorporated into the state elections law.

The bill also requires that the terms of office of a mayor and city councilmen are 4 years, and that the terms for councilmen must be staggered. The bill further specifies the procedures to be used at the first general city election held after July 1, 1987, in order to accomplish a system of staggered terms.

### A.B. 41 (chapter 318)

Assembly Bill 41 clarifies certain provisions in Nevada's election laws relative to both county and city elections.

The bill revises the schedule of fees for filing declarations or acceptances of candidacy for certain district offices. It requires the secretary of state to adopt regulations to ensure the security and accuracy of computer programs used for elections. It also requires each county clerk to appoint at least one registered voter to serve as a deputy registrar. The measure extends the time limit for determining whether an affidavit of registration must be canceled. In addition, the bill corrects various inaccurate provisions of Nevada's election laws relating to the use of paper ballots.

### A.B. 183 (chapter 489)

Assembly Bill 183 requires the disclosure of contributions and expenditures in excess of \$500 which are made on behalf of or against ballot questions. The bill also expands the campaign reporting materials which the secretary of state is required to make available for public inspection by including this information.

The measure also appropriates \$4,276 for fiscal year 1987-1988 and \$2,400 for FY 1988-1989 to the secretary of state to enable him to carry out the responsibilities of this act.

### A.B. 184 (chapter 569)

Assembly Bill 184 makes a number of technical changes in Nevada's laws governing elections. The measure also contains provisions designed to correct two statutes which have been determined to be unconstitutional. The United States District Court for Nevada ruled on access to the ballot by minor political parties, and the United States Supreme Court ruled on a Connecticut law similar to Nevada's "closed party primary" law.

## ELECTIONS (continued)

The bill provides a procedure which simplifies the qualification of minor political parties, and candidates from such parties, for the general election ballot. The bill also revises the procedure for the verification of signatures on petitions and certificates pertaining to an initiative or referendum, qualification of a political party, and the recall of a public officer.

In regard to the issue of "closed party primaries," the bill provides that a political party may allow a nonpartisan voter to vote for its candidates at the primary election. The measure also permits registered voters of minor political party affiliation to vote on a nonpartisan ballot at the primary election.

Other matters addressed in this bill include county commissioner districts, time limits, and prohibited acts of a deputy registrar of voters.

### A.B. 252 (chapter 90)

Assembly Bill 252 requires the boundaries of each election precinct to follow visible ground features or extensions of ground features except where a boundary coincides with the official boundary of the state, a county or an incorporated city. A visible ground feature is defined to include a street, road, highway, river, stream, drainage ditch, railroad right of way or other physical feature which is clearly visible from the ground.

This bill is derived from an interim study of the establishment of the boundaries of blocks in Nevada and participation in the Block Boundary Suggestion Program of the United States Bureau of the Census (Census Bureau). The purpose of this bill is to assist the state and local governments in preparation for the decennial census in 1990 by increasing the likelihood that precinct or voting district boundaries will coincide with the boundaries of blocks used by the Census Bureau.

### A.B. 264 (chapter 510)

Assembly Bill 264 revises state law concerning the prescribed areas in which it is illegal to solicit votes and attempt to influence voters on the day of an election. Previous Nevada law prohibited these types of activities within 100 feet of a polling place. This measure changes the prohibition to include both inside the polling place and within 300 feet of the exterior of the building in which a polling place is located.

## ELECTIONS (continued)

The bill adds the erection or posting of a political sign to the list of activities which are prohibited within the prescribed areas. However, a private residence that is within 300 feet of the exterior of the building containing the polling place is exempted from this requirement. The bill also specifies that an election board officer may, in the course of his official duties on election day, ask another person his name, address or political affiliation.

### A.B. 361 (chapter 107)

Assembly Bill 361 allows the board of trustees of a school district with less than 25,000 pupils to adopt a resolution dividing the district into election districts which must be the same number as there are trustees. If established, these election districts must be single-member districts, and, if feasible, be consistent with Nevada assembly district boundaries and have nearly equal population.

The bill will not change the number of members on a board of trustees. If a resolution is adopted by a board of trustees to establish election districts, the current board members continue to hold office until the next general election.

The bill also gives county school boards which choose to establish election districts two options concerning subsequent elections. A school board trustee may either be elected by only the voters of his election district, or by all of the voters in the entire county school district. However, a trustee must remain a resident of the election district in which he was elected in order to stay in office. A resolution must be adopted by a board of trustees, after holding a public hearing, which specifies the option selected.

### A.B. 432 (chapter 792)

Assembly Bill 432 allows a qualified individual to register to vote when he applies in person to the department of motor vehicles and public safety for a driver's license, identification card, motor vehicle registration or registration renewal. The department is required to ask each such person if he would like to register to vote. If the person desires to complete an application for voter registration, he also is required to complete and sign an affidavit. The bill specifies the content of the affidavit and requires the secretary of state to provide for the form of the application of registration.

The bill also establishes procedures relating to the completion of the affidavit and application and their subsequent transmittal to the appropriate elections official. The

## ELECTIONS (continued)

secretary of state, with the approval of the director of the DMV&PS, is required to adopt regulations necessary to implement this act.

The bill appropriates \$28,205 in each year of the next biennium to the department of motor vehicles and public safety for the cost of registering voters under this act. An expiration date for the act is established as July 1, 1989.

### A.B. 476 (chapter 662)

Assembly Bill 476 adds a new provision to state law prohibiting any person to be registered to vote in more than one county in Nevada at one time. The bill establishes procedures for a county clerk to verify the residence of a registered voter who fails to vote at a general election. The bill also revises certain provisions regarding the cancellation of affidavits of registration.

### A.B. 539 (chapter 756)

Assembly Bill 539 requires county and city clerks in Nevada to establish at least one polling place for a precinct in any residential development exclusively for the elderly. However, such a residential development must have more than 100 registered voters and contain an adequate and available common area. Consent of the owner of the residential development to the establishment of a polling place on his property must also be obtained.

### A.B. 782 (chapter 647)

Assembly Bill 782 makes changes in state law pertaining to political parties. The bill prohibits any payment of money which is required in order for a person to participate or vote as a delegate to a state or county convention or as a member of a state or county central committee. An exception is provided for a reasonable fee to be charged to attend a state or county convention.

The bill also provides that a person's membership on a political party's state or county central committee may be terminated only "for cause." Termination of membership for cause requires a vote of a majority of the membership present at a regular meeting of the central committee. If such membership is terminated or if any position on the state or county central committee remains unfilled at the state or county convention, the position, if filled, must be filled by a vote of a majority of the membership present at a regular meeting of the central committee.

ELECTIONS (continued)

The bill also specifies that, if a vacancy occurs among the officers of a state or county central committee, the vacancy must be filled by the membership present by ballot at a regular or special meeting of the committee.

A.B. 788 (chapter 669)

Assembly Bill 788 revises the provisions relating to the payment of claims from the reserve for statutory contingency fund to allow for the reimbursement of counties for the mechanical ballot cards used in each primary or general election.

A.B. 796 (chapter 772)

Assembly Bill 796 revises provisions in Nevada's election laws concerning absentee voting and voter registration by Nevada residents temporarily living outside of the United States.

Specifically, the bill allows a Nevada registered voter temporarily living overseas to vote for United States President and Vice President, United States Senator and Representative in Congress using the special absent ballot on a mail-in form provided by the Federal Government. This ballot must allow the voter to write in his choice of political party or the name of a candidate or person for each office. In order to be counted, the special absent ballot must be mailed from a location outside of the United States and be received by the county clerk on or before the date of the general election. Only those citizens living overseas who made a timely application for an absentee ballot from their county clerk in Nevada, but did not receive the absent ballot in sufficient time, are allowed to vote using the special federal form.

The bill also allows a resident of Nevada temporarily living outside of the country to register to vote by completing a form provided by the Federal Government and submitting it to the county clerk in his county of residence.

A.B. 825 (chapter 617)

Assembly Bill 825 revises the provisions in state law governing the information which must be included in the sample ballot and notice of election for state and municipal proposals to issue bonds. The bill requires a disclosure of:

1. Any future increase or decrease in costs anticipated as a result of the proposed bond issue and its probable effect on the tax rate; and

ELECTIONS (continued)

2. Any requirements relating to the bond question imposed by a court order or federal or state statute, and the probable consequences if the bond question is not approved by the voters.

A.B. 833 (chapter 672)

Assembly Bill 833 amends state law by allowing a county clerk or deputy registrar, outside of county boundaries, to register persons to vote who are residents of that county. Among other things, the bill facilitates the registration of workers at the Nevada Test Site (Nye County, Nevada) who are residents of Clark County.



## FINANCIAL INSTITUTIONS

### S.B. 2 (chapter 117)

Senate Bill 2 broadens the requirement that each director of a bank must own stock in it. Previously, the law required that a director own at least \$1,000 stock in the bank. This bill requires a director to hold \$1,000 in stock in either the bank or its bank holding company. The bill also fixes the date on which the value of the stock is to be determined.

In addition, the bill removes the limit on the increase in the capital stock of a bank. Banks previously could not increase their capital stock by more than 10 percent.

### S.B. 11 (chapter 231)

Senate Bill 11 clarifies the qualifications required of investment counsel for the public employees' retirement board and the state industrial insurance system. The bill specifies that, if it also fulfills the other qualifications, a bank or an investment management subsidiary of a bank may be chosen by these entities as their investment counsel.

### S.B. 126 (chapter 29)

Senate Bill 126 requires that the financial statements which a mortgage company submits with its application for the annual renewal of its license be prepared by an independent public accountant. Under previous law, any public accountant could prepare these statements, including an accountant employed by the firm.

### S.B. 131 (chapter 75)

Senate Bill 131 repeals an obsolete provision in the statutes governing transactions between a bank, its officers and employees. The repealed provision had made it unlawful for any director, manager, officer or employee of a bank to become an endorser or surety for loans to any other person, or in any manner to become obligor for money borrowed from or loaned by the bank.

### S.B. 284 (chapter 758)

Senate Bill 284 changes the title of the administrator of the division of financial institutions in the department of commerce to commissioner of financial institutions.

### S.B. 519 (chapter 680)

Senate Bill 519 allows a savings and loan association to use the terms "bank" or "savings bank" as part of its name and title. Former law only allowed a national bank or banking corporation to use these words as part of its name and title.

## FINANCIAL INSTITUTIONS (continued)

### S.B. 527 (chapter 546)

Senate Bill 527 expands the authority of thrift companies in Nevada. With the approval of the commissioner of the division of financial institutions, thrift companies may exercise the same powers given to banks. Moreover, the bill authorizes specified deposits, increases the limits on loans to individual obligors and expands a thrift company's ability to make investments.

### S.B. 558 (chapter 648)

Senate Bill 558 expands the list of authorized charges which may be placed upon loans for indefinite terms made by small loan companies. The bill specifically allows charges for the costs of printing and distribution of checks, drafts or other instruments to be used by the borrower in obtaining advances pursuant to the agreement.

The bill also specifies the time frames associated with notification of borrowers when the interest rate on loans is changed.

### A.B. 8 (chapter 219)

Assembly Bill 8 expands the definition of a mortgage company to include companies which offer for sale any security which is exempt from registration under federal or state law and claim to make investments in promissory notes secured by liens on real property. The bill also allows certain businesses which are exempt from regulation as mortgage companies to maintain accounts for the repayment of loans. A firm or corporation is not exempt, however, if it offers any unregistered security for sale in Nevada and purports to make investments in promissory notes secured by liens on real property.

### A.B. 9 (chapter 360)

Assembly Bill 9 requires the commissioner of the division of financial institutions to employ a certified public accountant to review and conduct independent audits of financial institutions. The commissioner is directed to levy an assessment on all licensed financial institutions to cover the costs related to the employment of the accountant and meet the costs of the independent audits.

### A.B. 10 (chapter 803)

Assembly Bill 10 allows the commissioner of the division of financial institutions to establish, by regulation, the fees which banks and other financial institutions pay for supervision and examination.

## FINANCIAL INSTITUTIONS (continued)

The bill increases the flat, semi-annual fee which banks must pay for licensing. The fee for the parent bank is increased from \$100 to \$200. The fee for each branch is increased from \$25 to \$100. The bill also eliminates the semi-annual fee based on assets which banks and savings and loan associations or companies previously paid for supervision and examination.

### A.B. 12 (chapter 106)

Assembly Bill 12 expands the provisions requiring licensure of people who engage in the business of making installment loans. Under previous law, only people who made loans of \$10,000 or less were subject to licensure requirements. Assembly Bill 12 removes the \$10,000 threshold and, thus, makes all people who engage in the business of making installment loans subject to the licensing provisions. The bill also exempts an applicant for licensure who will function solely as a loan broker from the requirement concerning availability of liquid assets.

### A.B. 15 (chapter 30)

Assembly Bill 15 makes it a deceptive trade practice for a person to charge a fee for investment advice without disclosing that he is selling a product or that he is licensed to sell investments or investment services. The bill is intended to regulate insurance salesmen, real estate brokers, stock brokers and others who also act as financial planners.

### A.B. 216 (chapter 105)

Assembly Bill 216 allows foreign credit unions to open branch offices with the permission of the commissioner of the division of financial institutions. It requires that the commissioner collect an investigation fee of \$500 from any foreign credit union which applies for a certificate of authority to transact business or open an office in Nevada. The bill also requires that the commissioner collect an annual fee from all foreign credit unions operating in Nevada. The annual fee is set at \$500 for the credit union's initial office and \$100 for each branch office. The commissioner is further allowed to bill credit unions for the cost of conducting additional examinations and investigations.

### A.B. 425 (chapter 564)

Assembly Bill 425 authorizes a financial institution to recover damages against a borrower who knowingly conceals a material fact or makes a false statement while obtaining a loan secured by a lien on real property. In addition to actual damages, the bill enables the institution to recover

FINANCIAL INSTITUTIONS (continued)

exemplary or punitive damages not to exceed 50 percent of the actual damages awarded by the court. The measure also provides that the cause of action in such a case does not start until the financial institution's discovery of the facts constituting the concealment or false statement.

A.B. 457 (chapter 794)

Assembly Bill 457 adopts the Uniform Securities Act. This law provides for the regulation of securities and the licensing of securities dealers. The bill simultaneously repeals the previous securities law which was found in chapter 90 of NRS.

A.B. 590 (chapter 649)

Assembly Bill 590 relates to organizations which provide credit services. It specifically applies to organizations which provide one of the following services for payment:

1. Improve or provide assistance in improving a person's credit rating or listing;
2. Obtain credit for a person or assist a person in obtaining credit; or
3. Provide counseling or assistance to a person in establishing or effecting a plan for paying his debts.

The bill does not apply to financial institutions, nonprofit organizations, real estate brokers, attorneys, or licensed securities or commodities broker-dealers.

The bill specifies practices which are prohibited and elements that must be disclosed on contracts between the organization and its clients. The measure further declares that any contract between an organization and a client must be in writing, signed by the client and dated.

In addition, the bill provides that these organizations are to be regulated by the consumer affairs division of the department of commerce.

A.B. 603 (chapter 339)

Assembly Bill 603 amends the laws relating to trust companies. The bill removes a provision which requires that a majority of the members of the board of directors of a trust company must be residents of Nevada.

## GAMING

Bills related to taxes and fees associated with gaming are summarized under the heading of "Revenue, Taxation and Local Government Financial Administration."

### S.B. 194 (chapter 550)

Senate Bill 194 makes various changes in state law pertaining to gaming. The bill provides that security interests in gaming devices, enterprises and corporations may not be enforced without prior approval by the Nevada gaming commission pursuant to regulations the commission is required to adopt. However, these provisions do not apply to a distributor or manufacturer licensed by the commission to distribute gaming devices.

The definition of "gross revenue" of a gaming establishment is revised to exclude counterfeit money or tokens received and foreign coins deposited into gaming devices. Also, cash or the value of noncash prizes awarded to patrons in a contest or tournament are not to be deducted as losses from gross revenue.

The bill prevents privileged attorney-client information from being subpoenaed for civil lawsuits. Provisions also are made for interest-bearing accounts that would hold money involved in a dispute between a player and a casino until settled by the courts. If the gaming establishment loses the dispute, it is required to pay the full amount of the patron's claim, plus interest, within 20 days if so directed by the final, nonappealable court order.

Privileged information provided by a gaming licensee or applicant to the state gaming control board, Nevada gaming commission or their agents is not to be released or disclosed without prior written consent or pursuant to a court order for which adequate notice was provided. All privileged information of this type must be maintained in a secure place, and the board and commission are required to adopt procedures and regulations to protect the privileged nature of this information.

### S.B. 294 (chapter 187)

Senate Bill 294 makes various changes in state law relating to the regulation of gaming. The definition of "gaming employee" is expanded to add another category which primarily includes the employees of persons operating race and sports books. The measure makes it unlawful for a person to place a bet, or increase, reduce or cancel a bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet.

GAMING (continued)

The bill also establishes a procedure for disposal of the physical evidence seized by an agent of the state gaming control board involving a violation of state gaming laws.

S.B. 295 (chapter 148)

Senate Bill 295 authorizes the Nevada gaming commission and the state gaming control board to either require a finding of suitability or the licensing of a manufacturer or distributor of chips or other gaming tokens for use in Nevada. Gaming licensees are prohibited from entering into any contract or agreement with a person found unsuitable under this provision without prior approval of the commission. Any other agreement between the licensee and that person must also be terminated upon receipt of notice of the action by the commission.

S.B. 431 (chapter 296)

Senate Bill 431 establishes provisions to include mule racing under the statutes which currently regulate pari-mutuel wagering on horse racing. Chapter 466 of NRS, which pertains to horse and dog racing, is amended to define "horse" to mean any equine, including a mule. The bill also requires the chairman of the Nevada racing commission to be a resident of a county where a race meeting was conducted within the year immediately preceding his designation as chairman. In addition, commissions which a racing licensee may deduct from pari-mutuel wagering on racing are increased from 18 to 20 percent of the gross amount of money handled in each pari-mutuel pool.

A.B. 178 (chapter 78)

Assembly Bill 178 enables the Nevada gaming commission to grant, based on such factors as it deems relevant, preliminary approval to a licensee for involvement in foreign gaming. The bill provides that the commission may at any time: condition, limit, restrict, revoke or suspend any preliminary approval granted for foreign gaming operations.

Assembly Bill 178 also eliminates the current requirement that the state gaming control board and the Nevada gaming commission consider the existence of a comprehensive, effective government regulatory system in the foreign jurisdiction before granting or denying approval to conduct foreign gaming operations.

The measure was made effective upon passage and approval.

A.B. 360 (chapter 551)

Assembly Bill 360 provides a specific procedure for the judicial review in actions relating to the recovery of gaming

debts accrued by patrons. The bill provides that any person aggrieved by a final decision or order of the state gaming control board pursuant to NRS 463.361 through NRS 463.366 may obtain a judicial review in the district court of the county in which the petitioner resides or has his principal place of business. The measure specifies the procedures and criteria associated with this review.

The bill states that the review must be conducted by the court sitting without a jury and is confined to the record on review. The possible actions of the court are outlined, and the criteria by which the court may reverse the board's decision are specified.

The bill also repeals the previous section of law applying to judicial review of patron debt recovery actions.

A.B. 394 (chapter 728)

Assembly Bill 394 requires the state gaming control board to appoint a hearing panel to conduct hearings governing the right to disseminate live broadcasts of racing meets. The panel consists of three members whose qualifications are to be established by the Nevada gaming commission.

The hearing panel is directed to hear proposals from people who desire an exclusive right to disseminate a live broadcast of a racing meet and to make a recommendation to the state gaming control board. The bill provides that the decision of the board may be appealed to the Nevada gaming commission, but the decision of the commission is final and not subject to judicial review.

The measure specifies that no live broadcast may be used or disseminated in Nevada unless the rights for that broadcast have been secured by a disseminator authorized by the board pursuant to this act.

A.B. 463 (chapter 110)

Assembly Bill 463 establishes a 20-day prior notice requirement for subsequent Nevada gaming commission meetings after an initial meeting concerning the adoption, amendment or repeal of a regulation. This bill also requires the commission to maintain a written record of the specific conditions and terms of any distributing, gaming, manufacturing, pari-mutuel wagering or selling license the commission issues or modifies. A duplicate of the record must be delivered to the applicant or licensee.

Assembly Bill 463 also establishes that the decision of the state gaming control board's agent in cases of disputed

GAMING (continued)

winnings is effective on the date the aggrieved party receives notice of the decision. The bill also makes various technical and administrative changes regarding the licensing and control of gaming.

A.B. 565 (chapter 720)

Assembly Bill 565 authorizes the Nevada gaming commission to adopt regulations providing for the review and approval of corporate acquisitions opposed by management, repurchases of securities and corporate defense tactics affecting corporate gaming licenses and publicly traded corporations that are affiliated companies. These regulations must be consistent with the United States Constitution, federal securities regulations and state law. The bill sets forth both a declaration of legislative intent and a state policy statement concerning such corporate acquisitions, repurchases of securities and corporate recapitalizations.

A.B. 755 (chapter 285)

Assembly Bill 755 changes the authority to regulate holidays and special events of gaming licensees from the Nevada gaming commission to the state gaming control board. The bill provides that licensees must apply to the board for a holiday or special event permit in order to increase gaming operations or provide persons who are attending a special event with gaming in an area usually restricted from the general public, and it provides the related procedures. The measure also includes, under state gaming licensing and control provisions, limited partnerships in the definitions of a "holding company" and an "intermediary company."

## HEALTH AND HEALTH FACILITIES

### S.B. 21 (chapter 141)

Senate Bill 21 requires hospitals to establish policies and procedures to determine whether or not a person is a donor, or a potential donor, of an anatomical gift. This measure also establishes procedures to request the surviving members of the deceased person's family to consent to donating all or part of the decedent's body as an anatomical gift.

### S.B. 31 (chapter 540)

Senate Bill 31 requires the board of regents to establish an ethics institute within the University of Nevada System.

The bill establishes the purpose and goals of the ethics institute relative to the standards of medical care, medical education and the ethics of the practice of medicine. It allows the board of regents to contract with people or governmental agencies who wish to use the services or facilities of the ethics institute and to accept gifts or grants of money or property on behalf of the institute. The board, however, may not establish the institute until it has received sufficient money or property to operate the institute.

This bill specifically does not affect the operations of Nevada's commission on ethics which was established under chapter 281 of NRS.

### S.B. 34 (chapter 529)

Senate Bill 34 requires Nevada's state board of health to establish statewide standards for perinatal care based on the recommendations submitted to the board by the school of medicine and school of nursing of the University of Nevada System. (Perinatal care refers to medical care provided to mothers and children from a time beginning before a child is born and lasting until several weeks after the child's birth.)

### S.B. 35 (chapter 455)

Senate Bill 35 requires the state board of health to develop a trauma network system throughout the state. The measure includes the following provisions:

1. The state board of health is required to adopt regulations which establish the standards for the designation of a hospital as a center for emergency medical care. The board is also required to record and maintain information concerning emergency medical care in the hospitals using the standards adopted by the American College of Surgeons as a guideline;

2. As a condition of approval and continuing designation, a designated hospital must:
  - (a) Admit any person who requires medical care;
  - (b) Assure that physicians providing the emergency care are qualified to provide such care; and
  - (c) Maintain the standards as established by regulation of the state.
3. The health division of the department of human resources, in cooperation with the American College of Surgeons, is directed to provide training in emergency medical care.

S.B. 42 (chapter 167)

Senate Bill 42 authorizes a county hospital to enter into contracts to provide services that are performed in connection with the operation of the hospital to persons other than those who are admitted. It eliminates obsolete language making reference to county isolation hospitals, homes for the indigent sick, workhouses, and poor farms. The bill also expands the authority to extend the privileges and use of a county hospital to persons residing outside of the county, and other matters, to the hospital's full governing body rather than its governing head.

S.B. 112 (chapter 533)

Senate Bill 112 prohibits the abuse or neglect of clients of private institutions or facilities offering mental health services. The bill provides a more precise definition of abuse and neglect and requires private institutions and facilities to maintain clinical records on their clients.

The measure also revises the provisions governing the disclosure of clinical records of mentally ill persons. It further authorizes the disclosure of records, under certain circumstances, to the agency in Nevada which has been established pursuant to the Federal Developmental Disabilities Assistance and Bill of Rights Act or the Federal Protection and Advocacy for Mentally Ill Individuals Act.

S.B. 190 (chapter 699)

Senate Bill 190 clarifies Nevada law concerning the method for payment of a hospital's lien on a judgment or settlement, if the hospital is publicly owned or not for profit. The bill requires the person or his insurer who is making payment to issue the hospital a separate check or other negotiable instrument.

S.B. 220 (chapter 128)

Senate Bill 220 authorizes the board of trustees of a county or district hospital to mortgage or pledge the personal property of the hospital and enter into agreements for the sale and leasing back of its personal property for the purpose of acquiring capital for the operation of the hospital. This action requires approval of the board of county commissioners in those counties where that board is not the board of hospital trustees.

The measure also extends the trustees' authority to acquire real property for the purpose of expanding a hospital and allows county hospitals to purchase supplies, materials and equipment at the lowest price when a managing company offers a lower contract price than the hospital can obtain through competitive bidding. The bill adds perishable goods to the items exempted from competitive bidding when purchased by a county hospital. The measure further allows county hospitals to accept less than the full amount of any claims due the hospital as settlement of such claims.

S.B. 222 (chapter 239)

Senate Bill 222 authorizes the chief of the bureau of alcohol and drug abuse in the rehabilitation division of the department of human resources to establish programs of continuing education for counselors and administrators of programs. The chief is also authorized to set fees for the certification of facilities, programs or personnel. The fees must be calculated to produce the revenue required to cover costs related to certification but may not exceed \$100.

S.B. 256 (chapter 447)

Senate Bill 256 relates to the dispensing of dangerous drugs. The bill removes the requirement that licensed operators of ambulances and emergency vehicles present a purchase order signed by a physician and by the medical technician or nurse in charge of dangerous drugs in order to replenish their stock of dangerous drugs. A hospital or hospital pharmacy which supplies the initial stock of dangerous drugs for an ambulance or other emergency vehicle must comply with regulations governing this action issued by the state board of health. The bill requires that pharmacies which sell dangerous drugs maintain a record of each sale including the date of the sale; the name, address and signature of the purchaser or person receiving delivery; the name of the dispensing pharmacist; the name, strength, and quantity of each drug sold; and the name and address of the authorizing practitioner.

S.B. 296 (chapter 235)

Senate Bill 296 specifies the qualifications of dentists who are allowed to perform physical evaluations and compile medical histories of patients for admission to a hospital for dental care. The measure also directs that a hospital must not refuse to accept those physical evaluations and medical histories if the qualified dentist is a member in good standing of the medical staff of the hospital.

S.B. 297 (chapter 313)

Senate Bill 297 provides sanctions against a pharmacist for illegal acts of his employees if the acts are performed with his knowledge. The bill also authorizes hospital pharmaceutical technicians to perform certain tasks without direct supervision if the tasks are undertaken in a hospital pharmacy.

S.B. 319 (chapter 453)

Senate Bill 319 broadens previous law by requiring providers of health care to make available to the appropriate licensing board the health care records of patients for inspection and copying during the course of authorized investigations. Previously, the law only required that these records be made available to the board of medical examiners. This bill also makes the failure of a dentist to allow the inspection and copying of the health care records of a patient under certain circumstances an act of unprofessional conduct.

S.B. 358 (chapter 802)

Senate Bill 358 requires that all artificial teeth, dentures or other removable dental appliances be identified with the name or social security number of the owner. The name or number may be embedded in the material of the appliance, placed on the appliance by an adhesive or marked in any other manner approved by the board of dental examiners of Nevada.

S.B. 426 (chapter 691)

Senate Bill 426 removes the \$1,000 minimum amount subject to reimbursement to hospitals from the fund for hospital care to indigent persons. The bill also amends the former law which required the county of residence (or in the case of a non-Nevada resident, the county in which the accident occurred) to reimburse the fund for unpaid charges which are greater than \$1,000 but less than \$4,000 for hospital care provided to an indigent person suffering injuries as a result of a motor vehicle accident. The measure lowers this ceiling from \$4,000 to \$3,000.

S.B. 485 (chapter 641)

Senate Bill 485 makes it a misdemeanor for any person to knowingly sell, lease, acquire, receive or otherwise transfer

for valuable consideration any human organ for use in human transplantation. Human organs are defined in the bill to include the kidney, liver, heart, lung, bone marrow and any other part of the human body except blood. The bill also provides certain exceptions from the definition of "valuable consideration."

S.B. 501 (chapter 622)

Senate Bill 501 allows the name and address of certain persons who have been diagnosed as having acquired immune deficiency syndrome (AIDS) or the related complex to be disclosed to the welfare division of the department of human resources. The bill also requires that an offender be tested for exposure to the virus which causes the syndrome when he is released from prison.

S.B. 506 (chapter 660)

Senate Bill 506 allows a registered nurse employed in a correctional institution of Nevada's department of prisons to dispense dangerous drugs to prisoners of that institution under certain circumstances. This measure further authorizes a qualified physician's assistant employed at an institution of Nevada's department of prisons to give treatment orders to a nurse working at that institution for the treatment of a patient. These orders may include the administration of a dangerous drug, poison or related device.

This act expires by limitation on June 30, 1989.

S.B. 515 (chapter 367)

Senate Bill 515 repeals the statutes relating to the special program for silicosis. The special program for silicosis established a fund to provide benefits for persons suffering from silicosis--a lung disease. Those people currently receiving benefits from the special silicosis fund will continue to receive benefits under the Nevada Occupational Diseases Act.

In addition, the bill transfers all money left in the special silicosis fund to the trust fund for pensions for silicosis and other disabilities. After the transfer, all money in excess of \$4 million in the trust fund is to be transferred to the state general fund.

S.B. 567 (chapter 528)

Senate Bill 567 extends certain privileges in state law to the review committees of dental societies. The bill adds these dental review committees to the existing law which specifies that the proceedings and records of (1) organized committees of hospitals which deal with the quality of health

care rendered in the hospital, and (2) the review committees of medical societies, are not subject to discovery proceedings under state law pertaining to occupational privileges.

A.B. 155 (chapter 190)

Assembly Bill 155 adds to the areas in which smoking is prohibited. Areas added to the list are:

1. Grocery stores, except areas leased to or operated by a person with a gaming license;
2. Hotels, motels or restaurants when so designated by their operator; and
3. Areas in public buildings designated by the governing body or head of the agency occupying the building.

A.B. 159 (chapter 618)

Assembly Bill 159 amends the law governing bathing places and swimming pools. The bill requires that, except in cases in which the facility constitutes an imminent health hazard, the health authority must give the operator a written notice before suspending his permit. The notice must state that the facility is being operated in an insanitary or unclean manner, state the facts on which the determination was made, and list the action necessary to remedy the problem. The operator must be granted at least 48 hours to correct the situation.

The bill also requires that the state board of health adopt regulations providing for the timely review of revocation and suspension of permits to operate a swimming pool or bathing place.

A.B. 286 (chapter 424)

Assembly Bill 286 requires the division of aging services of Nevada's department of human resources to establish and administer a program to provide community-based services for persons over the age of 65 years and who have a physical or mental limitation that restricts their ability to live independently. This program is specifically designed to foster independence and self-reliance for the aged and provide an alternative to nursing home care.

The measure authorizes the division to contract for services, accept grants and private donations, establish a schedule of fees and initiate demonstration projects. It also directs the Nevada commission on aging to promote community-based programs as one of its priorities.

A.B. 289 (chapter 377)

Assembly Bill 289 establishes new programs and modifies existing state laws relative to regulation of hospitals and the costs of medical care in the state. The bill contains the following major provisions:

1. Includes preamble stating necessity of temporary regulation to develop a competitive market in the field of health care.
2. Establishes a legislative "oversight" committee.
3. Requires hospitals to use a uniform list of bill charges.
4. Requires hospitals to provide emergency medical care to any patient regardless of financial status.
5. Requires hospitals with 100 beds or more to provide a minimum level of indigent care.
6. Establishes a payment system for indigent care based on 85 percent of Medicaid rates.
7. Prohibits hospitals and physicians from entering into agreement for financial inducements for patient referrals.
8. Increases certificate of need thresholds for hospital capital expenditures and equipment to \$2 million.
9. Requires major hospitals to "roll back" billed charges for inpatients and actual revenue per admission for fiscal year 1987-1988, and maintain a "freeze" on these factors through fiscal year 1988-1989.
10. Provides that, during fiscal year 1989-1990 and fiscal year 1990-1991, major hospitals may not increase billed charges for inpatients by more than 4 percent above the medical Consumer Price Index for the previous year.
11. Provides incentive for hiring additional nurses in hospitals.
12. Prohibits the reduction in number or quality of employees in hospitals and any reduction in their hours, wages or benefits.

13. Provides that insurers and other third party payers must identify reductions in claims payments which result from the provisions of this act and pass these savings on to their policyholders in the form of reduced premiums.

The provision requiring a "roll back" of billed charges and revenue may be summarized as follows:

1. Each hospital whose percentage of income to operating expenses of the calendar year 1986 exceeded 17 percent must:
  - a. Reduce its billed charges for inpatients by at least 25 percent for fiscal year 1987-1988;
  - b. Reduce its actual revenue per inpatient admission by an average of 15 percent for fiscal year 1987-1988; and
  - c. Maintain a "freeze" on these factors through fiscal year 1988-1989.
2. Each hospital whose percentage of income to operating expenses for the calendar year 1986 was between 12 percent and 17 percent must:
  - a. Reduce its billed charges for inpatients by at least 12 percent for fiscal year 1987-1988;
  - b. Reduce its actual revenue per inpatient admission by an average of 7.5 percent for fiscal year 1987-1988; and
  - c. Maintain a "freeze" on these factors through fiscal year 1988-1989.
3. Each nonprofit hospital whose percentage of income to operating expenses for the calendar year 1986 was between 7 percent and 12 percent must reduce its billed charges by an amount which is sufficient to result in a percentage of income to operating expenses of not more than 7 percent for fiscal years 1987-1988, 1988-1989, 1989-1990 and 1990-1991.

A.B. 342 (chapter 340)

Assembly Bill 342 authorizes the state board of health to grant a variance from the requirements of a regulation. To grant a variance, the board must make a finding that:

1. The strict application of a regulation would impose exceptional and undue hardship on the person requesting the variance; and
2. That the variance, if granted, would not be harmful to the public welfare or impair substantially the purpose of the regulation.

The bill also removes the requirement to file state board of health regulations with the secretary of state's office.

A.B. 400 (chapter 646)

Assembly Bill 400 requires Nevada's counties to adopt standards for medical and financial assistance to indigent persons.

It also establishes a minimum standard of eligibility for medical assistance and requires counties to provide payment for emergency medical care at any facility and all other medically necessary care rendered in a medical facility designated by the county.

Finally, this measure establishes an appeal process for persons who are denied county medical or financial assistance.

A.B. 411 (chapter 560)

Assembly Bill 411 removes the provision in state law that allowed parents or guardians to sign a sworn statement that a child has received the vaccines and boosters as required by state law for public and private schools and child care facilities. The bill requires that only an immunization certificate signed by the licensed physician or registered nurse who administered the vaccines or boosters satisfies the requirement of state law. The bill also requires that the certificate of immunization be included in the pupil's academic or cumulative record and is to be transferred as part of that record upon request.

A.B. 437 (chapter 431)

Assembly Bill 437 requires the state board of health to adopt separate regulations governing the licensing and operation of:

1. Facilities for the care of adults during the day; and
2. Residential facilities for groups which provide care to persons with Alzheimer's disease.

A.B. 456 (chapter 434)

Assembly Bill 456 enables a court of competent jurisdiction to divide the community assets and obligations, excluding income, of a husband and wife upon request. The bill establishes that a proper petition must be filed by a spouse or the guardian of a spouse indicating that:

1. One spouse has been admitted to a facility for skilled nursing or a facility for intermediate care; and
2. It is in the best interest of both spouses that the property is divided.

Under the provisions of this measure, the court is prohibited from dividing any community asset based on income from property owned by the spouses. After the court issues a decree dividing the property according to this act, the separate property of each spouse is not liable for the costs of supporting the other spouse, including the costs of the necessities of life or medical care.

The provisions of the bill apply to all community property, whether acquired before, on or after July 1, 1987.

A.B. 467 (chapter 396)

Assembly Bill 467 authorizes a person to designate another person, by power of attorney, to make decisions relating to health care for him if he becomes incapable of making such decisions. This power excludes commitment to a mental health facility, convulsive treatment, psychosurgery, sterilization, abortion, and other treatment to which the principal, in the power of attorney, states that the attorney may not consent. This measure also prohibits granting the power of attorney to anyone connected with the person's provider of health care or any health care facility. Finally, the bill establishes the procedures for granting the power of attorney.

A.B. 525 (chapter 341)

Assembly Bill 525 requires a medical facility or facility for the dependent to comply with local zoning regulations before receiving or renewing a license from the health division of the department of human resources. The bill provides that any person, government or agency applying for such a state license must present satisfactory evidence that the facility conforms to the zoning regulations of the local government or that the applicant has applied for an appropriate reclassification, variance, permit for special use or other exception for the facility.

A.B. 550 (chapter 762)

Assembly Bill 550 makes it a misdemeanor crime for a person to engage in or solicit for prostitution except in a licensed house of prostitution. The bill also requires that any person arrested for such a crime must submit to and pay \$100 for the cost of a test to detect exposure to the human immunodeficiency virus which is commonly known as acquired immune deficiency syndrome. This measure sets forth requirements and procedures for approving the test and reporting its results.

Pursuant to the provisions of the bill, any person who works legally or illegally as a prostitute after testing positive for AIDS and receiving written notification of the fact is guilty of a felony and shall be punished by imprisonment in the state prison for not less than 1 year nor more than 20 years, or by fine of not more than \$10,000, or by both fine and imprisonment. In addition, an owner of a house of prostitution, the person who operates the house or his agent who employs or continues to employ a prostitute after he knows or should know that the prostitute tested positive for exposure to AIDS is liable for any damages caused to a person exposed to the virus as a result of the prostitute's employment.

A.B. 592 (chapter 450)

Assembly Bill 592 allows a licensed nurse to remove the eyes of a dead person to carry out a gift made in accordance with the Uniform Anatomical Gift Act. The nurse must have successfully completed a course in the procedure of eye removal, approved by Nevada's board of medical examiners.

Previous law restricted the practice of human eye removal to licensed funeral directors, embalmers and medical technicians who have completed a similar course.

A.B. 615 (chapter 681)

Assembly Bill 615 increases the threshold for capital expenditures by a health facility that must be approved by the director of Nevada's department of human resources under the certificate of need process. Previously, the director was required to approve any capital expenditure in excess of \$714,000. This bill raises that threshold to \$2 million except for the construction of a new health facility which is still subject to approval regardless of the cost of construction. The measure also raises the threshold for acquisition of medical equipment from \$400,000 to \$2 million.

In addition, the bill exempts the acquisition of replacement medical equipment from the \$2 million threshold if the person

acquiring the equipment notifies the department of his intention within a period of time specified by regulation.

Finally, this bill makes numerous technical changes in A.B. 289 (chapter 377, Statutes of Nevada, 1987).

A.B. 632 (chapter 739)

Assembly Bill 632 requires that, when an autopsy is performed on the body of a minor, the person ordering the autopsy must make a diligent effort to notify the parents or guardian of the child in person, by telephone or by mail. The bill also provides that the internal organs must, if feasible, be kept with the body after such an autopsy is completed.

A.B. 677 (chapter 325)

Assembly Bill 677 enables a person who is admitted, either voluntarily or involuntarily, to a hospital or mental health facility in Nevada to file a petition with the court to seal all records relating to his admission and treatment. Prior to filing the petition, the person must have been released from the facility or hospital as recovered or with his illness in substantial remission.

The measure specifies procedures for hearings, sealing of the records, notification of relevant hospitals and other facilities, authorized inspection of the records, and their use in future treatment of the patient.

A.B. 694 (chapter 688)

Assembly Bill 694 amends the laws relating to pharmacies. The bill changes the statutory name of pharmacies in correctional institutions and amends a large number of sections to reflect this change. It also provides that a pharmacist may not dispense a tablet or capsule, with certain specified exceptions, unless it has the manufacturer's product identification code imprinted on it. In addition, the measure makes it clear that the term "prescription" does not include a chart order written for an inpatient.

A.B. 695 (chapter 417)

Assembly Bill 695 amends certain laws regulating pharmacists. The bill repeals provisions which authorized the establishment of a program to research the therapeutic effects of marijuana. The measure also provides immunity from civil actions for the state board of pharmacy and any other person which initiates or assists in a lawful investigation or administrative proceeding concerning the discipline of a pharmacist. It provides further that the state board of pharmacy may place the holder of a certificate to

practice pharmacy on probation if he has become incompetent because of alcohol or drug abuse, providing the certificate holder completes an approved program of treatment.

The bill also authorizes health care practitioners to purchase certain controlled substances, poisons and dangerous drugs by placing an oral order. Previous law required the presentation of a written order.

A.B. 760 (chapter 464)

Assembly Bill 760 requires the health division of the department of human resources to disclose to any person or governmental entity, upon request, the results of its inspections of nursing homes, facilities for intermediate health care, and residential group health facilities.

A.B. 778 (chapter 801)

Assembly Bill 778 permits clients of facilities operated by the mental hygiene and mental retardation division of the department of human resources to obtain a copy of their records at any time unless a psychiatrist has made a specific entry to the contrary on the client's records. To obtain these records, a client must inform the administrative officer of the facility and pay the cost of copying the records.

A.B. 809 (chapter 449)

Assembly Bill 809 revises the provisions governing privileged communications between doctors and their patients. The bill specifies that "written medical or hospital records" rather than "communications" are exempt from the definition of privileged communications in certain circumstances.

A.B. 853 (chapter 602)

Assembly Bill 853 requires that an allegedly mentally ill person be examined at a county hospital or a hospital designated by the county before emergency commitment to a mental health facility in order to determine whether he has some medical problem, other than a psychiatric problem, which requires immediate treatment. The bill also specifies the parties which are responsible for payment of the costs associated with these examinations and necessary treatment.

The bill repeals a provision which required the county to pay the cost of hospitalization of an indigent mentally ill person prior to a court-ordered admission, thus transferring

HEALTH (continued)

these costs to the state. The measure correspondingly limits spending by counties for the care of medically indigent persons.

The effective date of the bill is established as September 1, 1988.

## HIGHWAYS AND TRANSPORTATION

### S.B. 73 (chapter 740)

Senate Bill 73 increases various highway user fees and eliminates the board of directors of the Nevada department of transportation (NDOT).

In reference to highway user fees, the bill increases the state motor vehicle fuel tax from 13 cents per gallon to 16 cents per gallon effective July 1, 1987, and to 18 cents per gallon on July 1, 1988. The special fuel tax is increased from 13 cents to 17 cents per gallon in the first year and to 20 cents per gallon in the second year of the biennium. Effective July 1, 1987, the 1-cent preference in the motor vehicle fuel tax for gasohol is eliminated and motor carrier mileage fees are increased from 3.25 to 4.25 cents per mile. Effective July 1, 1988, motor vehicle registration fees are increased by \$2 per year and the temporary motor carrier registration fee is increased from \$12 to \$20.

The bill specifies that the additional revenue must be used for the actual construction and maintenance of highways and not for any administrative expenses. The additional revenues are allocated 70 percent to the state and 30 percent to local governments, but counties are not allowed to share in the award of the added revenue unless they have enacted some or all of the total 4 cents county optional motor fuel taxes provided in existing law. The bill includes a formula for the counties to receive the additional revenue in proportion to the amount of the optional taxes which have been levied. The bill also provides for the intracounty distribution of the additional revenue between the county and any incorporated cities in accordance with the quarter-quarter formula for counties in existing law which is based on the area, population, road mileage and vehicle miles of travel.

In reference to the NDOT, the measure eliminates the board of directors--composed of the governor, attorney general and state controller--and makes the director of the NDOT responsible to the governor. The bill requires that NDOT contract for a comprehensive review of its management practices, testing procedures, plans and specifications, and use of the latest technology. The director is required to report the results of this review to the 65th session of the legislature. The bill further requires the director to compile and submit reports on the requirements for the construction and maintenance of highways for the next 3 years and 10 years.

### S.B. 124 (chapter 80)

Senate Bill 124 amends the definition of "declared gross weight" of vehicles to exclude the weight of certain equipment and vehicles from the weight upon which registration

and licensing fees are based. The excluded vehicles include trailers not used for commercial purposes, vehicles carried or towed by a tow car, implements of husbandry, towable tools or equipment as defined in existing law, and trailers used in farm or ranch operations. This provision corrects an inequity relative to pickup trucks that pull recreational or other occasional-use trailers which was inadvertently placed in the law in 1985.

Senate Bill 124 also revises and simplifies the schedule of registration fees for vehicles with a declared gross weight of 6,000 pounds or more. The previous graduated fee schedule consisting of eight weight categories is reduced to two categories with a \$20 fee for vehicles from 6,000 to 8,499 pounds and a \$30 fee for vehicles from 8,500 to 10,000 pounds. The additional fee for motor trucks, truck tractors and buses with declared gross weight of 10,001 pounds or more is changed from \$8 for each additional 2,000 pounds to \$4 for each 1,000 pounds.

S.B. 167 (chapter 595)

Senate Bill 167 amends two of the state's laws pertaining to drivers' licenses. The bill requires a person to furnish proof of identity when applying for a duplicate instruction permit or driver's license. The fee for a duplicate license or other changes of information on the driver's license is increased from \$3 to \$5.

The bill also increases and sets other fees for drivers' licenses as follows:

1. From \$15 to \$25 for reinstatement of a license after suspension, revocation or cancellation for reasons other than driving while intoxicated;
2. Fifty dollars for reinstatement of a license after revocation for a driving while intoxicated violation; and
3. From \$3 to \$5 for a motorcycle endorsement to a driver's license.

S.B. 180 (chapter 162)

Senate Bill 180 increases the period of time that a person is allowed to park his motor vehicle on any highway or street from 24 to 72 hours.

S.B. 231 (chapter 223)

Senate Bill 231 expands the imposition of penalties for violating weight limits on the highways to include combinations of vehicles that are oversized or overweight. The bill

applies the existing excess weight fines to these combinations of vehicles which exceed the maximum load formula provided in state law.

S.B. 233 (chapter 310)

Senate Bill 233 adds to the duties of Nevada highway patrol division personnel the enforcement of laws relating to motor carriers including the safety of motor carrier vehicles and equipment and the transportation of hazardous materials and other cargo. Provisions concerning the powers and enforcement authority of commercial officers, supervisors and inspectors are deleted from the law because the 1985 legislature transferred enforcement of the laws governing motor carriers from the motor carrier division to the Nevada highway patrol division in the department of motor vehicles and public safety.

This bill also requires criminal justice agencies to submit criminal dispositions within 30 days to the Nevada highway patrol division through an electronic network or on a media of magnetic storage for the central repository for Nevada records of criminal history.

S.B. 282 (chapter 251)

Senate Bill 282 requires operators of service stations to refuel motor vehicles of persons with permanent physical handicaps for the same price which is charged to persons who refuel their own vehicles. The handicapped person must request the service and present a driver's license which indicates that he is permanently handicapped. Service stations which do not employ a person to refuel the motor vehicles of their customers are exempt from this law.

S.B. 303 (chapter 490)

Senate Bill 303 makes various changes relating to the registration of motor vehicles.

This bill provides authority and procedures for the disposal of vehicles which are seized by police officers under the authority of NRS 482.540. Included within the referenced seizure authority are vehicles that are operated with improper registration, are believed to be stolen, or have altered motor, manufacturer's or identification numbers.

The measure makes the following additional changes:

1. Clarifies the definition of "owner" of a motor vehicle by including a person and any lienholder whose names appear on the certificate of ownership;

HIGHWAYS (continued)

2. Increases from \$15,000 to \$20,000 the amount in the motor vehicle revolving fund to be used for petty cash and change in department of motor vehicles and public safety offices due to additional offices in operation;
3. Appropriates \$5,000 from the state highway fund to the motor vehicle revolving account;
4. Increases from \$1,000 to \$5,000 the amount of the bond required for manufacturers and dealers who manufacture, distribute or sell only motorcycles or trailers; and
5. Removes obsolete references in the vehicle licensing and registration statutes relating to the unladen weight of motor vehicles.

The bill also clarifies and authorizes the department of motor vehicles and public safety to collect the registration fees, the delinquent vehicle privilege taxes, and the penalties for late payment of unrenewed registrations from the time that they are due rather than providing a 30-day grace period. In addition to the penalties, the department is authorized to collect the license plate and registration fees for each 30-day period, or portion in excess of 15 days, during which the delinquency continues.

S.B. 336 (chapter 472)

Senate Bill 336 revises and clarifies the state law governing the establishment of roadblocks by the police. The bill distinguishes between administrative and temporary roadblocks and specifies the appropriate identification and warning devices as well as the requirements for each type of roadblock.

The measure also establishes two classifications of penalties for unlawfully traveling through a roadblock. The penalty depends upon whether a death, substantial bodily harm or more than \$1,000 in property damage occurs as a direct result of the violation.

S.B. 340 (chapter 316)

Senate Bill 340 makes various technical and administrative changes to the state's laws pertaining to motor vehicles and the enforcement of traffic laws. These changes include new language to clarify that the department of motor vehicles and public safety is required to suspend the registration of a motor vehicle when the owner returns a verification form of automobile insurance on which he admits no coverage or does not indicate an insurer or the number of a policy. The bill also requires applicants for a license to operate a

motorcycle to furnish the same proof of age as is required for other types of drivers' licenses.

The measure further deletes the requirement that managers of garage and repair shops report to the local police department when motor vehicles are brought in which show evidence of involvement in an accident. Instead, the bill requires garage and repair shops to maintain for 2 years specific information about the vehicle and repairs performed.

S.B. 353 (chapter 778)

Senate Bill 353 requires people who transport motor vehicles for auction to obtain a special license from the department of motor vehicles and public safety. The bill defines a "vehicle transporter" as a person who engages in the business of transporting motor vehicles in which he has no ownership interest and which are otherwise required to be registered for operation upon the highway.

The bill sets the initial license fee for a vehicle transporter at \$100 and establishes an annual license renewal fee of \$50. A fee of \$25 also is established for each special license plate as a vehicle transporter. The bill further requires an applicant to post a \$100,000 bond before any vehicle transporter license or special plates are assigned.

S.B. 406 (chapter 568)

Senate Bill 406 creates the California-Nevada Super Speed Ground Transportation Commission to consider and, if justified, pursue the development of a super speed ground transportation system connecting southern California with southern Nevada. The commission is to consist of members from California appointed as provided by that state's law, and an equal number of members from Nevada appointed by the governor.

The bill creates the commission as a separate legal entity with authority to conduct studies, establish criteria and select a franchise, accept funds, issue debt, hire staff, select the route and terminal sites, and secure a right of way. The bill specifies that, before construction, the route and terminals selected by the commission must be ratified by the California Legislature and the Nevada legislature, or the legislative commission if the Nevada legislature is not in session.

This measure allows the commission to incorporate under the general incorporation laws of either California or Nevada, whichever the commission determines to be in its best interests. The members of the commission and its agents and

employees are declared to be exempt from liability for damages in the performance of their duties or the exercise of their powers.

The bill designates an effective date of January 1, 1988, and an expiration date of January 1, 1992.

S.B. 432 (chapter 754)

Senate Bill 432 exempts a private motor carrier of property which is used to attend livestock shows or sales from the requirements for a special fuel user's license.

S.B. 560 (chapter 722)

Senate Bill 560 establishes a committee for the development of a super speed train connecting southern California with southern Nevada. A sum of \$120,000 is allocated for the committee's expenses.

A.B. 2 (chapter 71)

Assembly Bill 2 designates United States Highway No. 50 between Ely and Fernley in Nevada as "the loneliest road in America." The bill requires the director of Nevada's department of transportation to install and maintain suitable markers to reflect this designation. He is also authorized to accept any contributions which may be made by local governments and business organizations located along the highway to help pay the costs of the markers in their areas.

A.B. 104 (chapter 562)

Assembly Bill 104 amends the state laws concerning stop lamps, theft alarms and tire chains on motor vehicles. The bill permits stop lamps on motor vehicles and trailers to display an amber, red or yellow light. Under previous law, only a red light was authorized.

The measure also allows any vehicle to be equipped with a theft alarm. Previous law only made it permissible for commercial vehicles to be equipped with a theft alarm. The bill further defines tire chains and specifies when and how tire chains, snow tires and mechanical traction devices are to be used.

A.B. 131 (chapter 94)

Assembly Bill 131 repeals the expiration date ("sunset") for special provisions for weight limitations on certain trailers and semitrailers, such as short-coupled trailer vehicles used primarily in the construction industry. The effect of this bill is to make permanent the special provisions for the axle weight limits of these trailer vehicles.

A.B. 180 (chapter 295)

Assembly Bill 180 pertains to actions by contractors against the department of transportation, based on contracts for highway construction, improvement, maintenance or reconstruction. The bill provides that any such action must commence within 3 years after the completion of the contract or final determination of a claim arising from the contract, whichever occurs later.

A.B. 212 (chapter 477)

Assembly Bill 212 amends three existing statutes relating to state highways. This bill allows the department of transportation to relinquish to the division of state lands in the state department of conservation and natural resources, for the public use of another state agency, any portion of a state highway which has been superseded by relocation or which exceeds the department's needs.

The measure also allows the department of transportation and local authorities to require a permit for the use of a controlled-access highway by power cycles, pedestrians, bicycles, or other nonmotorized traffic. The bill classifies a violation of this requirement as a misdemeanor.

The bill further classifies as a misdemeanor a violation of the permit requirement for certain parades and processions, sound trucks and oversized or overweight vehicles or equipment operating on the highways.

A.B. 265 (chapter 620)

Assembly Bill 265 limits the height of the lowest portion of the body of a motor vehicle as measured from the surface on which the vehicle stands. The lowest portion of the body of a passenger car may not exceed 24 inches above the surface. The limits for trucks or other motor vehicles are based on the manufacturer's gross vehicle weight rating as follows:

1. Twenty-eight inches for vehicles of 4,500 pounds or less;
2. Thirty inches for vehicles between 4,500 and 7,501 pounds; and
3. Thirty-two inches for vehicles between 7,501 and 10,001 pounds.

The bill specifies that the measurement must be taken from level ground to a portion of the body or attached parts which have not been added or altered from the manufacturer's original body design. The measure provides exemptions from

## HIGHWAYS (continued)

this requirement for motor vehicles manufactured before 1935 and vehicles which have a manufacturer's gross vehicle weight rating of 10,001 pounds or more.

The bill becomes effective on January 1, 1988.

### A.B. 294 (chapter 623)

Assembly Bill 294 authorizes the director of the department of motor vehicles and public safety to design, prepare and sell souvenir license plates. These plates are to be easily distinguishable in design or color from regular license plates, and more than one plate of any particular design may be issued.

The measure allows the director to set a fee of not more than \$15 per plate. The money collected from the issuance of souvenir license plates is required to be deposited in the motor vehicle fund. The bill also appropriates \$14,000 to the department in order to purchase equipment to implement the program.

### A.B. 295 (chapter 567)

Assembly Bill 295 removes the authority of the public service commission of Nevada to waive the requirement for a person to furnish an affidavit to the commission certifying that he intends to operate as a private motor carrier in intrastate commerce. The bill also removes the exemption for vehicles used by contractors in highway construction from most of the provisions regulating motor carriers.

The measure further requires the PSCN to adopt regulations to provide a procedure for it to approve subsequent contracts for a contract motor carrier after he has been issued a permit. Accompanying this bill is a letter of intent from the senate committee on transportation to the PSCN pertaining to instituting rulemaking proceedings in accordance with this provision of the bill.

### A.B. 376 (chapter 185)

Assembly Bill 376 authorizes special license plates for veterans of the United States Armed Forces who survived the attack on Pearl Harbor, Hawaii, on December 7, 1941. The special license plate is to include the words "PEARL HARBOR VETERAN" and three or four consecutive numbers.

### A.B. 379 (chapter 690)

Assembly Bill 379 repeals the provision in NRS which required the payment of registration fees for all motor vehicles owned by the state contractors' board.

A.B. 451 (chapter 169)

Assembly Bill 451 increases the maximum number of miles from 10,000 to 20,000 miles allowed on a used motor vehicle which is purchased for use as a taxicab.

A.B. 460 (chapter 462)

Assembly Bill 460 requires law enforcement agencies to provide, at the request of a person who claims to have sustained damages in a traffic accident, a copy of the accident report and all statements by witnesses and photographs in their possession which relate to the accident, unless the materials are privileged or confidential.

A.B. 470 (chapter 198)

Assembly Bill 470 allows the department of motor vehicles and public safety to accept an affidavit from a local joint apprenticeship committee which had jurisdiction over the training or testing of an applicant rather than requiring an actual demonstration of driving ability when a person applies for a driver's license for certain types of vehicles. These vehicles include large trucks and buses which are classified by the department as Class I or Class II vehicles.

Previous law allowed the department to accept an affidavit from a past, present or prospective employer in lieu of an actual demonstration of an applicant's ability to control such a vehicle. This bill adds the local joint apprenticeship committee as a group which also may provide an affidavit.

A.B. 478 (chapter 163)

Assembly Bill 478 increases from \$4 to \$6 the additional fee for an identifying device, or cab card, required annually for commercial motor carriers. The additional money is intended to finance the cost of administration and eight additional positions, including transportation inspectors, an auditor and a general counsel, in the public service commission of Nevada to provide more consistent regulation of motor carrier operations throughout the state.

A.B. 502 (chapter 277)

Assembly Bill 502 makes various technical and administrative changes in the laws relating to motor carriers. The bill increases the penalty from \$10 to \$25 for each delinquent quarterly tax return for the tax on special fuel. This change makes the penalty comparable to the \$25 penalty for all delinquent tax returns or quarterly reports for motor carrier mileage and license fees.

## HIGHWAYS (continued)

The bill eliminates the \$10 temporary convoy license fee since this fee is duplicated by the temporary license fees based upon the declared gross weight of the vehicle or combination of vehicles. The measure also increases the charge for replacing or transferring any identifying device, or cab card, from \$2 to \$5 for a replacement and \$6 for a transfer.

In addition, the measure changes and corrects certain provisions in chapter 706 of NRS relating to motor carriers to make the law consistent with the registration requirements for heavy vehicles and to reflect the change to the declared gross weight basis of assessing registration fees.

### A.B. 505 (chapter 193)

Assembly Bill 505 requires mudguards to be suspended behind the rear wheels of large trucks operating on a highway. This requirement applies to every truck, truck tractor, trailer, semitrailer or combination of vehicles with a manufacturer's gross vehicle weight rating of 26,000 pounds or more.

### A.B. 510 (chapter 401)

Assembly Bill 510 increases the additional registration fee for motor vehicles from \$4 to \$5 for the highway patrol special fund which is used to finance additional Nevada highway patrol division officers. Half of this increase is specified during the next biennium for the purchase of not more than 246 portable belt radios for personnel of the Nevada highway patrol division to provide them with enhanced emergency response capability for automobile accidents and other situations and to improve safety for the patrolmen. The other half of the increase is to provide funds for supplementary troopers for the division.

### A.B. 601 (chapter 306)

Assembly Bill 601 removes the prohibition in state law against violating the national speed limit and repeals the violation and penalty for "unnecessary waste of a resource currently in short supply" for a speed not exceeding 70 miles per hour. However, this law only becomes effective when the United States Supreme Court invalidates or affirms a lower court's decision to invalidate the federal law which sets a national maximum speed limit, or when the time expires for an appeal and no appeal is filed of a lower court decision to invalidate the federal law.

The intent of this bill is to prevent conflicts in state law if the state wins the lawsuit presently filed against the Federal Government. This lawsuit resulted from the action on July 1, 1986, when the state momentarily raised the speed

## HIGHWAYS (continued)

limit on a portion of Interstate 80 to 70 miles per hour and the action was rescinded when the Federal Government notified Nevada that it would lose federal highway funds. This bill will allow the state immediately to set its own speed limits if and when it wins this lawsuit.

### A.B. 616 (chapter 422)

Assembly Bill 616 revises state law pertaining to the records and bonds of motor carriers and special fuel dealers and users.

The period of time for which special fuel dealers and users are required to keep records of the special fuel tax is increased from 28 to 36 months. In addition, for special fuel dealers and users who fail to file a tax return or who file a return indicating that no taxable fuel was delivered or that they conducted no taxable operations, records are required to be retained for 7 years or until authorization is provided by the department of motor vehicles and public safety to destroy the records. The times during which the notice of an additional assessment may be served and a petition for a redetermination of an assessment may be filed for the special fuel tax are increased from 15 to 30 days.

The bill also increases the amount of the bond required to be posted by special fuel dealers and users. The amount of the bond is set between \$1,000 and \$25,000 based on twice the amount of the average or estimated quarterly special fuel taxes to be paid to the state. The bill allows the bond requirements to be reduced to not less than \$1,000 for a special fuel license holder who punctually pays the special fuel tax and who faithfully performs the requirements for filing special fuel tax returns for the 3 preceding calendar years.

### A.B. 731 (chapter 809)

Assembly Bill 731 amends the state's laws regulating motor carriers and brokers of passenger transportation services. The bill limits the regulation of motor carriers and brokers to matters directly related to transportation. This measure also makes motor carriers and brokers responsible for their own acts and requires the public service commission of Nevada to supervise and regulate them separately.

(NOTE: Accompanying this bill is a letter of intent from the assembly committee on transportation to the public service commission of Nevada expressing the committee's understanding that General Order No. 5 is to be modified to

eliminate the regulatory provisions relating to brokers and to maintain the status quo regarding the provision of passenger transportation services.)

The bill also applies the certification standards of the public service commission of Nevada to the local taxicab authority for evaluating applications for a certificate of public convenience and necessity to engage in the taxicab business.

Section 706.768 of NRS, which made it unlawful to engage in the business of a broker without a license from a city or county, is repealed.

A.B. 732 (chapter 381)

Assembly Bill 732 broadens the provision in state law which authorizes the department of motor vehicles and public safety to issue a driver's license in a fictitious name for use by a peace officer in undercover investigations. Previous law limited the issuance of such licenses to undercover investigations relating to narcotics or prostitution. This bill adds language to allow the issuance of a driver's license for other undercover investigations requiring the establishment of a fictitious identity.

A.B. 771 (chapter 411)

Assembly Bill 771 revises provisions in the state's law pertaining to taxicab authorities. (Currently, the only taxicab authority in Nevada is located in Clark County.)

The method of allocating additional taxicabs is changed to require that allocations be made equally among all the certificate holders who apply from the area to be affected by the allocation. Previous law required allocations to be made equally among all the certificate holders in the county. The bill also removes the requirement for refunds of a pro rata portion of the \$100 fee paid to the taxicab authority fund for a taxicab allocation. Furthermore, it increases from 10 cents to 15 cents the fee paid for each compensable trip of an allocated taxicab.

## INSURANCE

Bill summaries within the topic of "Insurance" are categorized under the following subheadings:

1. Automobile Insurance;
2. Health Insurance;
3. Industrial Insurance; and
4. Other Bills Generally Related to the Topic.

### Automobile Insurance

#### S.B. 232 (chapter 312)

Senate Bill 232 requires short-term lessors of vehicles to maintain the same automobile liability insurance coverage as required of owners of private vehicles. The limit against liability of the short-term lessee for property damage is increased from \$5,000 to \$10,000 to be consistent with the limit required for private owners. The bill also removes conflicting and confusing language in the law concerning the financial ability of short-term lessors of vehicles to respond to damages.

#### S.B. 475 (chapter 642)

Senate Bill 475 requires an insurer to notify the registration division of the department of motor vehicles and public safety when a policy of insurance on a motor vehicle is terminated. This notification must be mailed to the division within 14 days after the termination. Insurance policies on motorcycles, motor homes, mini motor homes and chassis-mount campers are exempt from this requirement.

The bill also authorizes the department to verify subsequent insurance for motor vehicles for which the insurance was terminated. This verification is to be accomplished through the department's annual 10 percent insurance verification program.

#### A.B. 118 (chapter 475)

Assembly Bill 118 allows automobile liability insurance to cover the operator of a motor vehicle rather than the motor vehicle. A person may establish proof of financial responsibility with an operator's policy of liability insurance. The bill defines "motor vehicle liability policy" to include both an owner's and an operator's policy of liability insurance.

## INSURANCE (continued)

In addition to the existing requirements in state law, this bill requires an operator's policy of liability insurance to state that:

1. The insurer is only liable for the liability incurred by the insured while he is the operator of a motor vehicle or while a motor vehicle owned by the insured is not being operated by any person;
2. The policy does not provide coverage for any vicarious liability as a result of the operation by another person of a motor vehicle owned by the insured; and
3. The coverage of the policy may not meet the requirements of the financial responsibility laws of other states unless such extended coverage is expressly included in the policy.

The bill requires the insured person to sign an endorsement that he has read and understood the operator's policy and its limitations. It also prohibits an owner with an operator's policy of liability insurance from permitting another person to operate his motor vehicle if the owner knows or should have known that the person does not have an operator's policy of liability insurance.

### A.B. 145 (chapter 146)

Assembly Bill 145 makes various changes in the law concerning the annual 10 percent sample insurance verification program of registered motor vehicles conducted by the department of motor vehicles and public safety. This bill clarifies that the owner of the vehicle is required to return the verification form and evidence of insurance to the department within 15 days after the date the form was mailed by the department. The bill further specifies that the insurer return the verification form to the department if the owner did not have insurance on the date the vehicle was selected for the insurance verification program.

This measure also provides a procedure for the department to rescind the suspension of registration for the owner of a vehicle who did not return the verification form within the required period of time. The procedure involves proof by the owner of a justifiable reason for missing the deadline, a completed form regarding insurance on the date the vehicle was selected for the verification program, and evidence of current insurance.

## INSURANCE (continued)

### A.B. 279 (chapter 89)

Assembly Bill 279 requires a renewal every 3 years of licenses for adjusters and appraisers of damage to motor vehicles. The bill also reduces from \$25 to \$15 the fee paid to the recovery fund for the issuance or continuation of an adjuster's license.

### A.B. 282 (chapter 200)

Assembly Bill 282 relates to casualty insurance. The bill specifies that, if a garageman lends a customer a vehicle to use while his own vehicle is being repaired, the customer's insurance policy is primary and other policies provide excess coverage. The garageman must expressly notify the customer of this fact.

## Health Insurance

### S.B. 22 (chapter 348)

Senate Bill 22 allows the sale of up to two policies supplemental to Medicare to a person. Penalties are imposed upon an insurance agent or his company if he sells over the maximum number of policies to a person. The bill also clarifies how the two policies will pay benefits so that the insured receives the full benefit of both policies.

### S.B. 30 (chapter 698)

Senate Bill 30 requires the director of the department of human resources to establish and administer a program to provide health insurance for children whose parents or guardians are not able to provide such insurance. Funding for this program is to be provided by donations from individuals or groups who wish to sponsor eligible children.

The bill specifically prohibits the director from administering this program until the account contains a sufficient amount with which to operate it.

### S.B. 155 (chapter 805)

Senate Bill 155 requires employers with fewer than 20 employees to offer to employees who have been terminated the option of continuing their health insurance coverages. The employee would have to pay the entire premium but would be able to receive the same benefits. The bill also requires that this option be made available to the spouse and family of an employee who dies. (Similar federal legislation requires employers with 21 or more employees to provide this option to terminated employees.)

A.B. 278 (chapter 729)

Assembly Bill 278 regulates practices associated with the use of preferred providers of health care. It places limitations on the differences which group health insurance policies and group contracts may make between deductibles and copayments charged when preferred providers are used and when they are not used. The measure also places additional, substantive requirements upon policies and contracts which employ preferred provider concepts.

The bill also provides that copayments and deductibles associated with organizations for dental care must be "reasonable" and "reasonably related" to the cost of service. The insurance commissioner in the insurance division, department of commerce, is charged with the responsibility of approving these copayments and deductibles.

In addition, the bill declares that a hospital may not waive a deductible or copayment if:

1. The hospital is not a preferred provider of health care; and
2. The waiver would reduce the financial effect of a preferred provider's incentive or disincentive to its insureds.

A.B. 281 (chapter 244)

Assembly Bill 281 authorizes health maintenance organizations and nonprofit corporations for hospital or medical services to administer programs of health insurance. Before entering into a contract to administer a program, the HMO or nonprofit corporation must inform the commissioner of insurance. In the case of HMO's, the contract must be approved by the commissioner. The HMO's and nonprofit corporations for hospital or medical services are exempt, however, from licensing and bonding requirements which apply to other administrators of programs of health insurance.

Industrial Insurance

S.B. 555 (chapter 415)

Senate Bill 555 requires that claims for additional compensation under industrial insurance be paid from the subsequent injury fund which is maintained by the state industrial insurance system.

A.B. 117 (chapter 27)

Assembly Bill 117 extends the age limitation for persons receiving state industrial insurance payments for permanent partial disability. The measure clarifies the law by establishing a permanent ceiling of:

1. Five years from the date of the injury or the day following the termination of temporary disability compensation; or
2. Age 70; whichever is later.

A.B. 175 (chapter 37)

Assembly Bill 175 authorizes an appeals officer working on a case associated with industrial insurance to refer a claimant to a physician or chiropractor chosen by the appeals officer if necessary to resolve a medical question. The measure also allows the appeals officer to refer the claimant to a physician designated by the administrator of the division of industrial insurance regulation within the department of industrial relations if the medical question concerns the rating of a permanent disability.

A.B. 253 (chapter 305)

Assembly Bill 253 extends to any party the right to appeal the decision of the administrator of the division of industrial insurance regulation in matters relating to eligibility for industrial insurance. Previously, the right to appeal was limited to any insurer. This measure also changes the appeals process to require that a decision be appealed in district court, rather than the previous process of appealing directly to the appeals officer.

Finally, the bill authorizes the administrator of an employer's self-insured industrial insurance plan to report and/or file certain information regarding voluntary coverage for exempted employees on behalf of the self-insured employer.

A.B. 317 (chapter 275)

Assembly Bill 317 extends the eligibility for industrial insurance coverage under the state industrial insurance system (SIIS) and the Nevada occupational diseases act to officers of a quasi-public or private corporation who receive no pay for their services. These officers are deemed to receive minimum pay of \$500 per month or \$6,000 per year. The measure also increases the deemed minimum pay for those corporate officers who do receive pay for their services, from \$3,600 to \$6,000 per annum.

## INSURANCE (continued)

The bill requires an employer to begin paying SIIS premiums for tips reported by a covered employee 3 months after the employer receives first notice from an employee electing to report his tips. In a related matter, current law prohibits an employer who elects not to provide SIIS benefits to his employees from deducting any money from his employees' wages to meet the costs of the employer's liability. Assembly Bill 317 extends that prohibition to include employers who elect to provide SIIS benefits to their employees.

Finally, the bill increases the amount the SIIS is allowed to invest in any one issuing company's common stock from 1 percent to 2.5 percent.

### A.B. 318 (chapter 267)

Assembly Bill 318 extends the assessment to all self-insured employers for payment of a retroactive increase in benefits for widows or widowers of deceased state industrial insurance system claimants and permanently totally disabled workers injured prior to July 1, 1973. The measure also corrects a technical error made during the 1985 legislative session that excluded 136 self-insured employers from the assessment.

### A.B. 320 (chapter 397)

Assembly Bill 320 makes a number of technical amendments to current statutes relating to industrial insurance and occupational diseases in order to clarify the intent of those statutes and to conform the statutes to present policies of the state industrial insurance system.

The measure includes "medical benefits" as defined in chapter 617 of NRS within the definition of "accident benefits" as defined in chapter 616 of NRS. The bill extends the allowance of a deemed wage of \$350 per month for volunteer workers at any facility operated by the division of mental hygiene/mental retardation within the department of human resources. Previously, the law only referred to volunteer workers at the Nevada mental health institute.

Finally, the measure conforms reporting periods for employers to current SIIS policy and clarifies eligibility criteria for temporary total disability benefits. The employee must be incapacitated for at least 5 or more consecutive days or 5 cumulative days within a 20-day period to be eligible for these benefits.

### A.B. 406 (chapter 199)

Assembly Bill 406 relates to coverage for industrial insurance. It excludes a property owner, who is not acting as a

## INSURANCE (continued)

principal contractor, from liability for payment of state industrial insurance premiums not paid by a person with whom he contracts.

The measure also allows a principal contractor to request information regarding the state industrial insurance and occupational disease coverage for each of his subcontractors and independent contractors and their employees. In addition, he may request to be notified of their failure to pay premiums which are due to the state industrial insurance system. Upon completion of a job, he is authorized to ask for a "certificate of completion" and fulfillment of any premium obligations of his subcontractors or for a letter denying the issuance of such a certificate if they have not paid their premiums.

The bill also excludes real estate brokers and salesmen who contract for maintenance or repair of property on behalf of the property owner from the provisions regarding the state industrial insurance system.

### A.B. 486 (chapter 790)

Assembly Bill 486 requires any person representing an employer or employee in a hearing of a contested state industrial insurance system case, and who is not (1) a full-time employee of that employer or the employee's labor union, (2) admitted to practice law in Nevada, or (3) appearing without compensation on behalf of another, to be licensed by Nevada's commissioner of insurance. The measure also requires the commissioner to adopt regulations concerning the licensing process.

### A.B. 488 (chapter 201)

Assembly Bill 488 provides certain protections for self-insured employers, the state industrial insurance system and employers covered under the system. These protections take effect when an employee who has a permanent physical impairment incurs a subsequent employment-related disability, if that employee has misrepresented his preexisting disability. The measure allows the insurer to obtain reimbursement from the subsequent injury fund for any compensation paid to the employee as a result of the employment-related injury.

### A.B. 527 (chapter 256)

Assembly Bill 527 reduces the frequency of required X-ray examinations for firemen and police officers for coverage for occupational diseases compensation. Previously, a fireman or police officer had to submit to a chest X-ray on an

## INSURANCE (continued)

annual basis. This measure requires that an X-ray be given on a biennial basis in even-numbered years until age 40 and on an annual basis thereafter.

### A.B. 568 (chapter 272)

Assembly Bill 568 allows the general manager of the state industrial insurance system to establish a varying schedule of premium rates for workers in the "construction" employment classification. This schedule would reflect the varying hourly rates of wages paid to construction workers.

### A.B. 663 (chapter 793)

Assembly Bill 663 revises the provision governing the regulation of fees and charges for accident benefits provided through the state industrial insurance system and by self-insured employers.

The bill directs the director of the department of industrial relations to establish a schedule of reasonable fees and charges allowable for accident benefits. In accomplishing this task, he is to give consideration to the fees and charges being paid in the state. He is also directed to revise the schedule annually, and he is restricted from increasing the schedule by any factor greater than the corresponding annual increase in the Medical Care Component of the Consumer Price Index. The measure authorizes the director to request relevant information from several sources and establishes a penalty for noncompliance.

The bill also changes the state law to provide that the fees and charges for accident benefits may not exceed the fees and charges usually paid in the state for similar treatment. Under previous law, these charges could not exceed those paid in the same "community."

In addition, the bill authorizes an insurer who provides industrial insurance coverage to contract with suppliers to provide services and goods to injured employees on an exclusive basis. The insurer may not, however, enter into an exclusive agreement or contract with a primary care physician or chiropractor, any hospital for general care for the acutely ill, or which would restrict the injured employee's freedom to choose a treating physician or chiropractor.

### A.B. 685 (chapter 270)

Assembly Bill 685 designates diseases related to asbestos as occupational diseases and provides for the payment of benefits for related disabilities. This measure also adds a

INSURANCE (continued)

stipulation to the time period in which a claim may be made to require that it be filed within 1 year after the claimant knew or should have known of the relationship between the disease and the employment.

A.B. 757 (chapter 614)

Assembly Bill 757 allows a claimant for industrial insurance, who incurs a disability that exceeds 25 percent, to elect to receive his compensation in a lump sum. The sum must be equal to the current value of an award for a disability of 25 percent.

The measure does not, however, preclude an insurer from paying the claimant for the amount of disability in excess of 25 percent, nor does it entitle the claimant to such compensation.

A.B. 797 (chapter 481)

Assembly Bill 797 provides that employment-related cancer, which results in either temporary or permanent disability or death, is an occupational disease for persons engaged as either a full-time or volunteer firefighter in Nevada for 5 years or more. To be eligible, it must be demonstrated that the claimant was exposed to a known carcinogen as defined by the International Agency for Research on Cancer or the National Toxicology Program, and that the carcinogen is reasonably associated with the disabling cancer.

The measure also requires that compensation awarded to the claimant, or dependents, must include full reimbursement for all medical expenses and state industrial insurance system compensation.

A.B. 803 (chapter 587)

Assembly Bill 803 reverses the burden of proof regarding compensation for heart disease resulting from "overexertion in times of stress or danger" for firemen and police officers. Previously, the claimant had to show a causal relationship between the disease and employment. This measure establishes heart disease as an occupational hazard for firemen and police officers that is compensable unless competent evidence can prove otherwise. The bill also adds exposure to noxious gases, fumes or smoke as a compensable occupational hazard. Finally, the measure provides that a volunteer fireman is not required to submit to a physical examination more than once every 3 years. All other employees covered for diseases of the heart under this provision must submit to a physical examination annually.

A.B. 804 (chapter 771)

Assembly Bill 804 establishes a deemed wage for members of Nevada's legislature and for certain employees of a subcontractor who is a sole proprietor or partnership for the purposes of establishing eligibility for benefits under Nevada's state industrial insurance system. The measure further deems members of the legislature to be state employees for the purposes of industrial insurance coverage.

Other Bills Generally Related to the Topic

S.B. 70 (chapter 56)

Senate Bill 70 allows a policy of group life insurance to be issued or delivered to a group formed solely for the purpose of purchasing insurance if the commissioner of the insurance division in the department of commerce approves the policy. The commissioner may approve the policy if he finds that the benefits are reasonable in relation to the premium and the policy is fiscally sound. The bill also allows companies issuing group life insurance to these groups to exclude or limit coverage of persons for whom the evidence of insurability is not satisfactory.

S.B. 127 (chapter 301)

Senate Bill 127 requires reinsurers to obtain a certificate of authority from Nevada's insurance commissioner and establishes a \$250 fee for the issuance of such certificates. The bill also prohibits any insurer, not authorized to transact insurance in Nevada, from transacting reinsurance with a domestic insurer in this state unless he holds a certificate of authority as a reinsurer. This provision, however, does not apply to the joint reinsurance of title insurance risks or to reciprocal insurance as authorized under current Nevada law. The measure also exempts reinsurers from the general tax on premiums currently charged to insurers.

S.B. 129 (chapter 77)

Senate Bill 129 requires that insurance adjusters who adjust property, casualty or surety claims for self-insurers be licensed.

S.B. 183 (chapter 273)

Senate Bill 183 authorizes the commissioner of insurance to exchange any information which is not confidential with the

## INSURANCE (continued)

National Association of Insurance Commissioners. Previous law only specified that the commissioner could be a member of that organization.

### S.B. 235 (chapter 763)

Senate Bill 235 increases license fees for insurance agents and companies. The funds are to be used to add staff to the insurance division in the department of commerce. The individuals in the new positions will (1) review insurance policies and rates; (2) serve in the enforcement section of the division which prosecutes companies and agents who have violated the statutes; or (3) be assigned to the consumer services section which assists Nevadans who are having trouble with their insurers.

### S.B. 236 (chapter 654)

Senate Bill 236 requires that Nevada's insurance commissioner collect detailed financial information from insurance companies operating in Nevada. This information is to be used to determine the relationship between premiums and related income expenses of insurers, and to evaluate the market for commercial liability insurance in Nevada. The commissioner is to report his findings to the legislature no later than February 1, 1989.

The commissioner is empowered to adopt regulations requiring insurers to provide financial information specified in the bill. Insurers who do not cooperate are subject to administrative fines of \$1,000 per day up to a maximum of \$50,000. Insurers who fail to cooperate may also have their certificate of authority to transact business in Nevada revoked or suspended. In addition, insurers may be assessed a fee of up to \$500 each to pay the costs of administering and enforcing the provisions of the bill.

### S.B. 239 (chapter 211)

Senate Bill 239 exempts benefits of retired public employees from an assessment for the impairment or insolvency of any life or health insurance company. The bill also authorizes the University of Nevada retirement system to obtain insurance policies and annuity contracts from an affiliate of a company able to do business in the state if the affiliate is a nonprofit educational corporation and issues annuities only to nonprofit institutions of education and research. In an associated matter, the measure provides that a certificate of authority to transact insurance business is not required for affiliates of authorized insurers if certain specifications are met.

INSURANCE (continued)

S.B. 275 (chapter 245)

Senate Bill 275 authorizes public agencies, including any municipal corporation, and nonprofit medical facilities to enter into cooperative agreements to purchase certain kinds of insurance or to provide for self-insurance. The kinds of insurance include casualty, marine and transportation, property, and surety as defined by law, or any combinations of these kinds of insurance.

The bill also allows interstate cooperative agreements for insurance for nonprofit medical facilities, and it includes requirements for the ratification and approval of these agreements.

S.B. 287 (chapter 379)

Senate Bill 287 retains the 3 percent rate for the insurance premium tax. If this bill had not been passed, the rate would have been 2 1/2 percent after July 1, 1987.

S.B. 330 (chapter 372)

Senate Bill 330 clarifies which insurance policy is primary when a person is covered by two policies so that benefits can be better coordinated. In addition, the bill addresses the situation when a person is ill and the employer changes from one group insurance policy to another. The succeeding company is required automatically to accept all employees who are already eligible under their former coverage.

S.B. 371 (chapter 818)

Senate Bill 371 revises the provisions governing credit life and health insurance. The bill establishes rates for premiums and sets forth standards for formulas for refunds. It requires insurers to compile certain statistics. In addition, the insurance commissioner is given authority to inspect records of insurers. The commissioner is also authorized to adopt forms for use in the issuance of credit insurance. An annual audit of insurers is mandated with penalties to be prescribed if insurers are found to be in violation of any provisions of the bill.

S.B. 460 (chapter 445)

Senate Bill 460 increases the amount paid monthly by public employers for the cost of premiums for group life, accident or health insurance. The maximum amount is increased to \$136 for fiscal year 1988 and to \$146.50 for fiscal year 1989.

S.B. 471 (chapter 589)

Senate Bill 471 extends the credit against the tax on insurance premiums for a home or regional office to certain

premises owned through a limited partnership. The measure provides additional and modified criteria for determining eligibility for credit against the insurance premium tax in this situation. It also exempts specified contractual payments by the Federal Government from taxation as premiums.

S.B. 487 (chapter 452)

Senate Bill 487 authorizes the insurance commissioner to adopt regulations which allow an insurance broker or financial planner to charge consultation fees on the purchase of certain types of insurance even if consultation does not result in a purchase of insurance. The fee must be set forth in a written contract signed by the client before consultation with the insurance broker or planner begins. The compensation may be in addition to or in lieu of a commission and is not a premium.

S.B. 526 (chapter 384)

Senate Bill 526 imposes a tax on premiums paid to an alien insurer if the insurance is independently procured. Previous law only imposed the tax on foreign insurers or any self-insurers in the state who procure or continue excess loss, catastrophe or other insurance for Nevada residents.

S.B. 565 (chapter 559)

Senate Bill 565 relates to the authority of a risk retention group to transact liability insurance business in Nevada. The measure regulates the formation and operation of organizations that are created pursuant to the Liability Risk Retention Act of 1986.

The bill sets forth the procedure a purchasing group must follow in order to be able to conduct business in Nevada. It also establishes the requirements with which a risk retention group must comply in order to obtain a certificate of authority to transact liability insurance in Nevada. The measure requires further that all policies issued by a risk retention group contain on the front page and the declaration page a notice stating that risk retention groups are not subject to all the insurance laws and regulations in Nevada and that state insolvency guaranty funds are not available.

The bill provides the insurance commissioner the authority to perform an examination to determine the financial condition of a risk retention group. It also outlines specific actions that are prohibited by risk retention groups. The effective date of the bill is placed at January 1, 1988.

A.B. 177 (chapter 149)

Assembly Bill 177 relates to group insurance for public employees. The bill clarifies the duties and authorities of the committee on group insurance, and it codifies several of the current practices and procedures of the committee.

The measure places in statute the committee's practices relative to use of assets and contractual agreements. It allows the committee to charge and collect a fee from insurer organizations for the actual expenses of the committee or public employer in administering the insurer's plan of insurance. It also defines the files which are open to the public and the records which must be made available for inspection by the committee and its staff.

The bill directs the committee on group insurance to provide by regulation for specific procedures for the determination of contested claims. It also directs the committee to give public notice in writing of proposed changes in rates or coverage to each participating public employer who may be affected by the changes. Further, it is directed to appoint an independent certified public accountant to provide an annual audit of the plan and to report to the committee and the legislative commission.

A.B. 197 (chapter 99)

Assembly Bill 197 eliminates the requirement that liability insurance for a pest control licensee contain a deductible clause.

A.B. 214 (chapter 427)

Assembly Bill 214 amends the Nevada insurance code. The bill requires an insurance company which intends to stop providing coverage for a particular class of insured to inform the insurance commissioner at least 60 days before a notice of cancellation or nonrenewal is sent to the insured entities. At the request of an insured entity, the insurance division of the department of commerce must review the reasons for cancellation or nonrenewal and, if the reasons are insufficient, the policy must be reinstated or renewed. If a policy is to be canceled or is not to be renewed, the bill stipulates that a notice of cancellation must be sent to the insured.

The bill also enumerates the grounds on which an insurer can cancel a policy. These grounds include:

1. Failure to pay the premium;

INSURANCE (continued)

2. Conviction of a crime which increases the hazard insured against;
3. Fraud or misrepresentation in obtaining the policy;
4. An act of omission or violation of the conditions of the policy;
5. A material change in the nature or extent of the risk;
6. A determination by the insurance commissioner that the present level of premiums threatens the solvency of the insurer or is hazardous to the insurer's policyholders, creditors or the public; or
7. A determination by the insurance commissioner that a continuation of the policy would cause the insurer to violate or be in danger of violating the insurance code.

The bill provides further that the insurer must give at least 60 days' notice before canceling or refusing to renew a commercial or business policy. Previously, only 30 days' notice was required. The bill states that if the required notice is not given, the policy must be continued or renewed on the same terms.

A.B. 280 (chapter 84)

Assembly Bill 280 includes title insurance within the scope of the insurance recovery fund. Previously, the fund was only used for satisfying claims against administrators, agents, brokers, adjusters and surplus lines brokers that are licensed under chapters 683A, 684A and 685A of NRS, respectively.

A.B. 284 (chapter 205)

Assembly Bill 284 makes numerous changes in the fees paid by companies and individuals licensed by the insurance commissioner. These changes make the fee structure more uniform. The bill also provides for the licenses of most individuals regulated by the commissioner to be renewed every 3 years and sets fees for late renewals at 150 percent of the regular renewal fee. The bill further provides for the expiration and renewal of certificates of authority issued to various types of companies regulated by the commissioner. Fraternal benefit societies, health maintenance organizations, organizations for dental care and motor clubs are added to the list of those entities which may be assessed to pay the costs of participation by the insurance commissioner and his staff in the National Association of Insurance Commissioners.

A.B. 308 (chapter 466)

Assembly Bill 308 amends Nevada's insurance code by prohibiting an insurer from canceling, refusing to renew or increasing the premium on an insurance policy as a result of a claim for which the insured was not at fault. The bill also provides that a notice of cancellation or nonrenewal must be personally delivered or mailed to the insured at his last known address. The notice must specify the reasons for the cancellation or nonrenewal.

A.B. 315 (chapter 655)

Assembly Bill 315 amends state law governing the establishment of insurance rates. The bill requires that rate hearings held by the insurance commissioner must be open to the public.

The bill removes the presumption that rates established in a competitive market are not excessive. Instead, the measure provides that the insurance commissioner may disapprove a rate filing if there is not sufficient competition in the market. The commissioner is further authorized to consider whether price competition is the result of the market or is artificial.

Under the provisions of this bill, insurers must file rate changes with the commissioner 30 days before they become effective. If the insurance commissioner disapproves a rate and the insurer requests a hearing to determine the validity of the commissioner's action, the burden of proof is placed upon the insurer.

The bill also provides that an insurer may use rates and supplementary information prepared by a rate service organization only if its own loss experience is insufficient.

A.B. 621 (chapter 702)

Assembly Bill 621 specifies the procedures through which local governments, agencies of the state or the University of Nevada System may enter into cooperative agreements for the purchase of insurance or the establishment of self-insurance plans.

The bill provides that any such agreement may obligate the respective parties to pledge revenues or contribute money to secure the obligations or pay the expenses of the cooperative undertaking. The agreement also may provide for the establishment of a separate entity to administer the program. The measure further outlines the financial arrangements which may be associated with such a cooperative agreement.

A.B. 693 (chapter 492)

Assembly Bill 693 amends the provisions of the insurance code governing surplus lines brokers. The bill provides that the broker may charge a fee of no more than 20 percent of the premium, except as otherwise provided by agreement between the insurer and the broker.

The bill also extends from 30 to 90 days the period of time within which the broker must file an affidavit and report of coverage with the insurance commissioner.

A.B. 749 (chapter 468)

Assembly Bill 749 revises the definition of the claims that the Nevada insurance guaranty association is obligated to pay or defend. The bill makes it clear that if the claimant or insured is a natural person, he must have been a resident of Nevada at the time of the insured event. If the claimant or insured is not a natural person (if, for example, it is a corporation or association), it must have maintained its principal place of business in Nevada at the time of the insured event.

A.B. 750 (chapter 405)

Assembly Bill 750 amends the provision governing the stay of proceedings involving an insolvent insurer. The bill expands this provision to cover cases in which the insurer is obligated to defend another party. Previously, the provision covered only cases in which the insolvent insurer was itself a party.

The stay may be granted upon the application of either the Nevada insurance guaranty association or the insured if cause is shown. Cause may be established by an affidavit showing that the records or files of the insolvent insurer are not available to confirm coverage and adjust the claim. The bill also reduces the length of the stay of proceedings from 6 months to 3 months.

A.B. 811 (chapter 470)

Assembly Bill 811 revises the provisions which govern unfair practices of insurers. The bill adds the following practices to the list of those which are prohibited:

1. Violating of provisions of the insurance code relating to cancellations and nonrenewals;
2. Failing to provide an adequate explanation of a denial of a claim on an offer to settle or compromise a claim;

INSURANCE (continued)

3. Advising an insured not to seek legal counsel; and
4. Misleading an insured or claimant concerning a statute of limitations.

The bill also makes it clear that engaging in any of the activities listed as an unfair practice is prohibited. In addition, the bill provides that insurers are liable to the insured for any damages which result from engaging in an unfair practice.

## LABOR AND MANAGEMENT

### S.B. 328 (chapter 715)

Senate Bill 328 requires an employer who provides sick or disability leave benefits to his employees to extend the same benefits to a female employee who is pregnant. This leave may be used before and/or after childbirth, miscarriage or other natural resolution of her pregnancy, if leave is granted, accrued, or allowed to accumulate as part of her employment benefits.

### A.B. 84 (chapter 85)

Assembly Bill 84 repeals NRS 612.447 pertaining to the disqualification period for unemployment benefits for a person who voluntarily leaves his or her job to enter self-employment. This statute is not needed because NRS 612.380 already provides a uniform disqualification procedure for all persons who voluntarily leave their employment.

### A.B. 179 (chapter 88)

Assembly Bill 179 prohibits the introduction, as evidence in any subsequent proceeding, of any finding or decision relating to a determination of eligibility for unemployment benefits made pursuant to NRS 612.450 through NRS 612.530. The bill still allows, however, the introduction of the evidence used in the previous determination, but not the finding or decision itself.

### A.B. 448 (chapter 197)

Assembly Bill 448 establishes standards of eligibility for approval of apprenticeship programs in Nevada. The bill requires that the employee and employer members of the state apprenticeship council must "have knowledge concerning occupations in which a person may be apprenticed." It also mandates the duties of the state director of apprenticeship and the state apprenticeship council regarding administration of the laws and regulations relating to apprenticeship programs.

The measure adds religion to the criteria for determining discriminatory practices and provides requirements for agreements of indenture as an apprentice. Finally, the bill makes a number of technical and administrative changes in order to conform Nevada's apprenticeship law to federal law.

### A.B. 493 (chapter 530)

Assembly Bill 493 raises Nevada's minimum wage from \$2.75 per hour to a maximum of \$3.35 per hour. The measure also exempts certain severely handicapped persons from these state minimum wage provisions.

LABOR AND MANAGEMENT (continued)

A.B. 518 (chapter 812)

Assembly Bill 518 removes the maximum age limitations on the prohibition against age discrimination in employment. Previously, Nevada's laws relating to age discrimination and employment practice in the private sector allowed companies to refuse to hire or to discharge a person over the age of 70 on the basis of age. Although discrimination due to age was prohibited in the public sector, employees in the state classified service who were 70 years of age or older could be hired or continued in the classified service on a year-to-year basis.

This measure deletes the age discrimination limitation of 70 years for all employers in Nevada and repeals the special provision for classified state employees.

A.B. 689 (chapter 603)

Assembly Bill 689 amends the statute that provides the conditions under which a sheriff may remove a deputy. The bill stipulates that the sheriff may only remove a deputy who has completed a probationary period of 12 months "for cause." However, a deputy who functions as the head of a department or an administrative employee, or a deputy who has not completed the probationary period, may be removed at the sheriff's pleasure.

LANDLORD AND TENANT, MOBILE HOMES, AND  
MANUFACTURED HOUSING

S.B. 18 (chapter 158)

Senate Bill 18 authorizes the chief of the manufactured housing division in the department of commerce to designate some of his employees to issue citations for misdemeanors relating to mobile homes. The laws to be enforced are specified in chapters 118B, 461, 461A and 489 of NRS. The bill also expands the definition of "serviceman" as it applies to chapter 489 of NRS to include persons who install or repair electrical, heating or plumbing systems in mobile or manufactured homes.

S.B. 106 (chapter 82)

Senate Bill 106 requires a licensed mobile home dealer to pay off, within 30 days, any security interest which is outstanding on any commercial coach, manufactured home or mobile home he takes in trade on the purchase of such a vehicle.

S.B. 248 (chapter 408)

Senate Bill 248 makes a number of changes in state law concerning the duties of a landlord upon the proposed closure or conversion of a mobile home park and the requirements of local officials relative to certain land use proposals. The bill establishes procedures through which a landlord who lists all or a portion of a mobile home park for sale must notify the relevant tenants' association.

A landlord is allowed to convert an existing mobile home park to another use if the change is approved by the appropriate local planning or zoning entity or governing body. However, the landlord must give written notice to each tenant within 5 days after he files for the change of land use with the local authorities. If the land use change is approved, the landlord must pay moving and relocation costs for all mobile home tenants in the park to new locations as long as they are within a distance of 20 miles from the park. Tenants are given at least 180 days to move after receiving written notice that the land use change has been approved.

The bill establishes similar provisions requiring a landlord to pay the moving and relocation costs of mobile home park tenants upon the closure of a park. Tenants are again given at least 180 days in which to move after notice is provided.

State planning law also is amended to require a person who proposes to close or convert a mobile home park to file an informational report with the local planning commission or governing body. The report, which local authorities are

required to make available for public review, must address the availability of comparable parks in the area and the cost of relocating a mobile home. In addition to these requirements, a local planning entity or governing body must provide written notice to each tenant of a mobile home park if the park is located within 300 feet of real property proposed for a variance, special use permit or other special exceptions.

S.B. 260 (chapter 358)

Senate Bill 260 provides for the submission to the voters of a proposal to exempt 40 percent of the value of new mobile or manufactured homes and the entire value of used mobile or manufactured homes from sales and use taxes. The question will appear on the ballot at the general election to be held on November 8, 1988.

S.B. 404 (chapter 544)

Senate Bill 404 provides a procedure for an evicted tenant to dispute the amount charged by the landlord for the inventory, moving and storage of personal property left on the premises. The justice of the peace is required to hold a hearing on a tenant's motion within 10 days after its filing. At the hearing, the justice of the peace may determine the costs claimed by the landlord, including accumulating daily costs, and may order the release of the tenant's property upon payment of any charges determined to be due.

A.B. 298 (chapter 409)

Assembly Bill 298 requires each owner of a mobile home park to submit an annual report to the public service commission of Nevada. The report must contain specific information relative to the owner's practice associated with collection of fees from tenants in order to pay for utility services.

The bill further provides that the landlord must retain for at least 3 years a complete record of all deposits and withdrawals of money from the account for service charges for utilities, and he must file the record with the PSCN on or before January 15 of each year. He is also required to transfer any balance remaining in the account to the new owner if his ownership of the park is terminated.

The PSCN is directed to adopt regulations providing for the annual filing of reports and authorized to examine the landlord's relevant books and records as necessary.

A.B. 374 (chapter 426)

Assembly Bill 374 makes various changes in state law pertaining to the rights of tenants in mobile home parks. The

bill requires a landlord's approval to be in writing anytime he gives approval to a tenant on a matter covered by state law.

If the amount of rent charged to a new tenant in a mobile home park includes certain services or amenities, the rent must be reduced proportionately if a service or amenity is subsequently eliminated or decreased by the landlord. A landlord also is required to give his tenants at least 24 hours' notice, in writing, when planned repairs of a utility or a service which the mobile home park provides will be interrupted.

In regard to the existing requirement that a mobile home park landlord must meet with a representative group of tenants to hear any complaints or suggestions, several changes are made by the bill. The representative group of tenants must be chosen by the tenants and must not exceed five members. The landlord is required to meet with the group within 45 days after he receives a written request for such a meeting.

Other subjects addressed in this bill include costs of maintenance of the park, additional charges for special services, and criteria associated with a landlord's authority to require removal of a unit upon its sale. The measure also increases the civil penalties which may be imposed against a landlord who violates the provisions of the landlord-tenant law (chapter 118B of NRS).

A.B. 375 (chapter 425)

Assembly Bill 375 revises several provisions which relate to the landlord and tenants of mobile home parks. The bill includes landlords of mobile home parks in the requirement that an annual rent statement which displays the portion of the rent that represents property taxes paid must be furnished to the tenant.

The measure requires the park manager to contract with a third party to provide emergency repairs for the tenants on the occasions when the manager and assistant manager are not physically present in the park. It also specifies additional provisions which may and may not be included in rental agreements or leases. The bill outlines the owners' liability for return of tenants' deposits in situations when park ownership changes. It also specifies that, if a park is owned by a corporation, the corporation must appoint someone other than the manager or assistant manager who has a financial interest in the park to meet with the tenants' representatives.

A.B. 381 (chapter 140)

Assembly Bill 381 establishes air conditioning as an essential service when it is required in the rental agreement between a landlord and his tenant. In this situation, the bill prohibits a landlord from failing to supply air conditioning and provides remedies to the tenant.

A.B. 514 (chapter 753)

Assembly Bill 514 eliminates the requirement that manufacturers, dealers, rebuilders, servicemen and installers of manufactured homes post a bond. Previously, the amount of the bond was \$10,000 for manufacturers, dealers, and rebuilders and \$5,000 for servicemen and installers. An additional bond of \$1,000 was required for branch offices of these businesses.

The bill also increases the balance which may be retained in the fund for education and recovery relating to manufactured housing from \$300,000 to \$500,000.

Finally, the bill increases the license fees for dealers and manufacturers.

A.B. 736 (chapter 742)

Assembly Bill 736 prohibits a landlord from denying a tenant access to a community antenna television (CATV) system or discriminating against a tenant for receiving the service. The bill also provides that a landlord may not ordinarily demand or accept a fee for granting a CATV system access to his rental units. It does, however, provide a procedure whereby a landlord may be indemnified for any adverse economic impact caused by the installation of a CATV system on his property.

In addition, the bill provides that a CATV company may not offer a special discount to a particular group of tenants as an incentive to request the company's services, unless the same discount is offered to its other customers.

The bill covers mobile home parks as well as apartment complexes and expires by limitation on July 1, 1989.

A.B. 775 (chapter 782)

Assembly Bill 775 provides for the division of manufactured housing to issue a limited dealers' license to persons other than financial institutions. This license authorizes them to act as repossessioners or liquidators of manufactured homes, mobile homes and commercial coaches. A license is not required for a financial institution to act as a repossessioner or liquidator of its own security.

LANDLORD (continued)

The bill also provides that a dealer in manufactured homes may not require a purchaser to obtain financing from him or any other person as a condition of purchase. Dealers must disclose this provision to purchasers.



## LEGISLATURE, LEGISLATIVE COUNSEL BUREAU

### S.B. 165 (chapter 743)

Senate Bill 165 requires the Nevada legislature's interim finance committee to appoint a subcommittee to conduct an interim study to determine appropriate methods of funding occupational education in Nevada. This measure also appropriates \$16,000 from the state general fund to the interim finance committee to pay for salaries, travel and per diem expenses for the subcommittee members.

### S.B. 250 (chapter 64)

Senate Bill 250 allows the chairman of the legislative commission and the director of the legislative counsel bureau to designate another person to sign checks written on the account for intergovernmental activities.

### S.B. 497 (chapter 537)

Senate Bill 497 clarifies that the salaries and travel expenses of the legislative members of the committee on public lands are to be paid from the legislative fund.

### S.B. 594 (chapter 734)

Senate Bill 594 increases the per diem compensation for specified employees of the senate and assembly. The bill deletes the provisions establishing the per diem salaries for the secretary of the senate, the chief clerk of the assembly, the assembly bill distribution clerk and the supervisor of the bill distribution center. The measure also repeals the provision authorizing travel and subsistence allowances for the secretary of the senate and the chief clerk of the assembly. These items are addressed through the budget process.

### A.B. 119 (chapter 509)

Assembly Bill 119 requires that the legislative counsel prepare a list of all bill draft requests (BDR's) which he receives. This list is to be compiled on a weekly basis beginning on July 1 preceding each regular legislative session. The list is to be published in the journals of the senate and assembly on the first day of session, and a current list is to be published each week during the session. For bill drafts requested by a person other than a legislator, the list must include the name of the requester, the date, and a brief summary of the request. Information concerning a request made by a legislator is not to be published until the measure is introduced. Copies of the list must be made available for sale to the public.

The bill also requires that, except in the case of BDR's made by legislators, when the legislative counsel receives a

bill draft request which closely resembles another request that was received earlier, he must notify the second requester that his request duplicates an earlier one and ask him to withdraw it. If the request is not withdrawn, the legislative counsel must inform the first requester that a duplicative request has been made. In the case of a duplicative request submitted by a legislator, if the first request was submitted by a member of the other house, the legislative counsel must inform the second requester that the request is duplicative.

A.B. 127 (chapter 203)

Assembly Bill 127 revises the law relating to governmental contracts with legislators. This bill adds a new provision to allow legislators to receive compensation--as direct salary or wages or as an independent contractor--when the original source of this money was a legislative appropriation to any governmental entity or a private entity not owned or controlled by the legislator. It also provides that a legislator may receive, for services as an instructor or teacher from any county school district or the University of Nevada System, compensation for which the original source was a legislative appropriation to a governmental entity or a private entity not owned or controlled by the legislature.

A.B. 174 (chapter 31)

Assembly Bill 174 changes the designation of the state legislature's security staff. This bill redesignates the security officers of the legislature as legislative police officers.

A.B. 243 (chapter 123)

Assembly Bill 243 ratifies technical corrections made to various chapters of the NRS. The bill also corrects the effective dates of numerous provisions, and repeals certain related portions of the Statutes of Nevada, 1985. These amendments are technical changes which were suggested by the legislative counsel.

A.B. 397 (chapter 765)

Assembly Bill 397 requires the legislative commission to contract with consultants to conduct an interim study of the fiscal affairs of the state and local governments in Nevada, including an analysis of existing and possible new revenue sources. The study must be completed and submitted to the governor and the legislative commission by September 1, 1988.

The bill requires the governor to appoint a broad-based committee of no more than 15 members representing business, industry, gaming, mining, agriculture, education, labor,

local governments and the general public. The committee is to review the consultant's report and submit its findings and recommendations to the legislative commission before November 30, 1988. The bill also appropriates \$250,000 from the state general fund to the legislative fund for the support of the interim study and provides a contingent appropriation up to \$250,000 if the cost of the study exceeds the initial appropriation.

A.B. 443 (chapter 164)

Assembly Bill 443 relates to printing of the NRS. The bill removes obsolete references to the minimum number of copies that must be printed and the type of binding which may be used.

A.B. 444 (chapter 172)

Assembly Bill 444 authorizes the director of the legislative counsel bureau to make computer services of the bureau available to other governmental entities and the public.

A.B. 580 (chapter 363)

Assembly Bill 580 enlarges the scope of reports which a lobbyist must file. Specifically, a lobbyist must itemize his monthly report if his lobbying expenditures exceeded \$50 during the previous month.

A.B. 678 (chapter 811)

Assembly Bill 678 creates the blue ribbon commission on the legislative process consisting of 11 members from various geographical locations in the state appointed by consensus of the majority and minority leaders of each house of the Nevada legislature. Two members must be former or present members of the senate, two members must be former or present members of the assembly, and the remainder must be representatives of the general public.

The bill specifies numerous items relating to the legislative process for the commission to consider. These items include annual sessions, population and business trends, financial compensation, committee operations, and other activities and programs to continue the efficient and effective government of this state. The bill appropriates \$9,000 for the support of the commission which is required to submit its findings and recommendations to the legislative commission by September 1, 1988, for review and action by the next session of the Nevada legislature.

A.B. 790 (chapter 554)

Assembly Bill 790 makes technical corrections to the NRS at the suggestion of the legislative counsel. The bill corrects

inappropriate or inaccurate statutory terms and repeals certain obsolete and inaccurate provisions of the law.

A.B. 859 (chapter 659)

Assembly Bill 859 ratifies the adoption of the regulations included in the Nevada Administrative Code on or before May 15, 1987, and temporarily revises the procedure for the adoption of administrative regulations. This bill sets deadlines for the legislative commission and the director of the legislative counsel bureau for the review and revision of administrative regulations. The legislative commission is directed to report to the next session of the legislature when a state agency fails to revise a regulation or form to which the commission has objected. The procedural provisions of this bill expire if the voters approve Senate Joint Resolution No. 6 of the 63rd session at the general election to be held in November 1988.

A.B. 864 (chapter 505)

Assembly Bill 864 creates a continuing special award for outstanding achievements in intercollegiate athletics. The measure also establishes a fund for the travel expenses related to the recipients of the award, their spouses, parents and other family members to attend recognition ceremonies. The award must be presented by a special act of the legislature.

A.B. 888 (chapter 757)

Assembly Bill 888 revises the provisions in state law governing the compensation of legislators. The bill increases the maximum supplemental allowance for moving and travel expenses during each regular session of the legislature from \$5,000 to \$6,800. It also increases the telephone allowance during each regular session from \$1,800 to \$2,800. The bill further increases from \$500 to \$900 the allowance for postage, telephone tolls and other communication charges for the leadership and chairmen of the standing committees of each house of the legislature.

LOCAL GOVERNMENTS, SPECIAL DISTRICTS, AND MISCELLANEOUS  
MATTERS RELATING TO GOVERNMENT AND PUBLIC AFFAIRS

Summaries within the topic of "Local Governments, Special Districts, And Miscellaneous Matters Relating To Government And Public Affairs" are categorized under the following subheadings:

1. Bills Applying Generally to Local Governments;
2. Bills Applying to One Specific Local Entity;
3. Collective Bargaining; and
4. Miscellaneous Public Affairs.

Bills Applying Generally to Local Governments

S.B. 56 (chapter 706)

Senate Bill 56 revises provisions in the state's laws governing the redevelopment of communities and tax increment areas. The bill limits the duration of redevelopment agencies and tax increment areas to 30 years or until the securities issued before July 1, 1987, are fully paid. The bill also specifies that the taxable property may be included in a redevelopment or tax increment area only once every 50 years.

The measure further limits the size of redevelopment and tax increment areas by restricting the total revenue to 10 percent of the total assessed valuation of a municipality with a population of 100,000 or more, and to 15 percent of the total assessed valuation in smaller municipalities. The bill excludes the taxable property of redevelopment agencies and tax increment areas from the maximum allowable revenue from ad valorem taxes of local governments and includes that property in the maximum combined allowable revenue of local governments.

S.B. 139 (chapter 52)

Senate Bill 139 repeals two obsolete provisions of the NRS pertaining respectively to county recorders and public administrators. Both statutes--NRS 247.360 and NRS 253.100--originally were enacted in 1883 but now are no longer necessary.

S.B. 376 (chapter 331)

Senate Bill 376 makes changes in the law concerning services provided to municipal airports. The bill allows a municipality to reimburse a concessionaire for making improvements in the airport if the improvements benefit the municipality. It also allows the municipality controlling an airport to

## LOCAL GOVERNMENTS (continued)

negotiate contracts for the maintenance of the airport and its facilities. The measure further allows other concessionaires at an airport to sell commodities authorized for sale by a blind vendor.

### S.B. 377 (chapter 220)

Senate Bill 377 exempts municipalities from certain requirements concerning short-term financing for airports. These requirements include prior approval by the department of taxation and limits on the period and rate of interest for short-term financing. The bill also exempts emergency ordinances from the notice and hearing requirements in the law for municipalities operating an airport.

The bill generally resolves conflicts regarding short-term financing between the local financial administration law and the municipal airports law.

### S.B. 407 (chapter 799)

Senate Bill 407 authorizes a county or city to establish a program for the rehabilitation of property in residential neighborhoods. The bill specifies provisions to be included by the governing body in an ordinance to establish the program. These provisions include designating or establishing an agency to administer the program, creating a revolving fund for loans, and providing criteria and procedures for administering the rehabilitation program. The bill also establishes criteria and requirements for an applicant and the residential property for a rehabilitation loan, and it outlines the responsibilities of the agency which administers the program. An applicant for a loan is required to be a member of a household with a gross income less than 80 percent of the median gross income for households of the same size within the same geographic area.

### S.B. 492 (chapter 371)

Senate Bill 492 excludes counties with a population less than 100,000 from the requirement to create a metropolitan police department if they desire to merge their law enforcement agencies with those of cities within the counties.

### A.B. 4 (chapter 6)

Assembly Bill 4 imposes a temporary moratorium until July 1, 1987, on the incorporation of cities under chapter 266 of NRS in counties which have a population of 50,000 or more. Chapter 266 of NRS is the general law which allows for the incorporation of cities and towns by application to district court.

LOCAL GOVERNMENTS (continued)

The intent of this measure was to prevent temporarily the incorporation of cities by this method until the 1987 session of the Nevada legislature had an opportunity to address concerns about this form of incorporation and the effects of incorporation on the revenue and finances of the other local governments in the larger counties. Assembly Bill 4 became effective upon passage and approval.

A.B. 36 (chapter 54)

Assembly Bill 36 expands the statutory responsibilities of a public administrator in a county with a population of 100,000 or more (Washoe County) to equal those of a public administrator in a county with a population of 250,000 or more (Clark County).

Assembly Bill 36 also places the public administrator position in the table of annual salaries for elected officers of the counties in Nevada (in NRS 245.043). The annual salary of the public administrator in Washoe County is set at \$42,800 and the annual salary for that position in Clark County is retained at \$44,000. The measure further amends Assembly Bill 87--previously enacted as chapter 23, Statutes of Nevada, 1987--to ensure that the statutory references are consistent. The effective date of this act is set on May 11, 1987.

A.B. 39 (chapter 38)

Assembly Bill 39 authorizes irrigation districts to donate land to the State of Nevada. Previous law only allowed the districts to convey this land to a "purchaser."

A.B. 55 (chapter 65)

Assembly Bill 55 relates to the governing boards of conservation districts in the state. The measure directs the representatives of counties and cities who sit on the governing boards to designate alternates to replace them in their absence from meetings. It requires that the designations be made in writing prior to the time of the relevant board meetings.

The measure also makes all of the board members subject to the possibility of being removed from office for specified causes. Previously, the appointed representatives of counties and cities were not subject to this provision.

A.B. 139 (chapter 309)

Assembly Bill 139 amends the laws related to subdivision of land. The measure revises the procedures for the approval of tentative and final maps by providing that the local governing body may authorize the planning commission to take

## LOCAL GOVERNMENTS (continued)

final action on tentative and final maps. Any person who is aggrieved by the planning commission's action may, within 7 days after the issuance of the decision, appeal its decision to the governing body.

### A.B. 153 (chapter 63)

Assembly Bill 153 allows the county treasurer, with the approval of the district attorney, to make refunds of \$500 or less to justified applicants without receiving the prior approval of the board of county commissioners. At the end of each month, the county treasurer is required to provide the board with a list of all refunds which he made during the month.

### A.B. 154 (chapter 62)

Assembly Bill 154 authorizes boards of county commissioners to fill vacancies on the local district managing boards of general improvement districts for which the county commissioners serve as the ex officio board of trustees. The bill also adds the requirement that the commission provide for the terms of office for the members of the local district managing board in the ordinance which establishes the board.

### A.B. 157 (chapter 61)

Assembly Bill 157 allows a board of county commissioners to place conditions upon the legal authorization for a person to dispose of his own garbage. The purpose of this provision is not to eliminate a person's authority to dispose of his own garbage, but to allow proper regulation of garbage disposal. The bill also allows boards of county commissioners to regulate, displace or limit competition for garbage disposal and certain other services in a general improvement district if that district is not authorized to provide those services.

### A.B. 271 (chapter 428)

Assembly Bill 271 provides that members of county or city planning commissions may also serve on regional planning commissions without being counted as part of the quota of public officers who may serve on these commissions. The bill also clarifies the division of responsibilities between regional and local (county and city) planning commissions. It specifies that a county or city planning commission has the responsibility for making decisions pertaining to planning which have a local effect, and a regional planning commission is responsible for decisions which have a regional or intergovernmental effect.

LOCAL GOVERNMENTS (continued)

A.B. 325 (chapter 165)

Assembly Bill 325 authorizes local governments in Nevada to purchase goods or services from a member of the governing body of the local entity, if:

1. The member of the governing body is the sole source of supply within the area served by the governing body;
2. The governing body approves the purchase by a two-thirds vote; and
3. The public notice for the governing body's meeting specifically mentioned that such a purchase would be discussed.

A.B. 328 (chapter 74)

Assembly Bill 328 authorizes county recorders to arrange with local libraries for the retention of newspapers which the recorders are required to retain by statute.

A.B. 329 (chapter 160)

Assembly Bill 329 eliminates the requirement that county recorders note amendments to maps and surveys on the original documents, if they maintain a cumulative index for the maps, surveys and amendments. However, the bill requires a county recorder who maintains a cumulative index to indicate on any copy of a map or survey which he provides that subsequent changes to that document should be examined and may be determined by reference to the cumulative index.

A.B. 340 (chapter 344)

Assembly Bill 340 requires that each county recorder send the state registrar of vital statistics certain information contained on certificates of marriage which have been delivered to him. Previously, the marriage certificates themselves were sent to the registrar who then mailed them to the parties to the marriage.

A.B. 355 (chapter 112)

Assembly Bill 355 specifies the procedures for sale of a county's real property at auction. The procedures include adoption of a resolution of intent by the board of county commissioners, posting of notice, taking and opening of bids, declaration of acceptance of the highest bid, and transfer of the property.

The bill also allows a county to exchange real property acquired by dedication for other real property, and it resolves a statutory conflict through allowing real property acquired by dedication to be given back to the owners

LOCAL GOVERNMENTS (continued)

of the property from which the dedication was made. The measure further directs that the tax levied for support of a county fire department must include payment of indebtedness incurred for its buildings and equipment.

The bill was made effective upon passage and approval.

A.B. 369 (chapter 189)

Assembly Bill 369 encourages and authorizes counties and cities to hire handicapped persons on a temporary basis for a period of up to 700 hours even though the positions being filled are classified as permanent positions. It allows counties and cities to establish programs whereby handicapped persons, who are certified by the rehabilitation division of the department of human resources, are placed on the eligibility lists for entry level or trainee positions. In practice, the program provides for a period during which the degree to which the handicapped person can fulfill the requirements of the position may be determined without the personnel restrictions traditionally associated with permanent appointments.

A.B. 495 (chapter 576)

Assembly Bill 495 expands the authorities of regional transportation commissions in relation to the operation of public transportation systems. The bill also specifies that these commissions are "public employers" for the purpose of employees' retirement and "political subdivisions" for the purpose of civil liability.

A.B. 508 (chapter 712)

Assembly Bill 508 revises the procedures for the incorporation of a city, removes inappropriate references and the authority for incorporating a town, and revises the provisions governing the commission form of city government.

The bill repeals the district court method of incorporation in chapter 266 of NRS and establishes detailed procedures for a new petition method for the incorporation of a city.

A committee of five qualified electors may file a notice to incorporate with the county clerk and circulate a petition. The petition must include a description, accurate map and the name of the city proposed for incorporation. The petition must be signed by at least one-third of the qualified electors within the boundaries of the proposed city.

The measure establishes deadlines for the board of county commissioners to conduct one or more public hearings on the incorporation proposal when a petition has been certified as

## LOCAL GOVERNMENTS (continued)

sufficient. Specific time frames are also established for the board of county commissioners, after the public hearing, to issue its written opinion on the advisability of the incorporation of the proposed area and to designate an election date on the proposal. If the incorporation proposal is approved by the voters, the board of county commissioners is further required, within a specific period of time, to designate a date for the election of the officers of the incorporated city.

The bill includes provisions for the effective date of the incorporation of a city by the petition method so that adequate planning notice is provided to other local governments in the county. This notice is necessary to adjust local budgets for the next fiscal year to account for revenue shifts due to the addition of the new incorporated city.

In reference to the commission form of city government in chapter 267 of NRS, this bill deletes the provisions whereby residents may file a petition to require the board of county commissioners to call an election for choosing 15 qualified electors to frame a charter for the establishment of a commission form of city government. The bill does, however, retain the provisions in existing state law which allow voters in an incorporated city to change to the commission form of government.

The bill also specifies that its provisions do not affect the validity of cities incorporated before July 1, 1987, under previous law.

### A.B. 522 (chapter 504)

Assembly Bill 522 provides that the statutory language which prohibits a zoning ordinance from discriminating against residential homes for mentally retarded persons also applies to private restrictions on the use of land. This bill further specifies that a residence for mentally retarded persons is not a commercial activity for the purposes of zoning ordinances.

### A.B. 561 (chapter 575)

Assembly Bill 561 requires that tentative maps of subdivisions indicate the location of irrigation ditches, as well as rights of way and easements for irrigation ditches.

The bill also provides that, in counties of less than 100,000 population, the board of directors of irrigation districts are to review tentative subdivision maps which

LOCAL GOVERNMENTS (continued)

include any property located within the boundaries of the districts before the maps are approved by the local planning commission or governing body.

A.B. 567 (chapter 336)

Assembly Bill 567 requires county recorders in Nevada to place, upon request, a notation or stamp on the copy of any instrument, paper or notice presented at the time of filing or recording to reflect the information endorsed upon the original and as evidence that he received the original. The bill provides further that the copy shall be returned to the person who presented it.

A.B. 674 (chapter 461)

Assembly Bill 674 authorizes cities incorporated pursuant to chapter 266 of NRS to adopt ordinances after they have been read by title and summary only, rather than having to read the ordinances in full. The bill requires that copies of the proposed ordinances be made available for public examination. Cities incorporated by charter already have this authority.

A.B. 703 (chapter 226)

Assembly Bill 703 requires counties in Nevada to adopt ordinances for the licensing of permanent exhibitions and theme parks. It provides for the fees which may be charged and exempts a facility licensed by the county from specified state licensure and certification requirements.

The bill also requires each city in the state to adopt ordinances for the licensing of circuses, permanent exhibitions, tent shows and theme parks. It provides for the same type of license fees and exemptions which apply to the counties.

A.B. 781 (chapter 570)

Assembly Bill 781 revises the provisions governing public administrators and guardians in counties whose populations are less than 100,000. The bill authorizes the board of county commissioners in such a county, after reviewing each case, to direct the public administrator or "other suitable person" to investigate cases associated with appointment of guardians and petition the court to make the relevant appointments. The measure specifically authorizes the public administrator or "other suitable person" to act, upon order of the court, as:

1. Guardian of the person and estate of an adult ward; or
2. Administrator of the estate of a person dying intestate.

## LOCAL GOVERNMENTS (continued)

### A.B. 785 (chapter 636)

Assembly Bill 785 adds provisions to the statutes relating to disposal of solid waste. It establishes a civil penalty of at least \$250 and not more than \$2,000 for illegal dumping of solid waste. The bill further provides for payment of a reward equal to 50 percent of the civil penalty for information leading to the arrest and conviction of people violating the law. Posting of the law relative to illegal dumping and the offer of a reward are required.

The bill also declares that an unsupervised municipal disposal site may be used only by residents of the municipality or tourists in the area for noncommercial reasons. Violation of this provision is specified to be a misdemeanor.

### A.B. 826 (chapter 591)

Assembly Bill 826 revises the provisions concerning incorporation of cities pursuant to chapter 266 of NRS known as the "district court" method of incorporation. The bill deletes the requirement that the people who petition for incorporation must be owners of real property within the area to be incorporated and specifies only that they must be residents of the area. However, this portion of Assembly Bill 826 is moot since Assembly Bill 508, which was enacted later in the session, eliminates the district court method of incorporation.

The measure also ratifies the incorporation of the cities of Ely, Fallon, Lovelock, Mesquite and Winnemucca as of the date each city was originally incorporated pursuant to this chapter of the statutes.

## Bills Applying to One Specific Local Entity

### S.B. 63 (chapter 7)

Senate Bill 63 recognizes the architectural and historical significance of Las Vegas High School and restricts the sale and use of the school property. The bill prohibits the Clark County school district from selling, renting or leasing the site of Las Vegas High School, its buildings and its athletic fields unless buildings of historical significance and the open spaces on the campus are preserved and maintained for public use.

Senate Bill 63 becomes effective upon passage and approval.

### S.B. 105 (chapter 24)

Senate Bill 105 amends the charter of the City of Sparks to make the office of the city clerk an appointive position,

LOCAL GOVERNMENTS (continued)

rather than its being an elective official as under the previous city charter. This bill requires the city clerk to be appointed by the city manager, subject to ratification of the city council.

S.B. 219 (chapter 129)

Senate Bill 219 expands the boundaries of the Las Vegas Valley Water District to include most of Clark County, Nevada, except certain outlying areas such as Searchlight, Laughlin and the Moapa Valley area. The expanded boundaries include areas that have agreed to join the service area or are anticipated to join in the future.

S.B. 281 (chapter 350)

Senate Bill 281 makes various changes to the charter of the City of Sparks concerning civil service. This bill provides more detailed provisions pertaining to the notice requirements and the hearing process to determine the reasonableness of an action to dismiss, demote, or suspend a civil employee. The civil service commission is authorized to contract for the services of hearing officers, professional consultants, interpreters or translators and certified shorthand reporters.

The measure also expands the grounds for removal of a member of the charter committee and the civil service commission to include the failure or refusal to perform the duties of the office. The list of prohibited acts--such as discrimination, coercion and retaliation--is expanded and clarified for employees who have the authority to hire, remove, promote or discipline another city employee.

Other changes to the Sparks city charter in the bill include provisions to:

1. Require approval by the city council for proposed amendments to the regulations of the civil service commission; and
2. Restrict examinations for a vacant position to employees of the department if requested by the department head and if the commission determines that an employee of the department is eligible for promotion to the position.

S.B. 289 (chapter 368)

Senate Bill 289 makes various changes in state law relating to the Las Vegas Valley Water District. These changes include the authority to manage a pension plan, specifying a lien procedure for unpaid bills, outlining the responsibilities of the general manager, providing more specific and increased

LOCAL GOVERNMENTS (continued)

penalties, allowing the district to pool securities, and extending reciprocity to the state for the payment of costs associated with restoration and relocation when alterations of water facilities or structures within which they are laid affect one another.

S.B. 422 (chapter 178)

Senate Bill 422 directs the state land registrar on behalf of the State of Nevada to convey to the City of Henderson, Nevada, all state interest in the right of way of the portion of the Boulder City, Nevada, branch line of the Los Angeles and Salt Lake Railroad which lies within the City of Henderson. The bill provides that the City of Henderson may not deny access by any other public body or agency to the right of way.

S.B. 595 (chapter 819)

Senate Bill 595 creates a new Nevada county named Bullfrog County. The measure establishes Carson City as the county seat for Bullfrog County and provides that the governor appoints all county officers if there are fewer than 10 qualified electors residing within the county upon its creation or 6 months prior to any general election. The governor continues to appoint all county officers until the county maintains a total of 10 or more qualified electors as residents continuously for 2 years. He is also authorized to consolidate these offices if he finds that it is in the best interest of the county.

The bill also amends the general statutes concerning counties to allow them to expend money for the benefit of the state and to grant money to the state. It further specifies that a county may regulate and impose a license tax on all industries, occupations, professions and businesses within the county which involve high-level nuclear waste.

Finally, the bill authorizes Bullfrog County to levy ad valorem taxes up to the constitutional limit of \$5 on each \$100 of assessed valuation.

A.B. 6 (chapter 67)

Assembly Bill 6 amends the charter of the City of Henderson. It authorizes the city to acquire, operate and maintain a public airport and railroad. It clarifies that the term of office for a municipal judge is 4 years. The measure also adds to the list of authorized local improvements telephone and transportation projects, aboveground electric and communication facilities and other utility projects that are deemed necessary by the council.

LOCAL GOVERNMENTS (continued)

A.B. 87 (chapter 23)

Assembly Bill 87 realigns the offices of clerk, recorder and treasurer in Carson City, Nevada. The measure specifically amends the city charter to separate the office of clerk from that of treasurer and combine it with the recorder's office.

A.B. 151 (chapter 619)

Assembly Bill 151 authorizes the board of county commissioners in Clark County to convey a certain parcel of land to the Boys Clubs of Clark County, Inc.--a nonprofit corporation.

A.B. 631 (chapter 608)

Assembly Bill 631 provides that each member of the governing board of the Moapa Valley Water District is to be elected by a plurality of the registered voters of the election area in which the candidate resides. Under previous law, each board member had to reside within the portion of the service area which he represented, but he was elected by the voters of the entire district.

The bill specifies that the election areas for the district are the precincts of Moapa-Glendale, Logandale and Overton, but the board may adjust the number of representatives and election areas whenever necessary.

A.B. 671 (chapter 498)

Assembly Bill 671 extends the permitted length of maturity from 5 years to 10 years for short-term negotiable notes and bonds issued by Carson City, Nevada, to finance any project related to the Carson City Senior Citizens' Center.

A.B. 698 (chapter 446)

Assembly Bill 698 increases the maximum allowable revenue for six fire protection districts in Humboldt County, Nevada. The increases authorized are the amount of revenue produced by levying a property tax at specified rates per \$100 of assessed valuation. Before increasing the rates, the districts must each hold a public hearing.

A.B. 812 (chapter 414)

Assembly Bill 812 changes the date from January of each odd-numbered year to July of each even-numbered year for election of officers of the county fair and recreation board in any county whose population is 100,000 or more, but less than 250,000. The original date is retained as it applies to the other county fair and recreation boards in the state.

## LOCAL GOVERNMENTS (continued)

### A.B. 832 (chapter 713)

Assembly Bill 832 removes specified territory from within the boundaries of the incorporated City of Mesa Vista in Clark County, Nevada. The bill provides the legislative declaration for the necessity of this action in order to provide economic balance for the new city and the county.

### Collective Bargaining

#### S.B. 143 (chapter 798)

Senate Bill 143 amends the law relating to collective bargaining by public employees. The bill allows confidential employees to participate in any plan to provide benefits which is administered by the bargaining unit from which they are excluded.

#### A.B. 332 (chapter 593)

Assembly Bill 332 establishes time frames within which hearings must be held and decisions on complaints must be made by the local government employee-management relations board. The measure provides that, if the board determines that a hearing is necessary in association with a complaint, it must be held within 90 days after the board makes this determination. The board is also required to issue its decision within 120 days after the hearing on the complaint is completed.

#### A.B. 417 (chapter 665)

Assembly Bill 417 adds the following subjects to the scope of mandatory collective bargaining for local governments and their employees:

1. Materials and supplies for classrooms; and
2. The policies for the transfer and reassignment of teachers.

#### A.B. 618 (chapter 752)

Assembly Bill 618 repeals the "sunset" provision which, as of July 1, 1987, would have eliminated police officers from the special collective bargaining procedures which apply to firemen and police officers as they negotiate with local governments. Collective bargaining between local governments and their firemen and police officers utilizes the procedures of binding arbitration through the technique known as "last-best offer." The bill adds a provision to require the decision of an arbitrator in a dispute to include a statement specifying the reasons for, and estimated total cost of, his award.

## LOCAL GOVERNMENTS (continued)

### A.B. 665 (chapter 268)

Assembly Bill 665 clarifies the time for mediation and fact-finding for collective bargaining by local government.

The bill allows either party involved in negotiations to request a mediator on or after July 1 but before July 5. If mediation is agreed to by both parties or requested by either party, the mediator must be selected on or before July 5.

The measure also revises one of the time frames associated with a dispute which has been submitted to a factfinder. If the parties do not agree on whether to make the findings and recommendations of the factfinder final and binding, either party may request the formation of a panel. The bill changes from August 10 to October 20 the deadline for the panel to determine whether such findings and recommendations are to be final and binding.

### A.B. 673 (chapter 324)

Assembly Bill 673 permits a city to designate in its charter the proper officer to negotiate collective bargaining agreements with the city's employees.

The bill also amends the charter of the City of North Las Vegas to designate the city manager as the person responsible for these negotiations. It further amends the charter to specify that any agreement resulting from the negotiations must be ratified by the city council.

### A.B. 846 (chapter 640)

Assembly Bill 846 relates to local government collective bargaining. It removes the provision which designates the appropriate person to negotiate on behalf of the local government. The decision in this matter is, therefore, left to the discretion of the local government.

## Miscellaneous Public Affairs

### S.B. 191 (chapter 229)

Senate Bill 191 revises the method for determining the fees and commissions of executors, administrators and testamentary trustees of estates when no compensation is provided by the will.

### S.B. 478 (chapter 345)

Senate Bill 478 makes various changes in state law concerning administration of the estates of deceased persons. The bill requires a notice, by mail, to a decedent's creditors whose addresses and names are readily ascertainable and who

LOCAL GOVERNMENTS (continued)

have not already filed a claim. The bill clarifies the requirements for publication of the notice to creditors and provides a form for that notice and the "notice of the hearing upon the petition to administer the estate." The measure also removes the sanction for failure to give notice to creditors within the prescribed time.

A.B. 116 (chapter 120)

Assembly Bill 116 declares Martin Luther King, Jr.'s birthday to be a legal holiday which is observed on the third Monday in January of each year. In addition, this bill declares the day after Thanksgiving (Family Day) to be a legal holiday. The measure also repeals the authority of the governor to declare additional holidays.

The bill specifies that legal holidays apply to governmental offices of cities. The law previously had declared that these holidays apply only to state and county offices. It also repeals the section of law which had established January 15 of each year as a day on which to memorialize the birthday of Martin Luther King, Jr.

A.B. 136 (chapter 735)

Assembly Bill 136 creates the fund for local cultural activities as a special revenue fund and appropriates \$100,000 to it from the state general fund. The special fund is to be administered by the trustee of the Music Performance Trust Funds in New York City, New York. The bill specifies the conditions and uses of the money in the fund by the trustee which include the support of concerts, operas, ballets and public dances to be held in public facilities and other institutions for which no fee is charged to the public.

A.B. 779 (chapter 321)

Assembly Bill 779 is a statute revisor's bill recommended by the legislative counsel. It makes technical corrections to inappropriate or inaccurate statutory terms and repeals certain obsolete provisions.

A.B. 858 (chapter 700)

Assembly Bill 858 creates the Nevada gift and endowment fund as a trust fund in the state treasury. The fund is administered by a committee consisting of the governor, the state treasurer, and secretary of state.

The contributions which represent the principal of the fund may not be spent, but the bill directs that the interest on the principal is to be used for the greatest good and highest benefit of the majority of the residents of the state.



NATURAL RESOURCES, AGRICULTURE AND MINING, PUBLIC LANDS  
AND LAKE TAHOE

Bill summaries within the topic of "Natural Resources, Agriculture And Mining, Public Lands And Lake Tahoe" are categorized under the following subheadings:

1. Agriculture and Mining;
2. Land Transfers;
3. Wildlife; and
4. Other Bills Generally Related to the Topic.

Agriculture and Mining

S.B. 302 (chapter 755)

Senate Bill 302 relates to identification and abatement of dangerous conditions associated with mines which are no longer operational. The bill establishes a program through which Nevada's department of minerals is directed to:

1. Identify dangerous conditions that result from mining practices which took place at a mine that is no longer operating;
2. Identify, if feasible, the owner or other person responsible for the condition;
3. Rank the conditions found in descending order of danger;
4. Inform each board of county commissioners at least annually of the dangerous conditions and the relative ranking; and
5. Initiate a public education program concerning the hazards associated with mines that are no longer optional.

In order to finance the program, an additional fee of 50 cents per claim is imposed on all filings to which NRS 517.185 applies. The total fee under this section which provides support for the department of minerals is thus increased to \$1.25 per filing.

The bill further requires the commission on mineral resources to provide, by regulation, standards for identifying and ranking hazardous conditions and standards for abating the kinds

## NATURAL RESOURCES (continued)

of dangers usually found. Previously existing statutes provide the boards of county commissioners with the necessary direction and authority to address the dangerous conditions identified through the program.

### A.B. 85 (chapter 83)

Assembly Bill 85 authorizes the state department of agriculture to collect the federal assessment on cattle sold in Nevada (which provides money for promotion of the beef industry). In order to achieve this objective, the bill raises the limit of the existing state fee to \$1 to be consistent with federal law. It also provides that the brand inspectors in the state department of agriculture will collect the fee at the time of sale, which again is consistent with federal law as well as the procedures in the surrounding Western States.

The measure was made effective upon passage and approval.

### A.B. 172 (chapter 16)

Assembly Bill 172 extends by 1 month the length of time for which utilities are required to furnish electricity at lower rates for irrigation pumps. The April 1 starting date for the lower rates is changed to March 1. The bill is made effective upon passage and approval.

### A.B. 285 (chapter 144)

Assembly Bill 285 revises the provision governing the size of the map used for filing lode mining claims. The previously required size of 24 by 32 inches is changed to allow maps of either 8 1/2 by 14 inches or 24 by 36 inches. The objective of the modification is to provide maps which are more easily reproducible.

### A.B. 710 (chapter 343)

Assembly Bill 710 extends from 60 to 90 days the time for approval or rejection of an application to drill or operate a geothermal well. It, likewise, extends from 60 to 90 days the time to provide notice of conflict or necessity of a hearing on the application.

## Land Transfers

### S.B. 418 (chapter 448)

Senate Bill 418 authorizes Nevada's department of transportation to convey a piece of property to the state rural housing authority. The property is located along U.S. Highway 50 adjacent to the Southgate Apartments for low-income senior citizens in Carson City.

## NATURAL RESOURCES (continued)

### S.B. 535 (chapter 524)

Senate Bill 535 authorizes the state land registrar to sell a parcel of property in Washoe Valley east of Washoe Lake. If the property is sold, the proceeds are to be placed in the wildlife account in the state general fund and may only be used for the purchase of wetlands, wetland associated with water rights or other habitat for wildlife.

### S.B. 571 (chapter 523)

Senate Bill 571 authorizes the department of transportation to transfer the roadside rest area at the Bellview interchange on U.S. Highway 395 in Washoe Valley, Nevada, to the State of Nevada so that it may be assigned to the division of state parks in the state department of conservation and natural resources.

### S.B. 572 (chapter 526)

Senate Bill 572 authorizes the department of transportation to transfer a parcel of approximately 1.48 acres along U.S. Highway 50 in Carson City, Nevada, to the State of Nevada for assignment to the state's department of the military for use and administration.

### S.B. 573 (chapter 525)

Senate Bill 573 authorizes the department of transportation to transfer a parcel of approximately 1.89 acres near Bowers Mansion in Washoe County, Nevada, a parcel of approximately 8.54 acres in Pioche, and two lots in Deeth in Elko County to the State of Nevada for assignment to the division of forestry in the state department of conservation and natural resources. The division of forestry is already using these former highway maintenance facilities as fire stations.

### S.B. 574 (chapter 514)

Senate Bill 574 authorizes the department of transportation to transfer a parcel of approximately 3.83 acres along U.S. Highway 50 in Carson City, Nevada, to the state for assignment to the Nevada state museum for use and administration.

## Wildlife

### S.B. 324 (chapter 605)

Senate Bill 324 creates an advisory board on guides, consisting of five members appointed by the governor who are Nevada residents and licensed as guides by the department of wildlife. The bill outlines the geographic distribution of the board's membership and provides that the appointments are to be made from lists of names submitted by the Nevada Outfitting and Guide Association. The board is directed to

## NATURAL RESOURCES (continued)

advise the department of wildlife on matters relating to issues which affect outfitting and guide services.

The bill stipulates that a person who acts as a guide without a license is guilty of a gross misdemeanor. It also provides that any vessel, vehicle, aircraft, pack or riding animal or other equipment used by a person violating the license requirement is subject to forfeiture upon conviction of a gross misdemeanor, if the person knew or should have known that the equipment would be used in violation of the law.

### S.B. 325 (chapter 274)

Senate Bill 325 makes several changes to the laws relative to hunting in the state. It changes the age threshold for the hunter training course which is required before issuance of a hunting license. The stipulation that persons under the age of 21 must take the course is modified to require that people born after January 1, 1960, are subject to the requirement.

The bill also requires people who are involved in hunting accidents to file an accident report with the department of wildlife. The department is directed to revoke for at least 2 years the license of any person who is convicted of violating the restrictions upon carrying a loaded rifle or shotgun in a vehicle or discharging a firearm from a highway or road, if the violation results in an injury to or the death of another person. The measure also limits the exemption from the prohibition against carrying a loaded rifle or shotgun in a vehicle by providing that peace officers must be on duty or going to or returning from duty in order for the exemption to apply to them.

### S.B. 326 (chapter 264)

Senate Bill 326 modifies the laws relative to wildlife in the State of Nevada.

The definition of the term "wildlife" is expanded to include mollusks and crustaceans. The fees for certain licenses are revised, and a permit is required to maintain a collection of wild animals. The law relative to fur dealers is clarified to indicate that a license from the department of wildlife is required only if the person deals in "raw" skins or pelts.

The bill also authorizes the board of wildlife commissioners to regulate the possession, cultivation and propagation of wildlife for commercial and noncommercial purposes. Thus,

## NATURAL RESOURCES (continued)

the statutory sections which specified the provisions associated with these types of activities in law are repealed.

### S.B. 327 (chapter 604)

Senate Bill 327 amends several provisions of law relating to hunting, fishing and wildlife management. The bill reduces from 2 years to 1 year the length of time that the wildlife commission may deny a person a license if he fails to return a required report or questionnaire. It also allows the commission to levy a \$50 administrative fine in these situations.

The bill establishes a procedure for issuance of a duplicate tag to a person who does not receive his tag through the mail. It provides a \$40 fee for a nonresident, 10-day permit to hunt upland game and waterfowl, and it raises from \$3 to \$5 the maximum fee for processing a resident big game tag. The measure also specifies that stale warrants which were originally drawn upon the wildlife account are to be credited back to that account, and it appropriates \$28,615.84 to reimburse the wildlife account for previous stale warrants that were credited to the state general fund.

### A.B. 547 (chapter 260)

Assembly Bill 547 authorizes the board of wildlife commissioners to issue an additional bighorn sheep tag each year. The bill, thus, increases the number of bighorn sheep hunting tags which the commission may make available each year from one to two.

### A.B. 870 (chapter 506)

Assembly Bill 870 authorizes the board of wildlife commissioners to declare 1 day per year as a day upon which people may fish without a license.

## Other Bills Generally Related to the Topic

### S.B. 81 (chapter 177)

Senate Bill 81 establishes policy for the use of state lands. It declares that state lands are to be used in the best interest of the residents of the state, and to that end the lands may be used for recreational activities, the production of revenue and other public purposes. The bill further declares that state agencies, in determining the best uses of state lands, are to give primary consideration to the principles of multiple use and sustained yield insofar as the status and the resources of the lands permit.

## NATURAL RESOURCES (continued)

### S.B. 244 (chapter 156)

Senate Bill 244 removes the requirement that areawide waste management plans be updated annually and allows county officers to revise the plan as often as they deem necessary. The bill also transfers the duty to review these plans from Nevada's department of human resources to the state department of conservation and natural resources. The bill only applies to Clark County, because it is the only county which meets the population criteria for application of the county sewage and waste water law in chapter 244A of NRS.

### S.B. 308 (chapter 170)

Senate Bill 308 makes technical corrections to the statutes which provide for Nevada's participation in the nationally recognized coordinate system for land surveying when that system is published for the state.

### S.B. 441 (chapter 248)

Senate Bill 441 designates sandstone as the official state rock of the State of Nevada.

### S.B. 566 (chapter 444)

Senate Bill 566 directs Nevada's state board of examiners to levy an ad valorem tax upon all taxable property in the state. The purpose of the tax is to finance the bonds issued for the acquisition of land and erosion control in the Tahoe Basin. The tax must be levied in the fiscal year 1988-1989 and each year thereafter until the bonds have been paid.

The measure allows the state land registrar, with the approval of the legislature's interim finance committee and the state board of examiners, to transfer, sell, exchange or lease lands or interest in lands acquired to other federal or state agencies, local governments, nonprofit organizations and natural persons. In addition, the bill authorizes the state land registrar to carry out the program for erosion and mitigation and prevention of pollution in the Tahoe Basin.

The bill also clarifies the prices which the state land registrar may offer to pay and accept for the purchase of land within the Basin.

### A.B. 5 (chapter 22)

Assembly Bill 5 proposes amendments to the bistate Tahoe Regional Planning Compact. Because the changes contained in the bill have already been approved by the State of California, Nevada's enactment and approval of Congress are necessary before the amendments become effective.

## NATURAL RESOURCES (continued)

The major proposed amendment is a change in the composition of the Nevada delegation serving on the governing board of the Tahoe Regional Planning Agency. The existing Nevada membership consists of three representatives of local governments, one member appointed by the governor, the secretary of state, the director of the state department of conservation and natural resources, and a seventh member appointed by the other six members of the delegation. The proposed structure would include three representatives of local governments, two members appointed by the governor, one member appointed by the majority leader of the senate, and one member appointed by the speaker of the assembly.

The bill also authorizes the legislative appointees to designate alternates to serve on the governing board in their absence.

### A.B. 198 (chapter 39)

Assembly Bill 198 corrects an inaccurate statutory reference to the federal agency which is responsible for regulating pesticides. The reference is changed from the United States Department of Agriculture to the U.S. Environmental Protection Agency.

### A.B. 316 (chapter 204)

Assembly Bill 316 designates the "Virgin Valley black fire opal" as the official state precious gemstone and the "Nevada turquoise" as the official state semiprecious gemstone.

### A.B. 494 (chapter 822)

Assembly Bill 494 relates to planning in the Fort Mohave Valley Area and priorities for use of money from the Fort Mohave Valley development fund.

The bill specifies that the Colorado River Commission must undertake engineering, planning and developmental studies, and any other actions that may be necessary for the development of the Fort Mohave Valley. The commission is required to obtain the concurrence of the relevant local government that a proposed development or disposal of land is consistent with the local master plan, or constitutes an acceptable revision of the master plan, and is consistent with the plans and projects of any relevant special districts. The measure further requires that any such development or disposal must comply with local planning-related regulations and ordinances.

The measure also outlines the procedures to be used for allocation of money from the Fort Mohave Valley development fund. It provides a basic allocation and a system through

## NATURAL RESOURCES (continued)

which the legislative commission approves the annual program for the use of the remaining money available to develop state and local capital improvements. The measure further specifies the order of priority and magnitude of grants which the Colorado River Commission may make to state and local entities for planning and development of facilities in the area.

### A.B. 542 (chapter 265)

Assembly Bill 542 amends the provisions of the state laws relative to beekeeping. The bill expands the specific examples associated with the definition of the term "disease" as it relates to bees. It also authorizes the executive director of the state department of agriculture to impose a civil penalty of not more than \$500 for a violation of the law, and it changes the fees related to registration of bee colonies.

The bill clearly authorizes the department to proclaim a quarantine if an inspection discloses disease. It also specifies the procedures associated with bringing bees into the state, feeding of queen bees when being transported, and inspection of queen-rearing hives.

### A.B. 668 (chapter 347)

Assembly Bill 668 designates the bristlecone pine (*Pinus aristata*) as one of two official state trees of the State of Nevada. This tree shares the designation with the single-leaf pinon.

The bristlecone pine is found in high mountainous areas throughout much of the state, and its older specimens, some exceeding 4,000 years of age, are the oldest living things on earth. Nevada is the first state to designate the bristlecone pine as its official state tree.

The bristlecone pine is more widespread in Nevada than in any other state. Stands of this tree are found in approximately 20 different mountain ranges in Nevada. It is estimated that the total number of individual trees in the state exceeds 100,000.

PUBLIC OFFICERS AND EMPLOYEES AND  
PUBLIC EMPLOYEES' RETIREMENT

Bill summaries within the topic of "Public Officers And Employees And Public Employees' Retirement" are categorized under the following subheadings:

1. Public Employees' Retirement; and
2. Other Bills Generally Related to the Topic.

Public Employees' Retirement

S.B. 240 (chapter 186)

Senate Bill 240 increases the maximum retirement allowance of public employees who retired before July 1, 1977, by providing that they are entitled to a benefit of up to 75 percent of their average compensation.

S.B. 292 (chapter 221)

Senate Bill 292 authorizes retired public employees, and the spouses of retired public employees who are deceased, to request reinstatement of any insurance, except life insurance, which was provided at the time of the employee's retirement. The measure provides that the insurer must approve or disapprove the request for reinstatement within 90 days after the date of the request.

The bill also permits a dependent of a retired public employee to continue coverage under group medical insurance after the death of the retired employee.

S.B. 393 (chapter 315)

Senate Bill 393 relates to public employees' retirement. It revises the procedures for selecting a retirement option and a spouse's consent to the option chosen. The bill also specifies the procedures associated with the handling of unclaimed benefits or refunds, and it modifies the provisions governing the refund of members' contributions.

The bill also limits the liability of the public employees' retirement system for damages resulting from errors or omissions concerning the deductions and payment of premiums for retired employees who have chosen to continue their group insurance or medical and hospital service coverage.

S.B. 586 (chapter 513)

Senate Bill 586 temporarily revises the rate of contribution to the public employees' retirement fund and the police and fireman's retirement fund for fiscal years 1987-1988 and 1988-1989. This bill requires that the contribution rate

PUBLIC OFFICERS (continued)

be increased by one-quarter of 1 percent, cumulative, on July 1, 1987; October 1, 1987; January 1, 1988; April 1, 1988; July 1, 1988; October 1, 1988; January 1, 1989; and April 1, 1989. The temporary contribution rate increases are in lieu of those required by NRS 286.465.

S.B. 589 (chapter 784)

Senate Bill 589 makes technical corrections to Senate Bill 586 of the 1987 legislative session relating to the rate of contribution to both the public employees' retirement fund and the police and firemen's retirement fund.

A.B. 22 (chapter 49)

Assembly Bill 22 provides for including property that is subject to use tax in the formula for calculating increases in rates of contribution to the public employees' retirement fund and the police and firemen's retirement fund. The bill was made effective upon passage and approval.

A.B. 232 (chapter 155)

Assembly Bill 232 establishes a procedure for determining the positions which are eligible to participate in the early retirement program for police officers and firemen. The bill requires that the public employees' retirement board, with the advice of the interim retirement committee:

1. Adopt regulations for the evaluation of requests for enrollment under the police and firemen's retirement fund; and
2. Determine those positions which are eligible for early retirement benefits under the relevant provisions for police officers and firemen.

The measure also directs the board to allow any member who is serving in a position for which he is enrolled in the early retirement program on July 1, 1987, to continue to be eligible for early retirement as long as he remains in that position.

A.B. 256 (chapter 366)

Assembly Bill 256 increases the maximum number of years from 20 to 22 years of service for which a justice of the supreme court or district judge may earn credit for the calculation of his pension. The measure also changes from two-thirds to three-fourths the percentage of his last year's salary which the judge may receive as pension.

PUBLIC OFFICERS (continued)

A.B. 257 (chapter 184)

Assembly Bill 257 provides for payments to a child of a deceased justice of the supreme court or district judge in accordance with corresponding payments for the child of a deceased member of the public employees' retirement system.

A.B. 258 (chapter 351)

Assembly Bill 258 authorizes partial payment of a pension to a surviving spouse of a justice of the supreme court or a district judge when the spouse is not eligible for full benefits.

A.B. 390 (chapter 651)

Assembly Bill 390 changes the composition of the public employees' retirement board. The basic number of seven members is retained. In addition to modifying the criteria associated with the choice of members for each position, however, the bill provides that all of the members of the board must have had at least 10 years of service as employees of the state or its political subdivisions and must be active members of the retirement system. It also specifies that none of the members of the board may be elected officers of the state or its political subdivisions.

A.B. 512 (chapter 664)

Assembly Bill 512 increases from \$750 to \$1,150 per month the amount of benefits for the surviving spouse of a justice of the supreme court or a district judge who was receiving a pension for judicial service.

A.B. 792 (chapter 391)

Assembly Bill 792 increases the amount payable by the state for group insurance for its retired employees. The amount is set at \$41.61 per month for fiscal year 1987-1988 and \$52.10 for fiscal year 1988-1989.

A.B. 848 (chapter 538)

Assembly Bill 848 authorizes the director of the department of administration to pay any valid claim to reimburse public employees for amounts incorrectly deducted from their salaries for retirement contributions.

Other Bills Generally Related to the Topic

S.B. 57 (chapter 785)

Senate Bill 57 makes various changes in the law relating to ethics in government.

The bill clarifies the definition of a "public officer" by specifying that "the exercise of a public power, trust or

## PUBLIC OFFICERS (continued)

duty" by a public officer includes the exercise of administrative discretion in the formulation of public policy, the expenditure of public money, and the enforcement of laws and rules of the state, a county or a city. The bill further specifies that "public officer" does not include a member of a board of trustees of a general improvement district or special district whose duties do not include budgeting or authorizing the expenditure of the district's money.

The measure expands the authority of the commission on ethics to render an opinion upon request from a public officer or employee seeking guidance related to his past and present conduct, as well as future conduct as a public officer or employee. The meeting on such an opinion must be open to the public if the public officer or employee who requested the opinion so desires. The commission is not required to hold its quarterly meeting if no requests are made for advisory opinions. In addition, the bill specifies that opinions of the commission on ethics may not include guidance on the campaign practices law.

In addition, the measure requires the secretary of state to retain the financial disclosure statements of elective and appointive public officers for 6 years after the date of filing.

The bill also revises the provision which prohibits a state legislator from having an interest in most contracts let by the State of Nevada. It allows a legislator to enter into a contract with the state if the sources of supply for the item or service are limited, open competitive bidding is used, he has not helped develop contract specifications and he is not involved in the consideration or decision regarding the bid.

Finally, the bill repeals the definition of "financial interest" in the state ethics law and substitutes the term "significant pecuniary" for "financial" in other portions of that law. (These modifications are necessary to avoid conflict with the state's disclosure law and to allow the ethics commission to act on a case-by-case basis.)

### S.B. 120 (chapter 716)

Senate Bill 120 increases the amount of compensation paid to state employees to encourage continuity of service by extending the maximum years of service for this pay from 20 to 30 years. The bill appropriates \$89,323 in fiscal year 1987-1988, and \$110,391 in fiscal year 1988-1989, to the state board of examiners for distribution to state agencies for the additional costs of this measure.

PUBLIC OFFICERS (continued)

S.B. 161 (chapter 214)

Senate Bill 161 restricts the employment of temporary and part-time employees within the state personnel system. The director of the department of personnel is required to adopt regulations for the certification of qualified persons for temporary service.

The bill allows an agency to appoint persons temporarily for less than 160 cumulative hours during any calendar year without regard to the director's regulations. However, this provision does not apply to temporary or part-time service by:

1. A person in his last 2 years of high school;
2. A student employed by his college or university;
3. A handicapped person certified for temporary service under the law;
4. An events center employee of the University of Nevada System; and
5. Persons employed periodically by the University of Nevada System for student registration.

S.B. 329 (chapter 266)

Senate Bill 329 requires a "cooling off" period of 1 year before an outgoing member of the public service commission of Nevada, state gaming control board or Nevada gaming commission may accept employment in the industry he had regulated. These provisions do not apply to the employment of any person who served as a member of any one of these three entities on or before July 1, 1987, unless on or after that date the person is appointed to serve as a member of another one of these entities.

S.B. 502 (chapter 308)

Senate Bill 502 authorizes a leave of absence without pay for any person in the state's classified service who accepts a position in the legislative branch. The bill also specifies the procedures for paying the benefits earned by a person who is granted such a leave of absence to permit his acceptance of an appointive position in the state's unclassified service or a position in the legislative branch.

S.B. 597 (chapter 769)

Senate Bill 597 makes various appropriations from the state general fund and the highway fund to the state board of examiners for increases of approximately 3 percent in the

PUBLIC OFFICERS (continued)

salaries of state public employees, University of Nevada System personnel and teachers. The bill includes criteria and appropriations for additional salary increases of up to 3 percent in fiscal year 1988-1989 based on the projected unappropriated balance of the state general fund as of June 30, 1988.

A.B. 90 (chapter 332)

Assembly Bill 90 authorizes the state board of examiners to establish reasonable rates for expenses of state employees on public business outside of the United States. These rates are specifically to allow the employee to purchase the same quality of food as the domestic rate allows.

A.B. 103 (chapter 610)

Assembly Bill 103 clarifies the standard regarding misconduct of public officers by making certain technical changes and removing duplicative provisions of the statutes. The bill requires payment of restitution by the public officer to the employing governmental entity in the amount of any commission, personal profit or compensation resulting from an unlawful contract or transaction. An exception is provided for legislators who are covered under another provision of the law in NRS 218.605.

A.B. 133 (chapter 687)

Assembly Bill 133 entitles employees of the department of prisons or the division of forestry of the state department of conservation and natural resources at the southern Nevada correctional center, the southern desert correctional center, the Indian Springs conservation camp or the proposed Jean conservation camp who live more than 25 miles away from work to receive \$6 each day they report to work as compensation for travel expenses.

A.B. 596 (chapter 745)

Assembly Bill 596 expands the scope of federal tax deferral programs which may be considered for inclusion in the state employees' deferred compensation program. The bill specifies that one of the options is available through agreement of the board of regents and the employees of the University of Nevada System without having to be approved by Nevada's committee on deferred compensation for state employees.

A.B. 722 (chapter 579)

Assembly Bill 722 relates to health insurance for state employees and their dependents. The bill addresses the situation when a state employee or his dependent incurs an illness or injury which would be covered under the state health

PUBLIC OFFICERS (continued)

program, but the illness or injury is incurred under circumstances through which a third party is legally liable to pay all or part of the costs of the necessary medical services. The bill provides that, in this situation, the state health program is subrogated to the right of the employee and may join, intervene in, or initiate an action to enforce the legal liability of the third party.

A.B. 891 (chapter 787)

Assembly Bill 891 increases the maximum amount of the annual salary for numerous officials and employees in the unclassified service in the executive branch of state government and in the supreme court. The bill appropriates \$559,762 from the state general fund and \$34,258 from the state highway fund in each year of the next biennium to the state board of examiners to reimburse agencies for these increased salaries.



## PUBLIC SAFETY

### S.B. 53 (chapter 122)

Senate Bill 53 adopts the most recent versions of the Uniform Building Code, Uniform Plumbing Code, and the National Electrical Code as the minimal standards of workmanship which contractors must meet in parts of the state which have no local building or construction code. The statutes previously referred to versions of these three codes published before 1985.

### S.B. 62 (chapter 816)

Senate Bill 62 limits the authority of the state fire marshal within the state fire marshal division, department of commerce, to enforce regulations and conduct investigations so that it only applies in counties with populations of less than 25,000 people and in larger counties upon request. Previously, this threshold had been counties with populations of less than 100,000.

The bill also limits the state fire marshal's responsibility to establish standards of safety and conduct investigations associated with retrofitting of existing structures to counties with populations of less than 25,000 rather than the previous threshold of 100,000. The membership of the state's board of fire safety is also changed to reflect this modified threshold.

### S.B. 69 (chapter 109)

Senate Bill 69 makes it unlawful to prohibit a person with a physical handicap from using a lifesaving device in a public swimming pool. The handicapped person must present a signed statement from a physician indicating that he needs to use the device.

### S.B. 152 (chapter 480)

Senate Bill 152 requires the driver and passengers in private passenger motor vehicles to wear safety belts. The penalty for a violation of this requirement is a fine of not more than \$25 or a sentence to perform a certain number of hours of community work. However, the bill provides for secondary enforcement so that a person may be cited for the safety belt requirement only when he is stopped for another suspected violation or offense.

The bill specifies that a violation of the safety belt requirement is not a moving traffic violation and may not be considered as negligence or as a causation in any civil action, or as a misuse or abuse of any product or as a causation in any product liability action.

Exemptions from the safety belt requirement are provided for medical reasons, vehicles not required by federal law to be

PUBLIC SAFETY (continued)

equipped with safety belts, postal employees, delivery vehicles that stop frequently and do not exceed 15 miles per hour, and passengers riding on public transportation. In addition, the department of motor vehicles and public safety is authorized to exempt motor vehicles or seating positions from the requirement when compliance would be impractical.

The bill further requires Nevada's superintendent of public instruction to conduct a study to determine whether school buses should be equipped with seat belts, additional padding or any other safety restraints. The superintendent is required to submit a report and any recommended legislation to the 65th session of the Nevada legislature.

The measure includes, however, a provision for the expiration of the safety belt requirement if the Secretary of the United States Department of Transportation uses this act as a basis for rescinding the federal standard which requires manufacturers to install automatic restraints in new, private passenger motor vehicles.

S.B. 310 (chapter 800)

Senate Bill 310 makes a number of changes in state law pertaining to emergency medical services. An "advanced emergency medical technician" is defined as a person trained in advanced emergency medical care in a program approved by the state board of health. The person also must be certified by the state health officer as having satisfactorily completed the training program. A similar definition is provided for "emergency medical technician," except that it requires training in basic emergency medical care.

In a county having a population of 250,000 or more, the county or district board of health is directed to adopt regulations for the administration of chapter 450B of NRS covering emergency medical services, subject to approval of the state board of health. Such a county or district board of health is allowed to perform all duties and exercise all powers of Nevada's health division of the department of human resources pursuant to this chapter.

Among other things, the bill also provides immunity from civil liability for certain emergency medical attendants and registered nurses who provide or assist in the provision of emergency medical care.

S.B. 369 (chapter 634)

Senate Bill 369 adds a new section to the state's planning and zoning laws. It mandates county and city governing bodies to require by ordinance that owners of apartment complexes place the street address numbers on the complexes so

PUBLIC SAFETY (continued)

that police, fire and other emergency response persons can readily locate individual dwelling units within the complexes. It further directs the local governments to require by ordinance that commercial shopping centers place on the back door of each business in the center a number identifying that business.

S.B. 544 (chapter 430)

Senate Bill 544 prohibits a person from intentionally interfering with the response to an emergency, including interference with the vehicles, equipment, or animals used by a member of a search and rescue organization who is responding to an emergency. The penalty for such interference is to be proportional to the offense, but in no case less than the penalty for a misdemeanor. The bill also adds members of search and rescue teams to the list of public officers whose lawful orders must be obeyed at the scene of a fire or other emergency.

S.B. 584 (chapter 737)

Senate Bill 584 directs the Nevada Association of Counties to conduct a comprehensive study of programs to prevent and repress wildfires and restore burned areas. The bill specifies the elements of the study and appropriates \$40,000 for its completion.

S.B. 588 (chapter 781)

Senate Bill 588 authorizes the use of posts, structures or natural objects painted with fluorescent orange paint as a notice against trespassing or as a warning of danger. The bill specifies factors associated with the location of the posts, structures or natural objects and the size of the painted surface necessary to constitute a notice.

A.B. 98 (chapter 121)

Assembly Bill 98 limits the civil liability of fire departments, chiefs of fire departments, and law enforcement agencies. Under this bill, a fire department or law enforcement agency is not liable for the negligent acts or omissions of its firemen or officers or any other person called to assist it unless the fireman, officer or other person affirmatively caused harm or made a specific promise or representation which was detrimental to someone. This protection against liability also applies to the individual officers, employees or volunteers of such a department or agency.

A.B. 229 (chapter 60)

Assembly Bill 229 eliminates the requirement that group supervisors of the Nevada girls training center and the

Nevada youth training center be certified by the peace officers standards and training committee.

A.B. 344 (chapter 783)

Assembly Bill 344 creates the Skier Safety Act by adopting comprehensive requirements for the respective responsibilities of skiers and operators of areas for skiing. The bill defines terms, establishes duties and restrictions for skiers, and sets out the responsibilities of ski operators.

The measure provides for misdemeanor penalties and authorizes ski lift operators to revoke the license or privilege to ski of a person who violates any aspects of the Ski Safety Act. The bill also specifies that its provisions do not prohibit any county, city or unincorporated town from enacting an ordinance regulating skiers or skiing operators.

A.B. 385 (chapter 500)

Assembly Bill 385 expands the list of persons who may administer a blood test to determine the alcohol content or the presence of a controlled substance which may be admissible in any hearing or criminal action concerning driving while intoxicated. The bill enables emergency medical technicians, medical laboratory assistants, technologists and physicians' assistants to withdraw blood.

The measure requires that these persons be authorized to withdraw blood by the appropriate state medical certifying or licensing agency. It also extends existing provisions for immunity from civil and criminal liability to these persons.

A.B. 558 (chapter 624)

Assembly Bill 558 clarifies the status of mobile homes in state law concerning the crime of arson.

The bill also increases the penalty for a false fire alarm. If the act is not malicious and does not result in another person suffering death or substantial bodily harm, the penalty is declared to be a gross misdemeanor.

A.B. 643 (chapter 395)

Assembly Bill 643 amends the state's law which allows the department of motor vehicles and public safety to issue permits for the operation of certain authorized emergency vehicles. This bill adds to the list supervisory vehicles which are:

1. Marked and used to coordinate and direct the response of ambulances to emergencies;

PUBLIC SAFETY (continued)

2. Privately owned by a licensed ambulance operator; and
3. Operated under contract with a local governmental agency and at the request of its law enforcement agency or fire department.

A.B. 801 (chapter 638)

Assembly Bill 801 revises the time for submitting budgetary information of metropolitan police departments. This bill primarily adds a month to the schedule for submission and approval of the departments' budget plans.



## PUBLIC UTILITIES

### S.B. 43 (chapter 3)

Senate Bill 43 increases the authority of the Colorado River commission to issue bonds from a limit of \$45 million to \$100 million for projects relating to the power plant at Hoover Dam. This increase in bonding authority is necessary to provide advance funding for the Federal Government to upgrade the generators at the power plant to provide more capacity. The bonds are to be repaid by revenue derived from the sale of electricity. This measure becomes effective upon passage and approval.

### S.B. 64 (chapter 821)

Senate Bill 64 eliminates the requirement for the governor to ratify contracts or agreements by the Colorado River commission for the transmission or sale of supplemental or short-term power to a holder of a long-term firm contract with the state for power. The supplemental power must be procured by the commission from a prearranged source and secured by the holder for his own use.

### S.B. 184 (chapter 234)

Senate Bill 184 makes a person who injures or destroys the property of a public utility liable for the direct and indirect cost of the repair or replacement of the property.

### S.B. 435 (chapter 707)

Senate Bill 435 eliminates the prohibition against the consideration of certain applications for rate changes by the public service commission of Nevada. The bill repeals the previous law which specified that the commission could not consider an application by a public utility if the justification included any items of expense which were set forth as justification in another pending application, were the subject of pending litigation, or have been considered and disallowed by the commission or a district court.

### S.B. 449 (chapter 319)

Senate Bill 449 requires natural gas utility companies with an annual operating revenue in Nevada of more than \$10 million to submit plans to the public service commission of Nevada which describe:

1. The anticipated demand for natural gas made on the utility's system by its customers;
2. The estimated cost of supplying natural gas to meet the demand as well as the means by which the utility proposes to minimize that cost; and

PUBLIC UTILITIES (continued)

3. The sources of planned acquisitions of natural gas, including an estimate of the cost and quantity of the acquisitions to be made from each source and an assessment of the reliability of the source.

The commission is responsible for providing the procedure and schedule for and the contents and method of preparing, reviewing and approving the plan.

S.B. 456 (chapter 420)

Senate Bill 456 changes the deadline by which a public utility which supplies electricity must submit periodic plans to increase its supply or decrease its demand. The deadline is changed from July 1 of every even-numbered year to July 1 of every third year, in the manner specified by the public service commission of Nevada.

S.B. 491 (chapter 518)

Senate Bill 491 requires a person who is excavating or demolishing structures to notify the public utility company in advance if an underground line of the utility is located in the excavation area. The bill also allows utilities to use a common association for the receipt of this notification. The measure further specifies that any person who substantially complies with its provisions is not liable for the cost of repairing damage to an underground utility which results from his excavation or demolition.

A.B. 63 (chapter 115)

Assembly Bill 63 adds the condition under which a telephone system owned and managed by a county government may extend its services into another county. The bill allows such an extension of services if the proposed operations are not within the scope of activities regulated by the public service commission of Nevada, or the extended services are competitive and regulation by the public service commission of Nevada is, therefore, unnecessary.

The act was made effective upon passage and approval.

A.B. 95 (chapter 236)

Assembly Bill 95 requires local governments to forward to the public service commission of Nevada, for informational purposes only, copies of the tentative maps of subdivisions which will provide water or sewer services and are subject to the provisions of NRS 704.679. Section 704.679 of NRS stipulates that local governments may not grant approval of a final map for a subdivision unless and until approval in

## PUBLIC UTILITIES (continued)

writing has been given by the commission. The bill also requires the public service commission of Nevada to acknowledge receipt of the tentative map within 15 days.

### A.B. 97 (chapter 207)

Assembly Bill 97 amends the laws concerning regulation of public utilities which supply water or sewer services. The bill stipulates that providers of these services are exempt from regulation by the public service commission of Nevada if:

1. They serve 25 persons or less; and
2. Their gross sales of water and/or sewer amounted to \$5,000 or less during the immediately preceding 12 months.

Under current law, a provider must meet only one of the criteria to be exempt from regulation.

The bill also raises the threshold below which a utility is subject to simplified procedures for change of rates. The criterion relative to number of people served is changed from 1,200 or less to 2,000 or less. The gross sales factor is raised from \$150,000 or less to \$500,000 or less during the previous 12-month period.

When a public utility serving water and/or sewer is placed in receivership, the bill specifies that the receiver has the power to petition for relief in bankruptcy and to sell or transfer the assets of the utility for the benefit of its creditors.

### A.B. 447 (chapter 303)

Assembly Bill 447 revises the provisions requiring a hearing for proposed changes of rates by a public utility furnishing telephone service. Under this legislation, the public service commission of Nevada is required to determine whether a hearing must be held when a proposed change of telephone rates or practices will result in an increase in annual gross revenue of \$50,000 or 10 percent of the applicant's gross revenue, whichever is less.

### A.B. 536 (chapter 382)

Assembly Bill 536 relates to fees charged by the public service commission of Nevada. The bill imposes a penalty of 10 percent of the amount of the fee plus interest for late payment of fees by the operator of a tow car, taxicab or warehouse.

PUBLIC UTILITIES (continued)

A.B. 871 (chapter 806)

Assembly Bill 871 eliminates the limitation that a county could not grant a franchise to certain public utilities to be located in unincorporated towns without receiving a petition signed by a majority of the resident taxpayers of the town. These utilities related to street railway, electric light, heat, power, gas, water, telephone and telegraph services.

## PUBLIC WELFARE

### S.B. 27 (chapter 616)

Senate Bill 27 requires that the welfare division of Nevada's department of human resources expand its joint capitated Medicaid project with the school of medicine of the University of Nevada. The measure requires that the project increase its capacity from the present maximum of 5,000 participants to 10,000 participants by July 1, 1991. The measure also requires the University of Nevada System to continue its program to provide medical assistance to indigent children.

The bill contains an appropriation of \$400,000 to support the expansion of the Medicaid project, and \$100,000 for continuation of the program for indigent children.

### S.B. 103 (chapter 289)

Senate Bill 103 authorizes the welfare division of the department of human resources to charge fees for placing children for adoption or conducting background investigations of prospective adoptive parents. The money is to be used to pay the costs of adoptive or post-adoptive services. The division may waive the fee if the adoptive parents are unable to pay it or the needs of the child require the waiver.

### S.B. 104 (chapter 534)

Senate Bill 104 requires the welfare division of the department of human resources to investigate the background and history of applicants for a license to conduct a foster home, prospective employees of applicants, and persons over 18 years of age residing in the prospective foster home. This investigation is intended to determine whether persons who will be coming into direct contact with foster children have been arrested for or convicted of any crime.

The bill imposes the same requirements on those persons presently holding a license to conduct a foster home, their employees and persons over 18 years of age residing there. The measure also makes an appropriation of \$34,372 for fiscal year 1987-1988 and \$15,412 for FY 1988-1989 to implement the program.

### S.B. 468 (chapter 731)

Senate Bill 468 creates a presumption of the transfer of assets under certain circumstances for determining the eligibility of married people for assistance under the state plan for the medically indigent. The bill declares that these assets are deemed to have been transferred if the person applying for assistance is considered to be living separately from his spouse, and he has entered into a written

agreement with his spouse dividing their assets. The welfare division in the department of human resources is required to advise each applicant for assistance of his options and rights under the bill.

A.B. 130 (chapter 823)

Assembly Bill 130 requires the welfare division of Nevada's department of human resources to establish an education and training program for persons receiving Aid to Dependent Children. Recipients are required to participate in the program as a condition of being eligible to receive aid. The education and training program must include provisions for:

1. Assistance for recipients in career planning;
2. An increasingly responsible job training program by employers;
3. Education and skills development;
4. Job placement;
5. Health insurance coverage if necessary; and
6. Child care and transportation subsidies.

This measure further provides for industrial insurance coverage for people who participate in the education and training programs.

A.B. 192 (chapter 692)

Assembly Bill 192 provides a procedure for the distribution of community service block grant funds. The bill charges the director of the office of community services with the responsibility for distributing these funds. The bill specifies that the funds are to be used for the amelioration of the causes of poverty within the state.

The measure provides general criteria for evaluating applications for grants. The interim finance committee is required to hold a hearing annually to receive public comments on the proposed plan for distributing funds for the next fiscal year. The director may spend up to 5 percent or \$55,000 of the grant funds for administration. Ninety percent must be distributed to eligible applicants. The remainder may be spent in any way not inconsistent with the terms of the federal grant. The director is required to report to the legislature the allocation of grant funds.

A.B. 227 (chapter 657)

Assembly Bill 227 repeals chapter 431 of NRS. The provisions of the chapter, which were obsolete, pertained to residential care facilities for groups and certain administrative procedures of the welfare division of the department of human resources.

A.B. 377 (chapter 359)

Assembly Bill 377 defines a "helping dog" as a dog trained in a school approved by the rehabilitation division of the department of human resources to assist a physically handicapped person. These dogs are to be identified by a blaze orange dog leash. The bill also grants helping dogs the same access to rental dwellings, public accommodations, public transportation, and other areas open to the public which the law grants to guide dogs and hearing dogs.

The bill makes it a misdemeanor for a person who is not visually, aurally or physically handicapped to use a blaze orange dog leash.

A.B. 500 (chapter 694)

Assembly Bill 500 requires that any information obtained by the welfare division of Nevada's department of human resources in an investigation of a provider of services under the state Medicaid plan remain confidential except when presented as evidence at a hearing. The measure further authorizes the division to appoint a hearing officer, adopt regulations and proscribe the hearing process. It also establishes a process for appeal of the hearing officer's decision.

A.B. 541 (chapter 584)

Assembly Bill 541 establishes a "board to distribute money to organizations providing shelter for homeless Nevadans." The board consists of five members appointed by the governor from the categories specified in the bill. The criteria for making grants are provided. The bill appropriates \$50,000 for fiscal year 1987-1988 and \$50,000 for FY 1988-1989 to be used to make grants and pay the board's expenses. Up to 30 percent of the awards made by the board may be used for administrative expenses. Up to 50 percent may be used for capital improvements.

A.B. 619 (chapter 499)

Assembly Bill 619 establishes a presumption that a person whose employment relates to the protection of children or whose professional or occupational capacity requires that he report child abuse and neglect cases acted in good faith

PUBLIC WELFARE (continued)

when performing child protection duties or making reports. The bill provides that this assumption is applicable in any proceeding imposing liability on such a person.

A.B. 773 (chapter 598)

Assembly Bill 773 requires the welfare division of the department of human resources to develop a single form for use by persons applying for all types of public assistance offered by the division. This form is to be combined with a method for identifying recipients of public assistance.

The division is also required to provide counseling and other information to applicants for public assistance regarding the most effective and efficient way to obtain federal, state and local assistance.

A.B. 861 (chapter 597)

Assembly Bill 861 transfers the responsibility for providing protective services for children and paying the cost of those services from the welfare division of the state's department of human resources to the county in counties with 100,000 or more inhabitants. The bill also requires that agencies which provide protective services for children must annually submit to the welfare division a plan to ensure that reasonable efforts are made to prevent or eliminate the removal of a child from his home and, when removal is necessary, to facilitate the child's return to his home.

The measure further specifies that any employees of the welfare division whose jobs are eliminated by this bill must be given another comparable position in the department of human resources.

## PUBLIC WORKS

### S.B. 450 (chapter 454)

Senate Bill 450 requires a public body to reimburse a contractor for the costs incurred in locating an underground facility of a public utility on the site of a public work. This reimbursement is required when a public body directs a contractor to find such a facility.

### A.B. 423 (chapter 686)

Assembly Bill 423 creates a fund for art in public works as a special revenue fund under the administration of the Nevada state council on the arts. The measure appropriates \$4,260 to the fund and specifies that the council is to develop and administer a program for the preliminary actions necessary to acquire works of art for inclusion in the new supreme court building and the new building to house the state library and archives. The bill also provides the authority and procedures necessary for the council to administer the fund for other similar situations.

### A.B. 517 (chapter 402)

Assembly Bill 517 allows the state public works board to delegate its authority to another state agency for projects on property administered by that agency. The bill specifies, however, that its provisions do not limit any of the authority of the legislature or the interim finance committee to consult with the state public works board concerning a construction project or to approve the advance planning of a project.

### A.B. 526 (chapter 457)

Assembly Bill 526 authorizes a public body to discard the statutorily required record of employees and compensation associated with a public works project 1 year after final payment for the project is made.

### A.B. 617 (chapter 824)

Assembly Bill 617 relates to public works projects. It requires advertising for bids for contracts on projects with an estimated cost which exceeds \$100,000 and prohibits public entities from dividing such projects into separate portions in order to avoid this advertising requirement.

The bill provides the criteria under which any or all of these bids may be rejected. When a state agency or political subdivision rejects the bids on a project, a written statement must be prepared and made available for public inspection. The bill requires the statement to include the persons, equipment, and cost estimates for the project along with an estimate of the savings expected from rejecting the bids and performing the project itself.

PUBLIC WORKS (continued)

The measure also stipulates that its provisions do not apply to a utility that is subject to chapters 318 or 710 of NRS; a highway project that is subject to NRS 408.323 or 408.327; the normal maintenance of school district property, or the Las Vegas Valley Water District.

A.B. 679 (chapter 577)

Assembly Bill 679 requires Nevada's state public works board to let a single contract for the design and construction of modular housing units at the Nevada state prison and the southern desert correctional center. The measure exempts the contract from the statutory competitive bidding requirements as enumerated in NRS 341.145 through NRS 341.155.

The bill also requires Nevada's state board of examiners to issue general obligation bonds to provide funds for the construction of the modular units and provides an appropriation of \$100,000 for expenses incurred in the issuance of the bonds.

## RADIOACTIVE AND HAZARDOUS MATERIALS MANAGEMENT

### S.B. 25 (chapter 176)

Senate Bill 25 provides that each member of the Nevada legislature's committee on high-level radioactive waste be compensated at the same rate as most other interim committees of the legislature--\$130 per day. It further provides that each member receive the per diem expenses provided for state officers and employees.

### S.B. 400 (chapter 253)

Senate Bill 400 provides that money collected from civil penalties for trafficking in controlled substances is to be used, in part, to pay for the costs of disposing of any hazardous waste created in connection with the drug offense. Currently, only actual court costs and costs of prosecution may be paid from these funds.

### A.B. 47 (chapter 650)

Assembly Bill 47 requires that Nevada's department of transportation, after consultation with local elected officials, develop and enforce a plan for the routing of shipments of radioactive materials and high-level radioactive waste in this state. It further directs the state's department of transportation to cooperate with the United States Department of Transportation, interstate regional transportation commissions and states contiguous to Nevada in developing plans for the interstate routing of shipments of these radioactive materials and waste.

The bill also grants the department of transportation the authority to adopt the regulations necessary to carry out its provisions.

### A.B. 335 (chapter 656)

Assembly Bill 335 amends the statutes related to liquefied petroleum gas. The composition of the board for the regulation of liquefied petroleum gas is changed from six to five members, and the qualifications of these members are specified.

The responsibilities of the board are also clarified. It is directed to implement inspection activities and to conduct relevant safety education programs. The board is also required to maintain offices that are open to the public during business hours on weekdays, to have a 24-hour emergency telephone number, and to hold three regular meetings per year.

The measure also directs that any hearing held by the board on the proposed location of a facility for storage of liquefied petroleum gas in a town in which no zoning ordinance or

regulations apply must be held in that town. The criteria by which such a proposal must be reviewed and the requirements concerning notification are outlined. The hearing notification requirements contained in Senate Bill 439 (chapter 463) are also included in this bill.

The bill further specifies that any system for the distribution of liquefied petroleum gas to 10 or more users is a public utility and, thus, is subject to the rules of the public service commission of Nevada. It also declares, however, that people who are subject to regulation by the board for the regulation of liquefied petroleum gas are not considered to be a public utility and are, therefore, not subject to the regulation of the public service commission of Nevada.

A.B. 349 (chapter 631)

Assembly Bill 349 relates to permits which the state environmental commission in the state department of conservation and natural resources grants for the operation of a facility for the treatment, storage or disposal of hazardous waste. The bill provides that such a permit may not be granted or renewed unless it is consistent with the regulations of the commission and with the state plan for management of hazardous waste developed pursuant to NRS 459.485. The measure specifies, however, that its provisions do not apply to a permit granted or under review before July 1, 1987.

The bill also specifies circumstances under which a claimant may file directly against an insurer, guarantor, surety or other person who provides evidence of financial responsibility for the owner or operator of such a facility. In addition, it repeals NRS 459.495 which restricted the regulation of generation of hazardous waste.

In general, the bill brings Nevada law into compliance with recently enacted federal law applying to the operation of waste disposal facilities.

A.B. 352 (chapter 725)

Assembly Bill 352 authorizes the Nevada highway patrol division in the department of motor vehicles and public safety to regulate vehicles transporting hazardous materials through an annual permit and vehicle inspection program.

The measure also provides for a repository of information which is administered by a commission established by the governor pursuant to federal law. The commission is authorized to utilize money from a contingency fund also established by this act for training and equipping state and

RADIOACTIVE (continued)

local personnel to respond to incidents or accidents involving hazardous materials. The measure further provides that the commission shall conduct a study for the development of a statewide radio communication system to be utilized by state and local emergency responders.

The bill specifies that money from the contingency fund may also be used to respond to and clean up spills or accidents involving hazardous material. Furthermore, it establishes the liability for spills and accidents and provides a mechanism for state agencies and local governments to recover their costs associated with responding to and cleaning up the spills or accidents.

The measure contains appropriations of \$219,939 for fiscal year 1987-1988, and \$607,244 for FY 1988-1989, from the state highway fund to the Nevada highway patrol division to implement the provisions of the law.

A.B. 719 (chapter 724)

Assembly Bill 719 imposes a state surcharge of \$2 per cubic foot on radioactive waste received at Nevada's regional facility at Beatty. The following appropriations are also made from the revenue generated by the surcharge:

1. The sum of \$250,000 to the state fire marshal in the state fire marshal division of the department of commerce for establishment of a training center at the Stewart Complex near Carson City, Nevada, to train personnel in the proper handling of emergencies related to hazardous materials.
2. The sum of \$100,000 to be used by the Nevada highway patrol division of the department of motor vehicles and public safety in the performance of its statutory duties concerning the transportation of hazardous materials.
3. The sum of \$200,000 to the commission established by the governor pursuant to federal Public Law 99-499 in order to finance a study of the development of a statewide radio communications system for use in emergencies related to transportation of hazardous materials in the state.

The measure provides that the surcharge and appropriations become effective upon approval of the surcharge by the Rocky Mountain Low-Level Radioactive Waste Board.



REVENUE, TAXATION AND LOCAL GOVERNMENT  
FINANCIAL ADMINISTRATION

Bill summaries within the topic of "Revenue, Taxation And Local Government Financial Administration" are categorized under the following subheadings:

1. Revenue and Taxation:
  - a. Ad Valorem Taxes;
  - b. Estate Taxes;
  - c. Gaming Taxes and Fees;
  - d. Sales and Use Taxes;
  - e. Other Bills Generally Related to Revenue and Taxation; and
2. Local Government Financial Administration and Revenue Caps.

Revenue and Taxation

a. Ad Valorem Taxes

S.B. 17 (chapter 34)

Senate Bill 17 removes the "sunset" provision which would have eliminated a 3-cent ad valorem tax that was instituted in 1985 for the medical support of indigent people. Thus, each county will continue to levy the tax for support of the county fund for medical assistance to indigent persons and the supplement fund for the benefit of all counties.

S.B. 123 (chapter 72)

Senate Bill 123 authorizes specified increases in the limit on revenue that Washoe County may receive from ad valorem taxes in order to allow for the operation of a jail. The measure excludes this increase from the calculation of the distribution of the supplemental city-county relief tax.

The bill was made effective upon passage and approval.

S.B. 227 (chapter 653)

Senate Bill 227 removes residency requirements regarding eligibility for the veteran's exemption from property tax. Previously, the law had required that veterans be residents of Nevada for at least 3 years before 1963 or residents at the time they entered the Armed Forces to qualify for this exemption.

S.B. 229 (chapter 561)

Senate Bill 229 deals with centrally assessed property. The bill provides that the department of taxation shall notify

## REVENUE, TAXATION (continued)

owners of the assessment and bill, as well as collect and distribute, the taxes on all centrally assessed property except private car lines. The legislation also provides that centrally assessed property must be added to the roll at the value established by the Nevada tax commission, and it removes a reference to the county assessor's obligation to assess property of an interstate or intercounty nature which is not assessed by the Nevada tax commission. In addition, the bill makes various changes in the way in which new construction on centrally assessed property is assessed and taxed and revises provisions regarding the computation of maximum combined allowable revenue for local governments specifically to include centrally assessed property.

### S.B. 383 (chapter 697)

Senate Bill 383 authorizes the Nevada tax commission, upon request by a board of county commissioners, to establish a maximum ad valorem tax rate to provide funding for medical care for indigent persons for counties in which there was no levy adopted in the fiscal year ending June 30, 1971. Fiscal year 1970-1971 was the base year for establishing the current ad valorem tax in Nevada counties for this purpose. This measure also limits the revenue collected from this established rate to a maximum of \$54,000.

### S.B. 513 (chapter 679)

Senate Bill 513 increases the limit on taxes ad valorem which Douglas County, Nevada, may receive. The limit is increased by \$189,000 annually for fiscal year 1987-1988 and fiscal year 1988-1989. The additional revenue is to be used for the operation of the Douglas County jail. The increase will not affect the distribution of revenues from the supplemental city-county relief tax.

### S.B. 561 (chapter 817)

Senate Bill 561 authorizes an increase in ad valorem taxes levied for the benefit of the Las Vegas Metropolitan Police Department to enable the department to hire additional police officers. The increase is set at 2 cents per \$100 of assessed valuation for fiscal year 1988-1989. At the 1988 general election, the voters must decide whether the increase will be continued and whether further increases will be authorized. If the voters approve, the combined increase will be 2 cents per \$100 for FY 1989-1990, 4 cents per \$100 for FY 1990-1991, and 6 cents per \$100 thereafter. These tax increases will not affect the distribution of revenues from the supplemental city-county relief tax.

REVENUE, TAXATION (continued)

S.B. 592 (chapter 682)

Senate Bill 592 imposes an ad valorem tax rate of 4.7 cents per \$100 of assessed valuation for fiscal year 1987-1988 and 5.7 cents per \$100 for fiscal year 1988-1989 for the redemption of bonds issued by the state. The bill also authorizes the controller to transfer money from the general fund to the consolidated bond interest and redemption fund if the money in that fund is insufficient to pay the principal and interest on bonds which have been issued.

A.B. 208 (chapter 356)

Assembly Bill 208 provides that, in order for the owner of pollution control devices or water conservation equipment to receive a tax exemption, he must file an affidavit with the Nevada tax commission by August 1 of the year preceding the year for which the tax is levied. The bill also changes the filing date for the veterans and disabled veterans tax exemption from August 1 to November 1. In addition, the bill establishes a procedure for removing exemptions on property which is transferred from an owner who is exempt to one who is not.

The measure clarifies the method to be used in determining the assessed value of additions to buildings. It also revises provisions regarding the classification of mobile homes and manufactured homes as real property to make it clear that land which is owned by the owner of the home includes land in which he has a possessory interest resulting from a life estate, lease, or contract for sale.

Finally, the bill provides for reopening the assessment roll to record changes in ownership which occur after the roll is closed.

A.B. 290 (chapter 314)

Assembly Bill 290 amends the law relating to the taxation of agricultural real property. Among the changes made are the following:

1. Two definitions of "converted to a higher use" are provided. The first, which becomes effective July 1, 1987, requires that the surface of the land be physically altered before it is considered to be converted. The second, more stringent, definition becomes effective July 1, 1988. According to this definition, land is converted to a higher use when a final map or parcel map is prepared dividing the property into parcels not intended for agricultural use or when a zoning change to a higher use is made at the request of the owner.

REVENUE, TAXATION (continued)

2. The bill provides a procedure for giving notice to the owner that the county assessor has determined that his land has been converted to a higher use, and it provides a procedure for appealing the determination.
3. A procedure whereby the owner who converts his land may pay deferred property taxes prior to the receipt of the tax bill is provided.
4. The definition of agricultural property is changed. Beginning on July 1, 1987, land covered by a house or necessary to support a house will not be considered agricultural property. Beginning on July 1, 1988, property leased by the owner to another person for agricultural use will not be considered agricultural property unless the plot is larger than 7 acres or is contiguous to property owned by the lessee.
5. The definition of the "owner" of agricultural property is restricted to exclude tenants and lessees.
6. Various changes are also made regarding the computation of deferred taxes and the recording of liens.

A.B. 291 (chapter 777)

Assembly Bill 291 makes various changes in the state's laws relating to property tax. The definition of "full cash value" is revised from being based on the payment of a just debt due from a solvent debtor to the most probable price under a competitive and open market under all conditions requisite to a fair sale.

The bill requires that the unit of appraisal used to determine the taxable value of real property must be a single parcel unless the parcel qualifies as a subdivision or unless the location of improvements causes two or more parcels to function as a single parcel. The bill also requires assessors to certify compliance with the regulations of the Nevada tax commission for each assessment roll and any other furnished information. Falsification of a certificate is classified as a misdemeanor.

A.B. 292 (chapter 242)

Assembly Bill 292 provides a procedure for taxing personal property which was not assessed or was underassessed. The bill allows the assessor to assess the property and to send the owner a tax bill for the years for which the property was not taxed. The assessments may be made at any time within 3 years of the end of the fiscal year for which the taxes would have been due. If personal property was not

## REVENUE, TAXATION (continued)

assessed or was underassessed because the owner submitted an incorrect written statement or failed to submit a written statement required by law, the owner must be assessed a penalty of 20 percent of the taxes.

The bill also establishes a procedure for correcting over-assessments which are caused by factual errors.

### A.B. 311 (chapter 375)

Assembly Bill 311 exempts boats from personal property taxes. The bill also increases the fee which boat owners must pay when applying for a number and certificate of ownership and provides a fee schedule based on the length of the boat. The bill requires that 50 percent of the fee be returned to the local school districts.

### A.B. 823 (chapter 407)

Assembly Bill 823 authorizes the board of county commissioners of Elko County, Nevada, to increase property taxes to pay for the cost of operating the county jail. The authorized increase is \$200,000 for FY 1987-1988, and \$250,000 for FY 1988-1989. This additional revenue is not to be included in determining maximum allowable revenues for the purpose of distributing funds from the supplemental city-county relief tax.

## b. Estate Taxes

### S.B. 5 (chapter 21)

Senate Bill 5 imposes a limited estate tax in Nevada so that the state can receive its allowable share of revenue generated from the federal estate tax already imposed by the Federal Government. The bill specifies that the Nevada tax is reduced by the amount of any estate taxes collected by another state in order to ensure that the overall tax burden of the payer is not increased. The revenue is deposited in the state treasury for credit to the estate tax account in the state general fund. The bill is made effective upon passage and approval.

Enactment of S.B. 5 was made possible by the voters' approval of a ballot question in November 1986, which authorized the legislature to enact this type of limited estate tax.

(NOTE: Senate Bill 23 amended or repealed parts of Senate Bill 5.)

### S.B. 23 (chapter 786)

Senate Bill 23 provides for the administration of the estate tax which was imposed by enactment of Senate Bill 5 (chapter 21) during the 1987 legislative session.

## REVENUE, TAXATION (continued)

In addition to outlining general administrative procedures, Senate Bill 23 provides guidelines and procedures for determining what part of a decedent's estate can be taxed by the State of Nevada when the decedent leaves property in more than one state. The bill also provides a procedure for determining the domicile of a decedent.

The measure further provides for the distribution of revenue from the estate tax. An amount necessary to cover the administration of the tax is to be placed in the state general fund. The remainder is to be divided evenly between the estate tax account for the endowment of the University of Nevada System and the trust fund for the education of pupils. The legislature may, however, provide for a different allocation. Money deposited in the estate tax for the UNS account is to be spent as follows: (1) the board of regents may spend \$2.5 million per year; (2) the remainder is to be deposited in the account until the principal is sufficient to yield an income of \$2.5 million per year; (3) the regents may spend any money in the account which is not necessary to yield an income of \$2.5 million per year. Expenditures by the board of regents from this account must be approved by the legislature or the interim finance committee. An advisory committee is created to make recommendations to the board of regents regarding the expenditure of this money.

Guidelines are also specified for expenditure of money in the trust fund for the education of pupils. The superintendent of public instruction in the state department of education may spend an amount equal to the balance in the trust fund at the end of the preceding year if the expenditures are approved by the legislature or the interim finance committee. The money may be spent to enhance the education of pupils in grades kindergarten through 12 but may not be spent to pay salaries of personnel, to settle labor disputes or to replace funds that would otherwise be available from other sources. An advisory committee is created to make recommendations to the legislature or the interim finance committee regarding the expenditure of this money.

(NOTE: Senate Bill 596 makes special provisions for the expenditure of revenues generated by the estate tax for fiscal years 1987-1988 and 1988-1989. The provisions of S.B. 596 take temporary precedence over the provisions of S.B. 23.)

### A.B. 849 (chapter 581)

Assembly Bill 849 appropriates the money from the estate tax account in the state general fund for scholarships at the University of Nevada-Reno (UNR) and University of Nevada-Las Vegas (UNLV) for students pursuing degrees in teaching.

REVENUE, TAXATION (continued)

The amounts of money and the number of scholarships to be provided are as follows:

<u>Fiscal Year</u>	<u>UNR</u>		<u>UNLV</u>	
	<u>Number</u>	<u>Amount</u>	<u>Number</u>	<u>Amount</u>
1987-1988	22	\$31,944	23	\$33,936
1988-1989	45	\$65,340	45	\$65,340

c. Gaming Taxes and Fees

S.B. 24 (chapter 254)

Senate Bill 24 increases Nevada's gross gaming tax from 5 3/4 percent to 6 percent, effective July 1, 1987. A second increase in this tax to a level of 6 1/4 percent will go into effect on July 1, 1989.

S.B. 181 (chapter 410)

Senate Bill 181 revises the provisions associated with the amount of the license fee or the tax rate which may be imposed on gaming by a local government which was in existence on or before April 27, 1981, and had a population of less than 2,000 people.

S.B. 580 (chapter 810)

Senate Bill 580 revises the annual fee for a state gaming license based on the number of games operated. The bill modifies the fee schedule to provide an additional category for gaming establishments operating 11, 12 or 13 games. The fee for these establishments is \$650 for each game.

A.B. 125 (chapter 32)

Assembly Bill 125 removes the "sunset" provisions concerning deduction of the cost of personal property distributed to a patron as a loss when calculating gross revenue for the gaming industry. Thus, the bill enables the industry to continue to deduct the cost of personal property distributed to a patron as a loss when calculating gross revenue from slot machines.

The measure became effective upon passage and approval.

A.B. 462 (chapter 124)

Assembly Bill 462 requires the state gaming control board to include a brief explanation in the notice of a determination of deficiency in the payment of a gaming license fee or tax when the reason for the deficiency is not apparent.

REVENUE, TAXATION (continued)

A.B. 464 (chapter 175)

Assembly Bill 464 revises the provisions governing the inclusion of a credit instrument in the gross revenue of a gaming licensee. The bill also clarifies the procedure for the determination and redetermination of gaming taxes or fees, and it specifies the contents of a petition for redetermination.

A.B. 746 (chapter 541)

Assembly Bill 746 revises the requirements for computing the gross revenue of gaming licensees. It expands the conditions under which a credit instrument which is settled for less than its face amount is excluded from the full-value computations of gross revenue.

A.B. 774 (chapter 751)

Assembly Bill 774 increases the quarterly fee for a restricted slot machine license. The fee for operators who have five or fewer machines is increased from \$35 per machine to \$45 per machine. The fee for operators with more than five machines is increased from \$55 per machine to \$225 plus \$90 for each machine in excess of five machines.

d. Sales and Use Taxes

S.B. 230 (chapter 511)

Senate Bill 230 provides for the submission to the voters of Nevada of the question whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption for the sale, storage, use or other consumption of gold, silver or platinum medallions or bars which are authorized by law to bear the state seal and gold, silver, platinum and other precious metals sold at retail as bullion, ingots, bars or bullion coins.

If this question is approved by the voters, the legislature has provided that the local school support tax law and the city-county relief tax law will be amended to provide the same exemption.

The question will appear on the ballot at the general election on November 8, 1988.

S.B. 316 (chapter 182)

Senate Bill 316 provides for the submission to the voters of the question whether the state's Sales and Use Tax Act should be amended to provide an exemption for personal property loaned or donated to tax-exempt organizations. If this proposal is adopted by the voters, the bill also stipulates

## REVENUE, TAXATION (continued)

that the Local School Support Tax Law and the City-County Relief Tax Law are amended to contain the same exemption.

If this question is approved by the electorate at the general election on November 8, 1988, the provisions of the bill become effective on January 1, 1989.

### S.B. 401 (chapter 486)

Senate Bill 401 provides for the submission to the voters at the November 8, 1988, general election of the question as to whether building materials, and new and used equipment purchased by businesses operating in zones for economic development (enterprise zones) should be exempted from sales and use taxes. If the ballot question is approved, a provision regarding the refund or credit of the local school support tax paid by these businesses on these items would automatically be repealed.

### A.B. 86 (chapter 795)

Assembly Bill 86 provides for the exemption of prescription eyeglasses and contact lenses from certain sales and use taxes regardless of who dispenses them. Previously, the law exempted these items only if they were dispensed by an optometrist or physician.

The exemption is to be phased in gradually. These items become exempt from the tax for mass transportation and/or construction of public roads (0.25 percent), the tax for the promotion of tourism (0.25 percent) and the flood control tax (0.25 percent) on July 1, 1987. The exemption from the basic city-county relief tax (0.5 percent) takes effect on July 1, 1988, while the exemption from the supplemental city-county relief tax (1.75 percent) takes effect on July 1, 1989. Finally, the exemption from the local school support tax becomes effective on July 1, 1990.

### A.B. 223 (chapter 388)

Assembly Bill 223 exempts the trade-in allowance on a used piece of farm machinery or equipment from the taxable selling price of a new piece of farm machinery or equipment for purposes of the local school support tax. A similar provision covering the trade-in value of cars is already in the law.

## e. Other Bills Generally Related to Revenue and Taxation

### S.B. 144 (chapter 717)

Senate Bill 144 requires illegal dealers in controlled substances to register with Nevada's department of taxation. The bill requires such persons to pay an annual fee of \$250

REVENUE, TAXATION (continued)

and a tax based on each gram of marihuana or each gram or dosage unit of any other controlled substance.

The measure provides for the confidentiality of all information regarding drug dealers who register with the department, and it sets forth procedures for the design, printing, selling and recording of the tax stamps. Finally, the bill contains provisions for the deposit and use of the revenue collected under this act and for the department's procedures in carrying out this measure.

S.B. 228 (chapter 385)

Senate Bill 228 deals with the tax which counties and cities impose on the rental of transient lodging. The bill requires counties and cities to include in the ordinance imposing the tax a schedule for its payment. If the tax is not paid on schedule, a penalty of 10 percent or an administrative fee established by the county or city must be imposed. An interest charge of up to 1.5 percent on the amount due must also be imposed.

S.B. 288 (chapter 322)

Senate Bill 288 changes the formula used to compute the amount of taxes paid annually on fuel used in boats to reflect a change in the tax rate or special fuels which was passed by the legislature in 1985. The bill provides that the formula will use whatever tax rate is currently in effect.

S.B. 384 (chapter 237)

Senate Bill 384 amends the Douglas County Lodgers Tax Law. The bill increases from 5 percent to 7 percent the maximum tax which may be charged. The additional 2 percent is to be used for advertising and promotional activities to attract tourists to the county.

S.B. 583 (chapter 645)

Senate Bill 583 authorizes Carson City, Nevada, to impose an additional tax of 2 percent on gross receipts from the rental of transient housing. The revenues from this tax are to be used to redeem bonds issued for the Eagle Valley II Golf Course and other recreational facilities.

A.B. 3 (chapter 2)

Assembly Bill 3 advances the effective date from July 1, 1987, to March 1, 1987, for the tax levied for the support of the Clark County Regional Flood Control District. The measure is made effective upon passage and approval.

REVENUE, TAXATION (continued)

A.B. 7 (chapter 667)

Assembly Bill 7 revises state law concerning the imposition of a residential construction park tax by local governments. The bill changes the limit on the rate of the tax by providing that the rate may not exceed 1 percent of the valuation of each building permit issued, or \$1,000 per residential dwelling unit or mobile home lot, whichever is less. The previous limitation had been 1 percent of the valuation shown on the building permit in Clark County and 2 percent of the valuation shown on the building permit in any other county of the state.

The measure also specifies that revenue from the tax must be used for the acquisition, improvement and expansion of neighborhood parks or the installation of facilities in existing or neighborhood parks. It further provides that these expenditures must be for the benefit of the neighborhood from which the revenue was collected.

A.B. 76 (chapter 736)

Assembly Bill 76 increases the cigarette tax from 7.5 mills per cigarette or not less than 15 cents per package to 10 mills per cigarette or not less than 20 cents per package. The increased revenues are to be deposited in the state treasury. The increase expires on July 1, 1989.

The bill also limits the extension of credit to retail dealers by wholesalers for the purchase of cigarettes.

A.B. 105 (chapter 573)

Assembly Bill 105 requires that compressed natural gas or liquefied petroleum gas be taxed as a special fuel at the same rate per gallon as all other motor vehicle fuel. The bill includes a factor of 125 cubic feet of natural gas or liquefied petroleum gas to equal 1 gallon of special fuel for taxing purposes. The measure also exempts persons engaged in the sale or use of special fuels from regulation by the public service commission of Nevada.

A.B. 259 (chapter 139)

Assembly Bill 259 repeals NRS 374.262 which relates to taxation of material fabricated by a contractor for use in construction.

A.B. 273 (chapter 213)

Assembly Bill 273 revises the method of payment of the tax on special fuels. It requires payment to the dealer at the pump. The bill eliminates the temporary special fuel license permit and fee as a method of paying the special fuel tax.

## REVENUE, TAXATION (continued)

The measure requires a special fuel dealer to remit the special fuel taxes and file a tax return on a monthly, rather than a quarterly, basis. The bill also requires refunds of special fuel taxes to licensed special fuel users who operate interstate to be applied to other delinquent motor carrier licensing and registration fees. In addition, it sets the bond in an amount not less than \$25,000, rather than an amount set by the director of the department of motor vehicles and public safety, for vendors appointed as agents of the department to collect the tax, fees and licenses for the licensing and registration of motor carriers.

### A.B. 872 (chapter 791)

Assembly Bill 872 provides for the permanent acceleration of taxes on net proceeds of mines. In calendar year 1987, the owners of mines for which the ratio of net proceeds to gross yield is 25 percent or more must pay the estimated tax due for the current calendar year as well as the tax due for the past calendar year. The entire amount of the estimated payment for calendar year 1987 is to be deposited in the state treasury.

The bill also authorizes the department of taxation to accept advance payments on the taxes which mines would pay if a constitutional amendment is approved allowing net proceeds of mines to be taxed at a different rate from other property (see Senate Joint Resolution No. 22, File No. 130, Statutes of Nevada, 1987). If the amendment passes, these advance payments may be credited against future tax liabilities when certain conditions are met. If the amendment does not pass, the advance payments are to be deemed a gift to the state.

### Local Government Financial Administration and Revenue Caps

#### S.B. 26 (chapter 545)

Senate Bill 26 exempts counties with a population of 250,000 or more (Clark County) from the statutory restriction providing that the amount allocated to the county's program for medical assistance to indigent people must be calculated by multiplying the amount allocated the previous fiscal year by 104.5 percent. The bill also amends the law to provide that the previous statewide restriction whereby the associated tax levy must not exceed that adopted in the fiscal year ending June 30, 1971, diminished by 11 cents for each \$100 of assessed valuation only applies to counties with populations of 250,000 or more (Clark County).

The measure also allows counties to declare an emergency and provide additional money for medical care from whatever

## REVENUE, TAXATION (continued)

sources are available if the health of indigent persons is placed in jeopardy and there is a lack of money to provide necessary medical care.

### S.B. 307 (chapter 704)

Senate Bill 307 requires the legislative commission to conduct an interim study of the distribution of revenues from the taxation of large electrical power plants. The study is to be supervised by an oversight committee consisting of five legislators and other nonvoting members selected by the commission. The commission is to hire a consultant to conduct the study.

### S.B. 416 (chapter 302)

Senate Bill 416 increases some of the fees charged by a constable or sheriff relating to the service of process and the execution of warrants.

### S.B. 494 (chapter 501)

Senate Bill 494 directs the department of taxation to adopt regulations for determining annually the population of each city, county and unincorporated town in the state. It also directs the department to prepare these determinations on an annual basis and submit them to the governor for his certification. These statistics are used primarily in association with apportionment of tax proceeds.

### S.B. 498 (chapter 689)

Senate Bill 498 amends the state's laws pertaining to local financial administration as they relate to the limits and distribution of revenue from ad valorem taxes for a fire protection district.

This bill includes the assessed valuation of real property transferred from private to public ownership for conservation purposes in the total assessed valuation of a fire protection district. The bill also includes the assessed valuation of property transferred from private to public ownership after July 1, 1986, in the basic ad valorem revenue of certain fire protection districts and counties for distribution of the city-county relief tax.

### S.B. 510 (chapter 588)

Senate Bill 510 revises provisions regarding the distribution of revenues from the taxation of large electrical power projects. The bill removes references to situs and population-based distribution of these revenues. The measure also removes obsolete provisions differentiating between the taxation of electrical power projects begun before January 1, 1982, and those begun after that date.

REVENUE, TAXATION (continued)

S.B. 585 (chapter 693)

Senate Bill 585 changes the date from July 15 to August 15 by which local governments may submit amended budgets to reflect changes resulting from an action of the legislature during that year.

A.B. 71 (chapter 97)

Assembly Bill 71 generally moves back by 1 month (1 month later in the year) the final dates for the preparation, filing, budget hearings, setting of relevant tax rates, adoption and reporting requirements related to local government budgets and certificates of assessment for net proceeds of mines.

A.B. 72 (chapter 192)

Assembly Bill 72 removes net proceeds of mines from the calculation for determining maximum combined allowable revenue for local governments. The bill also requires that the executive director of the department of taxation withhold all revenue from the supplemental city-county relief tax from a county until the county treasurer submits a report of excess ad valorem receipts for the prior year to the department of taxation.

In addition, the bill provides that a local government which suffers financial hardship as a result of this act may apply for an increase in its tax rate or a special distribution from the SCCRT reserve fund.

A.B. 75 (chapter 354)

Assembly Bill 75 allows the executive director of the department of taxation to exclude fees charged by a local government for building permits from the limit on maximum allowable revenue from fees, if the local government establishes an enterprise fund for these fees. The fund must be used only to pay the costs of issuing building permits, checking plans, inspecting buildings and administering the permit program. Interest and other income earned on money in the fund must be credited to the fund.

If the executive director excludes fees for building permits from the limit on maximum allowable revenue for a local government, the limit must be reduced to reflect this exclusion.

A.B. 77 (chapter 153)

Assembly Bill 77 modifies the basis for the annual increase of the limit upon revenue which a local government may receive from ad valorem taxes. The bill changes the base figure used for the calculation from "revenue received" in

## REVENUE, TAXATION (continued)

the preceding fiscal year to "maximum revenue allowable" for the preceding fiscal year.

This bill was made effective upon passage and approval.

### A.B. 81 (chapter 632)

Assembly Bill 81 relates to the purchasing procedures which the statutes mandate for local governments. It adds two elements to the list of types of purchases which are exempt from the requirement for competitive bidding.

The bill specifically provides that computer software and books, library materials and subscriptions are not subject to the competitive bidding procedures. The repeal of NRS 332.125 deletes a conflicting provision which relates to advertising for bids in the purchase of books, library materials and subscriptions.

### A.B. 312 (chapter 294)

Assembly Bill 312 makes technical corrections in the law governing local financial administration. The changes relate to the definition of "reserve" and to proper accounting for enterprise funds.

### A.B. 314 (chapter 150)

Assembly Bill 314 standardizes the provisions relating to the penalty charged for the delinquent payment of taxes imposed through chapters 365, 369, 370, 372, 373 and 374 of NRS. The bill provides that anyone who fails to pay one of these taxes within the required time must pay a penalty of not more than 10 percent of the amount of the tax which is owed, as determined by Nevada's department of taxation, in addition to the tax, plus interest at the rate of 1.5 percent per month. The department may, however, for good cause shown, waive the payment of the penalty.

### A.B. 322 (chapter 572)

Assembly Bill 322 allows an increase of the limits on the revenue of a county that takes over functions performed by a local government, other than a city, which no longer exists. The limits apply to the maximum allowable revenue from ad valorem taxes, the maximum combined allowable revenue and the basic ad valorem revenue.

### A.B. 440 (chapter 208)

Assembly Bill 440 establishes the formula for distribution of federally limited tax exempt revenue bonds in Nevada. It places in statute the basic formula which the State of Nevada has previously employed through Executive Order. Fifty percent of the bonding capacity is allocated to the state. The

## REVENUE, TAXATION (continued)

remaining 50 percent is distributed among the local governments on the basis of population. The measure also allows the director of the department of commerce the flexibility to reallocate unused capacity.

### A.B. 571 (chapter 705)

Assembly Bill 571 authorizes the levying of a special assessment within a redevelopment area in order to pay the costs for extraordinary maintenance, repair and improvement of the project. The bill only applies to a county whose population is more than 100,000 but less than 250,000 (Washoe County).

### A.B. 595 (chapter 291)

Assembly Bill 595 revises the State Accounting Procedures Law so that it will conform with the standards of the Governmental Accounting Standards Board. This board is the solely acknowledged authority for compilation of governmental accounting principles, and Nevada participates on it as a member organization.

### A.B. 645 (chapter 764)

Assembly Bill 645 raises the revenue caps on local governments.

Section 1 of the bill increases maximum combined allowable revenue for each local government from the supplemental city-county relief tax and taxes ad valorem by 5 percent for fiscal year 1987-1988. This increase will be included in the base for computing maximum combined allowable revenue for future years. This section also allows cities which had no ad valorem tax rate for purposes other than debt service and are located in counties whose populations are 100,000 or less to use a tax rate of 15 cents per \$100 of assessed valuation to calculate the increase provided for in this section. Local governments which raise taxes in accordance with the section are required to give notice to their residents. The additional revenue provided for in this section must be reduced in fiscal year 1987-1988 by any revenue generated as a result of special ad valorem levies for operating expenses authorized by the voters or by a special act of the legislature between January 1, 1987 and July 1, 1987.

Section 2 raises the amount by which revenues from taxes ad valorem may increase each year. This section allows an increase of 6 percent. Previously, the maximum increase had been 4.5 percent.

Section 3 raises the amount by which combined revenues from the supplemental city-county relief tax and taxes ad valorem may increase each year. Previously, the maximum increase had been limited to 80 percent of the change in the Consumer Price

REVENUE, TAXATION (continued)

Index (CPI). This section allows an increase of 100 percent of the change in the CPI.

A.B. 660 (chapter 555)

Assembly Bill 660 increases the period of time from 10 to 20 years in which the board of trustees in each school district may accumulate money in the fund for capital projects. The bill also increases the maximum amount of ad valorem tax which may be levied by the board of county commissioners with voter approval for credit to that fund. The amount is increased from 25 cents to 50 cents on each \$100 of assessed valuation of taxable property within the county with a school district whose enrollment is fewer than 25,000 pupils. The increase is from 25 cents to 35 cents per \$100 of assessed valuation in a county with enrollment of 25,000 pupils or more.

A.B. 664 (chapter 263)

Assembly Bill 664 amends the Local Government Securities Law. The bill makes a technical correction to NRS references relating to municipal obligations.

A.B. 690 (chapter 246)

Assembly Bill 690 authorizes a county to issue taxable bonds to finance all or any portion of the cost of acquiring, improving and equipping a project for the generation and transmission of electricity.

A.B. 741 (chapter 674)

Assembly Bill 741 authorizes two or more local governments to enter into cooperative agreements for borrowing money to finance a governmental improvement or operation. The bill specifies the procedures for borrowing and repayment through the use of revenue securities.

A.B. 759 (chapter 418)

Assembly Bill 759 imposes a penalty for the delinquent payment of property tax by a private car line company. The penalty is set at 10 percent of the tax due or \$5,000, whichever is greater, in addition to the tax. The bill also authorizes the department of taxation to waive the payment of the penalty for good cause.

A.B. 882 (chapter 770)

Assembly Bill 882 delays the date on which the Nevada tax commission must set tax rates for local governments for fiscal year 1988-1989 from June 25, 1987, to July 2, 1987. The act also delays the date on which property taxes are due for fiscal year 1987-1988 from the third Monday in July to August 10, 1987.



## STATE GOVERNMENT

Bill summaries within the topic of "State Government" are categorized under the following subheadings:

1. State Financial Administration; and
2. State Government Generally.

### State Financial Administration

#### S.B. 8 (chapter 437)

Senate Bill 8 authorizes the director of Nevada's department of prisons to establish a procedure for the emergency purchase of supplies, materials or equipment for agriculture and industrial programs in institutions of the department with money dedicated for that purpose. This measure requires the director to obtain permission from the chief of the purchasing division of Nevada's department of general services prior to such purchases.

The bill further requires the chief of the purchasing division to include within his rules a procedure for emergency purchases by an agency not specifically authorized by statute to establish its own procedure for emergency purchases.

#### S.B. 205 (chapter 96)

Senate Bill 205 provides greater flexibility in the assessment of state agencies for the costs of administration of the state personnel system. This bill allows the department of personnel to make changes in the assessments with the approval of the governor and the interim finance committee to provide for payments of unanticipated costs, such as changes by federal agencies in personnel programs or costs associated with programs such as Medicare, taxable fringe benefits and the Fair Labor Standards Act.

#### S.B. 226 (chapter 637)

Senate Bill 226 clarifies the time during which a decision of the executive director of the department of taxation may be appealed to the Nevada tax commission. The bill provides that a notice of appeal may be made within 20 days after the service of the decision upon the person or business entity involved. Service of a decision may be made personally or by certified mail. The service of the decision is deemed to be completed at the time the decision is mailed.

Previously, the appellant had been given 15 days after receiving the decision to file a notice of appeal.

S.B. 249 (chapter 142)

Senate Bill 249 increases the maximum amount from \$600,000 to \$850,000 for temporary transfers from the state general fund to the state purchasing fund.

S.B. 341 (chapter 774)

Senate Bill 341 requires the director of the department of administration, in consultation with the state controller and legislative auditor, to establish, by January 1, 1988, a uniform system of internal accounting and administrative control for most state agencies and officers. Each agency is required to develop written procedures to implement the system established by the director. Agencies exempt from these requirements include certain professional licensing boards or commissions, the University of Nevada, the public employees' retirement system, the state industrial insurance system, the housing division of the department of commerce, and the Colorado River commission.

The bill also requires that the biennial report compiled by the legislative auditor include a list of agencies issued audit reports which have not implemented a system of internal accounting and administrative control. It further specifies that an audit report which an agency submits to the budget division of the department of administration, the state controller and the legislative auditor must include a management letter and the agency's reply.

S.B. 357 (chapter 703)

Senate Bill 357 authorizes the state controller to provide advances from the state general fund for budget accounts which receive administrative assessments. An application for an advance by a state agency must be approved by the director of the department of administration. The bill requires the amount advanced from the state general fund to be repaid when the administrative assessments are deposited in the appropriate account.

S.B. 568 (chapter 323)

Senate Bill 568 authorizes the state public works board to transfer money saved from one project to another project within the same state agency. The transfer of money may not exceed \$135,700. The project funds which may be eligible for transfer are specified in the measure.

S.B. 576 (chapter 582)

Senate Bill 576 authorizes the director of Nevada's department of commerce to issue revenue bonds for venture capital. The issuance of bonds for this purpose must be approved by the state board of examiners, and the principal amount to be

issued must not exceed \$100 million. The bill outlines requirements for the issuance and administration of the bonds, specifies actions required of the management company to administer the account for venture capital, and lists the items to be included in the agreement between the management company and the director.

S.B. 591 (chapter 675)

Senate Bill 591 requires Nevada's department of museums and history to adopt regulations establishing fees for admission to the institutions of the department. The measure also increases the maximum allowable fee for admission from 50 cents to \$2 for persons over the age of 18 years.

A.B. 92 (chapter 13)

Assembly Bill 92 amends a portion of the statutes relating to the computer facility in Nevada's department of data processing. The bill directs that excess money collected from agencies using the computer facility be returned to those agencies based upon the proportion of the total fees which they have paid.

A.B. 126 (chapter 147)

Assembly Bill 126 raises the threshold above which contracts between state agencies and independent contractors must be approved by the state board of examiners. The basic threshold is raised from \$1,200 to \$2,000, and exemption is made for contracts up to \$5,000 which are necessary to preserve life and property. The bill also changes from \$500 to \$750 the threshold below which the board of examiners may waive the requirement that contracts be in writing and reviewed by additional agencies.

A.B. 327 (chapter 326)

Assembly Bill 327 revises the statutes relating to the disposition of unclaimed property. The bill reduces from 7 to 5 years the period of time during which certain unclaimed financial assets and intangible personal property must be held. The minimum value of items of abandoned property which must be reported separately is increased from \$25 to \$50. Items under that amount may be reported in the aggregate.

The bill also allows holders of certain property to deliver it to the division of unclaimed property in the department of commerce before the date on which it is statutorily presumed to be abandoned. Procedures for selling abandoned stock in companies not listed in an organized exchange are established. The bill also provides that, if there is not enough money in the abandoned property trust fund to pay

STATE GOVERNMENT (continued)

certain costs incurred in relation to abandoned property, the state board of examiners may authorize a temporary transfer of money from the general fund to the abandoned property trust fund to meet these costs.

A.B. 333 (chapter 87)

Assembly Bill 333 authorizes the state controller, at the request of the chief of the budget division of the department of administration, to advance temporarily money from the state general fund to the informational facility fund and the informational service fund.

The two latter funds furnish money for the department of data processing to provide services to the relevant state agencies and officials. The user agencies are required by statute to reimburse the appropriate funds for the costs of these services. Assembly Bill 333 alleviates "cash flow" problems which arise under these types of arrangements.

A.B. 339 (chapter 338)

Assembly Bill 339 requires that the state board of health set fees charged by the health division of the department of human resources at levels calculated to produce the revenue from fees projected in the budget approved by the legislature and governor for the health division.

A.B. 362 (chapter 188)

Assembly Bill 362 changes statutory language to reflect current and updated accounting practices associated with several state funds, and it eliminates laws and procedures which are no longer operative or necessary. The provisions of the bill were recommended by the legislative auditor as a result of audits of the relevant state agencies.

A.B. 363 (chapter 113)

Assembly Bill 363 modifies the technical accounting practices related to several state funds. It changes the trust fund for insurance premiums to an internal service fund, categorizes the fund for hospital care to indigent persons as a trust fund, and specifies that the supplemental fund for medical assistance to indigent persons is a trust fund. The measure also changes the frequency of required remittances to the fund for hospital care to indigent persons to coincide with other county transfers of money to the state treasurer as provided in NRS 361.745.

A.B. 399 (chapter 766)

Assembly Bill 399 requires the state board of examiners to issue general obligation bonds to finance the design of new buildings for the supreme court and the state library and

STATE GOVERNMENT (continued)

the completion of the South Fork Reservoir. Elko County is required to repay 25 percent of the amount of the bonds issued to complete the reservoir back to the state. The board of county commissioners of Elko County is authorized to increase the limit on revenue that the county may receive from taxes ad valorem to discharge that obligation.

A.B. 540 (chapter 419)

Assembly Bill 540 establishes procedures for carrying out recommendations made by the legislative auditor in response to audits of state agencies. It generally requires that, within 60 days after receipt of notification of the legislative commission's acceptance of an audit report, the audited agency must develop and file a plan for corrective action to comply with the report's recommendations. Within 6 months after submission of the plan, the agency must file a report specifying the extent to which the recommendations have been implemented.

A.B. 614 (chapter 556)

Assembly Bill 614 authorizes the board of regents of the University of Nevada System to issue up to \$8.8 million in bonds to pay for the construction of student housing and dining facilities. These bonds are to be repaid by fees, grants and revenues generated by the project.

A.B. 878 (chapter 558)

Assembly Bill 878 simplifies procedures for the preparation of the state budget. The bill eliminates the requirement that the detailed budget estimates include the number of positions assigned to each occupational class and subclass for each state agency. The bill also makes it unnecessary for the interim finance committee to approve revisions in agency work programs which amount to \$2,400 or less.

A.B. 884 (chapter 768)

Assembly Bill 884 requires the commissioner of financial institutions in Nevada's department of commerce to collect a fee from each depository institution during each year of the next biennium for the privilege of doing business in this state. The fee is to be imposed at a rate calculated to generate \$1 million, plus or minus \$10,000, in each fiscal year. The fee is to be based on the total assets of each depository institution in proportion to the total assets of all such institutions doing business in the state.

The bill requires each depository institution to submit annually a statement of its total assets. The measure further

## STATE GOVERNMENT (continued)

establishes penalties for failure to submit the statement and for failure to pay the fee. Provisions also are included for the commissioner to refund the payment of excess fees.

### State Government Generally

#### S.B. 59 (chapter 250)

Senate Bill 59 extends the same indemnification from civil liability that currently is provided for employees of the State of Nevada to medical contractors hired by Nevada's department of prisons. A definition of "immune contractor" is added to state law which includes both medical contractors of the state prison and independent contractors with the state.

The bill also outlines a framework for resolving medical malpractice claims involving medical contractors at the state prisons. Under this measure, doctors and medical personnel involved in legal actions of this type are defended by Nevada's office of the attorney general.

#### S.B. 118 (chapter 173)

Senate Bill 118 requires the chief of the housing division of the department of commerce to appoint a chief financial officer for the housing division. Qualifications are established for the chief financial officer to:

1. Be a licensed certified public accountant;
2. Have 5 years of responsible experience in investment banking and general accounting; or
3. Have 5 years of responsible experience and a comprehensive knowledge of the principles and practices of public finance.

This measure also specifies that the chief financial officer is in the unclassified service and directly responsible to the chief of the housing division.

#### S.B. 203 (chapter 238)

Senate Bill 203 makes several changes in the law governing the state's housing authority. The name of the authority is changed from the Nevada state rural housing authority to the Nevada rural housing authority. The compensation of each commissioner of the authority is increased from \$60 to \$80 per day for attendance at authority meetings.

STATE GOVERNMENT (continued)

The bill places the executive director of the authority in the unclassified service of the state. The measure also authorizes the authority to administer programs to subsidize the rental payments of tenants to make up the difference for amounts greater than paid under any program of the Federal Government.

S.B. 394 (chapter 337)

Senate Bill 394 permits the chief of the purchasing division of the department of general services to exempt certain purchases by the department of prisons from the provisions of the state purchasing act.

S.B. 412 (chapter 342)

Senate Bill 412 permits the public service commission of Nevada to maintain a branch office in Las Vegas, Nevada. This bill allows official documents to be filed in the Las Vegas office as well as the principal office in Carson City.

S.B. 415 (chapter 225)

Senate Bill 415 prohibits deputy attorneys general from receiving overtime pay or accumulating more than 10 days of compensatory time. This bill codifies an existing attorney general's internal office policy and places deputy attorneys general in the same status as other unclassified department or division heads in state government.

S.B. 439 (chapter 463)

Senate Bill 439 requires that, in addition to any other notice, the board for the regulation of liquefied petroleum gas must post the agenda of each meeting in:

1. The county seat of each county in which a project identified on the agenda is located; and
2. Each city or town in which a project identified on the agenda is located.

S.B. 464 (chapter 639)

Senate Bill 464 provides that the state registrar of vital statistics may not, without a court order, issue a birth certificate of a child listed as missing. The registrar must report to the attorney general and to the investigation division of the department of motor vehicles and public safety the names of persons requesting these certificates without a court order and the circumstances of the request.

S.B. 537 (chapter 580)

Senate Bill 537 creates the division of Nevada state railroad museums within the department of museums and history. This division includes:

1. The Nevada railroad museum in Carson City;
2. The railroad track, equipment and land owned by the state located between Henderson and Boulder City; and
3. Other sites which may be acquired and operated by the division.

The measure appropriates \$20,000 for fiscal year 1987-1988, and \$20,000 for fiscal year 1988-1989 to the division for its operation.

S.B. 559 (chapter 386)

Senate Bill 559 requires the legislative auditor of the legislative counsel bureau to conduct an operational audit of Nevada's department of data processing. The measure provides for a transfer of \$50,000 from the department's systems and programming division budget to the audit division of the legislative counsel bureau to carry out the audit.

S.B. 582 (chapter 719)

Senate Bill 582 excludes the buildings and property of Nevada's department of prisons from the requirement that priority to operate vending stands be given to blind persons.

A.B. 42 (chapter 432)

Assembly Bill 42 authorizes the Nevada commissioner for veteran affairs in northern Nevada and the deputy commissioner in southern Nevada to establish, operate and maintain veterans' cemeteries. The bill appropriates from the state general fund \$139,500 for the acquisition and initial development for a veterans' cemetery in northern Nevada, and \$137,000 for a cemetery in southern Nevada.

The bill creates an advisory committee for the cemetery in each area of the state. Each committee consists of seven members. Five members of veterans' organizations in this state are appointed by the governor. One member from the senate is appointed by the senate majority leader, and one member from the assembly is appointed by the speaker of the assembly.

A.B. 50 (chapter 101)

Assembly Bill 50 requires the director of the department of human resources to appoint a qualified state health officer

STATE GOVERNMENT (continued)

within 6 months after the position is vacant. The measure, however, allows for an extension of that time if no qualified applicant is available.

A.B. 56 (chapter 10)

Assembly Bill 56 repeals the provisions of law which require the division of state parks, state department of conservation and natural resources, to administer a program to foster bicycle pathways in the state.

These provisions were originally added to the statutes in 1973 to complement a \$250,000 state grant program. The funds have been disbursed, and the statutory provisions are no longer needed.

A.B. 57 (chapter 135)

Assembly Bill 57 authorizes Nevada's employment security department to participate in the federal Job Training Partnership Act. This measure also repeals the authorization for participation in two other federal programs that no longer exist--the Manpower Development and Training Act of 1962 and the Comprehensive Employment and Training Act of 1973.

A.B. 67 (chapter 14)

Assembly Bill 67 clarifies the duties of the office of community services and eliminates obsolete references to the state planning coordinator.

The state planning coordinator's office became defunct in 1982 when federal funding was no longer available to support its activities. Since that time, the office of community services has assumed the planning coordinator's responsibility to compile and publish the biennial report of state agencies and the statistical abstract for the state. Assembly Bill 67 officially places these responsibilities within the office of community services.

A.B. 121 (chapter 695)

Assembly Bill 121 provides for the commission on economic development to keep records concerning the initial contact with and research and planning for a client confidential, if the client so requests. The bill also outlines the criteria for determining when the records are no longer confidential. The measure specifies that its provisions expire on July 1, 1989.

A.B. 123 (chapter 179)

Assembly Bill 123 authorizes state agencies to pay the travel and per diem expenses for interviews of the three

STATE GOVERNMENT (continued)

most highly rated applicants for a permanent position. The bill provides, however, that the expenses may not be paid if the position is offered to an applicant, and he does not accept it. The measure also requires that all requests for payment pursuant to this law must be submitted to the state board of examiners for its approval before obligations are incurred.

The bill further authorizes state agencies to pay moving expenses under specified circumstances. The measure was made effective upon passage and approval.

A.B. 128 (chapter 365)

Assembly Bill 128 authorizes Nevada Magazine to trade advertising for travel services of comparable value. The services must be accounted for in the magazine's enterprise fund, and the trade must be approved by the state board of examiners. A "sunset" provision will cause the bill to expire July 1, 1989.

A.B. 140 (chapter 44)

Assembly Bill 140 addresses the requirements associated with purchase, sale and repair of state equipment.

The chief of the purchasing division of the department of general services is authorized to identify the items of property and equipment which the state agencies must inventory on an annual basis. The bill limits his authority in this area by declaring that any item which had an original cost of \$500 or more and which has a useful life of more than 2 years must be included in the inventory list.

The bill raises from \$500 to \$1,000 the value of property above which a proposed sale requires newspaper advertisement. For cases in which the state proposes to purchase property, the threshold value above which advertisements for sealed bids must be published is increased from \$2,500 to \$7,500.

Previous law allowed the chief to authorize local purchasing of individual orders of items not scheduled for quantity purchasing, as long as the price of each order did not exceed \$1,000. Assembly Bill 140 raises this basic limit from \$1,000 to \$2,500. The previous law also allowed him to authorize local purchasing of repair services and replacement parts for heavy equipment, not to exceed \$15,000. Assembly Bill 140 adds installation of the parts to this provision. Repair, replacement and installation of parts

STATE GOVERNMENT (continued)

for automobiles and light trucks, not to exceed \$5,000; is also added to this provision authorizing local purchase of equipment and services.

A.B. 141 (chapter 86)

Assembly Bill 141 authorizes the chief of the purchasing division in the department of general services to contract for services desired by a state agency if the agency decides it needs the contract and if the chief determines that his doing so would benefit the public or cause some other beneficial effect.

A.B. 206 (chapter 483)

Assembly Bill 206 makes several relatively technical changes in the laws and procedures associated with the secretary of state's office. Various modifications are made to the fees which are charged for performing the services of the office. The bill also specifies the manner for handling excess fees. It revises the procedures relative to issuance of certificates of appointment to notaries public, and it limits the effect of the registration of an insignia or name to a period of 10 years.

A.B. 255 (chapter 633)

Assembly Bill 255 reduces the number of governor's appointees on the state public works board from nine to six and designates the director of the department of administration as the chairman of the board. The bill specifies the duties of the manager of the state public works board and directs the board to submit its recommendations for capital improvement projects before October 1 of each even-numbered year.

A.B. 354 (chapter 482)

Assembly Bill 354 creates Nevada's commission for the bicentennial of the United States Constitution. Membership of commission consists of the similarly named Nevada commission established by executive order of Governor Richard H. Bryan on July 1, 1986.

The measure allows the commission to accept gifts and grants of money and property to be used to recognize and celebrate the 200th anniversary of the United States Constitution. The bill also appropriates \$25,000 for the support of the commission.

A.B. 598 (chapter 661)

Assembly Bill 598 authorizes the commission on economic development to coordinate the process of application for the superconducting super collider (SSC). The bill creates the

STATE GOVERNMENT (continued)

authority for the development of a community for the SSC. A skeleton form is also provided for the allocation of revenue to the authority from various fees and taxes. Moreover, the state engineer (division of water resources, state department of conservation and natural resources) is required to give priority to any petition or application for water rights related to the SSC.

Certain sections of the bill will only go into effect if Nevada is selected as the site for the SSC. Other sections expire by limitation on July 1, 1989, if Nevada is not selected as the site.

A.B. 612 (chapter 394)

Assembly Bill 612 authorizes the appointment of a real estate broker-salesman to the real estate commission, real estate division, department of commerce. This measure specifies that he must have held this post for at least 5 years immediately preceding the date of his appointment. Previous law required that each member of the commission be a real estate broker in Nevada for at least 3 years.

A.B. 813 (chapter 596)

Assembly Bill 813 allows the various divisions of the department of human resources to share confidential information among themselves in the performance of their official duties. However, the confidentiality of the information must otherwise be maintained.

A.B. 819 (chapter 684)

Assembly Bill 819 authorizes the director of the state department of general services to contract, without accepting competitive bids, for services or commodities provided by organizations or agencies whose primary purpose is the training and employment of handicapped persons. The bill does, however, require the director to establish by market survey a fair market price for these services or commodities.

A.B. 869 (chapter 508)

Assembly Bill 869 revises the duties of the state librarian concerning the custody of certain records. The librarian must be sure that original papers and other materials will be safe before they may be taken out of the archives.

A.B. 877 (chapter 557)

Assembly Bill 877 eliminates the requirement in state law for the director of the department of personnel to maintain an index of occupational subclasses for positions within the state personnel system.

## WATER

### S.B. 453 (chapter 247)

Senate Bill 453 corrects an obsolete population classification in the laws related to subdistricts of water conservancy districts. The bill changes a population category originally designed to include Washoe County to the classification indicated by the 1980 census figures.

### A.B. 65 (chapter 103)

Assembly Bill 65 increases the state penalties for violation of the laws or regulations relative to water pollution to be consistent with the corresponding federal penalties. The maximum civil penalty is increased from \$10,000 to \$25,000 for each day of a violation. The criminal penalty, which is a maximum of \$25,000, is clearly made applicable to each day of a violation.

### A.B. 115 (chapter 191)

Assembly Bill 115 makes several changes in state law relating to programs for the control of floods. The measure requires each flood control district to establish a permanent citizen's advisory committee. It also requires periodic review of the district's master plan for flood control and establishes procedures through which variances may be granted.

### A.B. 251 (chapter 815)

Assembly Bill 251 creates a board for financing water projects in the state. This five-member board is responsible for review and approval of tentative and final plans for water projects.

The bill authorizes the director of Nevada's department of commerce to issue revenue bonds or state general obligation securities to provide financing for the water projects. Criteria which must be met before the director can issue these bonds are also specified. These criteria include approval of the project by the board after it holds a public hearing, the director making several findings concerning the financial aspects of the proposal, approval of the findings by the state board of examiners, and several required assurances associated with the ability to repay the bonds.

The measure declares that the aggregate principal amount of the state's outstanding obligations pursuant to this bill may not exceed \$200 million. The state securities must be payable from taxes and may be additionally secured by revenues from the projects. The bill also authorizes the director of the department of commerce to issue refunding bonds in an amount which he deems necessary to refund the principal, interest, premiums and incidental expenses associated with the state securities.

In addition, the bill creates a fund in the state treasury for the financing of water projects. Except for revenue from projects financed with revenue bonds and subject to special agreement, all revenues from water projects financed through state securities must be placed in this fund. The measure also outlines the priorities for use of the money in the fund.

The bill appropriates \$8,000 from the state general fund for the salaries and travel expenses of the members of the board for financing water projects.

A.B. 548 (chapter 727)

Assembly Bill 548 provides procedures and requirements to establish and operate a project for the placement, storage and recovery of water in underground aquifers in the state. The bill provides that any person desiring to undertake such a project must obtain a permit from the state engineer. The measure establishes the criteria which the state engineer must evaluate in acting upon an application, and it provides the necessary procedural framework. It requires that the holder of a permit submit annual reports and that the state engineer maintain a storage account for each project. The measure also prescribes the penalties which may be assessed for violations and the procedures which must be followed in order to impose the penalties.

## RESOLUTIONS

All joint and concurrent resolutions approved during the legislative session are summarized under this topic.

### S.J.R. 6 - 63rd Session (File No. 43)

Senate Joint Resolution No. 6 of the 63rd session of the legislature proposes to amend the state constitution to authorize specifically the legislative review of administrative regulations. Because this measure was adopted by the legislature in 1985 and 1987, it will be placed on the 1988 ballot for vote of the citizens of the state.

### S.J.R. 16 - 63rd Session (File No. 22)

Senate Joint Resolution No. 16 of the 63rd session proposes to amend the Nevada constitution as it pertains to the initiative and referendum. This resolution, if approved by the voters at the 1988 general election, would establish a "birth and death" (beginning date and ending date) for initiative and referendum petitions. A primary purpose of the measure is to establish certain dates after which a petition may be filed with the secretary of state before it is circulated for signatures. Dates for filing petitions with the secretary of state after circulation are not changed. Approval of this proposal would assure that petitions could not "float" around the state for more than approximately 9 months before filing for signature verification.

### S.J.R. 17 - 63rd Session (File No. 71)

Senate Joint Resolution No. 17 of the 63rd legislative session proposes to amend the Nevada constitution relative to the selection and retention of district court judges and supreme court justices. If approved by the voters in 1988, this measure would permit the governor to appoint these judges and justices to their initial terms in the manner already provided for in the constitution, which requires the governor to select from a list of nominees prepared by the commission on judicial selection. Thereafter, in order to succeed himself, a judge or justice must stand for a retention election where the question of whether or not the judge should succeed himself is put to the people.

Senate Joint Resolution No. 17 of the 63rd session is patterned after the so-called Missouri Plan of judicial selection and retention.

### S.J.R. 21 - 63rd Session (File No. 30)

Senate Joint Resolution No. 21 of the 63rd legislative session proposes to amend section 3 of article 11 of the Nevada constitution to clarify historic language that is obsolete and confusing. Unnecessary references to specific land

RESOLUTIONS (continued)

grants of the 1800's are deleted. The amendment also simplifies the remaining provisions. It clarifies the intent to pledge permanently several types of revenue, including all proceeds of school grant lands, for educational purposes. The new language more clearly complements state law, which provides that these revenues are placed in the permanent school fund, and that the interest from that fund is placed in the state distributive school fund.

The resolution will be placed on the ballot for a vote of the people at the 1988 General Election.

S.J.R. 2 (File No. 7)

Senate Joint Resolution No. 2 urges the Congress of the United States to authorize the release of the money in the Highway Trust Fund for the construction and maintenance of the Nation's system of highways. This resolution opposes the practice of withholding urgently needed revenue designated for highways as a means to balance the federal budget and urges Congress to remove those transactions relating to the Highway Trust Fund from the unified budget of the Federal Government.

S.J.R. 5 (File No. 163)

Senate Joint Resolution No. 5 urges the Federal Government to provide financial assistance to the State of Nevada and to local governments in Nevada in order to mitigate the adverse effects if the state is selected as the site for a facility for the disposal of high-level radioactive waste. This money would be used to pay for the expansion of public services, the monitoring of the project and the mitigation of adverse economic effects.

S.J.R. 6 (File No. 72)

Senate Joint Resolution No. 6 urges Congress to investigate the designation and control of military airspace by the Federal Aviation Administration. The measure also calls upon Congress to enact legislation to enhance public participation in the process of establishing classifications of airspace and placing restrictions on its use.

The resolution expresses support and respect for the military, and it recognizes the need for realistic training of pilots in the military service. However, it also points out that the United States Department of Defense currently controls nearly 40 percent of all airspace in Nevada, and it highlights the lack of adequate procedures for public comments on proposals concerning airspace.

RESOLUTIONS (continued)

S.J.R. 8 (File No. 56)

Senate Joint Resolution No. 8 urges Congress to support and cooperate with the State of Nevada in its efforts gradually to acquire its fair share of federal land.

The resolution is a product of the Nevada legislature's committee on public lands. It is one step toward implementation of a redirected approach toward obtaining additional federal land. The committee is recommending that the State of Nevada undertake a thorough analysis of the state in order to identify the specific lands which should be obtained and the reasons for the necessary transfers. Senate Joint Resolution No. 8 seeks the cooperation and assistance of Congress in this effort.

S.J.R. 9 (File No. 49)

Senate Joint Resolution No. 9 urges Congress to enact legislation prohibiting the federal reservation of water rights within wilderness areas. It further urges Congress to include in future wilderness bills language specifying that federal water rights are not reserved as part of the designation.

S.J.R. 10 (File No. 48)

Senate Joint Resolution No. 10 urges the United States Bureau of Land Management to develop a procedure to allow the citizens of Nevada to review directly and comment on a draft statewide wilderness report so that public comments can be considered and included in the final statewide report.

S.J.R. 13 (File No. 29)

Senate Joint Resolution No. 13 urges Congress to enact the Highway and Transit Reauthorization Bill without delay. This resolution notes that, if such a bill is not enacted by March 1987, much of the needed construction on the federal aid highway system in Nevada, and other states, will be unnecessarily delayed until 1988. This delay will cause many workers to lose their jobs and seriously damage other areas of the state's economy.

S.J.R. 15 (File No. 119)

Senate Joint Resolution No. 15 urges the President and Congress of the United States to establish a program to exchange high school students each year with the Soviet Union. The resolution mentions the need to establish a lasting peace and to strengthen cultural and friendship ties between the two countries, and it states that such a student exchange program would become a positive cultural force for peace.

RESOLUTIONS (continued)

S.J.R. 18 (File No. 108)

Senate Joint Resolution No. 18 urges the Congress of the United States to enact legislation authorizing the establishment of enterprise zones. An enterprise zone is a targeted area within which federal, state and local governments foster new business activities by providing financial incentives to start up a business in a particular locale.

S.J.R. 19 (File No. 164)

Senate Joint Resolution No. 19 urges the United States Congress to retain and support the language within the Military Construction Authorization Act of 1987 which requires that the 474th Tactical Fighter Wing remain intact at Nellis Air Force Base, Nevada, to protect the security of the Nation.

S.J.R. 20 (File No. 109)

Senate Joint Resolution No. 20 urges the United States Congress to pass H.R. 1891. House Resolution 1891 would authorize the states to require the collection of sales and use taxes by sellers in interstate commerce who solicit business in a taxing state through the use of catalogs, advertising materials, radio, television, other electronic media, telecommunications and the press.

S.J.R. 21 (File No. 147)

Senate Joint Resolution No. 21 proposes to amend the Nevada constitution to allow the separate assessment and taxation of facilities for the storage or disposal of high-level radioactive waste and the property on which they are located. The proposal would limit the amount of the tax so as not to exceed 5 cents on each dollar of the assessed valuation. This resolution will be returned to the 1989 session of the legislature and, if adopted, will be placed on the ballot of the 1990 general election for approval or rejection by the voters.

S.J.R. 22 (File No. 130)

Senate Joint Resolution No. 22 proposes to amend the Nevada constitution to allow net proceeds of mines to be taxed at a rate different from the tax on property. This proposal will be brought before the 1989 legislature. If it is approved at that time, it will then be placed on the ballot for a vote of the people.

S.J.R. 24 (File No. 131)

Senate Joint Resolution No. 24 proposes to amend the Nevada constitution to authorize the establishment of family courts.

Enactment of S.J.R. 24 requires approval by the 1987 and 1989 sessions of the Nevada legislature and by the voters

RESOLUTIONS (continued)

statewide in 1990. If enacted, this measure will allow the legislature to provide, by law, for the establishment and jurisdiction of a family court as a division of any district court.

S.C.R. 2 (File No. 13)

Senate Concurrent Resolution No. 2 expresses legislative support for the meeting of the United States Jaycees in Reno, Nevada, in 1987.

S.C.R. 3 (File No. 136)

Senate Concurrent Resolution No. 3 directs the legislative commission to study the manner in which the special education of handicapped minors is provided and funded and alternatives for the payment of the costs of education of certain children with special needs at private medical facilities. The measure further directs the commission to develop a plan to meet the long-range educational needs of handicapped minors and children in private medical facilities and to suggest methods to support that plan.

S.C.R. 4 (File No. 11)

Senate Concurrent Resolution No. 4 memorializes Harvey N. Dondero, a prominent Nevada educator.

S.C.R. 5 (File No. 79)

Senate Concurrent Resolution No. 5 expresses support for the recommendations of the United Community Task Force on Confronting Youth Chemical Dependency. These recommendations include, among others, the establishment of several programs to encourage sobriety and provide adolescents with productive and entertaining alternatives to alcohol and drug abuse. Recommendations also propose increased education and treatment relative to alcohol and drug abuse, as well as establishment of a 24-hour telephone hotline for counseling and establishment of affordable residential group homes that will provide individual and family counseling.

S.C.R. 6 (File No. 34)

Senate Concurrent Resolution No. 6 supports the efforts of the Children's Cabinet in Washoe County to establish a 2-year trial program to provide services which are needed to preserve families during times of crisis. For example, brief and intensive services during times of family crisis may help prevent the unnecessary placement of children in foster care and/or help return children to their families more quickly after placement has occurred.

RESOLUTIONS (continued)

S.C.R. 7 (File No. 16)

Senate Concurrent Resolution No. 7 memorializes the late former Assemblyman Lorin D. Parraguirre.

S.C.R. 8 (File No. 17)

Senate Concurrent Resolution No. 8 commemorates Black American History Month.

S.C.R. 9 (File No. 19)

Senate Concurrent Resolution No. 9 commends Ioannis A. "John" Lougaris on his 100th birthday for his distinguished service to the State of Nevada.

S.C.R. 10 (File No. 20)

Senate Concurrent Resolution No. 10 memorializes the late former state Senator Henry W. Berrum.

S.C.R. 11 (File No. 27)

Senate Concurrent Resolution No. 11 commends the volunteer firefighters of Virginia City, Nevada, and other members of Liberty Engine Company No. 1 for gathering, preserving and displaying numerous artifacts of fire service from all parts of the State of Nevada.

S.C.R. 12 (File No. 31)

Senate Concurrent Resolution No. 12 commends the girls' basketball team of Reno High School for winning the state championship.

S.C.R. 13 (File No. 33)

Senate Concurrent Resolution No. 13 designates March 21, 1987, as Vietnam Veterans' Remembrance Day in the State of Nevada.

S.C.R. 14 (File No. 137)

Senate Concurrent Resolution No. 14 urges the welfare division of the department of human resources to consider requests for aid for handicapped persons on a case-by-case basis and determine whether the recipient can continue to live at home rather than in a group residential facility. The resolution also expresses the intent of the legislature that handicapped persons who stay in their own homes should remain eligible for financial aid.

S.C.R. 15 (File No. 45)

Senate Concurrent Resolution No. 15 designates the week of April 5, 1987, as Nevada Library Week.

RESOLUTIONS (continued)

S.C.R. 16 (File No. 144)

Senate Concurrent Resolution No. 16 directs the legislative commission to reappoint a subcommittee composed of two senators and three assemblymen to review the activities of the Tahoe Regional Planning Agency. The resolution lists activities of the agency which may be reviewed and the persons and organizations who must be consulted by the subcommittee in the review process. The resolution requires the subcommittee to submit a quarterly report of its activities to the interim finance committee, and the legislative commission to report the results of its review to the 65th session of the Nevada legislature.

S.C.R. 17 (File No. 89)

Senate Concurrent Resolution No. 17 urges the county and city governments in the state to establish or expand the 911 emergency telephone service to make it available to all residents of Nevada. This resolution particularly is directed toward remote areas of the state which are removed from readily available emergency services.

S.C.R. 18 (File No. 60)

Senate Concurrent Resolution No. 18 memorializes the late author, Grace Dangberg.

S.C.R. 19 (File No. 104)

Senate Concurrent Resolution No. 19 directs Nevada's department of transportation to begin construction of a full interchange at the intersection of Interstate 15 and Spring Mountain Road in Clark County, Nevada. The resolution also directs that the project be given high priority under the department's priority programming system.

The resolution seeks to relieve traffic delays and congestion at this intersection, but acknowledges that the beginning of construction is contingent upon approval of the project by the Federal Highway Administration and its agreement to fund 95 percent of the cost of the project.

S.C.R. 20 (File No. 62)

Senate Concurrent Resolution No. 20 commends the players, coach and staff of the Runnin' Rebels of the University of Nevada, Las Vegas, for an outstanding basketball season.

S.C.R. 21 (File No. 63)

Senate Concurrent Resolution No. 21 memorializes the late Assemblyman Roy Young.

RESOLUTIONS (continued)

S.C.R. 22 (File No. 103)

Senate Concurrent Resolution No. 22 requires the public employees' retirement board to conduct an interim study of individual early retirement programs; the investment programs presently available to finance these programs; and, if appropriate, the possibility of establishing an alternative individual investment program. The resolution requires the board to report on the progress of the study at each meeting of the legislature's interim retirement committee and to report the results of the study and any recommended legislation to the 65th session of the Nevada legislature.

S.C.R. 23 (File No. 66)

Senate Concurrent Resolution No. 23 memorializes former Senator Kenneth F. Johnson.

S.C.R. 24 (File No. 70)

Senate Concurrent Resolution No. 24 commends former Governor Charles H. Russell.

S.C.R. 26 (File No. 105)

Senate Concurrent Resolution No. 26 directs Nevada's department of transportation to review and act in accordance with Title IV of the Surface Transportation and Uniform Relocation Act of 1987 and regulations of the United States Department of Transportation without regard to NRS 408.443 to NRS 408.477. The new federal law enhances benefits to property owners who are displaced by public works projects funded by the Federal Government. The referenced state laws pertain to relocation payments and advisory assistance for persons displaced by the construction of federal-aid highways.

The resolution further directs Nevada's department of transportation to recommend to the 65th session of the Nevada legislature specific and comprehensive legislation to conform the NRS with this federal law and applicable federal regulations.

S.C.R. 27 (File No. 77)

Senate Concurrent Resolution No. 27 declares August 13, 1987, as Senior Citizens' Day in Nevada and urges friends and relatives of elderly people to do something special for these aging persons to show their appreciation and love.

S.C.R. 28 (File No. 120)

Senate Concurrent Resolution No. 28 directs the legislative commission to complete by July 1, 1988, all of the interim studies assigned to it by the 1987 legislature.

RESOLUTIONS (continued)

S.C.R. 29 (File No. 132)

Senate Concurrent Resolution No. 29 directs Nevada's department of transportation to erect a sign on Interstate Highway 15 at the junction of U.S. Highway No. 93 (located northeast of Las Vegas, Nevada) announcing the "Great Basin National Park."

S.C.R. 30 (File No. 78)

Senate Concurrent Resolution No. 30 honors all veterans, and especially those who are disabled, for their patriotic devotion and courage in defending their country.

S.C.R. 31 (File No. 80)

Senate Concurrent Resolution No. 31 memorializes Lieutenant Commander Richard Perry.

S.C.R. 32 (File No. 83)

Senate Concurrent Resolution No. 32 memorializes the late former Senator James Slattery.

S.C.R. 33 (File No. 84)

Senate Concurrent Resolution No. 33 memorializes the late former Assemblyman Charles G. "Chuck" Bourne.

S.C.R. 35 (File No. 90)

Senate Concurrent Resolution No. 35 commends and supports the Nevada Jaycee chapters and their communities for their constant and continual dedication and commitment to the betterment of mankind. The resolution encourages the Jaycees in Nevada--founded in 1920--to continue their efforts as prescribed by the Jaycee creed during the next 50 years.

S.C.R. 36 (File No. 91)

Senate Concurrent Resolution No. 36 congratulates the National Council of Juvenile and Family Court Judges--the oldest and largest judicial organization in the United States--for 50 years of contributions to Nevada and the Nation. The resolution notes that this professional organization has had its administrative headquarters and its College of Juvenile and Family Law on the campus of the University of Nevada-Reno since 1969.

S.C.R. 38 (File No. 93)

Senate Concurrent Resolution No. 38 endorses and supports all activities of governmental and volunteer agencies to identify and assist adults to learn to read. The resolution identifies and expresses appreciation to the agencies and organizations in Nevada which participated in the Project Literacy US, or "PLUS," program.

RESOLUTIONS (continued)

S.C.R. 39 (File No. 94)

Senate Concurrent Resolution No. 39 expresses condolences and memorializes the late Angelo Codella who was a resident of North Las Vegas, a former chairman of the Clark County Library District Board, and an active member of numerous other community organizations.

S.C.R. 40 (File No. 138)

Senate Concurrent Resolution No. 40 requires that the legislative commission conduct an interim study on public elementary and secondary education in Nevada. This study must include an evaluation of:

1. The organizational structure of the system of public instruction;
2. The duties of the county school districts;
3. The duties and rights of the parents, pupils and teachers of those districts; and
4. The financial effect of any changes recommended by the subcommittee appointed for this study.

S.C.R. 42 (File No. 96)

Senate Concurrent Resolution No. 42 expresses condolences and memorializes the late Gene L. Scarselli who spent 19 years as the Douglas County superintendent of schools and was one of Nevada's great educators.

S.C.R. 43 (File No. 112)

Senate Concurrent Resolution No. 43 congratulates Harrah's for its 50 years of contributions to the people of Nevada.

S.C.R. 44 (File No. 139)

Senate Concurrent Resolution No. 44 requires that the legislative commission conduct an interim study on the feasibility and desirability of basing public utilities' rates in Nevada upon estimates of anticipated costs and revenues. Such estimates, known as "future test year," must be compared with the use of historical costs and revenues. The study also must examine the experience of the Federal Energy Regulatory Commission and the State of California. The study is further required to include a determination of whether the method under consideration might help limit rate changes and spread out the work of the public service commission of Nevada.

RESOLUTIONS (continued)

S.C.R. 45 (File No. 140)

Senate Concurrent Resolution No. 45 directs the legislative commission to conduct an interim study of the method of marketing by franchise. The study must include:

1. The requirements for contracts;
2. The termination and renewal of franchises;
3. The transfer of franchises;
4. The feasibility of adopting uniform requirements; and
5. Any other related matters.

S.C.R. 46 (File No. 115)

Senate Concurrent Resolution No. 46 commends Reno's Biggest Little City in the World Committee for its dedication, enthusiasm and determination to restore its city and community pride.

S.C.R. 47 (File No. 121)

Senate Concurrent Resolution No. 47 memorializes the late Harvey A. Gross, Lake Tahoe gaming pioneer.

S.C.R. 48 (File No. 148)

Senate Concurrent Resolution No. 48 encourages the teaching of a course concerning family life in Nevada's public high schools. The resolution urges the state board of education and every school district to include a course of family life in their curricula.

S.C.R. 49 (File No. 123)

Senate Concurrent Resolution No. 49 memorializes the late William E. Berning and extends condolences to his family.

S.C.R. 50 (File No. 124)

Senate Concurrent Resolution No. 50 honors the survivors and those who died during the attack on Pearl Harbor in Hawaii on December 7, 1941.

S.C.R. 51 (File No. 133)

Senate Concurrent Resolution No. 51 memorializes the late Sister Mary Seraphine and extends condolences to her family.

S.C.R. 52 (File No. 134)

Senate Concurrent Resolution No. 52 congratulates John "Pop" Etchemendy on his 100th birthday.

RESOLUTIONS (continued)

S.C.R. 53 (File No. 141)

Senate Concurrent Resolution No. 53 memorializes the late Richard James Rundle and commends him for his heroism in saving the life of a friend.

A.J.R. 1 (File No. 157)

Assembly Joint Resolution No. 1 proposes to amend the Nevada constitution to allow charitable and nonprofit organizations to operate lotteries. This proposal will be returned to the 1989 legislative session, and if it is adopted at that time, placed before the citizens for voter approval.

A.J.R. 2 (File No. 35)

Assembly Joint Resolution No. 2 urges Congress to establish a western regional training center at the Stewart Complex near Carson City, Nevada, in order to train people who respond to emergencies, particularly those involving hazardous materials. The resolution also directs the division of emergency management in the state department of the military to cooperate with the Federal Government and western regional organizations in establishing the center.

A.J.R. 3 (File No. 117)

Assembly Joint Resolution No. 3 urges Congress to establish strict requirements for training the drivers who transport hazardous materials and for tracking shipments of hazardous materials. The resolution highlights the significance of these activities to the public's safety and points out the Federal Government's jurisdictional responsibilities in these areas.

A.J.R. 5 (File No. 97)

Assembly Joint Resolution No. 5 urges Congress to require that each federal agency which transports hazardous materials through Nevada enter into a written agreement with the state department of motor vehicles and public safety and the public service commission of Nevada. This agreement is to specify the procedure for notifying the state agencies of each intended entry of hazardous materials into the state. The resolution also declares that the agreement should set forth any exceptions to the general policy of advance notification.

A.J.R. 6 (File No. 36)

Assembly Joint Resolution No. 6 urges Congress to oppose the deactivation of the 474th Tactical Fighter Wing at Nellis Air Force Base. The resolution calls the attention of Congress to the grave economic dislocation that would be caused by the deactivation of this unit.

RESOLUTIONS (continued)

A.J.R. 9 (File No. 37)

Assembly Joint Resolution No. 9 urges Congress to pass legislation which would provide unlimited federal liability for all damages resulting from accidents relating to the siting of a high-level nuclear waste repository in Nevada. The federal law which currently provides indemnification in this situation is known as the Price-Anderson Act. It is due to expire on August 1, 1987, and it does not provide the unlimited liability coverage that is desired.

A.J.R. 10 (File No. 54)

Assembly Joint Resolution No. 10 urges Congress and the Secretary of the United States Department of Transportation, respectively, to enact legislation and to support the establishment of a motor carrier administration within the department.

This resolution highlights the size and contributions of the motor carrier industry in the transportation of freight. It reviews the benefits of a motor carrier administration. It also indicates that a federal program coordinating motor carriers within the U.S. Department of Transportation could be established by consolidating the various existing federal agencies which regulate the trucking industry into a motor carrier administration to provide increased efficiency at a low cost.

A.J.R. 14 (File No. 47)

Assembly Joint Resolution No. 14 requests that the President and Congress of the United States select Nevada as the site for the construction of the proposed atomic particle accelerator which is known as the superconducting super collider.

The SSC will be one of the largest scientific instruments ever built. Its major design feature is a generally circular or racetrack-shaped tunnel which will be 52 miles in circumference and 10 feet in cross-section diameter. The SSC will allow studies in the new, very high energy domain of physics research. It is expected to provide the capability necessary for continued advancement on the forefront of high energy physics, assuring an internationally competitive United States program into the next century.

A.J.R. 16 (File No. 118)

Assembly Joint Resolution No. 16 declares that the Nevada legislature considers the right to judicial review to be crucial to the state's oversight role relating to the high-level nuclear waste program, and it urges Congress to support

RESOLUTIONS (continued)

the policy underlying the availability of money for judicial review as is consistent with the federal Nuclear Waste Policy Act.

A.J.R. 17 (File No. 58)

Assembly Joint Resolution No. 17 urges the United States Forest Service to provide that its assessments of the "fair market value" of property in the Lake Tahoe Basin include the potential for development of land under the proposed programs of the Tahoe Regional Planning Agency.

A.J.R. 18 (File No. 57)

Assembly Joint Resolution No. 18 urges Congress to continue to appropriate money to finance the purchase of environmentally sensitive land in the Lake Tahoe Basin under the authority of the Santini-Burton Act.

A.J.R. 21 (File No. 98)

Assembly Joint Resolution No. 21 urges the President to support, and Congress to enact, legislation consummating the exchange of private land owned by Aerojet-General Corporation in Florida for public land located in southern and western Nevada. It indicates, however, that a right of way for electric transmission lines should be reserved across the Nevada property.

The resolution notes the high percentage of public land in Nevada and the state's efforts to diversify its economy. It also points out that the Florida land will be used to achieve the protection of valuable natural vegetation in the Everglades.

A.J.R. 23 (File No. 116)

Assembly Joint Resolution No. 23 urges Congress to continue to support the Nevada Test Site financially. The resolution highlights that the direct and indirect employment through the United States Department of Energy in the southern Nevada counties of Clark, Lincoln and Nye exceeds 20,000 persons with a projected contribution to local economies of about \$1 billion. Moreover, the Nevada Test Site creates jobs for an additional 11,000 workers through support industries with a payroll of \$361 million.

A.J.R. 26 (File No. 142)

Assembly Joint Resolution No. 26 proposes to amend the Nevada constitution to expand the provisions authorizing the state to lend its money and credit. This proposal would allow the state to be interested in the equity of a private company, association or corporation if the legislature

RESOLUTIONS (continued)

determines that it would further economic development and be of economic benefit to the people of the state.

In order to become effective, this amendment must be adopted by the 1989 legislature and approved by the voters at the general election in 1990.

A.J.R. 29 (File No. 59)

Assembly Joint Resolution No. 29 urges Congress to enact legislation to transfer unclaimed property held by federal agencies to the state in which the owner of the property last resided, so that the state can handle the property in accordance with its laws for the benefit of its residents.

A.J.R. 34 (File No. 107)

Assembly Joint Resolution No. 34 proposes to amend section 3 of article 9 of the Nevada constitution to raise the limit of indebtedness which the state may incur from 1 percent to 2 percent of the assessed valuation. This resolution must be adopted again by the 1989 legislature and approved by a vote of the citizens of the state before the proposed constitutional amendment becomes effective.

A.J.R. 42 (File No. 146)

Assembly Joint Resolution No. 42 ceremonially ratifies the 26th amendment to the United States Constitution which granted the right to vote to citizens who are 18 years of age and older.

A.J.R. 47 (File No. 162)

Assembly Joint Resolution No. 47 urges the Congress of the United States to enact legislation to authorize the states to regulate, without permitting unfair discrimination, the operation of games (other than bingo and traditional Indian games) on Indian land. The measure further urges Congress to prohibit the operation on Indian land of slot machines, mechanical gaming devices and mechanical-electrical video gaming devices, whether they are new forms of games or facsimiles of existing forms.

A.C.R. 1 (File No. 8)

Assembly Concurrent Resolution No. 1 adopts the joint rules of the senate and assembly for the 1987 legislative session.

A.C.R. 3 (File No. 32)

Assembly Concurrent Resolution No. 3 urges the public service commission of Nevada, the state department of transportation, and the department of motor vehicles and public safety to work actively with other states and regional organizations on issues regarding the transportation of hazardous

RESOLUTIONS (continued)

materials. The resolution identifies two areas which should be included in the efforts, as follows:

1. The desire of states and local governments to be notified when any hazardous material is to be transported within their jurisdictions; and
2. The need to improve the emergency response capabilities of the state and local governments.

A.C.R. 4 (File No. 10)

Assembly Concurrent Resolution No. 4 declares January 28, 1987, as Nevada Teacher Appreciation Day.

A.C.R. 7 (File No. 14)

Assembly Concurrent Resolution No. 7 provides for adjournment of the legislature from the conclusion of its business for Wednesday, February 25, 1987, until its normal convening hour on Monday, March 2, 1987.

A.C.R. 8 (File No. 92)

Assembly Concurrent Resolution No. 8 directs Nevada's agency for nuclear projects to review all existing laws and regulations which pertain to the transportation of radioactive materials and to scrutinize the United States Department of Energy's plans relating to its transportation. The agency is further directed to develop, in cooperation with the affected local governments and the Nevada legislature's committee on high-level radioactive waste, a comprehensive plan addressing the issues associated with transportation of nuclear waste if a repository were to be located in Nevada.

The agency is directed to report its plan and associated recommendations, including any proposed legislation, to the Nevada legislature's committee on high-level radioactive waste.

A.C.R. 11 (File No. 21)

Assembly Concurrent Resolution No. 11 commends former Assemblyman Ed Kovacs for his public service in Nevada.

A.C.R. 12 (File No. 44)

Assembly Concurrent Resolution No. 12 directs the legislative commission to continue to participate in the Block Boundary Suggestion Program and any other program conducted by the United States Bureau of the Census in preparation for the census in 1990.

A.C.R. 13 (File No. 23)

Assembly Concurrent Resolution No. 13 declares the week of March 1 as Nevada Thunderbird Week.

RESOLUTIONS (continued)

A.C.R. 14 (File No. 42)

Assembly Concurrent Resolution No. 14 authorizes the expenditure of money from the legislative fund to pay:

1. Travel allowances for members of standing committees, special committees and subcommittees of the legislature; and
2. Travel allowances and per diem expense allowances for the staff of these committees.

The travel must be associated with hearings or meetings of the committees during the 64th session of the legislature. The expenditures must be approved by the majority leader of the senate for a committee of the senate or by the speaker of the assembly for a committee of the assembly.

A.C.R. 15 (File No. 25)

Assembly Concurrent Resolution No. 15 commends former Assemblyman John H. Homer.

A.C.R. 17 (File No. 26)

Assembly Concurrent Resolution No. 17 memorializes the late Jack Joseph Lamberti, former Justice of the Peace for the City of Sparks.

A.C.R. 18 (File No. 150)

Assembly Concurrent Resolution No. 18 directs the legislative commission to conduct a comprehensive interim study of the laws governing the financing of public facilities and public works which accompany new residential, commercial and industrial development in Nevada. The study is to include:

1. An examination of the effect on new development of providing various public services and facilities;
2. An identification of all funding methods and sources authorized by state law and their use by local governments;
3. An evaluation of the projected need for services to maintain existing facilities and sustain continued future development; and
4. An identification and examination of new methods to finance public works and facilities for development.

The resolution also directs the governor to appoint a nine-person advisory committee to assist the interim legislative subcommittee in this study. The advisory committee is to consist of:

RESOLUTIONS (continued)

1. Three members involved in residential housing development;
2. Two members involved in commercial or industrial development;
3. Two members involved in local government;
4. One member representing public utilities; and
5. One member involved in economic development in the state.

A.C.R. 21 (File No. 86)

Assembly Concurrent Resolution No. 21 designates September 17, 1987, as Constitution Day and asks the residents of the State of Nevada to celebrate and observe the bicentennial of its signing.

A.C.R. 24 (File No. 151)

Assembly Concurrent Resolution No. 24 directs the legislative commission to conduct an interim study of the availability of low-income housing in Nevada. The study specifically is to:

1. Determine the adequacy of the supply of affordable low-income housing;
2. Recommend programs to encourage the construction of affordable housing in Nevada; and
3. Identify sources of revenue to finance any recommended programs.

A.C.R. 25 (File No. 38)

Assembly Concurrent Resolution No. 25 memorializes former state legislator Mary Gojack.

A.C.R. 26 (File No. 40)

Assembly Concurrent Resolution No. 26 memorializes former Justice of the Supreme Court Jon Collins.

A.C.R. 27 (File No. 39)

Assembly Concurrent Resolution No. 27 commends former Governor Mike O'Callaghan for his public service and declares March 26, 1987, as Mike O'Callaghan Day.

A.C.R. 28 (File No. 41)

Assembly Concurrent Resolution No. 28 commends the boys' and girls' basketball teams of Yerington High School for their victories in the class "A" state championship tournament.

RESOLUTIONS (continued)

A.C.R. 29 (File No. 82)

Assembly Concurrent Resolution No. 29 approves the leasing of land adjacent to the Nevada Railroad Museum to the Carson City Chamber of Commerce for construction of a building and parking spaces.

A.C.R. 30 (File No. 46)

Assembly Concurrent Resolution No. 30 expresses support for the new maximum speed limit of 65 miles per hour on the state's rural interstate highways. The resolution also directs the governor to ensure that the appropriate signs are changed accordingly.

A.C.R. 32 (File No. 50)

Assembly Concurrent Resolution No. 32 designates April 7, 1987, as Junior League Day in Nevada.

A.C.R. 33 (File No. 51)

Assembly Concurrent Resolution No. 33 memorializes the late former Assemblyman Jack Fogliani.

A.C.R. 34 (File No. 52)

Assembly Concurrent Resolution No. 34 designates the week of June 22, 1987, as Imperial Shrine Week in Nevada.

A.C.R. 35 (File No. 55)

Assembly Concurrent Resolution No. 35 memorializes Leo K. Johnson.

A.C.R. 36 (File No. 152)

Assembly Concurrent Resolution No. 36 directs Nevada's legislative commission to conduct an interim study to determine ways to preserve and promote Nevada's cultural resources. The resolution authorizes the commission to accept and use any gift or grant of money to aid it in carrying out the study.

A.C.R. 37 (File No. 61)

Assembly Concurrent Resolution No. 37 commends the members of Kiwanis clubs and designates April 16, 1987, as Kiwanis Day in Nevada.

A.C.R. 38 (File No. 64)

Assembly Concurrent Resolution No. 38 memorializes former state Senator Warren L. "Snowy" Monroe.

A.C.R. 41 (File No. 65)

Assembly Concurrent Resolution No. 41 authorizes the expenditure of \$3,000 from the legislative fund to compensate and reimburse a speaker in connection with his appearance before a standing committee of the legislature.

RESOLUTIONS (continued)

A.C.R. 44 (File No. 67)

Assembly Concurrent Resolution No. 44 commends Richard F. "Chick" Perkins for his work with the Lost City Museum in Clark County, Nevada.

A.C.R. 45 (File No. 69)

Assembly Concurrent Resolution No. 45 declares the legislature's appreciation for the dedicated efforts of volunteers throughout Nevada to enhance the quality of life for all.

A.C.R. 47 (File No. 153)

Assembly Concurrent Resolution No. 47 directs Nevada's legislative commission to conduct a comprehensive study of the fiscal effects the incorporation of cities under general law has upon the counties. This study is to include:

1. Identifying the sources of revenue of the counties and the amount derived from each source;
2. Evaluating the costs of the services required to be provided for and by the counties and the sources of revenue used to pay those costs;
3. Considering the manner in which general law currently provides for incorporation; and
4. Examining the practical effect such an incorporation has on the rest of the residents in the affected county.

A.C.R. 48 (File No. 99)

Assembly Concurrent Resolution No. 48 directs all state agencies involved in the future development of the lagoon at Laughlin, Nevada, to cooperate and support the establishment of a program to enhance the environment, improve the recreational facilities and provide a stronger economy for Laughlin. The resolution indicates that the Laughlin area has the potential to be developed into an outstanding recreational area, and the lagoon located along the Colorado River is one of Laughlin's undeveloped natural resources.

A.C.R. 49 (File No. 125)

Assembly Concurrent Resolution No. 49 urges the Clark County School District to engage in a study for 1 year of the "6th grade center" approach to determine if it is still the best method to desegregate the district.

A.C.R. 50 (File No. 75)

Assembly Concurrent Resolution No. 50 commends the Nevada Foundation of Women's Clubs and expresses support for the establishment of a "bill of rights" for children.

RESOLUTIONS (continued)

A.C.R. 52 (File No. 73)

Assembly Concurrent Resolution No. 52 expresses appreciation to the Union Pacific Railroad for its donation of 12 miles of track from Henderson to Boulder City, Nevada.

A.C.R. 53 (File No. 74)

Assembly Concurrent Resolution No. 53 honors the Mexican holiday, Cinco de Mayo, and expresses the legislature's tribute to the culture and heritage of Nevadans of Mexican origin.

A.C.R. 54 (File No. 76)

Assembly Concurrent Resolution No. 54 memorializes the late Anna E. Dressler.

A.C.R. 55 (File No. 154)

Assembly Concurrent Resolution No. 55 directs Nevada's legislative commission to conduct a comprehensive study of the relationship of premiums and related income to the actual costs and expenses of providing insurance. The resolution specifies the types of insurance which may be considered under the study.

The measure further allows the legislative commission to require that insurers submit reports which include, without limitation, specific information pertaining to this state or to an insurer in its entirety, in the aggregate or by the type of insurance, and for a previous year.

A.C.R. 59 (File No. 155)

Assembly Concurrent Resolution No. 59 directs the legislative commission to conduct an interim study of the mental hygiene and mental retardation division of the department of human resources and its management and treatment of clients.

A.C.R. 60 (File No. 126)

Assembly Concurrent Resolution No. 60 encourages institutions, wholesalers and retailers in Nevada to purchase, promote and sell agricultural products which are grown, produced, packed, processed or raised in this state. The measure also directs the regulatory agencies of the state having the appropriate powers to foster the purchase and use of these in-state agricultural products. It further directs the executive director of the state department of agriculture to distribute a copy of the resolution and a brochure identifying the agricultural products of Nevada and their producers to the wholesalers, retailers, schools and other institutions in this state who sell, distribute or consume agricultural products.

RESOLUTIONS (continued)

A.C.R. 62 (File No. 95)

Assembly Concurrent Resolution No. 62 memorializes a distinguished Nevadan, the late Wallie Warren, who served as a lobbyist with the Nevada legislature during a career of 41 years, was active and held leadership positions in many community organizations, and received numerous awards for his devoted public service.

A.C.R. 63 (File No. 100)

Assembly Concurrent Resolution No. 63 commends the dedicated effort of the National Pony Express Association and other persons involved in preserving the famous Pony Express trail for future generations.

A.C.R. 64 (File No. 102)

Assembly Concurrent Resolution No. 64 expresses condolences and memorializes the late Henry "Hank" Gardner who had been an employee of the Nevada legislature in the bill distribution center since 1979 and a member and awards recipient of several community and professional organizations in Carson City, Nevada.

A.C.R. 65 (File No. 161)

Assembly Concurrent Resolution No. 65 instructs the legislative counsel bureau to grant 2 days of administrative leave to each employee.

A.C.R. 66 (File No. 106)

Assembly Concurrent Resolution No. 66 commends Ella Savitt on her service to the people of Nevada through her generous contributions to the University of Nevada-Reno.

A.C.R. 68 (File No. 143)

Assembly Concurrent Resolution No. 68 directs the director of Nevada's department of general services to conduct a study of the state's needs relating to telecommunications. The results of the study and any recommended legislation are to be reported to the 65th session of the legislature and to the governor.

The resolution also directs the majority floor leader of the senate and the speaker of the assembly to appoint one member respectively from each house to serve on a technical advisory committee to provide advice to the director regarding the study. The director further is required to cooperate with state and local public agencies, public utilities and private organizations within the state in conducting the study.

RESOLUTIONS (continued)

A.C.R. 69 (File No. 110)

Assembly Concurrent Resolution No. 69 memorializes the late former state assemblyman and state senator, Marcus Joy "M.J." Christensen.

A.C.R. 70 (File No. 127)

Assembly Concurrent Resolution No. 70 urges the board of directors of the Carson Water Subconservancy District to conduct a study or contract for a study of the upstream storage of water on the upper Carson River System and of the proposed Comstock Dam.

A.C.R. 71 (File No. 113)

Assembly Concurrent Resolution No. 71 expresses appreciation to the students from Western Nevada Community College who served as legislative interns during the 1987 legislative session.

A.C.R. 72 (File No. 114)

Assembly Concurrent Resolution No. 72 authorizes Nevada's state controller to pay \$25 per service out of the legislative fund to members of the clergy who performed religious services for the Nevada legislature during the 1987 session.

A.C.R. 73 (File No. 122)

Assembly Concurrent Resolution No. 73 commends the superintendent and staff of the state printing and micrographics division of Nevada's department of general services for their diligence and dedication during the 1987 legislative session.

A.C.R. 74 (File No. 135)

Assembly Concurrent Resolution No. 74 urges Mt. Wheeler Power, Inc., to conduct an independent audit of its rates and service costs and to reduce temporarily rates for members using irrigation pumps.

A.C.R. 75 (File No. 128)

Assembly Concurrent Resolution No. 75 memorializes the late Jim Frank and extends condolences to his family.

A.C.R. 76 (File No. 129)

Assembly Concurrent Resolution No. 76 commends the members of the Nevada National Guard for their exemplary record and wishes them a happy 125th birthday.

RESOLUTIONS (continued)

A.C.R. 77 (File No. 159)

Assembly Concurrent Resolution No. 77 urges the division of environmental protection of the state department of conservation and natural resources to expedite the review of the program for the development in Lincoln County of a facility for the thermal destruction of hazardous waste.

## VETOED BILLS

### S.B. 72

Senate Bill 72 creates the advisory committee on highways consisting of 11 members. The governor appoints six members as representatives of the general public and two other members from a list of nominees submitted by the board of directors, respectively, of the Nevada Association of Counties and the Nevada League of Cities. In addition, the bill designates the chairmen of the senate and assembly committees on transportation and the director of the department of transportation as ex officio members of the advisory committee.

The bill requires the committee to review and evaluate the need and sources of revenue for the construction and maintenance of highways in Nevada. The committee is required to submit a report of its findings and any recommended legislation to the legislature at the beginning of each regular session.

The measure also appropriates \$65,000 from the state general fund to the advisory committee for its expenses if Senate Bill 73 or Assembly Bill 880 of the 64th session are not enacted into law. The bill includes further language to require local governments proportionally to pay \$19,500 and the state to contribute \$45,500 from the state general fund to the advisory committee if S.B. 73 or A.B. 880 are enacted. These bills provide for increased fees and taxes to provide additional revenue for the construction and maintenance of state and local highways. Senate Bill 72 specifies, however, that local governments are not allowed to use any increased revenue from S.B. 73 or A.B. 880 to pay their portion of the amount for the advisory committee. (NOTE: Senate Bill 73 was enacted and became chapter 740.)

### S.B. 252

Senate Bill 252 authorizes banks, savings and loan associations, thrift companies, and credit unions to lease space to an insurance company, agent or broker. The rent may not be based on the volume of business or amount of profit of the company, agent or broker.

The bill also allows a parent corporation, subsidiary or affiliate of a bank, or other financial institution, to transact insurance business. The institution may sell insurance only through independent insurance agents whose compensation is in the form of a commission. A separate record of assets must be kept for these activities. Moreover, each person who applies for a loan at the bank must be provided with written notice stating that no borrower is required to purchase insurance from the parent corporation,

VETOED BILLS (continued)

subsidiary or affiliate or its lessee in order to obtain approval of the loan. A fine of \$5,000 is established for banks which violate this provision.

The measure also provides that a bank whose parent corporation, subsidiary or affiliate is licensed as an insurer or leases space to an insurance company, agent or broker may not:

1. Require a borrower to purchase insurance from the parent corporation, subsidiary, affiliate or its lessee as a condition of receiving a loan.
2. Refuse to approve a policy of insurance that provides adequate protection to the bank against the risk of loss of property by which a loan is or will be secured.
3. Require an applicant for a loan to disclose, before approval of the loan, the insurer who will insure any property by which the loan will be secured.
4. Obtain information from the parent corporation, subsidiary, affiliate or its lessee concerning any application for insurance.
5. Before approval of a loan, provide any insurer, including the parent corporation, subsidiary, affiliate or its lessee, with the name of the applicant, except with the written consent of the applicant.

S.B. 508

Senate Bill 508 establishes the criteria associated with an independent evaluation of the medical care provided by a physician or chiropractor. Specifically, the measure only allows an evaluation to be conducted by a physician or chiropractor who is certified to practice or formally educated in the same field of practice as the primary treating physician or chiropractor.

The measure further provides that the independent evaluation must include an examination of the patient, unless he is deceased, and an examination of all X-rays and reports prepared by the primary treating physician or chiropractor. The physician or chiropractor conducting the independent evaluation may only report what he would have done if he had been the primary treating physician or chiropractor, and he may not:

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1. Evaluate the fees charged for the care provided by the primary treating physician or chiropractor; or
2. Determine whether excessive medical care was provided.

In addition, the bill specifies that an insurer may not use an independent medical evaluation to reduce the fees submitted for payment by any physician or chiropractor.



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Sixty-fourth Session, 1987

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