

NEVADA LEGISLATURE

SIXTY-NINTH SESSION

1997

SUMMARY OF LEGISLATION



PREPARED BY

RESEARCH DIVISION

LEGISLATIVE COUNSEL BUREAU

INTRODUCTION

The 1997 Nevada Legislature considered 1,373 legislative measures. Of this total, 691 bills were enacted and 158 resolutions were adopted. Three bills were vetoed by the Governor, two of which will be returned to the 1999 Legislative Session for reconsideration.

The *Summary of Legislation* reviews each of the bills and concurrent and joint resolutions, including the vetoed bills, passed by the 1997 Legislature. These summaries do not constitute legal analyses and are not intended for use by the legal community in place of the actual statutes.

Unless otherwise noted, the measures passed during the 1997 Legislative Session become effective on October 1, 1997.

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

Except as otherwise expressly provided in a particular statute or required by the context, the masculine gender includes the feminine gender.

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

Please consult the “Table of Contents,” “Numerical Index,” and “Subject Index” for references to legislation enacted within specific topic areas.

Research Division
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APPROPRIATIONS AND AUTHORIZATIONS

S.B. 1 (Chapter 1)

Senate Bill 1 appropriates \$10 million from the State General Fund to the Legislative Fund.

This bill is effective on January 23, 1997.

S.B. 5 (Chapter 524)

Senate Bill 5 adds to the list of crimes for which certification by a designated panel is required before an offender may be released on probation or parole. Under existing law, a panel composed of the Administrator of the Mental Hygiene and Mental Retardation Division, the Director of the Department of Prisons, and a psychologist or psychiatrist licensed to practice in Nevada must certify that inmates convicted of certain crimes are not a menace to the health, safety, or morals of others before these inmates can be released on parole. Before release on probation, certain offenders must be certified in the same manner by either a psychologist or psychiatrist licensed to practice in the state.

Senate Bill 5 provides that, in addition to those crimes for which certification is currently required, any offender convicted of battery with intent to commit sexual assault, statutory sexual seduction, child abuse, pornography crimes involving minors, incest, and sexually motivated coercion that involves force must be certified prior to release on parole or probation. In addition, any offender convicted of an attempt to commit one of these crimes or one of the crimes for which certification is required under existing law must also receive certification before release.

This measure appropriates \$48,891 in the first year of the biennium and \$57,383 in the second year to the Mental Hygiene and Mental Retardation Division to carry out these provisions. In addition, the Department of Prisons is to receive \$7,722 in the first year of the biennium and \$4,929 in the second year for its role in the certification requirement.

S.B. 23 (Chapter 147)

Senate Bill 23 appropriates \$10,000 from the State General Fund for the preparation and framing of a portrait of Governor Robert J. (Bob) Miller.

This bill is effective on June 12, 1997.

S.B. 70 (Chapter 148)

Senate Bill 70 appropriates \$60,000 from the State General Fund to the Legislative Counsel Bureau for the cost of reproducing volumes of *Nevada Reports* that are out of print or of limited supply.

This measure is effective on June 12, 1997.

S.B. 71 (Chapter 149)

Senate Bill 71 appropriates \$150,000 from the State General Fund to the Budget Division of the Department of Administration to reimburse the Legal Division of the Legislative Counsel Bureau for the expense of preparing legislation requested by agencies of the executive branch.

This bill is effective June 12, 1997.

S.B. 72 (Chapter 243)

Senate Bill 72 appropriates \$1,220,290 to the Legislative Counsel Bureau for additional equipment and software for information systems.

The measure is effective on June 30, 1997, and provides for the disposition of money remaining in the Legislative Fund after June 30, 1999.

S.B. 135 (Chapter 646)

Senate Bill 135 appropriates \$250,000 to the Eighth Judicial District Court for the continuation of the drug court program, and provides that the money must not be used to replace or reduce funding for the program from another source. The measure also appropriates \$100,000 to the Second Judicial District for treatment services for alcohol or controlled substance abuse programs.

This measure is effective on June 30, 1997.

S.B. 170 (Chapter 235)

Senate Bill 170 appropriates \$166,971 from the State General Fund to the Department of Museums, Library and Arts to complete the automation of the department and to upgrade certain equipment.

The bill is effective on June 30, 1997.

S.B. 171 (Chapter 236)

Senate Bill 171 appropriates \$241,301 from the State General Fund to the contingency fund to restore the balance in the fund to approximately \$9 million. Senate Bill 171 also revises the reversion provisions relating to certain appropriations made from the State General Fund to the contingency fund by the 1995 Legislature.

The bill is effective on June 30, 1997.

S.B. 172 (Chapter 270)

Senate Bill 172 appropriates \$565,369 from the State General Fund to the reserve for statutory contingency account created by *Nevada Revised Statutes* 353.264 to restore the account balance to approximately \$1,700,000.

The bill is effective on June 30, 1997.

S.B. 173 (Chapter 67)

Senate Bill 173 appropriates \$1,245,775 from the State General Fund to the state claims account to restore the balance in that account to approximately \$1,500,000.

This measure is effective on May 12, 1997.

S.B. 174 (Chapter 533)

Senate Bill 174 appropriates \$20,000 from the State General Fund to the Governor's Mansion for the repair or replacement of furniture and equipment.

This bill is effective on June 30, 1997.

S.B. 175 (Chapter 151)

Senate Bill 175 appropriates \$28,412 from the State General Fund to the emergency account to restore the balance in that account to about \$400,000.

This measure is effective on June 12, 1997.

S.B. 176 (Chapter 92)

Senate Bill 176 appropriates \$442,347 to the Department of Human Resources for additional costs of the care of patients in the Southern Nevada Adult Mental Health Services Program and at the Nevada Mental Health Institute.

This measure is effective on May 22, 1997.

S.B. 177 (Chapter 263)

Senate Bill 177 appropriates \$2,132,604 from the State Highway Fund to the Department of Motor Vehicles and Public Safety for the conversion of the Nevada Highway Patrol's VHF portable radios from low band to high band.

The bill is effective on June 30, 1997.

S.B. 178 (Chapter 93)

Senate Bill 178 appropriates \$892 to the Division of Child and Family Services of the Department of Human Resources for the cost of transporting a youth in the custody of the State of Nevada.

This bill is effective on May 22, 1997.

S.B. 179 (Chapter 58)

Senate Bill 179 appropriates \$175,000 from the State General Fund for use by the Host Committee for expenses related to activities for the 1998 Annual Meeting of the National Conference of State Legislatures in Las Vegas. The bill requires any remaining balance of the appropriation not committed for expenditure by June 30, 1999, to revert to the general fund. Further, the measure provides for the repayment of the appropriation from money donated for the annual meeting.

The measure is effective on May 2, 1997.

S.B. 180 (Chapter 266)

Senate Bill 180 provides immunity to the state and its agencies, immune contractors, officers, employees, and political subdivisions from any civil action based on an action that is caused by a computer that produced, calculated, or generated an incorrect date, regardless of the cause of the error. The bill requires that any contract entered into by or on behalf of the state and its agencies, immune contractors, officers, employees, or

political subdivisions must include a provision that provides immunity for any breach of contract that is caused by an incorrect date being produced, calculated, or generated by a computer, regardless of the cause of the error.

This measure appropriates \$1,570,856 to the Department of Administration for converting existing information systems of state agencies to function in the next millennium.

This measure was requested to address the "Year 2000 Problem." Many existing computers and information systems do not recognize the year 2000 or subsequent dates after 1999.

According to testimony, the existing law exposes the state to liability for damages caused by the failure of any computer system operated by a state or local agency or its contractors.

Senate Bill 180 is effective on June 30, 1997. The provisions of the bill expire by limitation on December 30, 2005.

S.B. 181 (Chapter 361)

Senate Bill 181 appropriates \$237,919 from the State Highway Fund to the Department of Motor Vehicles and Public Safety for computer equipment for the new facility in Henderson.

This measure is effective on June 30, 1997.

S.B. 182 (Chapter 647)

Senate Bill 182 appropriates \$250,000 to the Lied Discovery Children's Museum in Las Vegas for the expansion of the Early Childhood Exhibit and the creation of the Parent Resource Center.

This measure is effective on June 30, 1997.

S.B. 183 (Chapter 265)

Senate Bill 183 appropriates \$595,782 from the State General Fund to the Division of Parole and Probation of the Department of Motor Vehicles and Public Safety for the costs of automation.

The bill is effective on June 30, 1997.

S.B. 184 (Chapter 269)

Senate Bill 184 appropriates \$794,949 from the State General Fund to the Department of Motor Vehicles and Public Safety to convert VHF portable radios from low band to high band.

The bill is effective on June 30, 1997.

S.B. 185 (Chapter 261)

Senate Bill 185 appropriates \$43,585 from the State General Fund to the Department of Human Resources to remodel the canteen for the Southern Nevada Adult Mental Health Services.

The bill is effective on June 30, 1997.

S.B. 186 (Chapter 260)

Senate Bill 186 appropriates \$7,673 from the State General Fund to the Office of the Lieutenant Governor to purchase office equipment for the Carson City office.

The bill is effective on June 30, 1997.

S.B. 187 (Chapter 534)

Senate Bill 187 appropriates \$5,474,382 from the State General Fund to the fund to stabilize the operation of the state government.

The measure is effective on June 30, 1997.

S.B. 196 (Chapter 535)

Senate Bill 196 appropriates \$234,980 from the State General Fund to the Legislative Fund to establish an interactive video broadcast system between the Legislative Building in Carson City and the Grant Sawyer State Office Building in Las Vegas.

This bill is effective on June 30, 1997.

S.B. 197 (Chapter 362)

Senate Bill 197 increases, from \$100,000 to \$200,000, the amount of interest and income that may be retained in the special revenue fund administered by the National College of Juvenile and Family Law. This measure also appropriates \$1,250,000 to the National College of Juvenile and Family Law and an equal amount to the National Judicial College.

This measure is effective on June 30, 1997.

S.B. 200 (Chapter 536)

Senate Bill 200 appropriates \$1,566,393 from the State General Fund to the Division of State Parks, Department of Conservation and Natural Resources, for various park improvement projects. The bill authorizes the Interim Finance Committee, upon request of the division, to increase or reduce the permissible expenditure for a particular project specified in the bill, provided the total appropriation is not exceeded.

This bill is effective on July 1, 1997.

S.B. 201 (Chapter 648)

Senate Bill 201 appropriates \$24,474,063 from the State General Fund and \$5,626,238 from the State Highway Fund to the Department of Administration for the implementation of the technology improvement plan for state government. The appropriation authority expires June 30, 1999. The bill also provides that, beginning July 1, 1999, the Department of Information Services shall repay the State General Fund in annual installments the cost of installing a private branch exchange system. Each installment must be equal to 10 percent of the total cost of the installed system.

The measure is effective on June 30, 1997.

S.B. 202 (Chapter 94)

Senate Bill 202 makes a supplemental appropriation of \$50,000 from the State General Fund to the Health Division of the Department of Human Resources.

This measure is effective on May 22, 1997.

S.B. 204 (Chapter 670)

Senate Bill 204 appropriates \$210,000 to the administrator of the courts of the First Judicial District for the establishment of treatment programs for the abuse of alcohol or drugs in the

First, Third, Fourth, Fifth, Sixth, Seventh, and Ninth Judicial Districts. Offenders assigned to these treatment programs, which are also known as “drug courts,” remain under the supervision of the court.

This measure is effective on July 1, 1997.

S.B. 217 (Chapter 241)

Senate Bill 217 appropriates \$390,742 to the Department of Museums, Library and Arts for the processing and indexing of archival records by the Division of State Library and Archives.

The measure is effective on June 30, 1997, and provides for any balance remaining after June 30, 1999.

S.B. 218 (Chapter 538)

Senate Bill 218 creates the disaster relief fund, through which grants and loans may be made to state agencies and local governments for specified expenses incurred because of a disaster. This fund is a special revenue fund administered by the Legislature’s Interim Finance Committee.

The measure also establishes within the disaster relief fund an emergency assistance account that is administered by the State Emergency Response Commission. Money from this account may be used to provide supplemental emergency assistance to state agencies and local governments that are severely and adversely affected by a natural or technological emergency or disaster and to pay actual expenses incurred by the commission for administration during an emergency or disaster. The bill further authorizes any uncommitted balance remaining in the account at the end of a fiscal year to be allocated to purchase equipment or supplies for emergency management or to provide training for emergency management personnel.

Finally, the bill appropriates \$4 million from the State General Fund to the disaster relief fund, effective June 30, 1997, and the remainder of the measure is effective on July 16, 1997.

S.B. 230 (Chapter 239)

Senate Bill 230 requires that fees received by the Real Estate Division of the Department of Business and Industry for examinations must be retained by the division to pay the costs

of administering the examinations. Senate Bill 230 also appropriates \$13,607 from the State General Fund to the Real Estate Division for the costs related to administration of examinations.

Portions of this bill are effective June 30, 1997, and the remainder is effective July 1, 1997.

S.B. 235 (Chapter 400)

Senate Bill 235 appropriates \$127,489 for Fiscal Year 1998 and \$128,556 for Fiscal Year 1999 from the State Highway Fund to the Department of Motor Vehicles and Public Safety for the creation and maintenance of a branch office of the department in Mineral County.

This bill is effective on July 1, 1997.

S.B. 272 (Chapter 73)

Senate Bill 272 appropriates \$4,588 from the State General Fund to the Nevada State Railroad Museum for the purchase and installation of a new motor for the Washoe Zephyr Motorcar.

The measure is effective on May 12, 1997.

S.B. 293 (Chapter 402)

Senate Bill 293 requires the Administrator of Nevada's Division of Agriculture to appoint a person to manage certain activities of the division. The bill outlines responsibilities primarily in the areas of policy development, coordination of programs relating to land use planning and general resource management, wild horses and estrays, public information, noxious weeds, and habitat for livestock and wildlife.

The measure specifies that the person appointed pursuant to the bill is entitled to receive a salary of not more than \$50,000 per year and appropriates the sums of \$86,924 for Fiscal Year 1997-1998 and \$79,162 for Fiscal Year 1998-1999 to carry out its provisions.

The measure is effective on July 1, 1997.

S.B. 302 (Chapter 477)

Senate Bill 302 establishes mechanisms within the Nevada's Health Division to accept federal grants and participate in the programs authorized under the Federal Safe Drinking Water Act. The bill creates a revolving loan fund to assist public water systems in financing necessary capital improvements. The measure also creates an account for set-aside

programs through which federal grants associated with other aspects of the program may be administered.

The bill also provides an additional \$15 million in bonding authority to support the existing state program that provides grants to publicly owned community water systems for capital improvements. Finally, the measure appropriates \$750,000 to the state's Health Division to comply with the federal program and grant requirements.

This measure is effective on June 30, 1997.

S.B. 315 (Chapter 543)

Senate Bill 315 appropriates \$134,914 for Fiscal Year 1998 and \$143,406 for FY 1999 from the State Highway Fund and \$10,0624 for FY 1998 and \$20,124 for FY 1999 from the State General Fund to the Department of Motor Vehicles and Public Safety for the creation and maintenance of a branch office of the department in Mesquite.

This bill is effective on July 1, 1997.

S.B. 319 (Chapter 652)

Senate Bill 319 appropriates approximately \$1.2 million to the Division of Mental Health and Mental Retardation and establishes or expands various programs regarding mental health. The measure also authorizes the division to accept and use certain donations, gifts, and grants for programs that provide services to mentally ill or mentally retarded people.

The bill appropriates \$707,599 for the operation of transitional housing facilities in Clark and Washoe Counties; \$420,932 for the establishment of a program for assertive community treatment in Washoe County; and \$73,932 for the purchase of additional vehicles. In addition, \$140,000 is appropriated to the State Public Works Board for the renovation of Building 7 at the Nevada Mental Health Institute for a crisis unit that will provide emergency psychiatric services.

The measure is effective on July 1, 1997.

S.B. 336 (Chapter 156)

Senate Bill 336 appropriates \$8,481 to the Division of Insurance of the Department of Business and Industry for additional unanticipated operating costs.

This measure is effective on June 12, 1997.

S.B. 337 (Chapter 161)

Senate Bill 377 makes a supplemental appropriation of \$40,000 to the Mental Hygiene and Mental Retardation Division of the Department of Human Resources to provide for an unanticipated increase in the caseload at the Lake's Crossing Center for the Mentally Disordered Offender.

This bill is effective on June 17, 1997.

S.B. 338 (Chapter 167)

Senate Bill 338 appropriates \$35,551 from the State General Fund to the Office of the Governor for additional travel and operating expenses.

The bill is effective on June 20, 1997.

S.B. 361 (Chapter 656)

Senate Bill 361 establishes a state disaster identification team within the Division of Emergency Management and provides that the chief of the division may assign people with expertise in various fields to the team and activate the members during an officially proclaimed state emergency.

The bill directs the team to assist local authorities to recover, identify, and process deceased victims during such an emergency. The measure further directs the team, within two hours after notification of a state of emergency, to begin to identify the need for medical and health services to establish temporary facilities to be used as a morgue, identify deceased victims, and process and dispose of the remains of deceased victims. The measure also provides the team with access to criminal and missing persons information during a state of emergency.

In addition, the bill appropriates \$90,000 to carry out its provisions during the 1997-1999 biennium and specifies an effective date of July 1, 1997.

S.B. 378 (Chapter 675)

Senate Bill 378 appropriates \$177,975 from the State General Fund to the State Department of Education for the Governor's "Classroom on Wheels" program.

The bill is effective on June 30, 1997.

S.B. 380 (Chapter 166)

Senate Bill 380 appropriates \$40,000 from the State General Fund to the Division of Museums and History, Department of Museums, Library and Arts, to offset the unanticipated shortfall in admissions revenue at the Nevada State Museum and Historical Society in Las Vegas. The bill also appropriates \$14,500 from the State General Fund to the division to offset the unanticipated shortfall in admissions revenue at the Nevada State Museum in Carson City.

The bill is effective on June 20, 1997.

S.B. 385 (Chapter 427)

Senate Bill 385 appropriates \$225,000 from the State General Fund to the University and Community College System of Nevada (UCCSN) to employ a health care program developer to study the role of the health science and allied health programs of the UCCSN. The bill requires that the Interim Finance Committee appoint a member of the Senate and a member of the Assembly to assist the health care program developer in identifying and defining the education and training needs of the state relating to the delivery of health care within the UCCSN.

This bill is effective on June 30, 1997.

S.B. 432 (Chapter 552)

Senate Bill 432 appropriates \$500,000 for the establishment of therapeutic communities in prison and for programs of aftercare to treat certain offenders who are substance abusers. The bill requires the Director of the Department of Prisons to establish one or more therapeutic communities in conjunction with the Bureau of Alcohol and Drug Abuse of the Rehabilitation Division, Department of Employment, Training and Rehabilitation. The communities must provide an offender with intensive treatment for substance abuse, a clearly defined set of goals and structure of authority, and a highly structured schedule that may include programs of employment, general education, or vocational training. The bill authorizes the director to contract with qualified private entities to evaluate offenders or to administer the therapeutic communities or programs of aftercare.

Senate Bill 432 requires the director to establish an evaluation program to determine whether an eligible offender is a substance abuser who may benefit from participation in a therapeutic community. To the extent practicable, S.B. 432 provides that offenders assigned to the communities must be housed in segregated areas of the facilities. The measure also requires that the offenders participate in the therapeutic community for one year and participate in a program of aftercare established by the director for one year, if required. If an offender who is assigned to a program of aftercare is released on parole

or assigned to a term of residential confinement, he must continue to participate in the program to the extent practicable.

Finally, S.B. 432 requires that the director report to the Interim Finance Committee and, subsequently, to the Assembly Committee on Ways and Means and the Senate Committee on Finance regarding the number of offenders currently participating in the programs; the number of offenders who have participated in the programs and who were subsequently arrested for other offenses; and the number of offenders who successfully completed the programs and were subsequently arrested for other offenses.

S.B. 433 (Chapter 553)

Senate Bill 433 requires the Department of Human Resources (DHR), with the approval of the Interim Finance Committee, to establish and administer a program to provide community-based services to certain people with physical disabilities to avoid placement in a facility for long-term care. The measure requires DHR to contract with the Department of Employment, Training and Rehabilitation (DETR) to coordinate the provision of such services. Further, the measure requires DHR to apply for a waiver from the appropriate Federal Government agency to authorize the department to include certain specified services for people with physical disabilities as medical assistance under the state Medicaid plan.

The measure directs DHR to adopt regulations to determine eligibility for the services provided pursuant to the program and to report on the effectiveness of the program to the governor and to the Nevada Legislature. Also, the bill specifies the responsibilities of DETR for this program. The program is effective on October 1, 1997.

Finally, effective June 30, 1997, \$500,000 is appropriated to DETR for its contract obligations in the program.

S.B. 459 (Chapter 321)

Senate Bill 459 transfers the responsibility for maintaining the state hygienic laboratory from the Health Division of the Department of Human Resources to the University of Nevada School of Medicine. The bill also extends the existing appropriations for the operation of the laboratory.

The sections that extend the appropriations are effective on June 29, 1997. The remainder of the measure is effective on July 1, 1997.

S.B. 482 (Chapter 473)

Senate Bill 482 adopts the Nevada Education Reform Act of 1997. The measure strengthens the school accountability program; establishes a system for the adoption of statewide standards in academic subjects; implements a process for a series of statewide tests linked to those standards; provides for the implementation of educational technology in the public schools; provides for the legislative review of education reform; and makes appropriations totaling over \$40 million.

Accountability

The measure establishes a system to evaluate the performance of public schools through criteria that will place schools into one of three categories: schools demonstrating high achievement; those showing adequate achievement; and those demonstrating inadequate achievement. The criteria for placement includes academic achievement based upon average test scores as well as student and teacher attendance rates. Schools that need improvement advance through three phases. The first year a school is identified as demonstrating inadequate achievement, the school district is required to establish a school improvement plan. Remediation programs that have been demonstrated to improve pupil achievement must be adopted. If the school is again designated as demonstrating inadequate achievement, it is placed upon academic probation and the State Department of Education must adopt an improvement plan and appoint a panel to evaluate the school. The appointment of a panel may be waived if a school continues to show significant improvement. If the school is ranked for a third year as demonstrating inadequate achievement, the panel may recommend that the Superintendent of Public Instruction appoint a new administrator for the school.

The measure requires that additional accountability data be collected, including the presence of computer technology; incidents at school involving alcohol or controlled substances; and parental participation, among others. High schools must report the percentage of their graduates requiring remedial course work within institutions of the University and Community College System of Nevada (UCCSN). A new tenth grade norm-referenced test is added to the accountability provisions, and districts must report the results of the science component of proficiency examinations.

Standards and Assessments

Senate Bill 482 also creates a Council to Establish Academic Standards for Public Schools. The nine-member panel is composed of the President of the State Board of Education, or his designee from the state board; four members appointed by the Governor from parents, teachers, and business leaders; and four members, including 2 legislators, appointed by legislative leadership. The council is required to review and recommend statewide standards in English, math, and science before September 1, 1998. The State Board of Education must adopt standards and the statewide tests linked to these standards before January 1, 1999. These core standards will take effect within the public schools during the 1999-2000 school year. Standards in arts, computer education, health and physical

education, and social studies must be reviewed by the council in its second phase. The State Board of Education must adopt standards related to these subjects before January 1, 2000. Social studies assessments must also be adopted before that date.

Technology

The measure also creates an 11-member Commission on Educational Technology. Members serve two-year terms and must have knowledge and experience in the use of educational technology. The commission may include representatives of the private sector, public libraries, parents, UCCSN, educational personnel, and the Legislature. Seven members must be selected by the Governor with four members appointed by the Legislature. The commission is charged with developing a statewide plan for the use of educational technology within the public schools. The plan must make recommendations to incorporate technology within the schools; increase pupil access to the Internet; increase teacher access to continuing education opportunities through technology; improve pupil achievement; and incorporate teacher training needs associated with the new technology. In addition, the commission must make recommendations for the distribution of funds from the Trust Fund for Educational Technology and develop technical standards for education technology and uniform specifications to ensure statewide compatibility.

Legislative Review

The measure also contains a significant component for the legislative review of the reform process. The bill establishes an eight-member Legislative Committee on Education, consisting of four Senators and four Assembly members, as appointed by the Senate Majority Leader and Speaker of the Assembly. The committee is charged with reviewing statewide programs in accountability, class-size reduction, and automated student records (SMART). The committee also may review any other fiscal or policy concerns associated with public education in Nevada, as it deems necessary. The bill also creates, within the Legislative Counsel Bureau's Fiscal Analysis Division, a Bureau of Educational Accountability and Program Evaluation. The bill requires the bureau to collect and analyze data and reports related to the bill's reform provisions, along with statewide programs in accountability, class-size reduction, and special education, among others. The committee and the bureau are authorized to contract for various services associated with the technology initiative, the standards commission activities, and the school accountability program.

Appropriations

Further, Senate Bill 482 contains appropriations totaling \$40,870,602. Of this amount, \$27.5 million is a one-shot appropriation for education technology, to be used as grants to schools for purchasing and installing hardware, software, and electrical wiring for computer laboratories; upgrading computer software; and purchasing additional computers and other technology for instruction purposes in the classroom. The measure also contains \$8.6 million for school districts for the training, repair, maintenance, replacement, and technical support costs associated with educational technology. A \$3 million appropriation

is included to provide school districts with funds for programs of remediation for pupils failing the statewide proficiency examinations. The balance of the appropriations is for the costs of operating the various boards and panels created within the bill, new responsibilities in the State Department of Education, and expenses relating to the new legislative committee and bureau.

Effective Dates

The provisions relating to the appointment of members to the legislative committee, the standards council, and the Commission on Educational Technology are effective on July 16, 1997. Provisions authorizing the creation of the standards council sunset June 30, 2001. Provisions governing the program to evaluate the performance of schools are effective on January 1, 1998. The balance of the bill is effective on July 1, 1997.

S.B. 486 (Chapter 247)

Senate Bill 486 authorizes the expenditures, for Fiscal Years 1998 and 1999, by various state agencies of money not appropriated from the State General Fund or the State Highway Fund. In addition, the measure authorizes expenditures from the State General Fund for the State Gaming Control Board. The measure also provides for expenditure, by the University and Community College System of Nevada, of revenue from student registration fees and the system's endowment fund.

The Director of the Budget Division of the Department of Administration is authorized to assess each professional or licensing board for its proportional share of total salary and operating costs for the division employee responsible for monitoring the budget-related activities of these boards. Further, the measure requires the director to annually prepare a statewide cost allocation plan for indirect costs of various state agencies.

Also, the bill specifies the amount of money to be collected from each county for the services provided by the State Public Defender; requires the State Treasurer to allocate the appropriate share of the motor vehicle fuel tax equally between the Division of Wildlife and the Division of State Parks in the State Department of Conservation and Natural Resources; requires approval from the Interim Finance Committee to transfer certain funds from the Nevada Medicaid budget to the program for Elder Protective Services; and makes other authorizations related to the Public Service Commission of Nevada, the Division of Forestry, and the Agency for Nuclear Projects.

Finally, the measure requires the State Industrial Insurance System to report to the Interim Finance Committee a detailed plan for marketing and advertising before it may obligate any expenditures for such activities.

Some portions of the bill are effective on June 30, 1997, and others are effective on July 1, 1997.

S.B. 487 (Chapter 246)

Senate Bill 487 appropriates \$854,788,066 over the biennium to the State Distributive School Account, increasing the statewide average basic support per pupil from the current \$3,620 to \$3,698 per pupil next year and \$3,812 per pupil the following year. Total state responsibility for aid to elementary and secondary education will exceed \$1.064 billion for the 1997-1999 biennium, a 19 percent increase over the past biennium. The number of special education units are increased from the current 1,857 to 1,976 in the first year of the biennium and 2,088 in the second year. The unit cost is \$27,694 and \$28,248, respectively, for those fiscal years. Forty discretionary units are reserved for allocation by the State Board of Education to address school district shortfalls. Additional funding of \$23.3 million is appropriated for adult education programs.

This measure is effective on July 1, 1997.

S.B. 489 (Chapter 560)

Senate Bill 489 requires the Aging Services Division of the Department of Human Resources to establish the Nevada Silver Haired Legislative Forum to identify and act upon issues of importance to aging persons. The 21-member forum is appointed by the Governor. The bill specifies criteria for appointment to the forum and tenure of terms. The measure also outlines the organization and responsibilities of the forum. Forum members are entitled to per diem allowance and travel reimbursement. In addition, the bill requires the Aging Services Division to pay the expenses of the forum within the limits of legislative appropriations and any gifts, grants, or donations received by the forum. The division is authorized to adopt regulations necessary to carry out the provisions of the bill.

The bill appropriates \$5,000 from the State General Fund to the division for the per diem allowance and travel expenses of the forum. Each member is limited to receiving up to one day of per diem allowance and travel expenses from the appropriation. The appropriation authority expires on June 30, 1999.

The measure is effective on July 1, 1997.

S.B. 497 (Chapter 655)

Senate Bill 497 makes various changes concerning governmental entities. This measure creates the Advisory Council for Prosecuting Attorneys, which is composed of the Attorney General, three district attorneys, two city attorneys, and one peace officer. The council must develop and carry out a program for training and assisting prosecutors and coordinate the development of proposed legislation and policies for conducting prosecutions. The measure appropriates \$200,000 for the operation of the council.

Senate Bill 497 creates a new position within the State Land Use Planning Agency for which the duties include the preparation of plans or statements of policies. The bill also creates the formula for the distribution of \$2.4 million appropriated to the Division of State Library and Archives for grants to libraries for the purchase of books, library materials, and computer data bases. In addition, S.B. 497 requires the Department of Human Resources to conduct a study to determine the effectiveness of certain cancer tests and appropriates \$75,000 for the cost of the study.

This measure makes various other appropriations, including \$200,000 for vocational student organizations; \$240,000 to Lincoln County and \$150,000 to the City of Caliente for solid waste transfer stations; and \$190,000 to Elko for the relocation and restoration of the Valentine Walther Ranch House and Stage Coach Shop. The bill also provides \$200,000 for the continued operation of the Life Line Pregnancy Assistance and Vocational Training Center.

In addition, S.B. 497 appropriates a total of \$4,120,000 to the National Judicial College for the expansion of its building and the establishment of a Death Penalty Resource Center. Approximately \$700,000 is appropriated to the University and Community College System of Nevada for the creation of a dental clinic and residency program. An appropriation of approximately \$100,000 is included to provide financial assistance to adopting parents of children with special needs under certain circumstances. Finally, S.B. 497 makes various appropriations for the improvement or construction of certain projects including \$400,000 for the Desert Research Institute, \$800,000 for the Old Las Vegas Mormon Fort State Historic Park, \$660,000 for the Northern Nevada Regional Fire Training Facility, \$710,000 for the construction of a gymnasium at the China Springs Youth Camp, and \$500,000 to ensure compliance with federal requirements at the athletic facilities within the University and Community College System.

S.C.R. 36 (File No. 67)

Senate Concurrent Resolution No. 36 adjusts the amount of money previously allocated to Nevada's Division of Wildlife from the issuance of general obligation bonds authorized in 1989. Initially, expenditure of the money was authorized by the Interim Finance Committee for purposes related to the acquisition of certain fish or wildlife habitats, public access to such habitats by the acquisition of property, or the identification and protection of sensitive species and ecosystems. The resolution adjusts the allocated amounts by increasing by \$100,000 the sum of money authorized for the acquisition of real or personal property at the Howard Ranch in Elko County, increasing by \$71,360 the sum of money authorized for expenses incurred by the Division of Wildlife in carrying out the bond program, and reducing by \$171,360 the sum of money remaining from the repayment of the loan by Clark County.

A.B. 6 (Chapter 456)

Assembly Bill 6 requires kindergarten attendance for children who are six years of age on or before September 30 of a school year. This bill also allows children to attend kindergarten if they are five years of age on or before September 30 of a school year. The measure allows parents or guardians to obtain an exemption from mandatory attendance, provided they file a waiver form with the local school district. Children who do not attend kindergarten must undergo an assessment to determine if they are developmentally prepared for first grade. If the district determines a child is not ready for first grade, that child must be admitted to kindergarten. School districts must prepare and administer the developmental screening tests and make the results available to parents. Assembly Bill 6 also revises the definition of kindergarten.

If a school district decides not to establish a kindergarten in a school with less than 15 students requesting attendance, the bill allows the district to provide transportation for each child to attend kindergarten in another school or to assist parents in providing kindergarten instruction at home.

Finally, A.B. 6 appropriates \$100,000 from the State General Fund to the State Department of Education for the preparation of instructional materials for kindergarten instruction offered at home and for the development of the screening tests used to determine a child's readiness for first grade.

The appropriation section of the bill is effective July 1, 1998. The remainder of the bill is effective July 1, 1999.

A.B. 30 (Chapter 460)

Assembly Bill 30 establishes a toll-free telephone service in the Division of Insurance to assist consumers of health insurance by answering their questions and directing them to appropriate resources. Further, the measure requires the Division of Insurance to gather data on the nature of concerns by Nevada consumers regarding their health care plans.

The bill requires the Commissioner of Insurance to convene an advisory committee to establish criteria that measure the nature of complaints received from consumers and to develop and distribute an educational pamphlet concerning health care plans. The commissioner is required to submit a report to the next session of the Legislature regarding this program.

Finally, the amendment permits the Division of Insurance to use money from an existing insurance education fund. The designated use of the money is consistent with the purpose of the fund, which is to educate people regarding insurance issues.

The measure authorizes the expenditure of \$110,000 during the biennium to fulfill the intent of the bill.

The measure is effective on July 1, 1997.

A.B. 33 (Chapter 461)

Assembly Bill 33 appropriates \$200,000 from the State General Fund to the Great Basin College, Winnemucca Center, for equipment and landscaping. The bill also appropriates \$150,000 from the State General Fund to Western Nevada Community College for completion of the construction of the Douglas Center and for the purchase of equipment.

This bill is effective on June 30, 1997.

A.B. 46 (Chapter 2)

Assembly Bill 46 appropriates \$1 million from the State General Fund to the Welfare Division of the Department of Human Resources. This appropriation provides matching funds for a grant made to Nevada through the Federal Emergency Management Agency Individual and Family Grant Program.

This bill is effective on February 5, 1997.

A.B. 57 (Chapter 3)

Assembly Bill 57 appropriates \$2.6 million from the General Fund to the Legislative Fund for the completion of the addition to the Legislative Building.

This bill is effective on February 20, 1997.

A.B. 77 (Chapter 448)

Assembly Bill 77 directs the administrator of the Division of Agriculture to establish a program for the certification of organic agricultural products.

The measure specifies that a person shall not sell or offer to sell an agricultural product with the representation that it is organic with the knowledge that it has not been certified as having been organically produced. The State Board of Agriculture is directed to adopt a schedule of fees for the certification and inspection of producers and handlers of organic products, and the administrator is authorized to impose civil penalties for violation of the measure or related regulations.

The bill creates an advisory council for organic agricultural products and appropriates \$10,000 to pay the initial compensation, per diem allowances, and travel expenses of the council.

The measure is effective on July 16, 1997.

A.B. 104 (Chapter 468)

Assembly Bill 104 increases, from 24 to 27, the number of judges in the Eighth Judicial District (Clark County). This measure provides that these additional judges must be elected at the 1998 General Election and take office in January 1999. Their terms of office expire in January 2003. The bill appropriates \$193,086 from the State General Fund to the district judges' salaries account to pay the salaries of these additional judges.

The provisions of the bill that increase the number of judges and provide the appropriations are effective January 1999. The remainder of the bill is effective on October 1, 1997.

A.B. 111 (Chapter 469)

Assembly Bill 111 appropriates \$100,000 from the State General Fund to Boulder City to assist in the design, construction, and installation of exhibits at the Boulder City Museum. The bill further appropriates \$200,000 from the State General Fund to the Great Basin College to assist in the completion of the shop and administrative office area of the Ely Center of the Great Basin College. In addition, A.B. 111 appropriates \$250,000 from the State General Fund to the City of Las Vegas for the support of the Mobilized Assistance Shelter for the Homeless. Finally, the measure appropriates \$75,000 from the State General Fund to the State Public Works Board to design a Hi-Tech Learning Center in Pahrump.

This bill is effective on June 30, 1997.

A.B. 137 (Chapter 471)

Assembly Bill 137 appropriates \$135,000 for each year of the biennium from the State General Fund to the State Conservation Commission, State Department of Conservation and Natural Resources, for equal distribution to conservation districts pursuant to *Nevada Revised Statutes* 548.178.

This bill is effective on July 1, 1997.

A.B. 165 (Chapter 475)

Assembly Bill 165 provides for the certification of certain inspectors of structures by the Real Estate Division of the Department of Business and Industry. The bill establishes definitions and terms, and sets forth the responsibilities of the Real Estate Division in administering the certification program. The measure specifies criteria for application as a certified inspector and an appeals process for denial of certification. In addition, the bill establishes a disciplinary process and certain penalties and fines for violations of the measure. The Real Estate Division is required to adopt regulations to administer the certification program.

The bill appropriates, from the State General Fund, \$36,556 for Fiscal Year 1997-1998 and \$27,524 for Fiscal Year 1998-1999 for costs related to the certification program. The appropriation authority for each fiscal year lapses at the end of that fiscal year.

A.B. 183 (Chapter 486)

Assembly Bill 183 creates the fund for institutional care of the medically indigent in the State Treasury, and it requires the State Plan for Medicaid to pay the nonfederal share of expenditures for the medical, administrative, and transaction costs of certain Medicaid-eligible people. Money in the fund may be used only for a county that is unable to make a payment required by an interlocal agreement between the Department of Human Resources and the county for expenses incurred by a Medicaid recipient who is in a hospital, facility for intermediate care, or facility for skilled nursing for more than 30 days. Further, the measure describes the administration and authority of the fund, including the methodology for collecting payment from the fund.

The measure appropriates \$128,520 for Fiscal Year 1997-1998 and \$1,008,540 for Fiscal Year 1998-1999 to the Medicaid Budget Account for the fund. Finally, the State Controller is authorized to transfer \$300,000 from the Intergovernmental Transfer Account to this new fund.

Provisions increasing a Medicaid recipient's net countable income per month, from 155 percent of the supplemental security income benefit rate to 156 percent of the rate, are effective on January 1, 1999. The remainder of the measure is effective on June 30, 1997.

A.B. 190 (Chapter 488)

Assembly Bill 190 clarifies that funds from the program to aid local governments in the clearance, surveying, and monumenting of navigable rivers may also be used for maintenance and restoration of these waterways. The measure also provides immunity from civil liability to the state and its political subdivisions for damages caused by actions taken under the program.

The bill increases, from \$25,000 to \$250,000, the amount retained in the account for the program and appropriates \$250,000 from the State General Fund to the account. In addition, the measure appropriates a total of \$109,800 for repairs and improvements relating to the South Fork Dam.

The bill is effective on June 30, 1997.

A.B. 216 (Chapter 252)

Assembly Bill 216 appropriates \$405,228 from the State General Fund to the Department of Prisons for the purchase of vehicles, forklifts, warehouse equipment, and other necessary equipment for use at Prison Number 7.

This bill is effective on June 30, 1997.

A.B. 217 (Chapter 251)

Assembly Bill 217 appropriates \$30,400 from the State General Fund to the Department of Prisons for the expansion of the Jean Conservation Camp.

This bill is effective on June 30, 1997.

A.B. 218 (Chapter 250)

Assembly Bill 218 appropriates \$79,198 from the State General Fund to the Department of Prisons for expenses related to the expansion and conversion of the Nevada Women's Correctional Center to house male prisoners.

The bill is effective on June 30, 1997.

A.B. 219 (Chapter 187)

Assembly Bill 219 appropriates approximately \$273,000 to the Division of Agriculture, Department of Business and Industry, for the Veterinary Medicine Program and the Weights and Measures Program.

This bill is effective on June 25, 1997.

A.B. 220 (Chapter 254)

Assembly Bill 220 amends 1995 legislation that appropriated money from the State General Fund to the Department of Prisons for expenses relating to the Lovelock Correctional Center by extending the prospective date for the reversion of previously appropriated money for such expenses.

The measure also appropriates an additional \$173,961 to the Department of Prisons for equipment, supplies, and personnel expenses related to the opening of Phase II of the Lovelock Correctional Center.

This bill is effective on June 30, 1997.

A.B. 221 (Chapter 372)

Assembly Bill 221 appropriates \$590,072 to the State Gaming Control Board for various equipment and \$176,604 for a new position to assist in activities relating to the National Gambling Impact Study Commission.

This measure is effective on June 30, 1997.

A.B. 222 (Chapter 371)

Assembly Bill 222 appropriates \$1,407,286 to the Department of Taxation for the development of computer networks, the payment of certain litigation expenses, and the purchase of furniture.

This measure is effective on June 30, 1997.

A.B. 223 (Chapter 172)

Assembly Bill 223 makes a supplemental appropriation of \$560,105 to the Department of Transportation for additional operating and information services costs, which include any costs associated with related litigation.

The bill is effective on June 23, 1997.

A.B. 224 (Chapter 10)

Assembly Bill 224 appropriates \$3.5 million from the State General Fund to the Department of Administration to pay the necessary state and local grant matches of disaster relief funds received from the Federal Emergency Management Agency (FEMA). Eligible projects

include repair of infrastructure and public facilities, reimbursement for emergency actions taken during the disaster, and the removal of debris that poses an immediate threat to public health and safety. The measure specifies that this money will be used to pay the entire 25 percent match for FEMA funding received for eligible projects undertaken by the State or nonprofit agencies acting on behalf of the State. The money will also be used to pay one-half of the 25 percent match for funding received by local governments. Each local government receiving a FEMA grant must pay the remaining one-half grant match.

This measure makes the State of Nevada responsible for providing the grant match for federal funds received for emergency measures undertaken during the disaster; debris removal from public and private lands and waterways attributable to the disaster; repairs to state-owned infrastructure; and the administration of the disaster relief program.

President Clinton declared parts of Nevada a disaster area on January 3, 1997. Severe storms, which began on December 20, 1996, and continued through January 17, 1997, resulted in flooding, mud slides, and landslides, which made those areas eligible for disaster relief funds from the FEMA.

This bill is effective on March 28, 1997.

A.B. 225 (Chapter 498)

Assembly Bill 225 appropriates \$44,000 for each year of the 1997-1999 biennium from the State General Fund to the Mental Hygiene and Mental Retardation Division for the position of a psychologist to perform mental health evaluations at the Washoe Detention Center. Distribution of the appropriation is contingent upon Washoe County providing an equal amount of money for the same purpose.

This measure is effective on June 30, 1997.

A.B. 226 (Chapter 183)

Assembly Bill 226 appropriates \$114,084 from the State General Fund to the State Fire Marshal Division of the Department of Motor Vehicles and Public Safety for the purchase of vehicles. The appropriation authority expires on June 30, 1999.

The measure is effective on June 25, 1997.

A.B. 229 (Chapter 186)

Assembly Bill 229 appropriates \$27,804 from the State General Fund to the Department of Motor Vehicles and Public Safety for equipment and training for the Capitol Police.

The appropriation authority expires on June 30, 1999, and the measure is effective on June 25, 1997.

A.B. 230 (Chapter 50)

Assembly Bill 230 makes a supplemental appropriation of \$400,000 from the State General Fund to the Commission on Economic Development to pay additional costs of the "Train Employees Now" program.

This measure is effective May 2, 1997.

A.B. 231 (Chapter 78)

Assembly Bill 231 makes a supplemental appropriation of \$7,767 from the State Highway Fund to the Hearings Office of the Department of Motor Vehicles and Public Safety for additional costs of salaries and witness fees.

This bill is effective on May 15, 1997.

A.B. 233 (Chapter 352)

Assembly Bill 233 appropriates \$1,200,299 to the Department of Administration for the purchase of additional vehicles.

This measure is effective on June 30, 1997.

A.B. 235 (Chapter 326)

Assembly Bill 235 appropriates \$224,145 to be allocated by the Interim Finance Committee for a statewide assessment of the automation of the court system. The Administrative Office of the Courts is responsible for developing an acceptable plan for conducting the assessment under its supervision and providing an analysis of future needs.

This measure is effective on June 30, 1997.

A.B. 236 (Chapter 204)

Assembly Bill 236 appropriates \$81,470 from the State General Fund to the Office of the Governor for computer upgrades and office furniture.

The appropriation authority expires on June 30, 1999, and the measure is effective on June 26, 1997.

A.B. 252 (Chapter 499)

Assembly Bill 252 appropriates \$100,000 from the State General Fund to Nye County for the establishment of a Tonopah Mining Park in Tonopah. The bill also appropriates \$100,000 from the State General Fund to Nye County for improvements to the Central Nevada Museum.

This bill is effective on June 30, 1997.

A.B. 259 (Chapter 500)

Assembly Bill 259 makes a supplemental appropriation of \$100,000 from the State General Fund to the Office of the Governor for Nevada's share of the start-up costs for the Western Governors University.

This bill is effective on July 16, 1997.

A.B. 260 (Chapter 370)

Assembly Bill 260 appropriates \$239,946 from the State Highway Fund to the Department of Motor Vehicles and Public Safety for the completion of Phase I of the Implementation Plan for the Business Process Re-Engineering Project, as described in the Project Genesis Business Process Re-Engineering Report. The bill also appropriates \$14,102,711 for the completion of Phase II of this project.

This measure is effective on June 30, 1997.

A.B. 261 (Chapter 81)

Assembly Bill 261 appropriates \$283,676 from the State General Fund to the Division of Forestry in the State Department of Conservation and Natural Resources to repair and maintain vehicles used by the division and volunteer fire departments for fighting fires. These funds must be spent by August 1, 1997, and any unspent money remaining after that date reverts to the general fund.

In addition to this appropriation, A.B. 261 authorizes the division to augment certain accounts and receive reimbursements to repair and maintain fire protection vehicles. Finally, this measure requires the division to report to the Interim Finance Committee on

or before September 30, 1997, concerning the use of the funds appropriated and the amount of money reverted to the State General Fund.

This measure is effective on May 15, 1997.

A.B. 263 (Chapter 173)

Assembly Bill 263 revises the reversion date for certain previously appropriated money for the Medicaid Managed Care Program. The bill changes the deadline from June 30, 1997, to June 30, 1999, for committing the remaining balance of the appropriation.

This bill is effective on June 30, 1997.

A.B. 264 (Chapter 338)

Assembly Bill 264 appropriates \$436,046 to the Division of Child and Family Services of the Department of Human Resources for equipment and supplies of the Southern Nevada Child and Adolescent Services Juvenile Treatment Facility.

This measure is effective on June 30, 1997.

A.B. 265 (Chapter 501)

Assembly Bill 265 appropriates \$350,000 from the State General Fund to the North Las Vegas Library District for the advanced planning through design development of a second public library in North Las Vegas.

This bill is effective on June 30, 1997.

A.B. 266 (Chapter 502)

Assembly Bill 266 appropriates \$300,000 from the State General Fund to the Department of Education for the support of nonprofit public broadcasting stations in Nevada whose programs are devoted primarily to serving the educational, informational, and cultural needs of communities in Nevada. The bill also appropriates \$75,000 from the State General Fund to the department for the distribution of a grant to the Governor's Advisory Council on Education Relating to the Holocaust for carrying out the duties of the council. In addition, A.B. 266 appropriates \$148,989 for Fiscal Year 1997-1998 and \$171,120 for Fiscal Year 1998-1999 from the State General Fund to the department for programs, personnel, and educational services designed to meet the special education needs of American Indian children and culturally diverse children, including children whose native language is not English. The bill specifies that the funds appropriated for programs

for American Indian and culturally diverse children must be used by the department to employ one educational consultant to serve the needs of American Indian children, one educational consultant to serve the needs of culturally diverse children, and one part-time secretary. Funds may also be used for travel, equipment, and related operational expenses. The appropriation authority expires June 30, 1999.

The bill directs the department to evaluate the programs for American Indian and culturally diverse children and report its findings to the 70th Session of the Nevada Legislature by March 15, 1999. The report must include an evaluation of the effect such programs have had on meeting the special needs of such children and increasing the participation of such children in school programs that assist them in achieving high educational standards.

A.B. 268 (Chapter 503)

Assembly Bill 268 appropriates \$150,000 from the State General Fund to the account for local cultural activities. The appropriation authority expires on June 30, 1999.

The measure is effective June 30, 1997.

A.B. 299 (Chapter 253)

Assembly Bill 299 amends 1995 legislation that appropriated money to the Department of Prisons. The measure revises the reversion for certain previously appropriated money and authorizes the use of those funds for additional Information Services.

This bill is effective on June 30, 1997.

A.B. 329 (Chapter 511)

Assembly Bill 329 appropriates \$225,000 from the State General Fund to the University and Community College System of Nevada for expenses related to the relocation of the University of Nevada Fire Protection Training Academy to the Dodd-Beals Facility in Carlin, Nevada.

This bill is effective on June 30, 1997.

A.B. 343 (Chapter 433)

Assembly Bill 343 increases, from five to seven, the number of justices of Nevada's Supreme Court. This measure provides for the election of the two additional justices and their successors and establishes a salary of \$107,600 for each of these new positions.

The bill authorizes the Supreme Court to hear and decide cases in panels of three justices. The concurrence of a majority of the justices sitting on a panel is required to decide a case, and the full court must reconsider any case decided by a panel if any two justices request such reconsideration. This measure also provides that, if panels of justices are established, the Supreme Court must adopt rules governing the use of such panels and designate the places where the panels are to hold court. Furthermore, the bill changes, from three to four, the number of justices needed to constitute a quorum for the transaction of business by the court, except for business done at chambers or by panels.

Assembly Bill 343 appropriates \$451,153 to the Supreme Court in the second year of the biennium for payment of the salaries and costs related to the addition of the two new justices.

The provisions of this bill expire by limitation on the date the voters of Nevada approve a constitutional amendment that establishes an intermediate court of appeals. The additional justices whose positions are abolished by the creation of such an intermediate appellate court must be permitted to serve the remainder of their terms of office, but the positions of the additional justices and any positions of staff hired directly to support them must be abolished at the end of those terms.

Assembly Bill 343 was requested to address the issue of delayed justice at the highest level in Nevada's state judicial system—the Supreme Court. Court statistics indicate that there are approximately 2,200 cases currently pending before Nevada's Supreme Court and almost 1,200 of these are awaiting a decision. (The other pending cases are in the briefing process.) Of the pending cases awaiting decision by the court, the majority of these cases have been on the court's docket for two or more years, with the oldest cases dating back five years.

According to testimony, this measure will increase the efficiency of the court and reduce the backlog of cases by 30 to 40 percent. If the bill is enacted, the Supreme Court plans to adopt rules that would establish two three-justice panels—one in northern Nevada and one in southern Nevada—that would decide almost all cases except those dealing with the death penalty, life imprisonment, or precedent-setting issues. Between 100 and 150 cases would still be decided by the full court each year.

The bill requires that the two additional justices be chosen at the 1998 general election.

The provisions governing the election of the additional justices are effective on January 1, 1998. The other provisions of the bill are effective on January 1, 1999.

A.B. 346 (Chapter 514)

Assembly Bill 346 appropriates \$60,000 from the State General Fund to the City of Sparks for the remodeling and renovation of the Sparks Heritage Museum and expenses relating to acquiring additional personal property and fixtures for the museum.

This bill is effective on June 30, 1997.

A.B. 429 (Chapter 396)

Assembly Bill 429 appropriates \$319,000 from the State General Fund to the Department of Employment, Training and Rehabilitation (DETR) for the purpose of establishing and supporting child care programs throughout the state. The bill requires that \$40,000 be granted to the Turnabout AmeriCorps Child Care Program in Fallon as a match for the existing federal AmeriCorps program. In addition, the measure specifies that DETR may not use more than \$29,000 of the appropriation for administration of the programs.

This bill is effective on June 30, 1997.

A.B. 430 (Chapter 162)

Assembly Bill 430 makes a supplemental appropriation of \$7,549 to the Division of Child and Family Services of the Department of Human Services for the purpose of retroactively paying employees of the Teaching Parent Relief Program of the Southern Nevada Child and Adolescent Services.

This bill is effective on June 17, 1997.

A.B. 431 (Chapter 231)

Assembly Bill 431 appropriates \$292,994 to the Department of Motor Vehicles and Public Safety for postage charges that were incurred but underbilled during Fiscal Year 1996.

This measure is effective on June 30, 1997.

A.B. 433 (Chapter 329)

Assembly Bill 433 appropriates, to the Division of Child and Family Services of the Department of Human Resources, \$983,936 for unanticipated shortfalls in revenue for the Youth Community Services and \$547,500 to contract for secure residential correctional placements in the community for youths.

This measure is effective on June 30, 1997.

A.B. 434 (Chapter 277)

Assembly Bill 434 appropriates \$435,788 from the State Highway Fund to the Administrative Services Division of the Department of Motor Vehicles and Public Safety for unanticipated operating expenses.

The bill is effective on June 30, 1997.

A.B. 435 (Chapter 212)

Assembly Bill 435 appropriates \$94,994 from the State General Fund to the Division of Parole and Probation of the Department of Motor Vehicles and Public Safety for various studies to be conducted by the division.

The bill is effective on June 30, 1997.

A.B. 447 (Chapter 574)

Assembly Bill 447 extends the reversion date for the appropriation made by the 1995 Legislature to the Health Division of the Department of Human Resources for the Perinatal Care and Obstetrical Access Pilot Program. The date is extended from June 30, 1997, to June 30, 1999. Further, the measure requires the Health Division to submit a report to the 1999 Legislature regarding the success of the pilot program.

This measure is effective on June 30, 1997.

A.B. 448 (Chapter 271)

Assembly Bill 448 extends the prospective date for the reversion of money appropriated to the Department of Business and Industry for the operating expenses of a program to provide small business with access to financing that is not otherwise available to such businesses. The date is extended from June 30, 1997, to June 30, 1999. In addition, the measure appropriates an additional \$100,000 to the program.

This measure is effective on June 30, 1997.

A.B. 463 (Chapter 146)

Assembly Bill 463 appropriates \$4 million to the Legislative Fund from the State General Fund.

This measure is effective on June 12, 1997.

A.B. 464 (Chapter 579)

Assembly Bill 464 appropriates \$3,250,000 for each year of the biennium from the State General Fund to Clark County for the demolition of certain old structures and the construction and expansion of the facilities at the Spring Mountain Youth Camp. The bill also appropriates \$750,000 from the State General Fund to Humboldt County for construction of a juvenile detention facility. These funds may only be used by Humboldt County if matching money is provided by Humboldt, Lander, and Pershing Counties. In addition, A.B. 464 appropriates \$1,250,000 from the State General Fund to Lyon County for construction of a regional facility for children for Carson City and Churchill, Douglas, Lyon, and Storey Counties.

This bill is effective on July 1, 1997, except for the provision that appropriates money to Clark County for Fiscal Year 1998, which is effective on July 1, 1998.

A.B. 465 (Chapter 580)

Assembly Bill 465 appropriates \$100,000 from the State General Fund to the City of Las Vegas to fund the activities of the California-Nevada Super Speed Ground Transportation Commission. The appropriation authority expires June 30, 1999. The bill also extends the expiration date of a similar 1995 appropriation from June 30, 1997, to June 30, 1999.

The measure is effective June 29, 1997.

A.B. 469 (Chapter 333)

Assembly Bill 469 requires the State Department of Education to establish and maintain a statewide automated system of information concerning pupils. The measure also requires the board of trustees of each school district to adopt a program for the collection, maintenance, and transfer of data from the individual records to the statewide system. The Superintendent of Public Instruction is responsible for prescribing the data to be reported by the school districts and the related procedures. Assembly Bill 469 mandates that the department, the school districts, and the public schools operate the statewide system in compliance with applicable federal law, including the Family Educational Rights and Privacy Act and the Individuals with Disabilities Education Act.

In addition, A.B. 69 creates an advisory committee for the system consisting of appointed representatives of school districts, the State Board of Education, the Budget Division of the Department of Administration, and the legislature. In addition to reporting semiannually to the Interim Finance Committee during the 1997-1999 biennium regarding the system, the Superintendent of Public Instruction must also periodically report to, and consider the suggestions of, the committee. Finally, A.B. 469 appropriates \$12,710,354 to the department for the development of the system.

This measure is effective on July 1, 1997.

A.B. 474 (Chapter 581)

Assembly Bill 474 appropriates \$25,000 from the State General Fund to Storey County to repair damage resulting from vandalism of the Virginia City Cemetery. The bill also appropriates \$11,720 from the State General Fund to Lyon County for costs related to building a fence around Stockton Wells Station.

This bill is effective on June 30, 1997.

A.B. 509 (Chapter 175)

Assembly Bill 509 appropriates \$151,500 from the State General Fund to the Division of State Lands of the State Department of Conservation and Natural Resources for the purchase, including closing costs, of property located within the Capitol Complex. The bill specifies that any remaining balance of the appropriation must not be committed for expenditure after June 30, 1999, and that such balance must revert to the State General Fund as soon as all payments of money committed have been made.

This measure is effective on June 23, 1997.

A.B. 519 (Chapter 567)

Assembly Bill 519 appropriates \$50,000 from the State General Fund to the Health Division, Department of Human Resources, for continuation of the program developed by the perinatal substance abuse subcommittee of the Advisory Board on Maternal and Child Health.

This bill is effective on June 30, 1997.

A.B. 523 (Chapter 568)

Assembly Bill 523 requires school districts to administer achievement and proficiency examinations in accordance with uniform procedures established by the State Board of Education. The bill also requires the State Department of Education to monitor school district compliance with such procedures. The bill further specifies that such examinations must be scored by either the department or a single private entity. Assembly Bill 523 establishes requirements and procedures for the reporting of student test scores to parents. The measure authorizes modifications to the administration of achievement and proficiency examinations for pupils enrolled in special education programs.

Assembly Bill 523 requires school districts to include specific information on the achievement and proficiency examinations given to students in grades 4, 8, and 11 in reports submitted to the State Board of Education. Such information includes the type of

examination administered, the number of pupils taking the examination, the number of students required to take the test, and the average test score for different pupil populations.

The measure appropriates \$670,030 from the State General Fund to the State Department of Education for costs relating to the standard examinations of achievement and proficiency required by state law. In addition, the bill appropriates \$511,677 from the State General Fund to the State Department of Education for developing and administering a new high school proficiency examination. The department must administer the new high school proficiency examination to students in the eleventh grade beginning in 1997.

The bill is effective on June 29, 1997.

A.B. 550 (Chapter 337)

Assembly Bill 550 changes the reversion date, from June 30, 1997, to June 30, 1999, for the appropriation made by the 1995 Legislature to the State Department of Education for the development and implementation of a computer system for licensing teachers and other educational personnel.

The bill is effective on June 29, 1997.

A.B. 558 (Chapter 600)

Assembly Bill 558 appropriates \$200,000 from the State General Fund to the Clark County School District for the continuation of the pilot program for the instruction of pupils whose primary language is not English.

This bill is effective on June 30, 1997.

A.B. 586 (Chapter 606)

Assembly Bill 586 appropriates \$10,000 from the State General Fund to the Women in Military Service for America Memorial Foundation, Inc., for the support of construction of the Women in Military Service for America Memorial in Arlington National Cemetery.

This bill is effective on June 30, 1997.

A.B. 587 (Chapter 334)

Assembly Bill 587 makes a supplemental appropriation of \$5,802 to the Nevada Athletic Commission for unexpected operating expenses and salaries.

This measure is effective on July 8, 1997.

A.B. 602 (Chapter 608)

Assembly Bill 602 appropriates \$3,157,715 from the State General Fund to the Division of Forestry, State Department of Conservation and Natural Resources, for new and replacement equipment. The bill makes a supplemental appropriation of \$21,800 from the State General Fund to the Division of Forestry to replace the overhead door on the airplane hangar at the Minden airport that is used by the division. In addition, A.B. 602 appropriates \$6,894 from the State General Fund to the Division of Forestry for personal equipment for the personnel of the division. Finally, the measure provides that for Fiscal Year 1997 the Director of the Department of Administration may loan up to \$1,250,000 from the State General Fund to the budget account for fire suppression and emergency response of the Division of Forestry. The loan must be repaid as reimbursements are received by the division from the Federal Government for services provided by the division, but not later than August 27, 1999.

This bill is effective on June 30, 1997.

A.B. 606 (Chapter 411)

Assembly Bill 606 appropriates \$1,550,000 for each year of the biennium from the State General Fund to the University and Community College System of Nevada for the purchase of computer hardware, software, communication and related nonrecurring services necessary to enhance the system's distance education network. In addition, A.B. 606 appropriates \$200,000 for each year of the biennium for personnel costs associated with providing distance learning services. The bill requires the system to submit a report to the 70th Session of the Legislature on or before February 15, 1999, that describes all expenditures, the status of the distance education network, and the number and types of educational experiences and enhancements provided with the money appropriated.

This bill is effective on July 1, 1997.

A.B. 619 (Chapter 610)

Assembly Bill 619 creates the revolving account for the management of stray horses in the Virginia Range in northwestern Nevada. The account is administered by the state's

Division of Agriculture, and the bill provides that all proceeds from the sale of stray horses from the Virginia Range and any gifts, grants, donations, or other money received by the division for management of these horses must be credited to the revolving account.

The measure also appropriates \$10,000 from the State General Fund to the account for use during the 1997-1999 biennium.

The bill is effective on June 30, 1997.

A.B. 625 (Chapter 612)

Assembly Bill 625 appropriates \$1 million from the State Highway Fund to the Department of Transportation for the construction of a bridge approximately 12 miles east of the Vista Interchange of Interstate Highway No. 80. The appropriation authority expires upon completion of the project.

The measure is effective July 1, 1997.

A.B. 636 (Chapter 616)

Assembly Bill 636 appropriates \$150,000 to Clark County and \$50,000 to Washoe County from the State General Fund for contributions to the MeFiYi Foundation to support amateur athletics and recreational programs in the respective counties. The bill limits to 10 percent the amount of money the foundation may use for administrative costs. In addition, the measure requires the Department of Administration to submit a report to the 70th Session of the Legislature listing the contributions made to the foundation and describing how the money was used and the benefits achieved.

The bill is effective on June 30, 1997.

A.B. 637 (Chapter 617)

Assembly Bill 637 appropriates \$32,500 to the State Department of Education for the "We the People Project Citizen" program, which is designed to improve public understanding of state and local government and the legislative process. The program has additional sponsorship from the National Conference of State Legislatures and the Center for Civic Education.

This measure is effective on June 30, 1997.

A.B. 647 (Chapter 620)

Assembly Bill 647 appropriates \$52,006 from the State General Fund to the Division of Child and Family Services, Department of Human Resources, to offset an unanticipated shortfall in operational and salary expenses at the Caliente Youth Center for Fiscal Year 1996-1997.

The measure is effective on June 30, 1997.

A.B. 654 (Chapter 393)

Assembly Bill 654 extends the reversion date for an appropriation made during the 1995 Legislative Session to the Commissioner for Veteran Affairs for improvements to the veterans' cemeteries from June 30, 1997, to June 30, 1998.

This bill is effective on June 29, 1997.

A.B. 659 (Chapter 245)

Assembly Bill 659 appropriates a total of \$66,014,649 in the first year of the biennium, and \$81,467,527 in the second year, to cover salary and benefits of teachers hired to meet the required ratios for Nevada's Class-Size Reduction (CSR) Program. The measure notes that, although the Legislature's goal is a pupil-to-teacher ratio of 15 to 1, the funding provided is sufficient to maintain such ratios at 16 to 1 in at-risk kindergartens and first and second grades. Funding is included for the second year of the biennium to hire an additional 220 teachers to reduce the ratio in third grade to 19 to 1. Under certain circumstances and upon approval by the Superintendent of Public Instruction, school districts may use the class-size reduction funds for an alternate plan to improve pupil achievement in grades 1, 2, and 3. The combined ratio of pupils per teacher in the aggregate from kindergarten to grade three, however, cannot be lower than the ratio in school year 1996-1997.

To receive class-size reduction funding, school districts must file a plan with the State Department of Education. Class-size reduction funds may not be used to adjust district-wide salary schedules or to settle or arbitrate disputes or contract negotiations. School districts also must demonstrate that a sufficient number of regular classroom teachers have been hired from sources of money other than CSR program funds to maintain the average pupil-to-teacher ratio that existed for the three years prior to the start of the CSR program in the 1990-1991 school year.

A total of \$600,000 is provided for training teachers. Of that sum, \$400,000 must be used in the first year of the biennium to train teachers in effective remedial education programs, and \$200,000 is available in the second year of the biennium to train teachers to work more effectively in small classes or in "team-teaching" situations.

The bill also continues a scholarship program for 90 prospective teachers, transferring \$130,680 in estate tax revenues to the University and Community College System for that purpose.

Most of the bill is effective on July 1, 1997. The provisions concerning the second year of the biennium are effective on July 1, 1998.

A.B. 660 (Chapter 244)

Assembly Bill 660 is the general appropriations act to support Nevada state government during the 1997-1999 biennium. This measure makes appropriations from the State General Fund and the State Highway Fund for all state agencies and the University and Community College System of Nevada.

Assembly Bill 660 appropriates \$931,606,173 for the Fiscal Year beginning July 1, 1997, and ending June 30, 1998, and \$958,010,722 for the Fiscal Year beginning July 1, 1998, and ending June 30, 1999, for support of the government of the State of Nevada. Also, the measure appropriates \$71,855,061 for the first fiscal year of the biennium and \$72,554,403 for the second fiscal year of the biennium from the State Highway Fund.

The measure makes additional appropriations from the wildlife account in the State General Fund for the support of the State Predatory Animal and Rodent Committee in the amount of \$20,000 for each year of the biennium; \$67,570 to the Public Employees' Retirement Board for the administration of the Legislator's Retirement System for the period July 1, 1997, through June 30, 1999; \$1.3 million for use by the Legislature in accordance with *Nevada Revised Statutes* 218.085; and \$450,000 for the purchase of a printing press by the State Printing Division of the Department of Administration.

The measure specifies that \$105,246 in each year of the biennium, of the sums appropriated to the Nevada Council on the Arts, be used to support the Challenge Grants Program, and that \$2 million of the sums appropriated to the State Department of Education be transferred each fiscal year to the fund for the school-to-careers program.

Certain portions of the bill are effective on June 30, 1997, July 1, 1997, and July 1, 1998.

A.B. 670 (Chapter 478)

Assembly Bill 670 makes appropriations and authorizes the issuance of general obligation bonds for capital improvement projects for state agencies and the University and Community College System of Nevada (UCCSN). The total amount of money approved is approximately \$316 million, including, from among other sources, more than \$110 million

APPROPRIATIONS (continued)

from the State General Fund and approximately \$150 million from general obligation bonds. The bill provides money for various capital improvement projects throughout the state, and the major funding allocations include:

- Approximately \$147.1 million for projects for the UCCSN, with money allocated to one or more projects at each campus or institution;
- Approximately \$110 million for the Department of Prisons;
- Approximately \$24.7 million for the Department of Motor Vehicles and Public Safety; and
- Approximately \$13.1 million for the Department of Human Resources.

In addition, A.B. 670 authorizes the expenditure of approximately \$56.5 million in Fiscal Year 1997-1998 and \$65.1 million in Fiscal Year 1998-1999 for the principal and interest payments on the state's general obligation debt.

This bill is effective on June 30, 1997.

CAPITAL IMPROVEMENTS AND PUBLIC WORKS

S.B. 363 (Chapter 639)

Senate Bill 363 increases, from \$20,000 to \$35,000, the threshold for requiring performance and payment bonds from contractors on certain public works projects. The measure also prohibits the specification for bids for a public works project to require a bidder to reveal certain trade secrets. The measure stipulates that certain information and documents may be requested to evaluate claims for costs or determine the price of additional work, but such information is declared confidential.

This bill is effective on July 17, 1997.

S.B. 396 (Chapter 677)

Senate Bill 396 provides that a contractor on a public works project is subject to a civil penalty for each worker who is not reported to the Labor Commissioner and the public body that awarded the contract.

A.B. 98 (Chapter 20)

Assembly Bill 98 stipulates that the law concerning a fund for extraordinary maintenance, repair, or improvement of local capital projects does not apply to projects for wastewater, sewerage, or water transmission or treatment.

The 1995 Legislature enacted a measure to require the establishment of a fund for extraordinary maintenance of certain capital projects in larger counties and authorize its creation in smaller counties. The measure exempted road and flood control projects, but inadvertently left out an exemption for water treatment and transmission projects. Assembly Bill 98 corrects that oversight.

This measure is effective on July 1, 1997.

A.B. 374 (Chapter 521)

Assembly Bill 374 requires the State of Nevada and local governments, before commencing a capital improvement, to prepare and approve a budget that includes funding for the operation and maintenance of the improvement, including personnel. The measure further requires the state and local governments to include in future budgets the cost of maintenance and operation of capital improvements constructed after July 1, 1999, and July 1, 1998, respectively.

This measure is effective on July 1, 1997.

A.B. 527 (Chapter 589)

Assembly Bill 527 amends state law governing public works contracts with architects, interior and residential designers, landscape architects, professional engineers, and professional surveyors. The measure stipulates that such contracts must include, among other provisions, the time period in which the public body must pay the design professional and the terms of any penalty to be imposed if payment is not made promptly. The contracts may also set forth the terms of any discount for early payment.

This measure is effective on July 16, 1997.

A.B. 547 (Chapter 598)

Assembly Bill 547 requires the State Public Works Board to adopt regulations to establish criteria and procedures for determining the qualifications of bidders on public works projects. The measure further requires the board to use the criteria and procedures in awarding state contracts. The criteria to be used include an evaluation of the financial ability of the applicant, the performance history of the applicant in Nevada, any prior breaches of contract, and any prior disqualifications as a bidder on state projects. The bill sets forth an appellate procedure for a person whose application for qualification is denied.

Finally, the bill requires subcontractors who perform more than \$50,000 in work to post a bond.

This measure is effective on July 16, 1997, for purposes of adopting regulations, and on October 1, 1997, for all other purposes.

A.B. 650 (Chapter 622)

Assembly Bill 650 requires the inclusion of the project number in an advertisement for a bid for a public works project and in any submitted bid. The measure further requires the public body to use that number in reporting the bid award to the Labor Commissioner.

This measure is effective on July 1, 1997.

COMMERCE

S.B. 153 (Chapter 83)

Senate Bill 153 requires that a document submitted for filing in the Office of the Secretary of State related to the registration of a trademark, trade name, or service mark, and written in a language other than English, may only be filed if it is accompanied by a verified translation into English. In addition, the bill requires that a specimen accompanying a registration application must meet certain criteria. Furthermore, S.B. 153 provides that, if the date of first use contained in the application is indefinite when a mark is registered, the certificate of registration must designate the latest date that can be inferred from the application.

This measure is effective on May 15, 1997.

S.B. 167 (Chapter 642)

Senate Bill 167 establishes registration procedures for credit service organizations, organizations for buying goods or services at a discount, dance studios, and health clubs. Each registrant is required to deposit a corporate surety bond or other specified security with the Commissioner of the Consumer Affairs Division. The bill authorizes the commissioner to hold the security in trust under certain circumstances and establishes procedures for distributing the security to persons with claims against it. In addition, S.B. 167 prohibits a person conducting a solicitation for, or on behalf of, a charitable organization from making a representation which is deceiving or misleading or from omitting any material fact. Such conduct constitutes a deceptive trade practice.

The measure requires an applicants for registration as a seller for the purposes of telephone solicitation to obtain a work card from the sheriff or county in which the business is located if the applicant intends to offer for sale information or opinions relating to sporting events. Each principal officer, director, trustee, shareholder, and employee of an applicant is also required to obtain a work card. Further, the bill requires work cards to be submitted annually upon renewal of the registration. An exemption is provided for operators of an information service licensed under Chapter 463 of the *Nevada Revised Statutes*. The measure also excludes certain individuals from the definition of a seller for the purposes of telephone solicitation.

Finally, the bill authorizes the Attorney General to issue and serve a subpoena if he has cause to believe that a person has engaged or is engaging in a deceptive trade practice.

This measure is effective on July 1, 1997.

S.B. 242 (Chapter 539)

Senate Bill 242 prohibits the removal of property from a pawnbroker's place of business unless it is redeemed by the owner or seized pursuant to a search warrant. The bill also increases, from 8 to 10 percent per month, the amount a pawnbroker may charge as interest. In addition, the bill requires a junk dealer or secondhand dealer to be licensed as a pawnbroker before allowing a customer to repurchase property. The bill also prohibits junk dealers and secondhand dealers from buying a motor vehicle and then selling the motor vehicle back to the same person. Finally, S.B. 242 allows a secondhand dealer who purchases a motor vehicle to remove the vehicle from the place where the transaction occurred and relocate it to a storage place. Once the vehicle is moved to the place of storage, it cannot be removed for a specified period of time.

S.B. 346 (Chapter 276)

Senate Bill 346, among other provisions, explains a notary's duties and allows a person who lives in an adjoining state and works in Nevada to be appointed as a notary public in this state. The measure also clarifies that the notary owns his supplies, requires signatures to be in ink, and prescribes the design of a notary's stamp. In addition, the bill standardizes penalties and prohibits an attorney from notarizing his own pleading. Finally, S.B. 346 clarifies that certain documents must be signed in a notary's presence and codifies an existing fee.

A.B. 271 (Chapter 123)

Assembly Bill 271 increases the limitations on retirement plans and vehicles that are exempt from creditor claims. The measure increases, from \$100,000 to \$500,000, the amount of retirement funds exempt from execution. In addition, the bill raises the amount of protected vehicle equity from \$1,500 to \$4,500.

Testimony indicated that existing law does not adequately protect certain assets from creditor claims, and this measure addresses this deficiency by increasing the amount of retirement funds that are protected. In addition, the \$4,500 vehicle exemption, as proposed in this measure, was reported to better reflect the average price of an automobile. The higher threshold for vehicles and retirement funds was reported to be necessary because accidents and medical bills can easily "wipe out" an individual's assets.

A.B. 363 (Chapter 518)

Assembly Bill 363 requires a motion picture company to register with Nevada's Division of Motion Pictures and obtain any required permits prior to beginning production of a motion picture within Nevada. In counties with a population of 400,000 or more, the department

which issues business licenses is delegated this authority. A motion picture is defined to include feature films, television movies, and episodic television series.

The bill also defines a producer-promoter-employer to include an approved payroll company that has become the employer of record, or a company that is responsible for all of the debts and obligations incurred by a motion picture company in the production of a motion picture in Nevada. In counties with a population of 400,000 or more, the department that issues business licenses is authorized to act as an agent of the Labor Commissioner. Producer-promoter-employers may, therefore, post required bonds with the county business license department. The bill provides that a person who fails to comply with the provisions of the bill is guilty of a misdemeanor and may have the filming project terminated until found to be in compliance.

Assembly Bill 363 also authorizes the Division of Motion Pictures or, in counties with a population of 400,000 or more, the county business license department, to act as agents of the Department of Taxation and to collect taxes from individuals creating or producing motion pictures who are not residents or do not have a permanent place of business in Nevada.

Corporations, Partnerships, and Other Business Associations

S.B. 294 (Chapter 281)

Senate Bill 294 adopts the Uniform Management of Institutional Funds Act, which provides specific guidelines for the management, investment, and expenditure of institutional or charitable organizational funds. Primary components of the bill include the following: an expressed fiduciary standard of ordinary business care and prudence for the governing board; specific investment authority, similar to that presently available to nonprofit corporations for assets; specific authority to delegate investment decisions to investment managers; authority to expend prudently all types of income of endowment funds; and a method of releasing restrictions on use or investment of funds in appropriate circumstances.

Senate Bill 294 also authorizes the disclosure of a private postsecondary school's financial records under certain conditions. The measure specifies that the administrator of the Commission on Postsecondary Education may provide a school's confidential financial records to a third party for review, when deemed appropriate.

This bill is effective on July 3, 1997.

S.B. 297 (Chapter 208)

Senate Bill 297 makes various changes concerning the organization, operation, and merger of certain business organizations. These changes include authorizing private and foreign corporations to correct documents filed with the Secretary of State through a certificate of correction signed by an officer of the corporation and filed with the Secretary of State. The certificate must state the name of the corporation, a description of the document and the incorrect statement, and the correction of the statement or defective execution.

Senate Bill 297 also clarifies the voting power of treasury shares, the requirements for a stockholder vote when a corporation employs stock splits and reverse stock splits, and the use of incomplete proxies as part of a quorum for stockholder meeting purposes. This measure also facilitates the revival of certain corporations in default for more than five years by reducing the voting requirement from a unanimous vote of stockholders to a majority vote. If no stock has been issued, a majority of directors can approve the revival. In addition, S.B. 297 permits the revival of certain nonprofit corporations. Once revived, the nonprofit corporation's existence continues from the date of expiration forward.

Senate Bill 297 also makes various changes affecting limited liability companies (LLCs), including establishing standards for the distribution of profits, permitting perpetual existence for LLCs, authorizing a member to receive fair market value of his interest if he resigns or withdraws in certain circumstances, and clarifying the definitions of Majority in Interest, Manager, Member, and Member's Interest. In addition, the bill revises the contents of the Articles of Organization and certain procedures relating to the filing, amending, and signing of these documents. Senate Bill 297 also permits agencies, boards, and commissions that currently are authorized to issue licenses to business corporations to also issue licenses to LLCs.

Finally, S.B. 297 revises various procedures relating to mergers. The bill specifies that mergers between a parent and its subsidiary do not require a vote of the subsidiary's stockholders. The measure also clarifies which jurisdiction's law governs the documents and filing procedures relating to mergers between foreign entities and Nevada entities. The actions that must be taken by dissenters before the corporate action is finally approved are also modified by this bill.

Senate Bill 297 was requested by the Business Law Section of the Nevada State Bar to update Nevada's business statutes and reflect Delaware statutes on the same topics. The revisions of S.B. 297 affecting LLCs reflect the new regulations of the Internal Revenue Service, which became final on January 1, 1997. These regulations permit incorporated entities (including LLCs) to be taxed as partnerships without any further examination of their characteristics or organization structure.

Some provisions of this bill are effective June 26, 1997. The remainder of the bill is effective on October 1, 1997.

S.B. 344 (Chapter 182)

Senate Bill 344 revises certain requirements for the filing of service of process with the Secretary of State. The bill moves the location for service of process for actions against the State from the Office of the Secretary of State to the Office of the Attorney General. In addition, this measure requires that service of process accepted by the Secretary of State for a Nevada business entity that has not appointed a resident agent must include a citation to the statute authorizing such service of process and a fee of \$10.

Finally, S.B. 344 eliminates the requirement that the Secretary of State accept service of process for any business entity in the United States in an action to recover certain damages.

S.B. 407 (Chapter 196)

Senate Bill 407 requires the Securities Division of the Office of the Secretary of State to adopt regulations governing the requirements for the registration and operation of a securities exchange in Nevada and specifies that the administrator of the division may place conditions, limitations, or restrictions on the registration. The measure also specifies which individuals are associated with a securities exchange for the purpose of investigating the qualifications of applicants for registration. Finally, S.B. 407 repeals the statute that requires transactions involving securities on a Nevada securities exchange to be conducted in the state.

Existing law requires the Securities Division to adopt rules governing the regulation of such an exchange, but does not specifically require or authorize the adoption of regulations governing its continuing operation. Securities can only be registered in a Nevada exchange if they are exempt from the Securities Exchange Commission (SEC). The SEC will not exempt securities, however, unless there is continuous regulation. Thus, this legislation requires the division to adopt the necessary regulations. The statute requiring that the transactions be conducted within the state is repealed to allow greater flexibility if such an exchange is created in Nevada.

S.B. 431 (Chapter 275)

Senate Bill 431 authorizes one or more natural persons to organize a corporation, qualify to do business as a foreign corporation, or register as a foreign limited-liability company for the purposes of practicing public accounting. The organization, qualification, or registration of a corporation or company does not modify the relationship between an accountant and a client. Such an arrangement also does not modify the entity's required compliance with Chapter 628 of the *Nevada Revised Statutes* or the regulations adopted pursuant to that chapter.

In addition, S.B. 431 authorizes the Nevada State Board of Accountancy to charge a fee for the registration of an office.

A.B. 664 (Chapter 626)

Assembly Bill 664 allows a person who owns at least 15 percent of the stock of a corporation governed by subchapter S of the Internal Revenue Code to inspect the records of the corporation.

Economic Development

S.B. 233 (Chapter 662)

Senate Bill 233 revises provisions governing certain abatements, exemptions, and deferrals of taxes. The measure states that the legislative intent of the bill is to further the state plan for economic development and diversification by encouraging certain types of industry to locate or expand their businesses within the state. The bill authorizes the Commission on Economic Development to grant an abatement of 50 percent of the personal property taxes of certain new and expanding businesses for a period of 10 years. Senate Bill 233 requires a local government whose tax base may be adversely impacted to agree to the abatement before it is granted by the commission.

Senate Bill 233 also sets forth a list of criteria and standards that must be met before an abatement is granted, including payment by the business of an average wage that is at least 125 percent of the statewide average industrial wage, establishment of a health insurance plan for the worker with optional insurance coverage for dependents, and creation of an employee benefits package as determined by the commission.

Senate Bill 233 further requires a new business in counties with a population of 100,000 or more to create a minimum of 100 new jobs by its fourth quarter of operation and make at least a \$50 million capital investment in personal property to be eligible. Expanding businesses in these counties must create 20 new jobs if the business has at least 100 employees in the state and make a minimum capital investment in personal property of \$10 million. Senate Bill 233 also establishes a minimum number of new jobs that must be created and personal property investment requirements for counties with a population of less than 100,000.

Finally, the measure requires a business that fails to comply with the established criteria or to remain in operation in the state for at least 10 years to repay, with interest, all of the abated personal property taxes. Finally, S.B. 233 requires the Department of Taxation to audit each business granted an abatement to ensure compliance with the provisions of the bill.

This measure is effective on July 17, 1997, for the purpose of adopting regulations, and on July 1, 1997, for all other purposes.

S.B. 348 (Chapter 194)

Senate Bill 348 authorizes the director of the Department of Business and Industry to issue revenue bonds for industrial development for projects that promote the social welfare of Nevada residents.

This bill is effective on June 25, 1997.

S.J.R. 12 (File No. 129)

Senate Joint Resolution No. 12 proposes to amend the *Constitution of the State of Nevada* to allow the investment of state money for purposes of stimulating economic development. The measure describes the benefits of ensuring business expansion in the state and further describes the restrictions in Nevada's constitution for investing in certain economic growth programs. The resolution advocates changing the constitution by allowing for the specific enactment of legislation to invest in projects for economic diversification or development and specifies the methods that will be used to make decisions regarding projects for investment.

If enacted in identical form by the 1999 Legislature, this proposal will be submitted to voters for final approval or disapproval at the general election of the year 2000.

A.J.R. 16 (File No. 91)

Assembly Joint Resolution No. 16 supports the efforts of the Nevada Test Site Development Corporation to sponsor economic development projects at the Nevada Test Site that will promote economic diversification and new employment opportunities. The resolution further supports the proposal of Kistler Aerospace to use the Nevada Test Site for licensed aerospace vehicle operations, which will generate employment in highly technological positions and place the state in the forefront of a new era in space exploration.

Financial Institutions and Procedures

S.B. 141 (Chapter 25)

Senate Bill 141 revises the definition of banks for certain activities regulated by the Gaming Control Board. This measure expands the definition of banks to include banks that are regulated by the state or authorized to do business in Nevada.

In 1995, the Legislature authorized interstate banking in Nevada with the passage of Senate Bill 561 (Chapter 482, *Statutes of Nevada 1995*), which was designed to implement the provisions of the federal Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994. The federal law gives states the opportunity to authorize interstate banking within their borders, but requires that the states must “opt in” prior to June 1, 1997, by affirmatively enacting legislation to permit such activity. To do business in Nevada, Interstate banks must comply with state law and the regulations adopted by the Nevada Commissioner of Financial Institutions.

Testimony indicated that Senate Bill 141 is an extension of the provisions of S.B. 561 from 1995. This measure extends the exemption from certain gaming licensing requirements associated with capital leases for banks that have their principal place of business in the state to interstate banks authorized to do business in Nevada or regulated by the state. Advocates of the measure argued that interstate banks must provide the same information to the Commissioner of Financial Institutions that banks chartered in Nevada must provide; therefore, the same exemptions should apply.

This measure is effective on April 22, 1997.

S.B. 149 (Chapter 115)

Senate Bill 149 enacts the Uniform Transfer on Death Security Registration Act. This measure authorizes issuers of securities to offer owners of the securities the ability to designate the beneficiaries to whom the securities transfer upon the owner’s death. The issuers who decide to offer this ability to designate a beneficiary may establish the terms and conditions under which the designations will be accepted.

The bill provides that the issuer is not liable for any good faith transfer to a beneficiary. In addition, the measure specifies that the rights of the owner’s creditors are preserved when the securities are transferred to the beneficiary.

Senate Bill 149 provides an alternative to the more common method of providing for the transfer of securities to a designated individual: joint tenancy with the right of survivorship. When securities are held in joint tenancy, the owner does not have sole control over the securities during his lifetime. The joint tenant may exercise equal control over the securities, often to the co-owner’s disadvantage.

S.B. 240 (Chapter 157)

Senate Bill 240 adopts the revised Articles 5 (Letters of Credit) and 8 (Investment Securities) of the *Uniform Commercial Code*. The bill provides that Article 5 governs the operation of a letter of credit, which is defined as an undertaking by an issuer of credit to a beneficiary (the individual who gets paid) on behalf of an applicant (the individual to whom credit is extended by the issuer). Senate Bill 240 includes new terms for the parties involved in the letter of credit, an expansion of the definition of an “issuer” to include

nonbank entities, express authorization for the use of electronic technology, recognition of the provisions of Article 5 that cannot be varied by agreement, and clarification that the existing standard business practices of financial institutions will be observed. Further, S.B. 240 revises the provisions governing situations that involve fraud, forgery, and wrongful repudiation or dishonor of a letter of credit presented for payment, and the bill clarifies the remedies available.

Senate Bill 240 also adopts the revisions to Article 8 of the *Uniform Commercial Code*, which governs investment securities such as stocks, bonds, and mutual fund shares. The bill clarifies the property rights for investors, brokers, and other financial intermediaries. In addition, S.B. 240 authorizes the use of investment securities as collateral for obtaining credit and sets forth the priorities and rights in such situations. Finally, S.B. 240 makes corresponding revisions to Article 9 of the *Uniform Commercial Code* to address the attachment and perfection of security interests.

The revisions to the *Uniform Commercial Code* were prepared by the Uniform Law Commissioners to update Articles 5 and 8 for the age of electronic communications in today's business operations.

According to testimony, the changes to Article 5 are needed to address conflict judicial interpretations and the operation of letters of credit in today's electronic systems. When Article 5 was originally adopted, it was based on a "paper" system and many areas were not addressed, thus resulting in a need for judicial review of its provisions. Many of the court decisions are not consistent, and the revised Article 5 addresses these areas to permit states to operate on a uniform basis.

The revisions to Article 8 are needed to clarify and protect the interests of investors, brokers, and brokers' creditors with regard to certain securities and mutual funds. According to the testimony, the revisions to Article 8 respond, in part, to the stock market crash of October 1987. The Securities and Exchange Commission indicates that one plausible reason for the crash was the inability of the market makers and specialists in the New York Stock Exchange to obtain rapid credit from the banks in their efforts to support the market. Thus, according to testimony, the improvements in attaching and perfecting security interested under revised Article 8 and the corresponding amendments to Article 9 will inhibit future market crashes.

S.B. 267 (Chapter 691)

Senate Bill 267 authorizes the Commissioner of Financial Institutions, by regulation, to waive or modify a requirement of Nevada law if the corresponding requirement for national banks is eliminated or modified. The bill also removes the requirement that state chartered banks and savings and loan associations close on legal state holidays. Further, the measure allows a bank to elect to close on Saturdays, Sundays, or legal holidays. If a bank elects not to close on one of these days, any business transacted on such a day

shall be deemed to have been transacted on the next banking day that is not a Saturday, Sunday, or a legal holiday.

This measure is effective on July 22, 1997.

S.B. 351 (Chapter 221)

Senate Bill 351 authorizes an affiliate, parent, or subsidiary of a bank, as defined in the bill, to sell insurance and annuities. In addition, the measure prohibits a bank from requiring a customer to purchase insurance from an affiliate, parent, or subsidiary as a condition of receiving credit or services from the bank or engaging in certain transactions with the bank.

According to testimony, in March 1996, the United States Supreme Court ruled in *Barnett Bank v. Florida Insurance Commissioner* that a national bank has the authority to sell insurance through a branch in towns of 5,000 people or less. The Comptroller of the Currency, who regulates national banks, interpreted this ruling to authorize banks to sell insurance nationwide. Senate Bill 351 codifies the *Barnett* ruling as interpreted by the Comptroller. In addition, federal law prohibits a bank from requiring customers to purchase insurance from the bank as a condition of doing business with the bank. The provision in S.B. 351 mirrors this federal law.

This measure is effective on June 30, 1997.

S.B. 358 (Chapter 192)

Senate Bill 358 makes various changes to the provisions governing the purchase, sale, or other transfer of securities. This measure authorizes the electronic delivery of documents, applications, and fees to the Securities Division of the Office of the Secretary of State. This measure also authorizes the Administrator of the Securities Division to exempt certain transactions by order instead of by regulation. Finally, S.B. 358 increases, from \$20,000 to \$100,000, the criminal fine for securities fraud. This measure also increases the penalty for a violation of a cease and desist order relating to securities fraud from a misdemeanor to a category C felony with a maximum fine of \$100,000.

S.B. 408 (Chapter 195)

Senate Bill 408 revises the exemptions from certain requirements for the registration of securities and the licensure of people effecting purchases or sales of securities. The bill authorizes a waiver from the examination for licensure for sales representatives or broker-dealers under certain conditions. This measure also removes certain securities from the list of securities that are exempt from the registration requirement for which a nonrefundable fee of \$150 and notice of claim of exemption must be filed with the administrator of the Securities Division of the Office of the Secretary of State.

Testimony indicated that provisions of S.B. 408 that waive certain examinations reflect the current practice of the Securities Division. Small businesses that want to sell stock are subject to the examination, but the administrator of the Securities Division has the authority under existing law to waive the examination. Because these examinations are typically waived, the division requested the changes in S.B. 408 to require the waiver under the conditions set forth in statute.

Testimony further noted that securities for which the fee and filing of notice of claim of exemption are no longer required under the bill include securities designated for inclusion in the national market system by the National Association of Securities Dealers, Inc., and securities listed on the New York Stock Exchange, the American Stock Exchange, the Midwest Stock Exchange, and the Pacific Stock Exchange. According to testimony, Congress recently prohibited states from charging certain fees under the National Security Market Improvement Act of 1996. The provisions in S.B. 408 reflect this prohibition.

A.B. 8 (Chapter 38)

Assembly Bill 8 expands the definition of a person eligible to serve as a director or manager of a bank to include a person who holds stock of the bank or its holding company in a revocable trust.

A.B. 211 (Chapter 495)

Assembly Bill 211 provides for registration of certain businesses primarily engaged in offering check-cashing and deferred deposit services. A deferred deposit is defined as a transaction where a customer tenders a personal check and the licensee provides the customer an amount of money equal to the face value of the check, less a fee charged for holding the check for a specified period of time. Deferred deposit transactions are required to be evidenced by a written agreement.

The measure requires that such businesses be regulated by the Division of Financial Institutions of the Department of Business and Industry. The commissioner of the division may establish, by regulation, fees for check-cashing or deferred deposit services and penalties for violation of the regulations. Banks and other financial institutions currently regulated by the division are exempt from licensure. Nonrestricted gaming licensees are also exempt from the provisions of the act. The bill also exempts a person who is exclusively engaged in cashing out-of-state checks and a Nevada corporation that has been continuously and exclusively engaged in check-cashing services since July 1, 1973.

The measure provides that each application for registration must be accompanied by a \$50,000 surety bond for the use and benefit of any customer receiving the registrant's services. Registrants may post certain other security in lieu of a bond with the approval of the Commissioner of Financial Institutions. A certificate of registration expires annually and must be renewed on or before the date of expiration. A registrant must post a notice

in a conspicuous place stating the fees charged for various services. The bill requires the commissioner to adopt regulations to carry out the provisions of the measure not later than July 1, 1998.

The bill is effective on July 16, 1997, for the purposes of adopting the regulations necessary to carry out the provisions of the measure. The remainder of the bill is effective July 1, 1998.

A.B. 360 (Chapter 286)

Assembly Bill 360 makes various changes relating to financial institutions. The bill contains various provisions updating the organization of banks, including changing from former concepts such as “shareholders” and “capital” to newer concepts such as “stockholders” and “stockholder or members’ equity.” Certain statutes referencing capital are repealed. In addition, the measure simplifies requirements for other corporations, including thrift companies, to amend their articles of incorporation to become a bank. A bank is authorized to increase or reduce its authorized stock without the approval of its stockholders under certain circumstances. Banks are allowed to make investments in connection with a merger, consolidation, combination, or acquisition that meets certain criteria. The bill also makes certain changes in the provisions requiring a director or manager of a bank to hold stock in the bank.

The measure places certain restrictions on Nevada depository institutions that acquire an out-of-state depository institution and clarifies provisions regarding how long a financial institution is deemed to have been in business within Nevada. The bill amends statutory guidelines for the voluntary liquidation of a bank and provides for the appointment of a successor trustee if a bank is taken over for liquidation. The measure allows a thrift company licensed prior to October 1, 1997, which had not obtained deposit insurance through the Federal Deposit Insurance Corporation to obtain a private contract for deposit insurance. Both the Financial Institutions Commissioner and the Insurance Commissioner must approve the contract. The bill requires the Financial Institutions Commissioner to adopt regulations prescribing the components of such a contract. Further, the bill confers certain enforcement powers upon the Financial Institutions Commissioner and requires additional reporting of banking licensees.

The majority of the bill is effective on July 3, 1997. Other sections are effective on October 1, 1997.

Professions (See also: Health Care)

S.B. 91 (Chapter 139)

Senate Bill 91 defines the term “complex property” appraisal. In addition, the bill requires an applicant for a license as a residential appraiser to complete not less than 90 hours of academic instruction and at least 500 hours of experience relating to complex property. The measure also provides that an applicant for a certificate as a general appraiser must complete at least 180 hours of academic instruction. Finally, S.B. 91 increases the number of hours needed to satisfy continuing education requirements for appraisers.

Senate Bill 91 brings Nevada law into compliance with new federal regulations scheduled to take effect on January 1, 1998.

This bill is effective on June 9, 1997.

S.B. 92 (Chapter 113)

Senate Bill 92 increases, from three to six, the number of hours of continuing education for renewal of a real estate license that must be devoted to ethics, professional conduct, or the legal aspects of real estate.

This bill is effective on July 1, 1997.

S.B. 93 (Chapter 27)

Senate Bill 93 authorizes the State Board of Professional Engineers and Land Surveyors to require firms, partnerships, or corporations engaged in engineering or land surveying to register with the board. The board is also authorized to adopt regulations to implement the provisions of the bill. Furthermore, the board may impose a one-time registration fee, not to exceed \$50.

This bill is effective on April 22, 1997.

S.B. 96 (Chapter 114)

Senate Bill 96 authorizes the State Board of Architecture, Interior Design and Residential Design to allow an applicant for registration as an architect to take the examination of the National Council of Architectural Registration Boards. The measure requires the applicant to pay the entity that administers the examination a fee for the test, which is set by the entity administering the test. In addition, the applicant must pay a \$50 processing fee to the state board.

This measure is effective on June 1, 1997.

S.B. 194 (Chapter 682)

Senate Bill 194 defines and establishes licensing requirements for bail enforcement agents. Among other requirements, a bail enforcement agent must be at least 21 years of age and have a high school diploma or equivalent. An applicant must also submit a report of an investigation of his criminal history to the Commissioner of Insurance and the results of an examination conducted by a psychiatrist or psychologist indicating that the applicant does not suffer from a psychological condition that would adversely impact the performance of the applicant's duties. In addition, the bill requires an applicant to submit the results of a test for controlled substances.

A person is not entitled to receive, renew, or hold a license if, on or after October 1, 1997, he has been convicted of a felony, and he must submit a letter from a local law enforcement agency indicating he has neither been convicted of a felony nor of an offense involving moral turpitude or a controlled substance. The bill also requires an applicant for a license to complete at least 80 hours of training in specified subjects relating to constitutional law, arrest procedures, civil liability, safety, first aid, use of weapons, ethics, principles of investigation, and certain field procedures.

Senate Bill 194 also requires an applicant for a license as a bail agent, a general agent, or a bail solicitor to complete a six-hour course of training in bail bonds. In addition, an applicant must submit a letter from a local law enforcement agency indicating that he has neither been convicted of a felony nor of an offense involving moral turpitude or a controlled substance.

Further, the bill requires a bail enforcement agent, a bail agent, a general agent, or a bail solicitor to complete three hours of continuing education as a condition of license renewal.

Finally, S.B. 194 establishes certain fees and charges for services.

S.B. 320 (Chapter 544)

Senate Bill 320 establishes certain provisions regarding expenses incurred and money collected by the State Board of Funeral Directors, Embalmers and Operators of Cemeteries and Crematories. The bill also authorizes the board to impose specified forms of discipline if a licensee commits certain acts. In addition, S.B. 320 establishes procedures for placing a license on inactive status. Senate Bill 320 also authorizes reciprocity for an applicant who is licensed in another state provided the applicant has passed the national examination given by the Conference of Funeral Service Examining Boards of the United States. Furthermore, the bill provides that the board may authorize the embalming of a body under certain conditions. Finally, S.B. 320 establishes procedures for the disposal of unclaimed cremated remains when the cremation was ordered by a public officer of the state or a county.

The bill is effective on July 16, 1997.

S.B. 369 (Chapter 199)

Senate Bill 369 provides that the State Contractors' Board may adopt regulations fixing fees for applications, examinations, and annual licenses, none of which may exceed \$300.

This bill is effective on July 1, 1997.

S.B. 370 (Chapter 198)

Senate Bill 370 exempts certain people from the definition of "real estate broker." A person is exempt if employed by a licensed broker to accept reservations for rental of lodging for 31 days or less and if no tasks related to the sale or transfer of real estate are performed.

Testimony indicated that there was uncertainty in the industry regarding whether nonlicensed office staff could legally accept reservations for rental lodging.

S.B. 356 (Chapter 483)

Senate Bill 356 requires applicants for certain recreational, occupational, and professional licenses, certificates, or permits to sign a statement indicating whether the applicant is subject to a court order for child support and whether the individual is in compliance with the payment of money associated with that court order. If the statement indicates that the person is not in compliance, the agency is prohibited from renewing or issuing the license, certificate, or permit. The measure also requires the district court to suspend recreational, occupational, and professional licenses, certificates, or permits that have been issued to a person who has failed to comply with a court order to establish paternity; an individual who has not complied with an order to establish or enforce a child support order; or a person who owes back payments for child support in excess of \$1,000. The licenses, certificates, and permits may not be issued, renewed, or restored until the court determines that the order has been satisfied or a payment plan has been established.

The measure provides that the district attorney must notify a person who has failed to comply with a subpoena or warrant or who is in arrears for child support. The individual then has 30 days to comply with the subpoena or warrant, to pay the back support, or request a hearing. The bill specifies that, if the individual fails to make these arrangements, the district attorney or other agency is required to request that the hearing master suspend all recreational, occupational, and professional licenses, certificates, or permits issued to that person.

If a determination is made to suspend, the court is required to issue a copy of the order to all issuing agencies. The bill grants the individual an additional 30 days to satisfy the problem. If these problems are not addressed, the licenses, certificates, or permits are automatically suspended. A mechanism is provided to expedite the restoration of licenses,

certificates, or permits when the court determines the person has complied with the warrant or subpoena, or has satisfied the arrearage.

The bill also requires the Welfare Division to conduct a study of the effectiveness of the act. The study must include an analysis of the impact of the act upon the agencies that issue the licenses, certificates, and permits affected by the bill and upon the individuals requesting or holding those licenses, certificates, and permits. The division must report the results of the study and any recommended legislation to the 1999 Legislature.

Senate Bill 356 takes effect October 1, 1997. Should the United States Congress repeal the federal law that requires states to take the actions specified in the bill, the provisions of this act will sunset; the provisions enacted by the 1995 Legislature with regard to the suspension of drivers' licenses would remain, however.

S.B. 382 (Chapter 295)

Senate Bill 382 makes various changes concerning professional engineers and land surveyors, including the establishment of certain requirements for licensure instead of registration. The measure also provides certain educational and experience prerequisites for, and specifies the content of, the licensure examination. The bill requires certain entities that perform engineering services in a particular discipline to employ a full-time engineer at that location who is licensed in that discipline. In addition, the bill authorizes the Board of Professional Engineers and Land Surveyors, under certain conditions, to license an individual in Nevada who is already licensed in another jurisdiction.

Senate Bill 382 makes it unlawful for a professional engineer to stamp any document not prepared or supervised by him. The bill also prohibits the use of a stamp by certain other people. In addition, the bill authorizes the board to fine a licensee or applicant up to \$15,000 for violations of the statutes or administrative regulations. Furthermore, the measure authorizes the board to impose a fine of up to \$5,000 upon a public officer who violates the provisions of Chapter 625 of the *Nevada Revised Statutes*.

Finally, the bill requires the executive director of the board to prepare a roster listing certain information about licensees and to make the roster available to each licensee in a manner prescribed by the board.

S.B. 393 (Chapter 435)

Senate Bill 393 requires the Attorney General and the Insurance Commissioner to notify the appropriate licensing agency when a person licensed or registered to engage in a business or profession under Nevada law is convicted of insurance fraud. Within one year from receipt of the information, the agency must submit a report to the Legislature explaining what action the agency took against the convicted person. The measure also provides that a person commits insurance fraud when he knowingly and willfully engages

in certain conduct, such as employment of a person to procure clients, patients, or other persons who receive services or benefits under an insurance policy. In addition, the bill prohibits conspiring to commit, soliciting, or permitting the commission of insurance fraud.

A.B. 105 (Chapter 44)

Assembly Bill 105 authorizes the State Board of Architecture, Interior Design and Residential Design to require each registrant to complete not more than 12 hours of continuing education as a condition to the renewal of his certificate.

This measure is effective on July 1, 1997.

A.B. 106 (Chapter 45)

Assembly Bill 106 incorporates, into the statute that addresses licensure and work cards, the existing provisions concerning the qualifications of employees of persons licensed by the Private Investigator's Licensing Board.

This measure is effective on July 1, 1997.

A.B. 107 (Chapter 46)

Assembly Bill 107 requires the State Board of Architecture, Interior Design and Residential Design to give a written notice at least 30 days prior to a hearing where civil penalties may be imposed.

This measure is effective on May 2, 1997.

A.B. 108 (Chapter 47)

Assembly Bill 108 requires the State Board of Architecture, Interior Design and Residential Design to adopt regulations governing the examination of applicants for certificates to practice interior design.

This measure is effective on May 2, 1997.

A.B. 134 (Chapter 76)

Assembly Bill 134 revises provisions governing certain occupational licenses issued by the Department of Motor Vehicles and Public Safety (DMV&PS). The bill allows the DMV&PS to request an authorization for the disclosure of financial records from certain holders and applicants of occupational licenses who have engaged in financial misconduct.

The measure also allows the department to use the information obtained to determine the suitability of the applicant or licensee for initial or continued licensure. The bill requires that the information obtained from the requested financial records be used only by those employees of the department who are authorized to issue occupational licenses. Finally, the bill changes the renewal dates for certain occupational licenses from December 31 of each year to April 30 of each year.

Occupational license holders affected by the measure include automobile dealers, brokers, manufacturers, and wreckers, and operators of salvage pools and automobile body shops. Testimony indicated that the change in renewal dates will disperse the work load for the department.

A.B. 258 (Chapter 106)

Assembly Bill 258 designates a person who is certified to practice interior design as a registered interior designer. The bill clarifies that people who are exempt from registration are allowed to hold themselves out to the public and solicit business as interior designers.

The measure also removes certain educational and experience requirements from a section that is effective on January 1, 2000.

A.B. 262 (Chapter 403)

Assembly Bill 262 sets forth criteria allowing architects, registered interior designers, residential designers, professional engineers, and landscape architects to join or form a partnership, corporation, limited-liability company or other business organization or association with people outside of their field of practice. The bill requires that the registered professional members control and own two-thirds of such a business organization or association. These companies are required to register with the State Board of Architecture, Interior Design and Residential Design.

The bill specifies that every office or place of business of any such limited-liability company or business association must have an architect regularly working in the office who is a resident of this state, holds a Nevada certificate of registration, and is directly responsible for the administration of the architectural work conducted in the office. Business organizations or associations are responsible for any violation of the statutes made by new employees who are not registered by the state board. The measure also provides that the board may require an architect, interior designer, or residential designer to complete not more than 12 hours of continuing education per year as a condition for renewal of a certificate of registration.

The bill further requires city and county building departments and public bodies to provide the state board with written notice if a registered architect, interior designer, or residential

designer submits plans that are substantially incomplete or submits plans for the same project that are rejected at least three times.

Portions of the bill become effective on June 30, 1997. Other portions of the measure are effective on October 1, 1997.

A.B. 284 (Chapter 107)

Assembly Bill 284 clarifies that the purpose of licensing private investigators and related occupations is to protect the public safety and general welfare of the people of Nevada. The bill further provides that licenses issued by the Private Investigator's Licensing Board are a privilege and not a vested right, and such licenses may be revoked under the due process provisions of the board. The measure provides immunity from civil liability for any act performed in good faith and within the scope of duties of the board by any member, employee, or agent of the board.

Finally, the bill requires the sheriff of any county with a population of less than 100,000, which has adopted by ordinance certain restrictions pertaining to work cards, to submit the fingerprints of persons applying for a work card to both the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation to determine the applicant's criminal history.

This measure is effective on June 1, 1997.

A.B. 328 (Chapter 80)

Assembly Bill 328 requires county and city building departments and public bodies to provide, to the State Board of Professional Engineers and Land Surveyors, written notice if a registered professional engineer or land surveyor submits plans that are substantially incomplete or submits plans for the same project that are rejected at least three times. The bill directs the board to consider such notification and take appropriate action.

A.B. 427 (Chapter 184)

Assembly Bill 427 provides that malpractice actions filed against accountants or accounting firms must commence within two years after the date the alleged act is discovered or should have been discovered by reasonable diligence. Malpractice actions must begin within four years after completion of performance or first issuance of a report or financial statement, whichever occurs earlier. These time limitations are tolled for any period during which the accountant or accounting firm conceals the alleged act.

For attorneys and veterinarians, the measure provides that malpractice actions must start within four years after damage is sustained or within two years after the material facts of the case are discovered, or should have been discovered, by use of reasonable diligence.

The measure was requested to make time limits for malpractice suits against accountants, attorneys, and veterinarians consistent with other professions in Nevada.

This measure is effective on July 1, 1997.

A.B. 444 (Chapter 242)

Assembly Bill 444 changes, from 20,000 to 30,000, the maximum number of miles on the odometer of a vehicle that is acquired for use as a taxicab.

Testimony indicated that vehicles manufactured in recent years are of higher quality and durability. In addition, witnesses noted that A.B. 444 allows taxicab companies to maximize the use of their existing fleets and acquire safe and durable vehicles that are often still covered by a manufacturer's warranty.

A.B. 531 (Chapter 591)

Assembly Bill 531 defines the terms "professional geologist" and "science of geology" and requires the Director of the Bureau of Mines and Geology, which is in the University of Nevada System, to be a professional geologist with expertise in the science of geology.

A.B. 541 (Chapter 594)

Assembly Bill 541 requires a landlord of a mobile home park to maintain all driveways within the park and all sidewalks adjacent to the street. The bill allows landlords of mobile home parks to discount rent for long-term tenants of the park who are 55 years of age or older. The rental agreement or lease must specify the period of tenancy required for a long-term occupancy discount. The measure prohibits a manager of a mobile home park from purchasing a mobile home within the park if the manager has denied a tenant the right to sell the mobile home or has denied a prospective buyer the right to purchase that mobile home.

In addition, the measure requires the Division of Manufactured Housing to adopt regulations concerning continuing education requirements for installers, rebuilders, and servicers of mobile homes. The bill sets forth criteria for such regulations. Finally, the bill prohibits the division from renewing any license for an installer, rebuilder, or servicer of a mobile home until the licensee has submitted proof of completion of the required continuing education.

The continuing education requirements are effective on October 1, 1998. The remainder of the measure is effective on October 1, 1997.

A.B. 615 (Chapter 343)

Assembly Bill 615 requires a person who applies to be licensed to practice law in this state to submit a complete set of fingerprints to the State Bar of Nevada. This measure also requires applicants to give written permission for their fingerprints to be forwarded to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation.

This bill is effective on July 8, 1997.

COURTS AND PROCEDURES

S.B. 29 (Chapter 255)

Senate Bill 29 revises the provisions governing the collection of certain delinquent fines, administrative assessments, fees, and restitution. In addition to providing for a collection fee based on the delinquent amount owed by the defendant for criminal fines, fees, restitution, or assessments, this measure specifies the procedures a court may utilize to collect these obligations and sets forth the order in which the procedures should be employed. The bill authorizes the court to request that a prosecuting attorney undertake the collection of the delinquent amounts, order the suspension of the defendant's driver's license until the delinquent amount is paid, or order the confinement of the defendant pursuant to existing law.

In addition to the methods allowed under existing law, S.B. 29 also authorizes state and local entities that collect these delinquent obligations to report the defendant's failure to pay to a credit reporting agency, to request that the court intervene, or to contract with a private collection agency to collect the delinquent amount, including the collection fee.

The measure specifies that any amount received for the collection fees must be deposited in an account or a special fund and utilized to implement the collection program at the state, county, or city level, depending upon which entity received the fee.

Finally, S.B. 29 revises the provisions under which a court may order the confinement of a defendant for failure to pay certain fines, forfeitures, and administrative assessment. Under existing law, the court may incarcerate a defendant for a period of one day for each \$25 owed, in addition to any sentence of incarceration imposed for the crime committed. Senate Bill 29 changes the rate to one day for each \$75 owed.

S.B. 73 (Chapter 5)

Senate Bill 73 increases the number of departments designated as family courts in Washoe County. This measure converts two departments from courts of general jurisdiction to family courts. Department 5 is converted effective March 17, 1997, and Department 2 is converted in January 2003. The measure does not increase the total number of district court judges.

A.B. 19 (Chapter 4)

Assembly Bill 19 revises the provisions governing civil actions by persons who sustain damages while committing unlawful acts. This measure prohibits persons convicted of committing or attempting to commit a felony from bringing a civil action against the victim or the victim's estate. Assembly Bill 19 also prohibits the bringing of such an action by juveniles who are adjudicated delinquent for any act that would have been a felony if committed by an adult.

This bill is effective on March 7, 1997.

A.B. 89 (Chapter 6)

Assembly Bill 89 requires the approval of the justice of the peace before the county clerk may appoint a deputy clerk for the justice's court. If there is more than one justice of the peace serving in any township, all the justices must approve the appointment of additional deputy clerks. The bill also places the deputy clerk under the direct supervision of the justice of the peace. If no deputy clerk is appointed for a township, this measure provides that the justice of the peace is deemed clerk of the justice court, and he may appoint as many deputy clerks as he determines to be necessary.

This bill is effective on July 1, 1997.

A.B. 193 (Chapter 325)

Assembly Bill 193 increases, from \$100 to \$200, Supreme Court filing fees and advance opinion subscription rates. The measure increases the fee for filing an appeal or special proceeding and imposes an additional \$100 fee for each rehearing petition. The bill specifies, however, that no fees may be charged for an appeal from a criminal proceeding. The measure also doubles the rates for Supreme Court decisions. For decisions in pamphlet form for each year, the subscription rate is increased from \$30 to \$60; for less than a six-month supply, the rate is increased from \$15 to \$30. Finally, A.B. 193 authorizes the clerk of the Supreme Court to charge a reasonable fee for electronic access to Supreme Court decisions.

A.B. 344 (Chapter 299)

Assembly Bill 344 establishes guidelines regarding the duties and responsibilities of the Commission on Judicial Discipline. The bill establishes the grounds on which a judge or justice may be disciplined. In addition, the measure provides standards for investigating the alleged misconduct or incapacity of a judge or justice and allows for the commencement of such investigation with or without a sworn complaint. Further, the bill outlines the forms of discipline, other than censure, retirement, and removal, that the commission may impose. Also, standards for the confidentiality of proceedings are defined.

This measure becomes effective only if the voters approve, at the 1998 general election, the amendment to the *Constitution of the State of Nevada* proposed by Assembly Joint Resolution No. 33 of the 68th Session.

Assembly Bill 344 is a companion measure to Assembly Joint Resolution No. 33 of the 68th Session, which proposes to amend the *Constitution of the State of Nevada* to revise provisions governing the Commission on Judicial Discipline. If A.J.R. 33 is adopted by the voters, A.B. 344 will implement the Legislature's intent regarding the duties and responsibilities of the commission. Further, this measure codifies the Supreme Court rules, as adopted, regarding the commission.

General Court Procedures

S.B. 77 (Chapter 98)

Senate Bill 77 increases, from 65 to 70 years of age, the age of a person who may be voluntarily exempted from grand jury or trial jury service. The bill also allows the court to excuse from jury service people 65 years of age or over who live at least 65 miles from the court.

According to testimony, the age for exemption from service as a juror in federal court is 70 years of age. In addition, because a large number of Nevada residents, particularly in Clark County, are over 65 years of age, requiring citizens up to age 70 to serve on juries would increase the jury pool.

S.B. 81 (Chapter 99)

Senate Bill 81 clarifies the notice that is required to be given to a person whose indictment is under consideration by a grand jury. This measure provides that such notice is adequate if it is given by a district attorney or a peace officer, and it allows at least five days to submit a written request to testify before the grand jury. In addition, the bill stipulates that the notice must advise the individual that testimony will be allowed only if a written request is submitted that includes an address where the district attorney may send the date, time, and place of the grand jury proceedings.

According to testimony, S.B. 81 is intended to comply with a 1996 decision by the Nevada Supreme Court (*Solis-Ramirez v. District Court*, 112 Nev. Adv. Opn. 48 [filed April 3, 1996]) regarding the adequacy of the notice that must be given to targets of a grand jury indictment (also known as the "Marcum notice").

S.B. 193 (Chapter 116)

Senate Bill 193 requires each judge in the state to publish in the appropriate telephone directory the telephone number of his office located within the court.

S.B. 231 (Chapter 315)

Senate Bill 231 revises the provisions governing the appointment of certain guardians. This measure removes the authority of a court to appoint a guardian for a minor who is 14 years of age or older and who provides consent to the appointment in writing or in open court. Under the provisions of the bill, a parent may request the appointment of a guardian for a minor child regardless of the child's age; but if the minor is 14 years of age or older, he must consent to the requested appointment.

In addition, S.B. 231 requires that, for the appointment of a temporary guardian, the petitioner must set forth in the petition facts establishing either that he has tried in good faith to notify those individuals entitled to notice or that the proposed ward would be exposed to immediate risk of financial loss or physical harm if the required notice was provided. If the court signs an order for a temporary guardianship without the required notice, the petitioner must make a good faith effort to provide such notification within 24 hours of the appointment.

Finally, S.B. 231 provides that a temporary guardianship may not be extended beyond the initial ten days authorized by law unless the petitioner demonstrates that the required notification has been provided or that he is in the process of providing notification by publication.

S.B. 238 (Chapter 117)

Senate Bill 238 provides that the executor or administrator of the estate of a person who had a life insurance policy may recover any loss, including consequential damages and attorney's fees, that arises through the unfair practices of the insurance company.

Senate Bill 238 clarifies that a cause of action for damages survives the death of an individual insured under a life insurance policy when the company acts in bad faith or its actions amount to unfair practices. According to *Nevada Revised Statutes* 686A.310, unfair practices include misrepresenting pertinent facts or provisions under the insurance policy; failing to acknowledge and act upon claims under the policy; and failing to effectuate prompt, fair, and equitable settlements of claims.

S.B. 258 (Chapter 636)

Senate Bill 258 requires a person who petitions for the sealing of criminal records to include a current, verified record of criminal history from the local law enforcement agency of the city or county in which the petitioner was convicted or appeared in court. The measure also authorizes municipal and justice courts to seal the records that were considered by those courts and involve convictions or cases in which the charges were dismissed or the person was acquitted. Under these provisions, a court, upon receiving a petition to seal such records, must notify either the prosecuting attorney for the county or the city, depending upon the court in which the person was convicted.

S.B. 461 (Chapter 425)

Senate Bill 461 increases by \$5 the administrative assessments that must be imposed on defendants convicted of misdemeanors. This measure also revises the formula for the distribution of the proceeds from these assessments by increasing the amount placed into

the court's special revenue fund and into the special account for services to juvenile offenders.

This measure is effective on July 1, 1997.

A.B. 1 (Chapter 36)

Assembly Bill 1 revises the provisions governing appeals from final judgments in actions for age discrimination in employment. This measure requires the Supreme Court to provide by rule for the filing of briefs within six months after the date of entry of the judgment in such a case, but allows the Supreme Court to grant an extension of time for good cause. Unless good cause is shown for a later hearing, the Supreme Court must set the date of an appeal for argument within 60 days after the period for filing briefs has expired.

A.B. 34 (Chapter 61)

Assembly Bill 34 eliminates certain fees charged by courts or county clerks for services relating to the administration of estates valued at \$2,500 or less.

This bill is effective on July 1, 1997.

A.B. 78 (Chapter 7)

Assembly Bill 78 expands the amount of money that a juror may donate to a local agency that provides protective services for children. The bill allows each board of county commissioners to establish and maintain a program for certain jurors to donate their fees and any payments for their expenses.

A.B. 80 (Chapter 64)

Assembly Bill 80 authorizes a magistrate to order a party who requests the continuance of a preliminary hearing to pay all or part of the costs and fees for witnesses to attend the hearing. This measure provides that the magistrate shall not require the payment of such costs and fees if it was not necessary for the witness to attend the hearing or if the magistrate ordered the continuance to allow for the appointment of counsel for an indigent defendant.

A.B. 87 (Chapter 63)

Assembly Bill 87 requires municipal judges to charge and collect the same fees as those charged in justices' court, if the fees are within the jurisdiction of the municipal courts.

This measure is effective on May 12, 1997.

A.B. 95 (Chapter 34)

Assembly Bill 95 adds witnesses other than witnesses for the prosecution to those persons who may have court attendants. Further, the measure authorizes an attendant to sit next to a witness or in another designated location in the courtroom while the witness is testifying.

The existing law concerning attendants who provide support to witnesses applies only to prosecuting witnesses who are children or prosecuting witnesses in cases involving certain sexual offenses or crimes against the elderly.

A.B. 210 (Chapter 494)

Assembly Bill 210 revises provisions governing discovery in criminal cases and provides for the exchange of information between opposing parties. The bill requires that, prior to the preliminary examination, a prosecuting attorney shall provide the defendant with copies of certain material, including witness statements, reports of examinations, and documents that the prosecuting attorney intends to introduce into evidence at the case in chief. The bill clarifies that the defendant is not entitled to the discovery of privileged information or internal documents of the prosecuting attorney, and these provisions do not affect any obligation of the prosecuting attorney to disclose exculpatory evidence to the defendant.

Further, the bill dictates that a magistrate may not postpone a preliminary examination based solely on the failure of the prosecuting attorney to permit the defendant to review documents and other material, unless the court finds that the defendant has been prejudiced by such failure.

The bill requires the defendant and prosecuting attorney to exchange information five days before trial regarding the witnesses each party intends to call at their respective case in chief. If either the defendant or prosecuting attorney intends to use an expert witness, the bill requires that copies of reports made by such witness be provided to the opposing party. Witness statements, reports, and documents requested by either the defendant or the prosecuting attorney must be provided not less than 30 days before trial if the party intends to utilize the objects in presenting their respective case in chief. The measure clarifies that a party is not required to disclose privileged or protected information.

The measure requires each party to continue the exchange of information relative to witnesses, which includes rebuttal witnesses and any additional material relating to expert witnesses. Further, the bill allows either party to file a motion to prohibit disclosure of the address of a witness. If the court prohibits disclosure of an address, the bill allows the court to make alternate arrangements for interviewing the witness. In addition, the bill authorizes the court to order a disclosure or impose sanctions for failure to comply.

This measure is effective on July 16, 1997.

A.B. 270 (Chapter 504)

Assembly Bill 270 authorizes a prosecuting attorney to voluntarily dismiss a complaint without prejudice in certain circumstances. The bill stipulates that such a dismissal must occur before a preliminary hearing in felony or gross misdemeanor cases or before trial in misdemeanor ones. The bill does not allow cases that have been previously filed by the State of Nevada and subsequently dismissed to be dismissed without prejudice. Upon dismissal of a case, the measure authorizes the court to order the defendant released from custody or to release bail.

If a prosecuting attorney files a subsequent complaint concerning the same matter, the bill requires that the case be assigned to the same judge who heard the initial complaint. Further, the bill directs the court to issue an arrest warrant or provide bail requirements only if the defendant does not appear in court after being properly summoned in connection with the complaint.

Finally, the measure allows a prosecuting attorney to voluntarily dismiss information without prejudice in cases initiated by the attorney.

Testimony indicated that existing law does not provide for the state to dismiss a case without being barred from bringing forth a subsequent indictment or further information. Witnesses reported that this measure was prompted by a series of sexual assault cases in Clark County and would be used sparingly.

A.B. 292 (Chapter 145)

Assembly Bill 292 requires an estate of a decedent to be closed within 18 months. The bill allows exceptions for specified estates and directs the executor or administrator of the estate to order that certain assets, or the entire estate, be retained until a disposition is reached.

The measure also reduces, from 18 to 15 months, the time period in which an executor or administrator may file a report to the district court explaining the reason an estate requiring a federal estate tax return has not been closed. In addition, this bill authorizes the court to revoke the executor or administrator and appoint a successor.

A.B. 306 (Chapter 418)

Assembly Bill 306 revises provisions governing wills and estates of deceased persons. Among other changes, the bill provides that the signature affixed to an affidavit must be considered valid to execute a will. Assembly Bill 306 clarifies that a direction under a will to pay all debts does not apply to existing mortgages or liens which are not due and owing at the time of death. The measure also authorizes an executor or administrator to engage a certified public accountant to determine the fair market value of certain assets of the decedent. Further, the gross value of property eligible for summary judgment proceedings is increased under the bill.

Assembly Bill 306 also permits the editing of a will by a testator without invalidating the entire will. Competent successors may alter entitled shares and amounts with a written contract signed by all interested parties. The measure also authorizes trustees or executors to distribute property in divided or undivided interests on a pro rata basis, if applicable. The beneficiaries must all agree before the property is distributed on a non-pro rata basis, unless the will specifically provides otherwise.

Finally, A.B. 306 requires that, unless otherwise ordered by the court, notice of any proceedings must be given to those entitled to notice by law through certified or registered mail or by personal delivery. If the address or identity of a person is not known, the notice must be published in a newspaper of general circulation in the area.

Testimony indicated that this measure, as amended, adds more flexibility to Nevada's probate law. To further refine the law, interested parties in probate were advised to meet during the interim and submit a report to the 1999 Legislature regarding the adoption of other portions of the *Uniform Probate Code*.

A.B. 312 (Chapter 408)

Assembly Bill 312 specifies that a declaration may be used in lieu of an affidavit for expert witnesses in district court. Testimony indicated that allowing declarations from expert witnesses would expedite matters, especially in cases where the witness is from out of state.

This bill is effective on July 16, 1997.

A.B. 386 (Chapter 249)

Assembly Bill 386 authorizes court clerks to accept criminal complaints or information filed electronically, provided that the electronic documents contain an image of the prosecuting attorney's signature. The clerk must acknowledge receipt of the complaint by an electronic time stamp and electronically return the complaint to the prosecuting attorney. In addition,

A.B. 386 authorizes the electronic filing of certain documents relating to children in need of supervision or in need of protection.

In addition, this measure allows public agencies, under certain circumstances, to use and accept electronic symbols as a substitute for handwritten or facsimile signatures. Electronic symbols must be unique to the person's signature, verifiable, and linked to data in such a manner that the signature is invalidated if the data is altered.

Further, this bill requires the Secretary of State to adopt regulations regarding the use and verification of electronic symbols. The measure allows the Secretary of State to license businesses for verification purposes and charge fees for such licensure.

A.B. 423 (Chapter 230)

Assembly Bill 423 establishes guidelines for the admissibility of hypnotic testimony in court. The bill provides that such evidence is admissible if the witness gives informed consent to the hypnosis. Further, the bill specifies those persons authorized to induce hypnosis. The bill stipulates that, prior to the hypnosis, a written description of the subject matter must be provided to the involved parties. The hypnosis also must be electronically recorded by audio or video and be made available to the court. The parent or guardian of a minor who is a witness or an artist employed by a law enforcement agency are the only persons who may be present at the hypnosis other than the witness and hypnotist.

The bill allows the court to exclude hypnotic testimony if it is determined that such testimony is unreliable or inadmissible. In addition, the measure requires the court to provide jury instructions regarding the use of hypnotic testimony. This measure authorizes parties to attack the credibility of the hypnosis and establishes legal grounds to exclude such testimony.

A.B. 457 (Chapter 415)

Assembly Bill 457 authorizes a justice of the peace or a municipal judge to issue arrest warrants for a person who violates conditions of a suspended sentence or residential confinement. The bill also allows such judges and justices to order search and seizure and periodic drug testing as a condition of supervision.

In addition, the measure grants the powers of a peace officer to certain employees of a county department of alternative sentencing. The bill also authorizes these employees to arrest a probationer without a warrant if probable cause exists to believe the probationer has committed an act that violates a condition of his suspended sentence or residential confinement.

A.B. 458 (Chapter 213)

Assembly Bill 458 authorizes a magistrate to order the sealing of certain affidavits and recordings regarding search warrants. A court may unseal the affidavit or recording if good cause is shown.

Testimony indicated that this measure will clarify and codify current practices regarding the sealing of search warrant related material.

Governmental Immunity, Torts, and Civil Liability

S.B. 27 (Chapter 177)

Senate Bill 27 expands the definition of “estrays” to include sheep and other ovine animals and extends to political subdivisions of the state immunity from liability for trespass or other damage caused by an estray. The bill adds state agencies and nonprofit organizations to the entities with which the Division of Agriculture may enter into cooperative agreements for the control of livestock; directs the division to review cooperative agreements annually; and authorizes the division to cancel agreements for noncompliance. The measure makes feeding an estray unlawful, unless the division authorizes it, and requires that a person be given a warning for the first violation.

Senate Bill 27 also authorizes the Division of Agriculture to sell an injured, sick, or otherwise debilitated estray under certain conditions and shortens, from ten days to five working days, the claiming period for an estray.

S.B. 180 (Chapter 266)

Senate Bill 180 provides immunity to the state and its agencies, immune contractors, officers, employees, and political subdivisions from any civil action based on an action that is caused by a computer that produced, calculated, or generated an incorrect date, regardless of the cause of the error. The bill requires that any contract entered into by or on behalf of the state and its agencies, immune contractors, officers, employees, or political subdivisions must include a provision that provides immunity for any breach of contract that is caused by an incorrect date being produced, calculated, or generated by a computer, regardless of the cause of the error.

This measure appropriates \$1,570,856 to the Department of Administration for converting existing information systems of state agencies to function in the next millennium.

This measure was requested to address the “Year 2000 Problem.” Many existing computers and information systems do not recognize the year 2000 or subsequent dates after 1999.

According to testimony, the existing law exposes the state to liability for damages caused by the failure of any computer system operated by a state or local agency or its contractors.

Senate Bill 180 is effective on June 30, 1997. The provisions of the bill expire by limitation on December 30, 2005.

S.B. 330 (Chapter 294)

Senate Bill 330 provides that community action agencies are political subdivisions of the state for the purposes of determining civil liability.

According to testimony, community action agencies were established in 1964 pursuant to federal law. Currently, there are two such agencies in Nevada. Recent changes in the federal welfare laws have placed greater burdens on these agencies, which function as political arms of the state. Previously, these agencies applied to the Federal Government for status as public agencies and protection from civil liability. With the changes in the laws, however, they are now under the jurisdiction of local governments. Therefore, S.B. 330 is designed to limit the liability of community action agencies to \$50,000, the same limitation that exists for other public agencies.

S.B. 331 (Chapter 546)

Senate Bill 331 amends Assembly Bill 485 from the 1997 Legislative Session to provide that A.B. 485 is effective on passage and approval, June 20, 1997. This measure also clarifies that A.B. 485 applies only to civil actions filed on or after June 20, 1997.

As introduced, S.B. 331 and A.B. 485 both provided protection to individuals from Strategic Lawsuits Against Public Participation (SLAPP). Testimony indicated that these suits are intended to chill, stifle, and intimidate citizens who participate in governmental and public policy activities. The typical SLAPP occurs when a citizen makes a statement intended to influence public policy and is then sued for defamation, interference, or similar common law tort.

Assembly Bill 485 was passed first by the 1997 Legislature with an effective date of October 1, 1997. To avoid a potential flood of lawsuits filed between the end of the legislative session and October 1, 1997, the Legislature amended S.B. 331 to change the effective date of A.B. 485.

Senate Bill 331 is effective on July 16, 1997.

A.B. 248 (Chapter 339)

Assembly Bill 248 provides immunity from civil liability in certain circumstances for an employer who discloses information regarding an employee or former employee to a prospective employer. For such immunity to apply, the bill requires that a disclosure be made at the request of the employee or former employee and be limited to information regarding the employee's ability, diligence, skill, or reliability, or an illegal or wrongful act committed by the employee.

The measure also creates a rebuttable presumption that such employee information is provided in good faith. The bill does not provide immunity for employers who act with malice or ill will, disclose inaccurate or misleading information, or disclose information in violation of a state or federal law or in violation of an agreement with the employee.

A.B. 304 (Chapter 109)

Assembly Bill 304 provides that gaming licensees and their employees have absolute immunity from civil liability for reporting possible violations involving cash transactions. This measure also ensures that such reports are privileged and not subject to disclosure by law enforcement.

In January 1997, the State Gaming Control Board adopted revisions requiring that gaming licensees report suspicious transactions occurring in casinos. Testimony indicated that candor is necessary in the reporting of suspicious transactions, and assurances, such as absolute immunity, should be in place to deter adverse financial repercussions on the licensee. In addition, it was reported that suspicious transaction reports need to be privileged to ensure discreet and confidential investigations and to protect the involved persons from unnecessarily being labeled as a criminal or a suspicious person.

Under federal law, the Secretary of the Treasury requires financial institutions to report suspicious transactions. Like A.B. 304, federal law also provides that a person reporting such transactions is not liable for the disclosure.

This bill is effective on June 1, 1997.

A.B. 324 (Chapter 130)

Assembly Bill 324 revises the procedure involving tort claims filed against the state. The bill clarifies that filing an administrative claim is not a condition precedent to filing suit. In addition, the measure allows the Attorney General to investigate and settle claims within guidelines established by the State Board of Examiners. Further, the tort claims budget is transferred from the Department of Administration to the Office of the Attorney General. The measure also removes the obligation of the clerk of the Board of Examiners to review claims that have been delegated to the Attorney General. Finally, the bill makes explicit

the right of the State Board of Examiners to settle or deny tort claims for amounts over \$50,000, which is necessary for the payment of claims from federal court or jurisdictions other than Nevada.

This measure updates existing law to reflect the transfer of the state's tort claim function from the Department of Administration to the Office of the Attorney General, which was part of the Governor's reorganization plan for Fiscal Year 1994. This bill does not alter current tort claim practices nor does it change the \$50,000 cap on each claim brought against the state.

A.B. 421 (Chapter 164)

Assembly Bill 421 changes the provisions governing the effect of a release or covenant not to sue or not to enforce judgment. This measure adds equitable indemnity as a condition for which a tortfeasor who receives such a release or covenant may be discharged from all liability to any other tortfeasor. Furthermore, the bill defines "equitable indemnity" to mean a right of indemnity that is created by the court rather than expressly provided for in a written agreement.

Assembly Bill 421 was requested to address situations in construction defect litigation where one tortfeasor (an individual or business being sued for a wrongful act) wants to settle his part of a case but is prevented from doing so because other tortfeasors are not ready or willing to settle. The existing law allows one of two or more tortfeasors to settle with the injured party and to be discharged from all liability for contribution to the tortfeasors who do not settle. Under contribution, a tortfeasor against whom a judgment is rendered is entitled to recover proportional shares of judgment from other joint tortfeasors whose negligence contributed to the injury and who were also liable to the injured party.

In an opinion dated January 3, 1997 (*Medallion Development v. Converse Consultants*), Nevada's Supreme Court held that the existing law does not address implied equitable indemnity or the right under which the entire loss or liability is shifted from one tortfeasor to the party primarily responsible. Because of this decision, one party cannot be released to settle his part of the case separately. Assembly Bill 421 corrects this situation by specifically providing for equitable indemnity in the law, and it should expedite the settlement of disputes.

This bill is effective on June 20, 1997.

A.B. 485 (Chapter 387)

Assembly Bill 485 provides civil immunity for a person engaging in a good faith communication in furtherance of the right to petition. Further, the bill includes procedures for filing a special motion to dismiss if an action is brought against a person for engaging in such good faith communication. The bill also allows the Office of the Attorney General

and certain other attorneys to intervene in such cases and outlines various penalties. The measure defines good faith communication as being truthful or made without knowledge of falsehood. Such communication includes communication aimed at achieving any governmental or electoral action; information or a complaint to an elected official or governmental entity; or written or oral statements made in connection with an issue under consideration by a legislative, executive, or judicial body or any other official proceeding.

This measure was requested to increase protection from Strategic Lawsuits Against Public Participation (SLAPP). Testimony indicated that these suits are intended to chill, stifle, and intimidate citizens who participate in governmental activity and public policy. The typical SLAPP occurs when a citizen makes a statement intended to influence public policy and is then sued for defamation, interference, or similar common law tort. Testimony explained that this bill provides immunity for persons engaging in such communication and includes procedures to dismiss such cases.

This measure is effective on July 11, 1997.

A.B. 595 (Chapter 384)

Assembly Bill 595 changes the provisions governing the civil liability of public and private employers for harm or injury caused by the intentional conduct of an employee. This measure provides that an employer is not liable if the employee's conduct is a truly independent venture of the employee; is not committed in the course of the very task assigned to the employee; and is not reasonably foreseeable under the facts and circumstances of the case, considering the nature and scope of employment. The bill establishes that employee conduct is reasonably foreseeable if a person of ordinary intelligence and prudence could have anticipated the conduct and the probability of injury.

Assembly Bill 595 does not impose strict liability on an employer for any unforeseeable intentional act of an employee.

According to testimony, A.B. 595 responds to the March 27, 1997, decision of Nevada's Supreme Court in *State v. Jimenez*. The *Jimenez* decision, which was recently withdrawn, announced a new test for employer liability and rejected the negligence foreseeability test for intentional torts. According to this new test, an employer would have been considered to be the insurer for an employee's intentional wrongdoing. The ruling placed employers at a great disadvantage in any litigation based upon the intentional acts of employees that result in harm or injury. According to the Attorney General's staff, the new test could also have been interpreted to impose strict liability on employers in such cases.

On June 17, 1997, the Supreme Court withdrew its opinion in the *Jimenez* case. Nevertheless, proponents of the bill that the issue still needs to be addressed in statute. With the withdrawal of the opinion, the issue of employer liability is governed by prior Nevada case law, primarily the 1970 Supreme Court opinion in *Prell Hotel Corp. v. Antonacci*, which established workable criteria for employer liability.

Assembly Bill 595 codifies the *Prell* test for employer liability to ensure that this standard applies in these types of intentional tort cases. This bill does not alter the normal rules of civil procedure in civil actions where the burden of proof is on the plaintiff.

This measure is effective on July 11, 1997, and does not apply to cases filed prior to that date.

Structure of Court System

S.B. 136 (Chapter 169)

Senate Bill 136 amends the charter of the City of Sparks to allow the city council to increase the number of municipal judges and require the city manager or designated representative to provide written notice and an opportunity for a hearing to a classified employee whose dismissal is being considered. The measure stipulates that an election must be held to determine the judge of a newly created department of the municipal court.

S.J.R. 14 (File No. 106)

Senate Joint Resolution No. 14 proposes to amend the *Constitution of the State of Nevada* to create an intermediate court of appeals between the district courts and Nevada's Supreme Court.

The resolution specifies that the court of appeals must consist of three or more judges as provided by law. This measure provides for the election and staggered terms of office of the initial appellate court judges. After the initial terms, the judges would be elected at the general election and serve six-year terms. The resolution requires the Legislature to establish the jurisdiction of the court of appeals and provide for the review, where appropriate, of appeals decided by the appellate court.

If this resolution is approved in identical form by the 1999 Legislature, it will be submitted to the voters for final approval or disapproval at the general election of the year 2000.

S.C.R. 10 (File No. 141)

Senate Concurrent Resolution No. 10 directs the Legislative Commission to appoint an interim subcommittee to study fees, fines, forfeitures, and administrative assessments imposed and collected by the courts of the State of Nevada. Among other issues, the study must analyze the differing purposes for the imposition, collection, and expenditure of money from these sources. In addition, the study must analyze the proper use and characterization of the terms "fees," "fines," "forfeitures," and "administrative assessments" and determine whether all such money is actually collected. Finally, the measure requires

the Legislative Commission to submit a report of its findings and recommended legislation to the 1999 Legislature.

A.B. 35 (Chapter 462)

Assembly Bill 35 increases, from two to three, the number of judges in the Third Judicial District (Churchill and Lyon Counties). This increase is not effective until January 2001. The bill requires the additional judge to be elected at the general election of 2000 and take office in January 2001. Further, A.B. 35 stipulates that this judge's term of office expires in January 2003.

A.B. 102 (Chapter 75)

Assembly Bill 102 removes the population requirement for counties and cities authorized to impose administrative assessments relating to the provision of justice and municipal court facilities.

This measure is effective on July 1, 1997.

A.B. 104 (Chapter 468)

Assembly Bill 104 increases, from 24 to 27, the number of judges in the Eighth Judicial District (Clark County). This measure provides that these additional judges must be elected at the 1998 general election and take office in January 1999. Their terms of office expire in January 2003. The bill appropriates \$193,086 from the State General Fund to the district judges' salaries account to pay the salaries of these additional judges.

The provisions of the bill that increase the number of judges and provide the appropriations are effective January 1999. The remainder of the bill is effective on October 1, 1997.

A.B. 113 (Chapter 103)

Assembly Bill 113 transfers, from district attorneys to the Office of the Attorney General, the duty to enforce claims for wages, commissions, or other demands of a person financially unable to employ counsel. The bill makes the reporting of such claims by the Labor Commissioner discretionary rather than mandatory. The measure clarifies that district attorneys retain the requirement to prosecute criminal violations of laws reported to them by the Labor Commissioner.

In addition, A.B. 113 gives to legal counsel under contract with the Labor Commissioner and the Deputy Labor Commissioner, if the deputy is admitted to practice law in this state, powers of the Attorney General to prosecute such claims. The measure also allows the

Attorney General to determine if a claim is valid and enforceable and removes sanctions against a district attorney for failure or refusal to prosecute such a claim.

Finally, A.B. 113 extends to the Deputy Labor Commissioner, the Attorney General, and legal counsel under contract with the Labor Commissioner, the authority to prosecute violations of general provisions of Nevada law relating to compensation, wages, and hours.

This measure is effective on July 1, 1997.

A.B. 208 (Chapter 493)

Assembly Bill 208 provides for the expansion of neighborhood justice centers. The bill requires counties with a population of 100,000 or more to establish a neighborhood justice center. Further, the measure authorizes, but does not require, smaller counties to establish a center.

To assist in funding these centers, the bill authorizes counties with a population of 100,000 or more to impose a filing fee, ranging from \$5 to \$10, for civil actions or proceedings. In addition, the bill authorizes the board of county commissioners in all other counties to impose a fee of not more than \$10 to fund programs for the prevention or treatment of alcohol or drug abuse.

Testimony indicated that the neighborhood justice center in Las Vegas has proven to be successful in settling disputes and is a valuable community resource. Witnesses reported that this measure would allow other counties to better use mediation and other alternative dispute resolution options.

This bill is effective on July 1, 1997.

A.B. 235 (Chapter 326)

Assembly Bill 235 appropriates \$224,145 to be allocated by the Interim Finance Committee for a statewide assessment of the automation of the court system. The Administrative Office of the Courts is responsible for developing an acceptable plan for conducting the assessment under its supervision and providing an analysis of future needs.

This measure is effective on June 30, 1997.

A.B. 343 (Chapter 433)

Assembly Bill 343 increases, from five to seven, the number of justices of Nevada's Supreme Court. This measure provides for the election of the two additional justices and their successors and establishes a salary of \$107,600 for each of these new positions.

The bill authorizes the Supreme Court to hear and decide cases in panels of three justices. The concurrence of a majority of the justices sitting on a panel is required to decide a case, and the full court must reconsider any case decided by a panel if any two justices request such reconsideration. This measure also provides that, if panels of justices are established, the Supreme Court must adopt rules governing the use of such panels and designate the places where the panels are to hold court. Furthermore, the bill changes, from three to four, the number of justices needed to constitute a quorum for the transaction of business by the court, except for business done at chambers or by panels.

Assembly Bill 343 appropriates \$451,153 to the Supreme Court in the second year of the biennium for payment of the salaries and costs related to the addition of the two new justices.

The provisions of this bill expire by limitation on the date the voters of Nevada approve a constitutional amendment that establishes an intermediate court of appeals. The additional justices whose positions are abolished by the creation of such an intermediate appellate court must be permitted to serve the remainder of their terms of office, but the positions of the additional justices and any positions of staff hired directly to support them must be abolished at the end of those terms.

Assembly Bill 343 was requested to address the issue of delayed justice at the highest level in Nevada's state judicial system—the Supreme Court. Court statistics indicate that there are approximately 2,200 cases currently pending before Nevada's Supreme Court and almost 1,200 of these are awaiting a decision. (The other pending cases are in the briefing process.) Of the pending cases awaiting decision by the court, the majority of these cases have been on the court's docket for two or more years, with the oldest cases dating back five years.

According to testimony, this measure will increase the efficiency of the court and reduce the backlog of cases by 30 to 40 percent. If the bill is enacted, the Supreme Court plans to adopt rules that would establish two three-justice panels—one in northern Nevada and one in southern Nevada—that would decide almost all cases except those dealing with the death penalty, life imprisonment, or precedent-setting issues. Between 100 and 150 cases would still be decided by the full court each year.

The bill requires that the two additional justices be chosen at the 1998 general election.

The provisions governing the election of the additional justices are effective on January 1, 1998. The other provisions of the bill are effective on January 1, 1999.

A.B. 438 (Chapter 232)

Assembly Bill 438 revises provisions relating to the jurisdiction of the juvenile court. The bill stipulates that juveniles detained at detention or training facilities who escape or attempt to escape must be charged accordingly. The escape charge is to be treated in the

same manner as for adults, which predicates the punishment for the escape on the initial classification of the crime, and the juvenile is subject to certification to the adult system. The bill also clarifies that the definitions of “adult” and “child” are all encompassing but mutually exclusive. In addition, the measure restricts and clarifies situations in which a juvenile is automatically treated as an adult in court, and specifies how such proceedings may be initiated. Further, the measure restricts situations in which the court is mandated to certify juveniles to adult status and limits exceptions that the court may find to avoid mandatory certification. Finally, the bill eliminates the ability of certain juveniles, originally charged as adults, to petition treatment as adults.

Testimony indicated that currently there is no penalty for a juvenile who escapes from a detention or training facility; general “escape” statutes currently do not apply to juveniles.

A.B. 628 (Chapter 613)

Assembly Bill 628 revises the number of justices of the peace authorized in certain townships. The bill specifies that the number of justices of the peace must be increased according to the official population estimate of the township. The bill requires one justice of the peace for each 50,000 population of the township, or fraction thereof, in counties whose population is between 100,000 and 400,000. For counties with less than 100,000 residents, the bill requires one justice of the peace for each 34,000 population of the township, or fraction thereof.

If the number of justices of the peace in a township is increased based on the population schedule, the new justice is elected at the next biennial election. Finally, if the justices of the peace in a township believe that the caseload does not warrant an additional justice, even though the population allows for one, the bill expands the existing notification concerning this decision to include the board of county commissioners.

A.C.R. 32 (File No. 140)

Assembly Concurrent Resolution No. 32 directs the Legislative Commission to appoint an interim subcommittee to study the family court system in Nevada. The study must involve an evaluation of the organization, operation, and jurisdiction of family courts, including factors such as caseloads, staff resources, public access to court records, and the resolution of disputes in family law matters. The resolution also requires the Legislative Commission to submit a report of its findings and recommended legislation to the 1999 Legislature.

A.C.R. 57 (File No. 152)

Assembly Concurrent Resolution No. 57 directs the Legislative Commission to appoint an interim committee to study the juvenile justice system in the State of Nevada. Among other

issues, the study must include the uniformity and cost of the administration of the juvenile justice system among the counties of this state, the use of alternatives to traditional methods of adjudication of children alleged to be delinquent or in need of supervision, and the facilities for the confinement and detention of children who are delinquent. Assembly Concurrent Resolution No. 57 requires the Legislative Commission to submit a report of its findings and recommended legislation to the 1999 Legislature.

A.J.R. 17 - 68th Session (File No. 36)

Assembly Joint Resolution No. 17 of the 68th Session proposes to amend the *Constitution of the State of Nevada* to authorize the Legislature to designate places outside the county seat where a district court may conduct business.

Since this resolution was approved in identical form by both the 1995 and 1997 Legislatures, it will be placed on the ballot for voter consideration at the 1998 general election.

A.J.R. 33 - 68th Session (File No. 35)

Assembly Joint Resolution No. 33 of the 68th Session proposes to amend the *Constitution of the State of Nevada* by redistributing some of the powers associated with the Commission on Judicial Discipline. The proposal requires the Legislature to establish the grounds for judicial discipline and the Supreme Court to adopt rules governing appeals of commission decisions and a Code of Judicial Conduct. Finally, the resolution directs the commission to adopt rules of procedure for the conduct of its hearings and other activities deemed necessary.

Since this resolution was approved in identical form by both the 1995 and 1997 Legislatures, it will be placed on the ballot for voter consideration at the 1998 general election.

CRIMINAL JUSTICE
(See also: Courts)

S.B. 83 (Chapter 112)

Senate Bill 83 authorizes every board of county commissioners in Nevada to adopt an ordinance to abolish the office of constable in one or more townships where the board has determined that the office is not necessary. According to testimony, all counties in Nevada except for Washoe County currently have this authority.

S.B. 145 (Chapter 377)

Senate Bill 145 revises the provisions regarding the mandatory registration of certain convicted persons. The measure eliminates the registration requirement for persons convicted of certain misdemeanors and gross misdemeanors that do not involve weapons, tear gas, or violations of the Uniform Controlled Substances Act. In addition, any person who subsequently commits any offense for which registration is required must register again with local law enforcement. Further, the measure requires a sheriff or a police chief to forward information concerning registration to the Central Repository of the Nevada Records of Criminal History.

Finally, Senate Bill 145 specifies the content of the information that must be provided when the address of a registered individual changes. The information provided must include the person's true name and any aliases used, a detailed description of the circumstances of each crime for which a conviction was obtained, and the location and address of any residences.

A.B. 67 (Chapter 323)

Assembly Bill 67 raises certain fees that sheriffs are authorized to charge. Sheriffs' fees have not been substantially raised since 1991 and, according to testimony, the cost to serve papers considerably exceeds the allowable fee. Assembly Bill 67 does not raise all fees, but rather the fees for those services that the private sector also provides.

A.B. 151 (Chapter 363)

Assembly Bill 151 revises provisions governing fees for records of criminal history. The bill allows a criminal justice agency to charge a fee for information relating to sexual offenses or other records of employment to any person or governmental entity except another agency of criminal justice. Further, the bill prohibits the Central Repository for Nevada Records of Criminal History from charging a fee for a background check when a similar report was furnished within the preceding six months for professional licensure purposes.

Testimony indicated that A.B. 151 is designed to return the existing statutory provisions to their previous status when criminal justice agencies were exempt from paying a fee to receive records of criminal history for the purpose of reviewing applications for employment.

This measure is effective on July 1, 1997.

A.B. 422 (Chapter 171)

Assembly Bill 422 increases, from seven to eight, the membership of the Advisory Committee for the Uniform Program for Reporting Crimes to include a representative from the Office of Court Administrator.

This measure is effective on June 23, 1997.

Correctional Procedures and Facilities

S.B. 74 (Chapter 257)

Senate Bill 74 eliminates the 120-day presentencing evaluation program operated by the Department of Prisons for certain felons.

Existing law authorizes the court, prior to sentencing, to send offenders convicted of a felony through a program that evaluates their prior criminal records, mental and physical health, and the resources available for their rehabilitation. The department must return offenders to the court for sentencing with the results of the evaluations. Using these reports, the court must either sentence offenders to imprisonment or probation.

According to testimony, the 120-day evaluation period was originally designed to operate as a "scared straight" program to deter offenders from criminal behavior. Testimony indicated, however, that 600 out of 2,000 offenders sent to the program returned to prison. Three hundred of these offenders were returned after violating the conditions of their parole.

In addition, the department testified that the 52 medium-security beds currently occupied by offenders in the 120-day evaluation program could be better utilized for inmates who have been sentenced to prison.

The amendatory provisions of S.B. 74 do not apply to offenses committed prior to October 1, 1997.

S.B. 113 (Chapter 450)

Senate Bill 113 makes various changes to provisions regarding the custody of inmates and makes certain appropriations to carry out the provisions of the bill. This measure requires the Director of the Department of Prisons to establish a program of periodic alcohol and drug testing for all inmates selected on a random basis. Senate Bill 113 stipulates that an inmate who fails or refuses to submit to a test may forfeit all or a portion of his earned good time credits and may be denied visiting privileges. In addition, if alcohol or drugs are found in a prison facility, the director may order that the inmates housed in the area in which the items are found be confined to their cells or be denied visiting privileges.

Senate Bill 113 also provides that certain publications are prohibited if the content is detrimental to the rehabilitation of offenders and has the potential to disrupt security because the subject matter is sexually explicit; graphically violent; or encourages crime, gang activity, or violence against law enforcement, women, children, or members of a particular religion, ethnic group, or race. The director must also adopt regulations governing the program to review the publications.

Finally, S.B. 113 revises the provisions governing sexual conduct and inmates. The bill provides that any inmate who engages in sexual conduct, unless the inmate is in a program of residential confinement, is guilty of a category D felony. In addition, any person who engages in sexual conduct with an inmate is guilty of a category D felony. The measure clarifies that sexual conduct does not include lawful acts such as searches that employees of the department must perform.

S.B. 191 (Chapter 68)

Senate Bill 191 requires the sentencing court to deliver a copy of the presentence investigation to the director of the Department of Prisons at the time the court imposes a sentence of imprisonment to the state prison.

Senate Bill 191 was requested by the Department of Prisons to ensure that the presentence investigation is delivered at the time the department receives a new inmate. Representatives of the department testified that their classification of an inmate is based, in part, on the background information contained in the report, which is completed by the Division of Parole and Probation for any offender who commits a felony. A presentence investigation is also conducted for any offender who commits a gross misdemeanor, if the court requests such a report.

S.B. 328 (Chapter 641)

Senate Bill 328 makes various changes concerning prisoners. The bill requires a court issuing an order at the request of an inmate that affects the conditions of the inmate's confinement to provide the Director of Nevada's Department of Prisons with notice and an

opportunity to be heard on the issue. The measure also requires an inmate who files an action in federal court alleging a violation of civil rights to reimburse the Department of Prisons for any costs incurred for special transportation of other inmate witnesses. Further, the measure requires reimbursement for all costs incurred in such civil rights cases that are determined frivolous.

This measure also clarifies the authority of the director to charge a reasonable fee for photocopying. In addition, the bill authorizes the director to award up to 90 days of sentence-reducing credits for an inmate who earns additional degrees of higher education.

In addition, S.B. 328 requires the director to approve the conditions of an inmate's outside employment. The bill authorizes the director to transmit deductions made from an inmate's individual account, as authorized by law, directly to the person or entity for whom the deduction is made.

Senate Bill 328 authorizes the director to delegate his authority to other employees of the department and specifies that certain policies adopted by a warden are subject to his approval. The measure also clarifies that the decisions regarding the medical evaluation or treatment of an inmate are within the discretion of the director or his designee. In addition, the director must maintain the medical records of the inmate, including any records produced by the department or an outside provider of health care. The bill requires health care providers, upon the request of the department, to release a copy of the inmate's medical records, which must not be used at any public hearing unless the inmate consents to their use or procedures are utilized to protect the identity of the inmate.

Finally, S.B. 328 clarifies that an inmate released following certification by a psychological review panel whose parole is revoked may not be placed on parole again until he is recertified by the panel. In addition, the bill clarifies that these provisions do not create a right to certification and that no cause of action may be brought against a governmental agency or its employees for refusing to certify the offender.

This measure is effective on July 17, 1997.

S.B. 372 (Chapter 674)

Senate Bill 372 provides that an offender confined in a county jail or other local detention facility may receive coverage under the modified program of industrial insurance while engaged in a work program directed by the administrator of the detention facility. An offender is limited to the rights and remedies established by the modified program established by the Division of Industrial Relations and is not entitled to the rights and remedies of the Nevada Industrial Insurance Act and the Nevada Occupational Diseases Act.

A modified program of industrial insurance coverage for state prison inmates was enacted in 1989. According to testimony, the state program has functioned well, and

representatives of local authorities indicated that a similar program for offenders confined in county jails and local detention facilities would be useful.

Senate Bill 372 is effective on July 1, 1997.

S.B. 406 (Chapter 268)

Senate Bill 406 requires a criminal justice agency, the Attorney General, or a prosecuting attorney to respond to a request from Nevada's Department of Prisons regarding the status of charges against an inmate. In its response, the entity must request that the department release the offender to a criminal justice agency in this state if felony charges are pending. Such a request may be made if the charges pending are for a misdemeanor, or at any other time if charges are filed against the offender. The request must be withdrawn by submitting a certified copy of the judgment to the department if an offender is convicted, acquitted, or the charges are dropped.

Finally, S.B. 406 requires a criminal justice agency, the Attorney General, or a prosecuting attorney to notify the department when a detainer against an inmate is received from another jurisdiction.

According to testimony, criminal justice entities are not responding uniformly to the department's requests for information regarding charges pending against inmates. Such information is necessary for the department to make the appropriate risk classification for an inmate. In certain circumstances, inmates with charges pending may be more likely to attempt an escape, and therefore may not be appropriate for a minimum level of custody.

S.B. 432 (Chapter 552)

Senate Bill 432 appropriates \$500,000 for the establishment of therapeutic communities in prison and for programs of aftercare to treat certain offenders who are substance abusers. The bill requires the Director of the Department of Prisons to establish one or more therapeutic communities in conjunction with the Bureau of Alcohol and Drug Abuse of the Rehabilitation Division, Department of Employment, Training and Rehabilitation. The communities must provide an offender with intensive treatment for substance abuse, a clearly defined set of goals and structure of authority, and a highly structured schedule that may include programs of employment, general education, or vocational training. The bill authorizes the director to contract with qualified private entities to evaluate offenders or to administer the therapeutic communities or programs of aftercare.

Senate Bill 432 requires the director to establish an evaluation program to determine whether an eligible offender is a substance abuser who may benefit from participation in a therapeutic community. To the extent practicable, S.B. 432 provides that offenders assigned to the communities must be housed in segregated areas of the facilities.

The measure also requires that the offenders participate in the therapeutic community for one year and participate in a program of aftercare established by the director for one year, if required. If an offender who is assigned to a program of aftercare is released on parole or assigned to a term of residential confinement, he must continue to participate in the program to the extent practicable.

Finally, S.B. 432 requires that the director report to the Interim Finance Committee and, subsequently, to the Assembly Committee on Ways and Means and the Senate Committee on Finance regarding the number of offenders currently participating in the programs; the number of offenders who have participated in the programs and who were subsequently arrested for other offenses; and the number of offenders who successfully completed the programs and were subsequently arrested for other offenses.

S.B. 495 (Chapter 563)

Senate Bill 495 authorizes the Director of the Department of Administration to enter into a contract to finance, acquire, and construct a correctional facility for juveniles and provides for the necessary financing of such a facility. The contract may include a provision requiring the contractor to provide correctional services for the facility. The bill prohibits the department from entering into a contract that includes such a provision unless the contractor provides evidence of his qualifications and ability to comply with applicable court orders and correctional standards for juveniles, a plan of indemnification for liability, evidence of past performance of similar contracts, and management personnel necessary to carry out the terms of the contract.

This measure is effective July 16, 1997.

A.B. 159 (Chapter 77)

Assembly Bill 159 authorizes the Office of the Attorney General to pay the expenses involved in returning a prisoner to the sending state following completion of the prosecution for which the prisoner had been temporarily returned to Nevada. The bill also amends the provisions governing the written waiver of extradition proceedings to require that executed waivers of extradition be forwarded to, and filed within, the Office of the Attorney General instead of the Governor's Office.

A.B. 189 (Chapter 129)

Assembly Bill 189 directs each board of county commissioners of a county that does not have an inmate community service work program to investigate the possibility of establishing one. Such a feasibility study must analyze the operational costs, money saved by the county for the community service work, safety and security issues, and the availability of work. The measure also requires that the findings from each study be submitted to the 70th Session of the Nevada Legislature.

A.B. 298 (Chapter 508)

Assembly Bill 298 authorizes the director of the Department of Prisons to assign an offender to the custody of the Division of Parole and Probation to serve a term of residential confinement if the offender is ill and expected to die within 12 months and does not pose, nor is likely in the future to pose, a threat to society. An offender who is physically incapacitated and does not pose a threat to society may also be assigned to residential confinement. The bill specifies certain procedural requirements that must be met before an offender may be assigned to residential confinement. The measure does not apply to a prisoner sentenced to death or life without the possibility of parole. Certain penalties are imposed if an offender violates the terms of the confinement. Assignment is considered a continuation of imprisonment and not a release on parole. An offender does not have a right to assignment nor to continue in that status if assigned.

The bill is effective July 1, 1997.

A.B. 342 (Chapter 331)

Assembly Bill 342 provides that an offender under electronic supervision, originally convicted of a gross misdemeanor or a felony, may be penalized with a gross misdemeanor for unauthorized absences or tampering with the electronic equipment. For offenders under electronic supervision originally convicted of a misdemeanor, the bill penalizes any unauthorized absences or equipment tampering with a misdemeanor offense. The measure also authorizes the court to order restitution for any damage to the electronic device. In addition, the bill provides that any sentence imposed for the violation of these provisions must run consecutively with the sentence for the original offense.

Testimony indicated that electronic supervision is being increasingly used at the local level for certain offenders. Existing law, however, does not provide specific penalties for damaging the equipment and unauthorized absences.

A.B. 439 (Chapter 233)

Assembly Bill 439 allows for the reciprocal exchange of confidential client information, under certain circumstances, between child protection service agencies and the Division of Parole and Probation in the Department of Motor Vehicles and Public Safety. In addition, the bill allows such information to be included in presentence investigation reports to the district court.

Testimony indicated that current presentence investigation reports contain incomplete information about the alleged offender. Allowing agencies to share information will provide a more complete picture and assist with sentencing decisions.

This measure is effective on June 30, 1997.

A.B. 533 (Chapter 336)

Assembly Bill 533 permits the director of the Department of Prisons to authorize the transfer of money from the offenders' store fund if the director has reason to believe an offender caused state property damage, loss, or injury, and the identity of the offender cannot be determined by the director.

This measure is effective on July 1, 1997.

Crime and Punishment

S.B. 31 (Chapter 307)

Senate Bill 31 amends the provisions of Senate Bill 118 (Chapter 150, *Statutes of Nevada 1997*), which revise the penalties for petit larceny. Senate Bill 118, which makes various changes to the penalties for crimes involving the unlawful taking of property, was passed by the Assembly on June 4 and signed by the Governor on June 12, 1997. Although S.B. 118 increases the penalties for petit larceny, it does not mandate community service. Senate Bill 31 requires the court to order community service for a person convicted of a second offense within three years; Senate Bill 118 requires jail time for a person convicted of a third or subsequent offense within three years.

S.B. 118 (Chapter 150)

Senate Bill 118 makes various changes to the penalties for crimes involving the unlawful taking of property. This bill groups existing petit larceny and grand larceny crimes under one statute for each type of larceny, revises the monetary threshold for larceny and theft, and provides a uniform penalty based on these thresholds. The penalty for petit larceny or theft that involves items with a value of less than \$250 is a misdemeanor. If a person is convicted of petit larceny and has been convicted twice before of this crime within the prior three years, the court must sentence the person to a minimum of 60 days in jail and must not grant probation or suspend the sentence unless the person is ordered to serve a term of 60 days as a condition of the probation or suspension. If the person has three or more convictions of petit larceny within the prior three years, the measure requires the court to impose a fine of at least \$500 in addition to the mandatory 60 days in jail.

Senate Bill 118 provides that grand larceny is a category C felony if the value of the property is less than \$2,500. If the property value is \$2,500 or more, the crime is a category B felony with a minimum term of imprisonment of one year and a maximum term of ten years. Certain exceptions are provided by this bill. For grand larceny of a firearm, the penalty is a minimum term of one year imprisonment and a maximum term of ten years, regardless of the value of the firearm. Senate Bill 118 also provides that the crimes of grand larceny of a vehicle or receiving or possession of a stolen vehicle are category C

felonies unless the prosecuting attorney proves that the value of the vehicle is \$2,500 or more. If the value of the vehicle is proved to be \$2,500 or more, the crime is a category B felony with the same term of imprisonment as the other crimes involving grand larceny.

This measure also provides the same monetary thresholds and respective penalties for receiving stolen property, a taking that does not amount to a robbery, and theft from a vending machine. Finally, S.B. 118 repeals the sections of Nevada law regarding petit and grand larceny that are grouped under a single statute for each crime.

This measure revises the penalties for theft in the same manner as those for grand larceny. If the value of the items is less than \$250, the person is guilty of a misdemeanor. If the value is less than \$2,500, the crime is a category C felony. If the value is \$2,500 or more, the bill provides that the crime is a category B felony with a minimum term of imprisonment of one year and a maximum term of ten years.

S.B. 131 (Chapter 256)

Senate Bill 131 increases the penalty for administering a controlled substance to a person without that person's knowledge for the purpose of committing a violent crime. The measure specifies that the drugs flunitrazepam and gamma-hydroxybutyrate are included in the definition of these controlled substances. Persons convicted of such a crime are guilty of a class B felony punishable by imprisonment in the state prison for 1 to 20 years. In addition, the bill makes it unlawful to possess, possess for sale, or traffic in flunitrazepam or gamma-hydroxybutyrate.

According to testimony, both of the drugs specified in the bill are commonly referred to as "date rape" drugs. Taken with alcohol, they reduce inhibitions and cause memory loss. These substances are not licensed for use in the United States.

S.B. 133 (Chapter 314)

Senate Bill 133 makes various changes concerning crimes and punishments. This measure authorizes a fine of \$2,000 for individuals convicted of an attempted category C, D, or E felony. Senate Bill 133 also creates a separate penalty for the crime of battery with the use of a deadly weapon that results in substantial bodily harm. A person convicted of this crime is guilty of a category B felony, for which the penalty is imprisonment from 2 years to 15 years. A fine of \$10,000 may also be imposed.

In addition, S.B. 133 eliminates the requirement that the fourth felony required for charging an offender as a habitual criminal must involve the use or threatened use of violence and prohibits a judge from dismissing a count of habitual felon or habitually fraudulent felon that is included in any indictment or information.

This measure also modifies the penalty for category E felonies under certain circumstances. The bill authorizes the court to decide not to suspend the sentence and grant probation if the offender was already on probation for a felony conviction, has previously had probation revoked, or has two prior felony convictions.

Finally, S.B. 133 provides a sentencing category and penalty for the felonies that are not included in the new sentencing scheme enacted during the 1995 Legislative Session.

The modified penalty for the category E felonies does not apply to offenses committed before July 1, 1998. The remainder of the act is effective on October 1, 1997.

S.B. 192 (Chapter 206)

Senate Bill 192 prohibits genital mutilation of a female child and includes this act in the definition of sexual abuse of a child. The measure specifies that aiding, abetting, encouraging, or participating in such acts also constitutes sexual abuse of a child. In addition, S.B. 192 provides that a person who willfully conducts or participates in such activities, or removes a child from Nevada for this purpose, is guilty of a category B felony. The bill clarifies that custom and religion do not constitute a defense.

In addition, the measure requires the State Board of Health to study public education methods concerning this topic and report its findings and recommendations to the 1999 Legislature.

Female genital mutilation is a cultural practice performed in a number of countries in Africa and the Middle East. According to testimony, the negative public health and mental health consequences of the practice are significant. The committee reviewed anecdotal reports of the procedure being continued in this country, along with information about children being removed from the United States for the purpose of imposing this procedure upon them.

The measure is effective on June 26, 1997.

S.B. 221 (Chapter 219)

Senate Bill 221 provides for the creation of programs to reduce commercial theft and fraud related to motor vehicles. The measure directs the chief of the Investigation Division of the Department of Motor Vehicles and Public Safety (DMV&PS) to enforce laws relating to vehicle theft and fraud and to collect information regarding motor vehicle theft. This information may include facts about vehicle thieves, the circumstances of their arrests, and their methods of operation. In addition, the bill requires the chief to establish a program to prevent vehicle theft and fraud for financial gain. In establishing this program, the chief may accept gifts and grants, hire employees or contract for professional services, conduct programs of education, and purchase equipment.

The bill also requires sheriffs and chiefs of police to furnish the Investigation Division with information regarding automobile theft and expands the category of peace officers employed by the DMV&PS that are authorized to seize, without a warrant, vehicles that are improperly registered, may be stolen, or are falsely identified.

Testimony indicated that vehicle theft for financial gain is becoming more common in Nevada. In the past, many stolen vehicles were taken by joy riders or others who used them in the commission of other crimes. Those vehicles were frequently recovered and often suffered little or no damage. Now, many stolen vehicles are resold or stripped for parts.

S.B. 264 (Chapter 160)

Senate Bill 264 increases the penalty for crimes involving the intimidation, assault, or battery of certain public employees and persons who operate a vehicle as part of a public mass transportation system. The measure adds persons who perform compensated services under a contract with state and local agencies to the definition of public employee for the crime of intimidating governmental employees. The penalty for threatening or intimidating these individuals is increased for a second or subsequent offense involving force or threatened force from a category C felony to a category B felony, punishable by imprisonment in the state prison for two to ten years. A fine of \$10,000 may also be imposed.

Senate Bill 264 also specifies that transit operators are included in the enhanced penalties provided under existing law for the assault or battery of officers or school employees.

S.B. 265 (Chapter 191)

Senate Bill 265 makes various changes to the crimes relating to the unauthorized use of telephones. The measure increases the penalty from a misdemeanor to a category D felony for a person who knowingly, or with the intent to avoid payment, violates the laws regarding fraud for services relating to telephones, mobile telephones, or telegraphs. In addition, the penalty for manufacturing, possessing, selling, or otherwise transferring equipment or information for obtaining telephone or telegraph service with the intent to avoid payment is increased from a gross misdemeanor to a category D felony.

Senate Bill 265 also provides that possession of any materials for the purpose of creating a device or kit designed to obtain mobile telephone service in an unlawful manner is a category D felony. Finally, the bill adds these offenses for telephone and telegraph fraud to the list of crimes related to racketeering.

S.B. 281 (Chapter 356)

Senate Bill 281 clarifies certain provisions relating to circumstances aggravating first degree murder. This measure provides that nonconsensual sexual penetration immediately before, during, or after a murder is a circumstance aggravating first degree murder. In addition, a conviction for another murder that is not related to the immediate preceding murder and that occurred at any time before the penalty hearing also constitutes an aggravating circumstance.

This measure is designed to clarify the law regarding aggravating circumstances. Proponents of the measure requested clarification that murders committed subsequently to the murder for which the person is on trial constitute an aggravating circumstance. Testimony indicated that people arrested for murder often have committed other murders in their attempt to escape or flee the jurisdiction.

This measure is effective on July 8, 1997.

S.B. 358 (Chapter 192)

Senate Bill 358 makes various changes to the provisions governing the purchase, sale, or other transfer of securities. This measure authorizes the electronic delivery of documents, applications, and fees to the Securities Division of the Office of the Secretary of State. This measure also authorizes the Administrator of the Securities Division to exempt certain transactions by order instead of by regulation. Finally, S.B. 358 increases, from \$20,000 to \$100,000, the criminal fine for securities fraud. This measure also increases the penalty for a violation of a cease and desist order relating to securities fraud from a misdemeanor to a category C felony with a maximum fine of \$100,000.

S.B. 436 (Chapter 554)

Senate Bill 436 revises provisions governing the exhibition and distribution to minors of material that is harmful to minors. The bill provides that a person who distributes or exhibits for distribution material harmful to a minor, or who admits a minor to a presentation of such material, is guilty of a misdemeanor unless that person is the minor's parent, guardian, or spouse.

The bill also provides that the sale or rental of motion pictures that contain material harmful to minors is prohibited unless the person creates an area labeled "Adults Only," which prevents minors from observing the recordings. An exception to these provisions is provided for universities, community colleges, schools, museums, and libraries.

Testimony indicated that this bill was requested in response to "adult" advertising being distributed to minors on the Las Vegas Strip. Witnesses reported that this measure does not ban such advertising, but rather prohibits its distribution to minors.

A.B. 9 (Chapter 60)

Assembly Bill 9 increases, from one to two years, the mandatory minimum penalty for abuse of an older person. This measure also authorizes that a designated “hotline” may receive reports of elder abuse. In addition, the bill adds employees of funeral homes or mortuaries to the list of persons required to report incidents of elder abuse.

A.B. 22 (Chapter 15)

Assembly Bill 22 increases the number of hours of community service that a person may be required to perform under various circumstances. These hours are increased as follows:

- Except when the court must impose a specific criminal penalty, the maximum period of work that the court may order for a person convicted of a misdemeanor is increased from 120 to 200 hours, and the maximum period for a person convicted of a gross misdemeanor is increased from 240 to 600 hours.
- When a justice of the peace or a municipal judge suspends the sentence of a person convicted of a misdemeanor, the maximum period of community service that may be ordered is increased from 96 to 200 hours.
- When a person violates a temporary or extended order for protection against domestic violence, including the violation of a restraining order or injunction in a divorce proceeding, and commits a violent physical act against a person protected by the order, the minimum period of community work that the court must require is increased from 100 to 200 hours.
- If a child is adjudicated delinquent because of the unlawful possession of a firearm, the amount of public service that the court must require for a first offense is increased from 100 to 200 hours; for a second offense, the minimum amount is increased from 100 to 200 hours, and the maximum is increased from 250 to 600 hours.
- For a person who violates the law against placing graffiti on or otherwise defacing property, the minimum amount of community service that may be imposed is increased from 25 to 50 hours for a first offense, from 50 to 100 hours for a second offense, and from 100 to 200 hours for a third or subsequent offense; the maximum amount that may be imposed is increased from 49 to 99 hours for a first offense and from 90 to 199 hours for a second offense.
- For a person found guilty of a first offense of driving under the influence of intoxicating liquor or a controlled substance (DUI) within seven years, the amount of community service that may be required by the court is increased from 48 to 96 hours. Under the requirements for such a person to qualify for application to the

- court to undergo a program of treatment for alcoholism or drug abuse, the amount of community service is increased from 24 to 48 hours.
- For a person found guilty of a second DUI offense within seven years, this bill adds, in addition to existing penalties, a provision that mandates a minimum of 100 hours and a maximum of 200 hours of community service, unless the court finds the existence of extenuating circumstances. Under the requirements for such a person to qualify for application to the court to undergo a program of treatment for alcoholism or drug abuse, the bill adds a provision requiring a minimum of 50 hours and a maximum of 100 hours of community service, unless the court finds the existence of extenuating circumstances.

A.B. 97 (Chapter 248)

Assembly Bill 97 revises the provisions relating to the statute of limitations for prosecution of sexual assault cases. This measure eliminates the statute of limitations for sexual assault if a victim of the assault, or a person authorized to act on his or her behalf, files a report with a law enforcement officer concerning the assault within four years after the offense occurs. If the victim is disabled during this time, the period during which that person is disabled is excluded from the calculation of the four years.

Existing law requires that an indictment for sexual assault cases be issued within four years after the commission of the offense.

This bill is effective on July 1, 1997.

A.B. 164 (Chapter 22)

Assembly Bill 164 adds the crime of assault with a deadly weapon to the law that provides an additional penalty for any person who willfully commits certain felonies because of the victim's physical or mental disability, or because the victim's race, color, religion, national origin, or sexual orientation is different from that of the perpetrator. The additional penalty that may be imposed is imprisonment of not more than 25 percent of the prison term prescribed by statute for the felony.

A.B. 242 (Chapter 382)

Assembly Bill 242 makes various changes to the statutes pertaining to elder abuse, neglect, and exploitation. The measure criminalizes acts which intentionally isolate an older person. The penalty for a first offense is a gross misdemeanor, and subsequent offenses are category B felonies with a minimum two-year prison term. A fine of not more than \$5,000 may also be imposed. The measure defines isolation as willfully, maliciously,

and intentionally preventing an older person from receiving visitors, mail, or telephone calls.

In addition, the bill makes it a crime to conspire to commit abuse, exploitation, or isolation of an elderly individual. The penalty for a first offense is a gross misdemeanor, and subsequent offenses are category C felonies. Further, the bill authorizes the court to order the payment of restitution in such cases.

The bill also requires law enforcement agencies to seek promptly a warrant for the arrest of a person who is believed, with probable cause, to have abused, neglected, exploited, or isolated an older person.

A.B. 274 (Chapter 174)

Assembly Bill 274 broadens the scope of Medicaid fraud by defining a “statement or representation” as a report, claim, certification, acknowledgment, or ratification of financial information, enrollment claims, demographic statistics, encounter data, health services available or rendered, qualifications of persons rendering health care or ancillary services, or any combination of these. Also, the measure expands the definition of “provider” to include a private insurance carrier, health care cooperative or alliance, health maintenance organization, insurer, organization, entity, association, affiliation, or person who contracts to provide goods or services that are reimbursed by, or are a required benefit of, the plan.

The measure establishes penalties and requires restitution by persons who commit Medicaid fraud. A person who, with the intent to defraud, commits an offense that constitutes Medicaid fraud shall be punished for a category D felony if the amount of the claim or the value of the goods or services obtained or sought to be obtained was \$250 or greater. If the offense is less than \$250, the person shall be punished for a misdemeanor. If multiple offenses are committed, the bill allows the crimes to be aggregated when determining punishment.

Finally, a provider who submits a false claim, statement, or representation is liable for each occurrence for an amount not less than \$5,000.

A.B. 382 (Chapter 137)

Assembly Bill 382 increases the penalty for crimes involving the pandering of a child and defines a “child” as a person under 18 years of age. The bill provides that the pandering of a child is a category B felony. If the crime involves physical force or the threat of force, the penalty is imprisonment in the state prison for a minimum term of 2 years and a maximum term of 20 years. A fine of not more than \$20,000 may also be imposed. If the crime does not involve force, the penalty is not less than 1 year or more than 10 years in prison, and a fine of \$10,000 may be imposed. Existing law does not differentiate the pandering of a juvenile and the pandering of an adult.

A.B. 456 (Chapter 416)

Assembly Bill 456 establishes an additional penalty for a violation of a speed limit in an area designated as a temporary traffic control zone for construction, maintenance, or repair of a highway when highway workers are present. This measure provides that a person convicted of such a violation shall be punished by imprisonment or by a fine, or both, for a term or an amount equal to, and in addition to, the penalty imposed by the court for the primary offense. The bill limits this additional penalty to a fine of not more than \$1,000, a term of imprisonment of not more than six months, or not more than 120 hours of community service.

Furthermore, the measure requires the erection of a sign, before the beginning of a temporary traffic control zone, which states that a double penalty will be imposed for a violation of the speed limit within the zone. This bill also mandates the erection of signs marking the beginning and end of a temporary traffic control zone.

A.B. 515 (Chapter 353)

Assembly Bill 515 enhances the penalty for gross misdemeanors committed on public or private school property, on a school bus, or at a school bus stop while the bus is engaged in its official activities. The bill specifies that a person who commits such a crime must be punished by imprisonment in the county jail for at least 15 days. In addition, the measure authorizes the imposition of a fine of not more than \$2,000.

The 1995 Legislature increased penalties for felonies committed on school property (A.B. 385) and for certain actions committed by students (S.B. 85). Testimony indicated that the intent of A.B. 515 is to provide a stronger disincentive by also increasing the penalty for criminal acts classified as gross misdemeanors when such acts are committed on school property.

Juvenile Crime and Delinquency

S.B. 102 (Chapter 158)

Senate Bill 102 requires that the superintendent or executive head of a private school be notified when a juvenile who has committed certain sex offenses will be attending the school. This measure prohibits the juvenile from attending the same school as the victim except under certain circumstances.

When a child is adjudicated delinquent for certain sexual offenses, S.B. 102 requires the court to order place the child under the supervision of a county probation officer until the child no longer attends school in this state. The court may not terminate its jurisdiction for that same period. The court must also prohibit the child from attending the same school

as the victim, except in certain circumstances, and must inform the parents of their rights under this measure.

The measure requires the court to order the offender's parents to inform the probation officer each time the child changes schools and to reimburse the county school district for costs incurred for transporting the child to another district, if so required, to the extent of their financial ability.

Senate Bill 102 provides that the child may attend the same school as the victim if the court develops an alternative plan of supervision that includes reasonable conditions to protect the victim.

The measure provides that, if no other school in the district is available for the child, the superintendent must negotiate an agreement with an adjoining district (within the state or in an adjoining state) for the offender to attend school. When negotiating such an agreement, the superintendent must inform the other district that the child has been adjudicated delinquent for a sexual offense, but he must not disclose the name of the victim.

In addition, the bill specifies that the negotiated agreement presented for approval to the board of trustees must not contain the victim's name. If a change of circumstances occurs and the offender is able to attend school in the original district without violating the provisions of S.B. 102, the board of trustees may terminate the agreement.

Finally, S.B. 102 prohibits the superintendent, executive head, or any other person from releasing the name of the offender or the victim unless authorized by law or the court. Immunity from criminal or civil liability is provided if the name is released in good faith and the individual has not acted with gross negligence.

S.B. 207 (Chapter 120)

Senate Bill 207 expands the authority of juvenile court to order individuals other than the child under its jurisdiction to attend or participate in counseling. The measure raises, from 17 to 18 years of age, the age of a child for whom the court may order the child's relatives or other persons living with the child to attend counseling.

S.B. 237 (Chapter 119)

Senate Bill 237 provides an additional penalty for crimes committed with assistance from a minor. Under this measure, a person 18 years of age or older who commits a category A or B crime with the assistance of a child must be punished by an additional term of imprisonment that is equal to the term prescribed by statute for the underlying crime. If the crime is a category C, D, or E felony, the additional term of imprisonment must be not less

than 25 percent and not more than 100 percent of the term prescribed for the underlying crime.

S.B. 277 (Chapter 159)

Senate Bill 277 authorizes a juvenile court to require a child under its jurisdiction to participate in public or private programs of sports or physical fitness. The measure specifies that the proposed diversion for juvenile offenders to these recreational programs is available only for first time, nonviolent juveniles. In addition, S.B. 277 specifies the order of priority under which the court may order payment for the juvenile's participation in the proposed program. If practicable, the court must first order the parents to pay for the cost. Second, the child may be ordered to perform community service; and finally, the county may be ordered to pay the cost of the child's participation. The parents may also be ordered to cover the cost of the insurance policy relating to the child's participation.

According to testimony, these programs are currently operated successfully in Nevada. In Clark County, approximately 20 percent of the "at risk" children are sent to these recreational programs. Of this 20 percent, 80 percent have been successfully diverted from the criminal justice system and have not reoffended.

S.B. 285 (Chapter 445)

Senate Bill 285 revises certain provisions relating to juvenile records, fingerprints, and photographs. An offender's juvenile records must not be automatically sealed when the offender becomes 24 years of age, as provided in existing law, if the juvenile was originally adjudicated delinquent for certain sexual or violent acts and the juvenile was subsequently adjudicated delinquent or convicted for another felony before reaching 24 years of age.

In addition, S.B. 285 requires that fingerprints be taken for a child in custody for an act that, if committed by an adult, would be a felony, a gross misdemeanor, or a sexual offense. Fingerprints must also be taken if the act would be a misdemeanor and it involved the use or threatened use of violence or a firearm or other deadly weapon against the victim.

Finally, S.B. 285 provides that a juvenile's fingerprints may be retained in a local system for automatic retrieval. Fingerprints of a child adjudicated delinquent for an act that, if committed by an adult, would be a felony or a sexual offense, must be submitted to the Central Repository for Nevada Records of Criminal History, and fingerprints may be submitted to the repository for any other act. Any juvenile fingerprints retained in local files or in files at the repository must be maintained under special security measures that limit inspection to law enforcement officers conducting criminal investigations. Employees and officers of the repository may have access to the fingerprints for conducting research or performing statistical analysis. When a child reaches 18 years of age, either he or his parents may petition the court to remove the fingerprints from local files if the child has not been subsequently adjudicated delinquent.

Finally, photographs taken of children in custody must be destroyed if the court determines that the child is not delinquent.

A.B. 39 (Chapter 17)

Assembly Bill 39 requires a court to order a child who unlawfully damages or destroys the property of another person to make restitution to the property owner. If the child is unable to provide restitution, the measure requires the court to order the parent or guardian of the child to make restitution, unless the court determines that there are extenuating circumstances. If financial hardship prevents the child and the parent or guardian from making restitution, A.B. 39 directs the court to order the child or the parent or guardian, or both, to perform community service. The bill also provides the conditions for such community service.

A.B. 176 (Chapter 226)

Assembly Bill 176 requires the suspension of a child's driver's license if the child is found guilty of using, possessing, selling, or distributing a controlled substance, or purchasing, consuming, or possessing an alcoholic beverage. The measure requires the length of such suspension to be at least 90 days but no more than two years.

The bill also stipulates that such a violation must not be considered by an insurance company for the purpose of rating or underwriting motor vehicle insurance policies. Such a violation must not prevent the child from receiving a restricted driver's license issued for the purposes of traveling to and from work and school, or to obtain certain regularly scheduled medical care. In addition, the measure establishes a minimum 90-day suspension of the child's driver's license if the child is found guilty of placing graffiti on or destroying public or private property.

Assembly Bill 176 also requires the Commission on Substance Abuse Education, Prevention, Enforcement and Treatment to disseminate information regarding the suspension of driving privileges of children found guilty of unlawfully purchasing, using, or possessing alcohol or drugs. Finally, the bill directs the Department of Motor Vehicles and Public Safety to establish testing and other requirements for the reinstatement of the child's suspended driver's license.

This measure is effective on July 1, 1997.

A.B. 438 (Chapter 232)

Assembly Bill 438 revises provisions relating to the jurisdiction of the juvenile court. The bill stipulates that juveniles detained at detention or training facilities who escape or attempt to escape must be charged accordingly. The escape charge is to be treated in the

same manner as for adults, which predicates the punishment for the escape on the initial classification of the crime, and the juvenile is subject to certification to the adult system. The bill also clarifies that the definitions of “adult” and “child” are all encompassing but mutually exclusive. In addition, the measure restricts and clarifies situations in which a juvenile is automatically treated as an adult in court, and specifies how such proceedings may be initiated. Further, the measure restricts situations in which the court is mandated to certify juveniles to adult status and limits exceptions that the court may find to avoid mandatory certification. Finally, the bill eliminates the ability of certain juveniles, originally charged as adults, to petition treatment as adults.

Testimony indicated that currently there is no penalty for a juvenile who escapes from a detention or training facility; general “escape” statutes currently do not apply to juveniles.

A.B. 486 (Chapter 583)

Assembly Bill 486 revises the provisions governing the truancy of pupils. The measure creates at least one advisory board to review school attendance in each county and specifies the board’s membership and duties. The advisory boards must review truancy and attendance matters within the district; identify factors contributing to truancy; establish programs to address the problem; inform parents concerning district truancy and attendance policies; and establish procedures for schools and school districts to report and cite habitual truants.

Further, the bill requires a school principal to report pupils who are habitual truants to the appropriate law enforcement agencies. Upon investigation, the truant may be issued a citation to appear in juvenile court. If the court determines the child is a habitual truant in need of supervision, he may be required to pay a fine of up to \$100, and may be subject to a 30-day driver’s license suspension. The court may suspend the fine if the child attends school for 60 consecutive school days. If the court makes a second or subsequent determination that the child is a habitual truant in need of supervision, the fine increases to no more than \$200 with a mandatory driver’s license suspension of 60 days. Up to 10 hours of community service may also be imposed. The bill provides a mechanism for the reinstatement of a driver’s license that has been suspended under this act.

Assembly Bill 486 also changes the exemptions from compulsory school attendance. The bill specifies the conditions under which an absence from school is approved and requires certain notification by parents for pupil absences. The measure also requires school officials to notify parents or guardians in writing of unapproved absences and specifies that the notification contain certain information, including the legal consequences of truancy. The method of delivery of such notifications is also specified in the bill.

Assembly Bill 486 also revises the definition of a truant and changes the conditions under which a designation of habitual truant may be made in succeeding school years. The bill requires the State Department of Education to create and maintain an annual record of pupil attendance and truancy rates for each public school. The measure also requires

each school board of trustees to include attendance information on pupil report cards. In addition, the bill requires each school district to conduct a study and reports its findings and recommendations concerning the feasibility of establishing a "closed campus policy."

Finally, A.B. 486 appropriates \$500,000 to the State Department of Education. The money must be distributed to each school district in an amount proportionate to the total number of pupils who are enrolled in the county school district. The money is to be used by the districts to support the activities of the advisory board to review school attendance and for school district programs to reduce the rate of truancy.

The bill is effective on July 1, 1997.

A.B. 518 (Chapter 386)

Assembly Bill 518 requires a court to provide certain information to a school district if the court determines that a pupil currently enrolled in the school district unlawfully caused or attempted to cause serious bodily injury to another person. Such information must include a description of the injury sustained, any weapon used, and any threats made against the other person.

The bill is effective on July 1, 1997.

Parole and Probation

S.B. 5 (Chapter 524)

Senate Bill 5 adds to the list of crimes for which certification by a designated panel is required before an offender may be released on probation or parole. Under existing law, a panel composed of the Administrator of the Mental Hygiene and Mental Retardation Division, the Director of the Department of Prisons, and a psychologist or psychiatrist licensed to practice in Nevada must certify that inmates convicted of certain crimes are not a menace to the health, safety, or morals of others before these inmates can be released on parole. Before release on probation, certain offenders must be certified in the same manner by either a psychologist or psychiatrist licensed to practice in the state.

Senate Bill 5 provides that, in addition to those crimes for which certification is currently required, any offender convicted of battery with intent to commit sexual assault, statutory sexual seduction, child abuse, pornography crimes involving minors, incest, and sexually motivated coercion that involves force must be certified prior to release on parole or probation. In addition, any offender convicted of an attempt to commit one of these crimes or one of the crimes for which certification is required under existing law must also receive certification before release.

This measure appropriates \$48,891 in the first year of the biennium and \$57,383 in the second year to the Mental Hygiene and Mental Retardation Division to carry out these provisions. In addition, the Department of Prisons is to receive \$7,722 in the first year of the biennium and \$4,929 in the second year for its role in the certification requirement.

S.B. 12 (Chapter 443)

Senate Bill 12 makes various changes regarding the procedures utilized by the Division of Parole and Probation in determining the level of supervision for offenders in the community. This measure requires the division to review the level of supervision for parolees and probationers every six months and specify the reasons for changing or maintaining the offender's level of supervision.

The bill also requires the division to contact each parolee in person or by telephone within five days of the parolee's release from prison. The chief of the division may waive this requirement upon determination that such contact is not necessary. In addition, S.B. 12 increases the supervision fee to \$30. The chief is authorized to waive this fee, in whole or in part, if it causes undue hardship for an offender.

The provisions of this bill that increase the supervision fee are effective on July 16, 1997. The remainder of the bill is effective on October 1, 1997.

S.B. 14 (Chapter 12)

Senate Bill 14 eliminates the term limitation for members of the State Board of Parole Commissioners. Currently, members of the Parole Board may only be appointed to two four-year terms. National experts in parole and probation testified regarding the importance of maintaining a minimum level of experience, expertise, and knowledge among appointed parole board members.

This measure is effective on March 31, 1997.

S.B. 17 (Chapter 671)

Senate Bill 17 makes various changes relating to the operation of the State Board of Parole Commissioners. This measure requires the Parole Board to compile, every three months, detailed information regarding its parole decisions, including its reasons for granting, denying, revoking, or continuing parole. The bill also requires the Parole Board to use this information in its review of its standards for release on or before January 1 of the years in which the Legislature convenes to determine whether its standards are effective in predicting parole success probability. The measure further mandates that a report be submitted to the Legislature regarding the results of the review, the Parole Board's conclusions, and any recommended changes.

Further, S.B. 17 expands the professions from which board members must be selected to include individuals with experience in criminal law and individuals who have worked in prisons, parole and probation, or law enforcement. The measure clarifies that, to the extent practicable, a representative from each field must be appointed to serve on the Parole Board; no more than two members, however, may represent any one of the fields.

In addition, S.B. 17 increases the training required for members of the Parole Board and establishes the training requirements for case hearing representatives. The bill further requires the chairman of the Parole Board to develop a plan for continuing education.

Finally, Senate Bill 17 removes the Parole Board from the list of state agencies that are exempt from the requirements of the Administrative Procedure Act and provides for staggered terms for members of the Parole Board appointed after July 1, 1997.

The provisions of S.B. 17 are effective on July 1, 1997, except for the section that establishes the staggered terms for the members, which is effective on June 30, 1997.

S.B. 402 (Chapter 678)

Senate Bill 402 revises certain provisions regarding conditional release following an arrest, conviction, or confinement, and makes certain changes regarding offenses that involve domestic violence. First, the bill sets forth the bail required for a person arrested for a battery involving domestic violence based upon whether the individual has prior convictions for such a battery and whether the offense for which he was arrested resulted in substantial bodily harm.

The bill also expands the conditions that the court may impose on a person released on bail, probation, or his own recognizance to include any reasonable conditions to protect the health, safety, or welfare of the community. These conditions may include a prohibition on leaving the state or a county, contacting certain persons, entering a certain geographic area, or engaging in specific contact that may be harmful to the offender or to another person. The bill authorizes the State Board of Parole Commissioners to impose the same conditions. If a person released following an arrest fails to comply with one of these conditions, the court may, after providing the individual with reasonable notice and an opportunity for hearing, deem the person to be in contempt of court or increase the amount of bail. If the court incurs any cost in returning a person to the jurisdiction, the person is responsible for paying those costs as restitution.

In addition, S.B. 402 expands the authority of the Division of Parole and Probation to charge a supervision fee to include offenders under residential confinement. Finally, S.B. 402 authorizes the creation of multi-disciplinary teams by the courts or an agency of local government. These teams are authorized to review and investigate the death of a victim of domestic violence and must be organized if a request is received from a person related to the victim within one year after the victim's death.

A.B. 79 (Chapter 19)

Assembly Bill 79 requires the Division of Parole and Probation of the Department of Motor Vehicles and Public Safety to disclose, upon request, the content of presentence investigation reports to law enforcement agencies, the Mental Hygiene and Mental Retardation Division of the Department of Human Resources, or the State Gaming Control Board. Such disclosure is not required if a court orders otherwise. This bill also makes the division responsible for disclosing the content of these reports to the district attorney, the counsel for the defendant, and the defendant.

This measure is effective on April 14, 1997.

A.B. 240 (Chapter 291)

Assembly Bill 240 prohibits the release of offenders who commit crimes against individuals 65 years of age or older under certain circumstances. The bill specifies that an offender whose criminal conduct satisfies the requirements for imposing an additional term of imprisonment for defrauding a victim over the age of 65 years must not be released on parole or probation until he has paid at least 80 percent of the restitution owed to the victim of the offense. If the offender has not paid at least 80 percent of the required restitution, the measure provides that parole or probation must not be denied unless the releasing authority determines that the offender has willfully failed to make the restitution and has the ability to pay.

A.B. 315 (Chapter 279)

Assembly Bill 315 requires that probationers whose whereabouts are unknown or who have failed to meet the conditions of their probation, including payment of restitution as ordered by the court, must receive a dishonorable discharge when their term of probation expires.

Testimony indicated that this measure allows for the uniform provision of dishonorable discharges to certain probationers and prevents inappropriate use of probation officer discretion. Because probationers who are dishonorably discharged are not able to file an application with the court to restore their civil rights, this measure is expected to provide an incentive to fulfill obligations of supervision.

Sexual Offenses

S.B. 6 (Chapter 654)

Senate Bill 6 requires the court to provide victims and witnesses of certain sexual crimes with specific documents that inform these individuals of their right to be notified when the offender is released from prison. The measure specifies that the documentation must include the form required to request such notification.

In situations involving a juvenile adjudicated delinquent for committing certain sexual offenses, S.B. 6 requires the prosecuting attorney to provide the victim and the victim's parents or guardians with documentation informing them of their rights. The documentation must include the form utilized to request notification of the disposition of the juvenile's case.

Finally, the measure provides for the confidentiality of all personal information, including a current or former address, submitted by victims requesting notice regarding the status of an offender.

S.B. 99 (Chapter 449)

Senate Bill 99 requires that the presentence investigations of certain sex offenders include a psychosexual evaluation and makes appropriations to carry out the provisions of the bill. The measure specifies individuals who are professionally qualified to conduct these evaluations and requires these individuals to utilize the diagnostic tools that are generally accepted as being within the standard of care for the evaluation of sex offenders.

Senate Bill 99 also requires that the psychosexual evaluation include a comprehensive clinical interview with the defendant and a review of all investigative reports, witness statements, and records relating to prior criminal offenses and previous evaluations and treatment. The evaluation may include a review of school records, interview with individuals significantly involved in the life of the defendant, and the use of other psychological tests, polygraphic examinations, and arousal assessments.

S.B. 103 (Chapter 528)

Senate Bill 103 requires the director of the Department of Motor Vehicles and Public Safety to establish a program within the Central Repository for Nevada Records of Criminal History to compile and analyze data concerning adult juvenile sex offenders. The measure provides that statistical data relating to the recidivism of sex offenders must be utilized to assess the effectiveness of any treatment received by these offenders. The bill also requires the Division of Parole and Probation and the Division of Child and Family Services to submit specific data to the repository to facilitate the program.

S.B. 122 (Chapter 529)

Senate Bill 122 prohibits a person over the age of 21 who is employed in a position of authority by a school, college, or university from engaging in sexual conduct with students of certain ages. The measure defines people in authority as teachers, administrators, coaches, teachers' aides, and other nonprofessional employees who assist in the instruction of the students. The bill makes exceptions for a person in authority who is married to a pupil.

The bill specifies that a person in authority in a public or private school who engages in sexual conduct with a student who is 16 or 17 years of age and attends the same school is guilty of a category C felony. Senate Bill 122 also provides that a teacher, professor, administrator, or coach at a university or college who engages in sexual conduct with a 16- or 17-year-old student attending the same institution is also guilty of a category C felony.

Senate Bill 122 addresses situations involving sexual conduct between teachers and students that are not covered under Nevada's statutory sexual seduction law. Under the provisions of *Nevada Revised Statutes* 200.364 and 200.368, a person 18 years of age or older who engages in sexual relations with another person under the age of 16 years is guilty of statutory sexual seduction. If the offender is 21 years of age or older, the crime is a category C felony. If the offender is under the age of 21 years, the crime is a gross misdemeanor.

S.B. 325 (Chapter 451)

Senate Bill 325 revises various provisions relating to sex offenders and persons convicted of certain crimes against children. The measure creates a statewide registry for information regarding sex offenders and persons who commit certain crimes against children within the Department of Motor Vehicles and Public Safety's Central Repository for Nevada Records of Criminal History (Central Repository). The bill authorizes limited public access to the information if the requestor provides certain identifying information.

Senate Bill 325 also revises the provisions regarding registration for sex offenders and requires registration with law enforcement for persons who commit certain crimes against children. The measure stipulates that the Division of Parole and Probation, the Central Repository, and local law enforcement agencies share the responsibility for obtaining and transmitting registration information. The division is primarily responsible for establishing the record of registration when it receives notice from the courts, local law enforcement, or the Department of Prisons regarding conviction, establishment of residence, or release of these offenders. Senate Bill 325 requires the division to transmit the record and any updated information it receives to the Central Repository. The measure also requires the Central Repository to transmit the record and any updated information it receives to the appropriate local law enforcement agencies, the division, and the Federal Bureau of Investigation.

In addition, Senate Bill 325 expands the community notification provisions enacted in 1995 to include any sex offender residing in the state and certain juvenile offenders. The bill requires the Attorney General to develop the necessary guidelines for the additional notification. Procedures are set forth under the bill through which the division may identify individuals subject to both community notification and registration. If such an offender is identified, the division must arrange for an assessment of the risk of recidivism under the guidelines established by the Attorney General for community notification.

Senate Bill 325 also expands the requirements regarding genetic testing to include sex offenders and violent offenders. In addition, the bill authorizes the court to charge a fee to the offender to cover the cost of the testing and requires counties to designate a qualified laboratory to maintain the samples. Finally, the bill requires special conditions for sex offenders released on probation or parole.

The new provisions for the registration of sex offenders and individuals who commit certain crimes against children are necessary to comply with the federal requirements under the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (1994) and the Pam Lychner Sexual Offender Tracking and Identification Act of 1996. States that fail to comply with these provisions will be subject to a mandatory reduction in Byrne Formula Grant funding.

This measure is effective on July 1, 1997.

A.B. 280 (Chapter 455)

Assembly Bill 280 increases the penalties for specific sexual related crimes committed against children under the age of 14. This measure provides a sentence of life imprisonment, with the possibility of parole after at least 20 years have been served, for a conviction of sexual assault or attempted sexual assault with no substantial bodily harm to such a victim.

The bill also requires a sentence of life imprisonment, with the possibility of parole after a minimum of ten years have been served, for the conviction of sexual abuse or molestation; child pornography; promoting a performance in which a minor engages in sexual conduct; solicitation of a minor to engage in the infamous crime against nature; and lewdness with a child.

In addition, the measure outlines supervision conditions that the parole board may impose under appropriate circumstances. Such conditions include psychological counseling, prohibiting the offender from being near places that are primarily designated for children, and prohibiting the offender from being in a secluded environment with a child.

A.B. 336 (Chapter 369)

Assembly Bill 336 amends existing decency laws regarding the exhibition and sale of obscene material to minors and adds a definition of “motion picture” that includes unrated animated films or cartoons. The penalty for knowingly selling, renting, or exhibiting such obscene animation to minors is a misdemeanor.

This measure was introduced in response to the display of pornographic cartoons, commonly known as “Japanimation,” at video stores. Testimony indicated that minors can easily rent such material from video stores because the material is not rated or classified as “adult entertainment.”

Substance Abuse

S.B. 65 (Chapter 71)

Senate Bill 65 revises the procedure for the evaluation of a person convicted of driving under the influence of intoxicating liquor or a controlled substance (DUI) to determine whether the offender is an abuser of alcohol or drugs. The bill authorizes an offender who resides more than 30 miles from an evaluation center to be evaluated by a qualified person outside a center. Offenders who reside in another state may be evaluated by a qualified person in their state of residence. The measure also removes the requirement that the court collect the fee for evaluation of the offender. Instead, the offender is responsible for paying the fee and ensuring that the results of the evaluation are reported to the court.

Testimony indicated that it is sometimes difficult for a DUI offender in a rural area or another state to travel to an established evaluation center, particularly if his driver’s license has been suspended.

S.B. 115 (Chapter 220)

Senate Bill 115 adds a third priority for the allocation of money received by the Bureau of Alcohol and Drug Abuse from the liquor tax. In addition to requiring that the money be used in areas with a shortage of treatment personnel and to provide civil protective custody, the measure requires that the money be directed toward the prevention of alcohol and drug abuse programs.

The measure is effective on June 30, 1997.

S.B. 135 (Chapter 646)

Senate Bill 135 appropriates \$250,000 to the Eighth Judicial District Court for the continuation of the drug court program, and provides that the money must not be used to replace or reduce funding for the program from another source. The measure also appropriates \$100,000 to the Second Judicial District for treatment services for alcohol or controlled substance abuse programs.

This measure is effective on June 30, 1997.

S.B. 204 (Chapter 670)

Senate Bill 204 appropriates \$210,000 to the administrator of the courts of the First Judicial District for the establishment of treatment programs for the abuse of alcohol or drugs in the First, Third, Fourth, Fifth, Sixth, Seventh, and Ninth Judicial Districts. Offenders assigned to these treatment programs, which are also known as "drug courts," remain under the supervision of the court.

This measure is effective on July 1, 1997.

S.B. 428 (Chapter 360)

Senate Bill 428 provides that the minimum benefit for the treatment of withdrawal from the physiological effects of alcohol or drugs under a policy of health insurance must be \$1,500 per year. The minimum yearly amount for inpatient care for the treatment of alcohol and drug abuse must be \$9,000. In addition, the measure requires policies to provide a minimum yearly benefit of \$2,500 for outpatient counseling. Finally, the bill eliminates the \$39,000 lifetime limit on benefits under such policies.

This bill is effective on January 1, 1998.

S.B. 432 (Chapter 552)

Senate Bill 432 appropriates \$500,000 for the establishment of therapeutic communities in prison and for programs of aftercare to treat certain offenders who are substance abusers. The bill requires the Director of the Department of Prisons to establish one or more therapeutic communities in conjunction with the Bureau of Alcohol and Drug Abuse of the Rehabilitation Division, Department of Employment, Training and Rehabilitation. The communities must provide an offender with intensive treatment for substance abuse, a clearly defined set of goals and structure of authority, and a highly structured schedule that may include programs of employment, general education, or vocational training. The bill authorizes the director to contract with qualified private entities to evaluate offenders or to administer the therapeutic communities or programs of aftercare.

Senate Bill 432 requires the director to establish an evaluation program to determine whether an eligible offender is a substance abuser who may benefit from participation in a therapeutic community. To the extent practicable, S.B. 432 provides that offenders assigned to the communities must be housed in segregated areas of the facilities. The measure also requires that the offenders participate in the therapeutic community for one year and participate in a program of aftercare established by the director for one year, if required. If an offender who is assigned to a program of aftercare is released on parole or assigned to a term of residential confinement, he must continue to participate in the program to the extent practicable.

Finally, S.B. 432 requires that the director report to the Interim Finance Committee and, subsequently, to the Assembly Committee on Ways and Means and the Senate Committee on Finance regarding the number of offenders currently participating in the programs; the number of offenders who have participated in the programs and who were subsequently arrested for other offenses; and the number of offenders who successfully completed the programs and were subsequently arrested for other offenses.

A.B. 96 (Chapter 466)

Assembly Bill 96 makes various changes concerning participation in substance abuse treatment by persons found guilty of driving under the influence of intoxicating liquor or a controlled substance (DUI). The bill requires the court to place an offender convicted of a DUI for the first time in an approved treatment program, if the offender applies and meets specified qualification requirements. The measure provides that the offender must pay for the treatment to the extent possible or participate in a program that receives federal or state money to offset the remainder of the cost. If the court grants the application for treatment, the bill requires the court to suspend the sentence and provide lesser penalties on the condition that treatment is successfully completed. The bill clarifies that the conviction will remain a part of the defendant's criminal record, regardless of the treatment outcome.

For second time DUI offenders, the measure allows, but does not require, the court to grant an application for treatment, even if the offender meets specified qualification requirements. If the court grants the treatment application, the bill applies the same provisions regarding treatment cost and suspended sentence requirements as for first-time DUI offenders.

Testimony indicated that current provisions allowing a person to petition the court to undergo treatment prior to sentencing were not utilized fully or uniformly throughout the state. In particular, witnesses reported that offenders in rural areas were less likely to undergo treatment prior to sentencing than those in urban areas. Accordingly, this bill intends to amend the statutes to require the court to allow treatment for first-time DUI offenders found eligible. In addition, testimony stressed the importance of receiving treatment after the first misdemeanor offense, rather than receiving it in prison after a felony DUI conviction.

A.B. 241 (Chapter 79)

Assembly Bill 241 makes a prior conviction for driving under the influence of intoxicating liquor or controlled substance (DUI), from any jurisdiction, a factor in determining eligibility for participation in alcohol and drug treatment programs. The measure also prohibits persons convicted of specified DUI-related crimes within the last seven years from applying to the court to participate in such treatment programs. Existing law does not include out-of-state DUI convictions as a factor in determining alcohol and drug treatment eligibility.

Victims of Crime**S.B. 68 (Chapter 90)**

Senate Bill 68 increases the administrative fees collected by a district attorney for the operation of the restitution program for victims of fraudulent checks. Under existing law, the fee is \$75 for any check greater than \$300. The bill increases this fee to \$150 for checks that are greater than \$1,000 but not more than \$2,500; to \$500 for checks ranging from \$2,500 to \$10,000; and to ten percent of the amount of the check if the check is greater than \$10,000. This measure also authorizes the district attorney to utilize the money collected to defray costs associated with the restitution program, including the provision of classes in managing checking accounts and developing a budget, and to assist other victims of crime.

S.B. 75 (Chapter 272)

Senate Bill 75 increases, from \$15,000 to \$50,000, the limitation for compensation to certain victims of criminal acts not involving extreme violence and from \$25,000 to \$50,000 for extremely violent crimes.

The state's program to provide compensation to certain victims of criminal acts is operated as a division of the Department of Administration. For the purposes of the program, a victim is defined as a person who was physically injured as a direct result of a criminal act or a minor who was sexually abused or who was involved in the production of pornography. These victims and their relatives may apply for assistance to cover economic losses associated with the crime, including medical expenses, counseling, loss of income or support, and funeral expenses. To be eligible, the victim must be a resident of Nevada and must have reported the crime to, and cooperated with, law enforcement. In addition, the program requires that the victim establish a financial need and that the crime occurred in Nevada.

With the passage of S.B. 75, Nevada's program will have the highest cap for payments to crime victims. Nevada's program is already unique because it receives no federal funds

or tax dollars from the state. Revenue is generated from numerous sources, including court assessments, filing fees, restitution, fines, and forfeitures.

This measure is effective on July 1, 1997.

S.B. 80 (Chapter 672)

Senate Bill 80 provides that any person who willfully inflicts pain, injury, or mental anguish on an individual over the age of 60 or on a vulnerable person is liable for two times the actual damages to the victim or victim's estate. In addition, S.B. 80 authorizes two times the actual damages for any resulting loss if a person, either through deception or by taking advantage of a physical, mental, or emotional condition, obtains control over the money, assets, or property of an older or vulnerable person with the intent of permanently depriving that person of their use, benefit, or possession.

This measure is effective on July 17, 1997.

A.B. 58 (Chapter 62)

Assembly Bill 58 revises the provisions governing compensation payable to certain victims of crime for loss of earnings or support. This bill increases, from \$200 to \$300, the maximum amount that may be paid to a victim each week for loss of earnings or support reasonably incurred as a result of total or partial incapacity of the victim. The bill further provides that this amount may not be paid for longer than 52 weeks.

This bill is effective on May 12, 1997.

A.B. 84 (Chapter 224)

Assembly Bill 84 revises provisions governing aid to certain victims of crime. The bill stipulates that a person who provides a service to a victim for compensation and who accepts payment from the State Board of Examiners is deemed to have agreed that the board's payment constitutes payment in full for the services provided. In addition, the person may not attempt to collect further payment from the victim.

Assembly Bill 84 also expands the victims eligible to receive compensation under Nevada's program to include a pedestrian who is injured or killed by a driver who leaves the scene of an accident. The measure also clarifies that a victim may be eligible for compensation regardless of whether the act causing the injury was committed by an adult or a minor. Further, compensation is prohibited under the bill if the victim was injured or killed while incarcerated. Finally, A.B. 84 repeals the statute authorizing emergency awards for victims.

This measure is effective on June 30, 1997.

A.B. 110 (Chapter 102)

Assembly Bill 110 requires state or local governments to assess costs and fees pertaining to restraining orders against the adverse party. This measure also allows the Board of Compensation to honor certain claims by Nevada residents who are victimized while in another state. In addition, this measure provides for nonresidents who are victimized in Nevada to be compensated for their injuries under certain circumstances.

Assembly Bill 110 responds to federal compliance mandates found in the Violence Against Women Act (part of the 1994 crime bill). In addition, the provisions regarding residency were requested for compliance purposes with a different federal grant concerning victims (Federal Victims of Crime Act) in order for the state to receive grant funds and continue existing victim service programs.

This measure is effective on June 1, 1997.

A.C.R. 14 (File No. 39)

Assembly Concurrent Resolution No. 14 designates April 13 through April 19, 1997, as Victims' Rights Week. This resolution commends all of the organizations in Nevada that provide services to the victims of crime, particularly the northern Nevada victims' rights organization VICTORY.

EDUCATION

A.B. 146 (Chapter 472)

Assembly Bill 146 allows commercial advertising on buses owned by school districts. Further, school district boards of trustees are authorized to establish the fees and conditions for such advertising. The measure also prohibits specific types of advertising, that would be illegal, improper, or inappropriate for a school district to support. Districts which receive revenue from commercial advertising on buses must place the money in a special revenue fund. Money in the fund may not be combined with money from other sources. Preference in the expenditure of money raised through advertising on buses must be given to schools that the district has classified as serving a significant proportion of students who are economically disadvantaged. Schools receiving funds under advertising programs must expend the money only to purchase textbooks and laboratory equipment and to pay for field trips.

This measure is effective on July 1, 1997.

A.B. 191 (Chapter 490)

Assembly Bill 191 changes the name of the fund for the improvement of occupational education to the fund for the school-to-careers program. The measure specifies that all money received by the program must be deposited to the fund. The bill also enables Nevada's universities to receive funds under this program and clarifies that school districts, community colleges, and universities may receive base amounts of \$25,000 each within the limits of the money available in the fund.

In addition, the State Board of Education must consult with assisting state agencies and with businesses that are school-to-careers partners in adopting the school-to-careers program, in determining how to distribute funding and in issuing its report containing findings, conclusions, and recommendations regarding the program. The measure also clarifies that the school-to-careers program is voluntary for the student and that only pupils in grades 7 through 12 may participate. Any evaluation of the program must use aggregate statistical data and must also comply with the Family Education Rights and Privacy Act.

Assembly Bill 191 changes the term "equal opportunity" to "equitable opportunity" in reference to the program's purpose. The bill also charges the State Board of Education with creating a program that offers an equitable opportunity for all pupils to participate.

Finally, the bill removes the "sunset" on the Program for Site-Based Decision Making in public schools.

This measure is effective on July 1, 1997. The statutory provisions creating the school-to-careers program and the fund for the school-to-careers program expire by limitation on July 1, 2003.

Pupils, Education Reform, Assessment, and Curriculum

S.B. 168 (Chapter 532)

Senate Bill 168 requires public schools to comply with federal law governing the release of information from student records. In addition, the measure applies the parental authorization requirements specified in federal law when certain information is elicited from students in state education programs. The measure also provides that the bill does not impair the rights, obligations, or prohibitions specified in Nevada's statutes concerning child abuse and neglect.

Under current practice, the parallel provision in federal statutes concerning personal information applies only to federally funded programs. Federal law provides the procedures for the request, review, change, release, and notice of rights concerning pupil education records. The federal law also requires public schools to obtain the written consent of a pupil's parent or guardian before any survey, analysis, or evaluation is administered that reveals certain personal information. Senate Bill 168 extends this provision to all public school programs.

The bill is effective on July 1, 1997.

S.B. 169 (Chapter 479)

Senate Bill 169 directs the State Board of Education to adopt regulations for an independent study program at the high school level in any required or elective courses. The measure authorizes school districts to offer such programs to any full-time pupil enrolled in a district high school. The measure requires a teacher monitoring the work assignments of a pupil to conduct weekly progress checks with the student.

According to testimony, an independent study program helps students who are unable to attend classes during the traditional school day or who would benefit from a self-paced program. Under current law, independent study is authorized only for certain students considered to be at risk of dropping out of school.

The bill is effective July 1, 1997.

S.B. 220 (Chapter 480)

Senate Bill 220 authorizes the formation of charter schools in Nevada and sets forth the requirements to form such schools. The bill specifies that the primary consideration for establishing charter schools must be to serve the best interests of pupils who are at-risk. The bill authorizes the formation of new charter schools; existing private schools and certain public schools may not convert into charter schools.

Senate Bill 220 allows two charter schools for every 75,000 pupils in counties having a population of 400,000 or more, two charter schools in a county with a population between 100,000 and 400,000, and one charter school in each county under 100,000 in population. The bill places no limit on the number of charter schools that can be established to serve at-risk students.

Senate Bill 220 requires those seeking to start a charter school to first apply to the State Department of Education and specifies the criteria an applicant must meet. Upon approval of the application by the State Board of Education, the applicant may submit the application to the board of trustees of the school district in which the proposed charter school will be located. Senate Bill 220 contains specific requirements for the processing of applications and the noticing of meetings concerning charter school applications. Procedures are set forth for the approval and denial of applications.

Senate Bill 220 allows only county school boards to sponsor charter schools. The sponsor must grant a charter based upon its approval of the school's application and upon agreement by the school to certain requirements. The charter itself specifies a series of academic, financial, and operational guidelines. The charter shall be granted for a period of six years, with the opportunity for renewal at the end of three years, based on the results of an extensive evaluation by the sponsor. The sponsor is required to provide general oversight to ensure a school's compliance with the conditions of the charter through periodic reviews of certain reports concerning the school's academic, operational, and fiscal condition. A sponsor may revoke a charter should the school file bankruptcy, fail to comply with the charter school law, or fail to correct deficiencies.

Senate Bill 220 stipulates that at least 75 percent of the teachers in a charter school must be licensed. Up to 25 percent of the persons providing instruction need not be licensed teachers. Such individuals must, however, possess certain qualifications and work under the direction of a licensed teacher.

Senate Bill 220 directs the governing body of a charter school to receive enrollment applications for the school from any child residing in the state. Enrollment is to be made in the order in which applications are received. If more eligible pupils apply for enrollment in a charter school than the number of available spaces, the school must determine enrollment through a lottery system. If practicable, the schools are to maintain enrollments within 10 percent of the racial balance reflected by the attendance zone within which the school is located. Charter schools are prohibited from accepting applications for enrollment, or otherwise discriminating, based upon race, gender, religion, ethnicity, or disability. Schools may be formed, however, to serve students with disabilities, to provide a juvenile discipline program for a single gender, or to serve at-risk students. In addition, a charter school must request that the local school district board of trustees accept the transfer of special education pupils, should the school determine it is unable to provide the appropriate programs and services.

The bill requires charter schools to be subject to the same accountability provisions that apply to other public schools. The schools must administer the statewide achievement and

proficiency examinations and report those results. In addition, students in charter schools must meet the minimum standards for graduation from high school established by the State Board of Education.

The bill also provides for the financial support of charter schools through the State Department of Education. Further, the bill stipulates that although charter schools are exempt from certain statutory requirements found in the education code, they are subject to the same accountability, health, safety, discrimination, civil rights, and collective bargaining provisions that apply to traditional public schools. Finally, the bill authorizes the schools to participate in certain state and federal programs.

This measure is effective on July 16, 1997.

S.B. 378 (Chapter 675)

Senate Bill 378 appropriates \$177,975 from the State General Fund to the State Department of Education for the Governor's "Classroom on Wheels" program.

The bill is effective on June 30, 1997.

S.B. 482 (Chapter 473)

Senate Bill 482 adopts the Nevada Education Reform Act of 1997. The measure strengthens the school accountability program; establishes a system for the adoption of statewide standards in academic subjects; implements a process for a series of statewide tests linked to those standards; provides for the implementation of educational technology in the public schools; provides for the legislative review of education reform; and makes appropriations totaling over \$40 million.

Accountability

The measure establishes a system to evaluate the performance of public schools through criteria that will place schools into one of three categories: schools demonstrating high achievement; those showing adequate achievement; and those demonstrating inadequate achievement. The criteria for placement includes academic achievement based upon average test scores as well as student and teacher attendance rates. Schools that need improvement advance through three phases. The first year a school is identified as demonstrating inadequate achievement, the school district is required to establish a school improvement plan. Remediation programs that have been demonstrated to improve pupil achievement must be adopted. If the school is again designated as demonstrating inadequate achievement, it is placed upon academic probation and the State Department of Education must adopt an improvement plan and appoint a panel to evaluate the school. The appointment of a panel may be waived if a school continues to show significant improvement. If the school is ranked for a third year as demonstrating inadequate

achievement, the panel may recommend that the Superintendent of Public Instruction appoint a new administrator for the school.

The measure requires that additional accountability data be collected, including the presence of computer technology; incidents at school involving alcohol or controlled substances; and parental participation, among others. High schools must report the percentage of their graduates requiring remedial course work within institutions of the University and Community College System of Nevada (UCCSN). A new tenth grade norm-referenced test is added to the accountability provisions, and districts must report the results of the science component of proficiency examinations.

Standards and Assessments

Senate Bill 482 also creates a Council to Establish Academic Standards for Public Schools. The nine-member panel is composed of the President of the State Board of Education, or his designee from the state board; four members appointed by the Governor from parents, teachers, and business leaders; and four members, including 2 legislators, appointed by legislative leadership. The council is required to review and recommend statewide standards in English, math, and science before September 1, 1998. The State Board of Education must adopt standards and the statewide tests linked to these standards before January 1, 1999. These core standards will take effect within the public schools during the 1999-2000 school year. Standards in arts, computer education, health and physical education, and social studies must be reviewed by the council in its second phase. The State Board of Education must adopt standards related to these subjects before January 1, 2000. Social studies assessments must also be adopted before that date.

Technology

The measure also creates an 11-member Commission on Educational Technology. Members serve two-year terms and must have knowledge and experience in the use of educational technology. The commission may include representatives of the private sector, public libraries, parents, UCCSN, educational personnel, and the Legislature. Seven members must be selected by the Governor with four members appointed by the Legislature. The commission is charged with developing a statewide plan for the use of educational technology within the public schools. The plan must make recommendations to incorporate technology within the schools; increase pupil access to the Internet; increase teacher access to continuing education opportunities through technology; improve pupil achievement; and incorporate teacher training needs associated with the new technology. In addition, the commission must make recommendations for the distribution of funds from the Trust Fund for Educational Technology and develop technical standards for education technology and uniform specifications to ensure statewide compatibility.

Legislative Review

The measure also contains a significant component for the legislative review of the reform process. The bill establishes an eight-member Legislative Committee on Education,

consisting of four Senators and four Assembly members, as appointed by the Senate Majority Leader and Speaker of the Assembly. The committee is charged with reviewing statewide programs in accountability, class-size reduction, and automated student records (SMART). The committee also may review any other fiscal or policy concerns associated with public education in Nevada, as it deems necessary. The bill also creates, within the Legislative Counsel Bureau's Fiscal Analysis Division, a Bureau of Educational Accountability and Program Evaluation. The bill requires the bureau to collect and analyze data and reports related to the bill's reform provisions, along with statewide programs in accountability, class-size reduction, and special education, among others. The committee and the bureau are authorized to contract for various services associated with the technology initiative, the standards commission activities, and the school accountability program.

Appropriations

Further, Senate Bill 482 contains appropriations totaling \$40,870,602. Of this amount, \$27.5 million is a one-shot appropriation for education technology, to be used as grants to schools for purchasing and installing hardware, software, and electrical wiring for computer laboratories; upgrading computer software; and purchasing additional computers and other technology for instruction purposes in the classroom. The measure also contains \$8.6 million for school districts for the training, repair, maintenance, replacement, and technical support costs associated with educational technology. A \$3 million appropriation is included to provide school districts with funds for programs of remediation for pupils failing the statewide proficiency examinations. The balance of the appropriations is for the costs of operating the various boards and panels created within the bill, new responsibilities in the State Department of Education, and expenses relating to the new legislative committee and bureau.

Effective Dates

The provisions relating to the appointment of members to the legislative committee, the standards council, and the Commission on Educational Technology are effective on July 16, 1997. Provisions authorizing the creation of the standards council sunset June 30, 2001. Provisions governing the program to evaluate the performance of schools are effective on January 1, 1998. The balance of the bill is effective on July 1, 1997.

S.B. 487 (Chapter 246)

Senate Bill 487 appropriates \$854,788,066 over the biennium to the State Distributive School Account, increasing the statewide average basic support per pupil from the current \$3,620 to \$3,698 per pupil next year and \$3,812 per pupil the following year. Total state responsibility for aid to elementary and secondary education will exceed \$1.064 billion for the 1997-1999 biennium, a 19 percent increase over the past biennium. The number of special education units are increased from the current 1,857 to 1,976 in the first year of the biennium and 2,088 in the second year. The unit cost is \$27,694 and \$28,248,

respectively, for those fiscal years. Forty discretionary units are reserved for allocation by the State Board of Education to address school district shortfalls. Additional funding of \$23.3 million is appropriated for adult education programs.

This measure is effective on July 1, 1997.

S.C.R. 8 (File No. 87)

Senate Concurrent Resolution No. 8 urges school district boards of trustees to establish one or more community advisory boards to provide advice for any purpose relating to the public schools within the community.

A.B. 6 (Chapter 456)

Assembly Bill 6 requires kindergarten attendance for children who are six years of age on or before September 30 of a school year. This bill also allows children to attend kindergarten if they are five years of age on or before September 30 of a school year. The measure allows parents or guardians to obtain an exemption from mandatory attendance, provided they file a waiver form with the local school district. Children who do not attend kindergarten must undergo an assessment to determine if they are developmentally prepared for first grade. If the district determines a child is not ready for first grade, that child must be admitted to kindergarten. School districts must prepare and administer the developmental screening tests and make the results available to parents. Assembly Bill 6 also revises the definition of kindergarten.

If a school district decides not to establish a kindergarten in a school with less than 15 students requesting attendance, the bill allows the district to provide transportation for each child to attend kindergarten in another school or to assist parents in providing kindergarten instruction at home.

Finally, A.B. 6 appropriates \$100,000 from the State General Fund to the State Department of Education for the preparation of instructional materials for kindergarten instruction offered at home and for the development of the screening tests used to determine a child's readiness for first grade.

The appropriation section of the bill is effective July 1, 1998. The remainder of the bill is effective July 1, 1999.

A.B. 205 (Chapter 373)

Assembly Bill 205 requires each school district to adopt a school bus safety program in which all pupils enrolled in preschool, kindergarten, and grades one through four who ride a school bus must participate at least annually. The measure specifies the content of

the safety program and requires school districts to instruct all pupils in the responsibility of school bus passengers to use the emergency doors during an evacuation. Such instruction must be provided at least twice each school year.

Assembly Bill 205 also requires schools to provide, at the time of enrollment, the parents or guardians of children enrolled in preschool, kindergarten, or grades one through six with written information concerning the safety of pupils on school buses if such students will be riding a school bus for the first time. The measure specifies the contents of such information.

Finally, A.B. 205 requires each school district board of trustees to adopt regulations for pupil participation in school bus safety programs and for participation in such programs at the beginning of each field trip.

A.B. 376 (Chapter 522)

Assembly Bill 376 requires the State Board of Education to adopt regulations prescribing the courses of study required and the elective courses of study allowed for promotion to high school. The local board of trustees must establish a method to assign credits for courses completed by a student who transfers from a middle or junior high school in another district in Nevada or from a school outside this state. The measure prohibits local school districts from promoting a pupil to high school if he does not complete the total units required for promotion. Districts must ensure that students have the opportunity to attend summer school or other special programs to meet these promotion requirements. The bill further allows a person between the ages of 16 and 18 to take the tests of general educational development (GED) prescribed by the State Board of Education under certain circumstances.

Assembly Bill 376 also requires local school districts to set the minimum attendance required for promotion to the next higher grade. The bill also specifies the criteria under which a student may be deemed a habitual disciplinary problem. If a student who is a habitual disciplinary problem is found guilty of battery of a school employee, possession of a dangerous weapon, or the sale or distribution of controlled substances (crimes specified in NRS 392.466); the student must be expelled for at least one semester. Any student expelled under these provisions must receive equivalent instruction pursuant to NRS 392.070.

The bill allows local school boards, in consultation with schools, parents, and organizations representing licensed educational personnel, to establish a policy requiring pupils to wear school uniforms. The measure specifies the contents of such policies and requires districts that adopt such policies to facilitate the acquisition of uniforms for pupils whose parents request financial assistance to purchase them. The bill also allows school districts to establish a dress code for teachers and other personnel employed by the school board.

In addition, the State Department of Education is required to evaluate the effectiveness of substance abuse programs used in public schools. A report containing recommendations must be submitted to the Legislative Counsel Bureau by December 31, 1998.

Finally, A.B. 376 allows school districts to purchase tickets for public buses for use by high school students to travel to and from school.

The section concerning the purchase of public bus tickets is effective July 1, 1998. The remainder of the bill is effective July 1, 1997.

A.B. 469 (Chapter 333)

Assembly Bill 469 requires the State Department of Education to establish and maintain a statewide automated system of information concerning pupils. The measure also requires the board of trustees of each school district to adopt a program for the collection, maintenance, and transfer of data from the individual records to the statewide system. The Superintendent of Public Instruction is responsible for prescribing the data to be reported by the school districts and the related procedures. Assembly Bill 469 mandates that the department, the school districts, and the public schools operate the statewide system in compliance with applicable federal law, including the Family Educational Rights and Privacy Act and the Individuals with Disabilities Education Act.

In addition, A.B. 469 creates an advisory committee for the system consisting of appointed representatives of school districts, the State Board of Education, the Budget Division of the Department of Administration, and the legislature. In addition to reporting semiannually to the Interim Finance Committee during the 1997-1999 biennium regarding the system, the Superintendent of Public Instruction must also periodically report to, and consider the suggestions of, the committee. Finally, A.B. 469 appropriates \$12,710,354 to the department for the development of the system.

This measure is effective on July 1, 1997.

A.B. 486 (Chapter 583)

Assembly Bill 486 revises the provisions governing the truancy of pupils. The measure creates at least one advisory board to review school attendance in each county and specifies the board's membership and duties. The advisory boards must review truancy and attendance matters within the district; identify factors contributing to truancy; establish programs to address the problem; inform parents concerning district truancy and attendance policies; and establish procedures for schools and school districts to report and cite habitual truants.

Further, the bill requires a school principal to report pupils who are habitual truants to the appropriate law enforcement agencies. Upon investigation, the truant may be issued

a citation to appear in juvenile court. If the court determines the child is a habitual truant in need of supervision, he may be required to pay a fine of up to \$100, and may be subject to a 30-day driver's license suspension. The court may suspend the fine if the child attends school for 60 consecutive school days. If the court makes a second or subsequent determination that the child is a habitual truant in need of supervision, the fine increases to no more than \$200 with a mandatory driver's license suspension of 60 days. Up to 10 hours of community service may also be imposed. The bill provides a mechanism for the reinstatement of a driver's license that has been suspended under this act.

Assembly Bill 486 also changes the exemptions from compulsory school attendance. The bill specifies the conditions under which an absence from school is approved and requires certain notification by parents for pupil absences. The measure also requires school officials to notify parents or guardians in writing of unapproved absences and specifies that the notification contain certain information, including the legal consequences of truancy. The method of delivery of such notifications is also specified in the bill.

Assembly Bill 486 also revises the definition of a truant and changes the conditions under which a designation of habitual truant may be made in succeeding school years. The bill requires the State Department of Education to create and maintain an annual record of pupil attendance and truancy rates for each public school. The measure also requires each school board of trustees to include attendance information on pupil report cards. In addition, the bill requires each school district to conduct a study and reports its findings and recommendations concerning the feasibility of establishing a "closed campus policy."

Finally, A.B. 486 appropriates \$500,000 to the State Department of Education. The money must be distributed to each school district in an amount proportionate to the total number of pupils who are enrolled in the county school district. The money is to be used by the districts to support the activities of the advisory board to review school attendance and for school district programs to reduce the rate of truancy.

The bill is effective on July 1, 1997.

A.B. 523 (Chapter 568)

Assembly Bill 523 requires school districts to administer achievement and proficiency examinations in accordance with uniform procedures established by the State Board of Education. The bill also requires the State Department of Education to monitor school district compliance with such procedures. The bill further specifies that such examinations must be scored by either the department or a single private entity. Assembly Bill 523 establishes requirements and procedures for the reporting of student test scores to parents. The measure authorizes modifications to the administration of achievement and proficiency examinations for pupils enrolled in special education programs.

Assembly Bill 523 requires school districts to include specific information on the achievement and proficiency examinations given to students in grades 4, 8, and 11 in

reports submitted to the State Board of Education. Such information includes the type of examination administered, the number of pupils taking the examination, the number of students required to take the test, and the average test score for different pupil populations.

The measure appropriates \$670,030 from the State General Fund to the State Department of Education for costs relating to the standard examinations of achievement and proficiency required by state law. In addition, the bill appropriates \$511,677 from the State General Fund to the State Department of Education for developing and administering a new high school proficiency examination. The department must administer the new high school proficiency examination to students in the eleventh grade beginning in 1997.

The bill is effective on June 29, 1997.

A.C.R. 10 (File No. 68)

Assembly Concurrent Resolution No. 10 expresses support for the goals of Nevada's Comprehensive School Health Program. These goals include providing families with the support needed to raise healthy and educated children, ensuring that all children will begin school healthy and ready to learn, providing a healthy and safe learning environment in all Nevada schools, and enabling all children to become contributing members of society capable of adapting to a changing world.

A.C.R. 44 (File No. 156)

Assembly Concurrent Resolution No. 44 directs the Legislative Commission to appoint an interim committee to study student discipline and special education programs in Nevada's public schools. Among other issues, the study must review current disciplinary measures and the response by public schools to criminal activities by students on school grounds. Further, the study must review and evaluate special education programs and needs in Nevada, including the diagnosis and placement of pupils with disabilities or other special needs. The measure requires the committee to consist of three Senators and three Assembly members and authorizes the appointment of a nonvoting technical advisory board to assist the committee in its study. Finally, the measure requires the Legislative Commission to submit a report of its findings and recommended legislation to the 1999 Legislature.

A.C.R. 45 (File No. 128)

Assembly Concurrent Resolution No. 45 urges the board of trustees of each county school district in cooperation with pupils, parents, teachers, school administrators, and local law enforcement agencies to develop and adopt policies for disciplining pupils enrolled in public schools within the district. The measure encourages school districts to enforce and apply

such policies consistently in each public school in the district. The resolution further urges that school districts review and consider the policy for pupil discipline adopted by the Nye County School District.

School Administration

S.B. 468 (Chapter 558)

Senate Bill 468 allows school districts to apply to the State Treasurer for a guarantee agreement in which money in the state permanent school fund is used to guarantee payment of the debt service on bonds issued by the school district. The amount of the guarantee may not exceed \$25 million. The bill specifies the duties of the State Treasurer regarding such agreements. The measure also specifies the contents of the guarantee agreement. The bill provides that any debt service payment made by the treasurer from the state permanent school fund constitutes a loan to the district. The measure further specifies the terms of repayment for such loans.

The bill is effective on July 16, 1997.

S.C.R. 9 (File No. 86)

Senate Concurrent Resolution No. 9 urges school districts to make full use of existing formal and informal agreements to share equipment, facilities, personnel, and resources. The measure notes that geographical distances tend to isolate some of the state's remote schools and school districts from needed personnel and services. While recognizing existing cooperative arrangements, the resolution calls for continued coordination of capital construction projects among bordering districts, especially in areas where population clusters make such cooperation feasible.

A.B. 453 (Chapter 576)

Assembly Bill 453 authorizes adjustments in apportionments of state financial aid made to school districts from the Distributive School Account (DSA) in certain circumstances if a contractor on federal property refuses to pay certain taxes. The bill provides that the State Department of Education, with the approval of the Board of Examiners and the Interim Finance Committee, may adjust a school district's DSA apportionments if the Department of Taxation and the county assessor certify that the school district will not receive the 75-cent property tax on any property that is owned by the Federal Government and subject to the possessory use tax because the users refuse to pay the tax and the tax is delinquent.

Assembly Bill 453 requires the school district, if the tax is eventually paid, to repay the DSA. Finally, A.B. 453 provides that a school district is eligible for the increased apportionments if the delinquent tax amounts to at least 5 percent of the proceeds the school district expected from the 75-cent portion of the property tax designated for school operations.

This measure is effective on July 16, 1997.

School Construction

S.B. 46 (Chapter 122)

Senate Bill 46 authorizes a board of county commissioners to enter into an interlocal agreement with a school district located in the same county to provide for the construction or improvement of a school facility. In addition, the measure clarifies that the board may authorize the expenditure of county money for the construction or improvement of a library facility that is owned by a city or school district within the county.

This measure is effective on June 5, 1997.

A.B. 198 (Chapter 491)

Assembly Bill 198 increases the population limit to 40,000 and fewer residents for school districts authorized to request the imposition of a residential construction tax. The amount of the tax also is increased to \$1,600 per residential unit, apartment unit, or mobile home lot.

Under previous law, a residential construction tax could only be levied in counties with populations of under 35,000, and only up to \$1,000 per house or apartment. The 35,000 population limit excludes Carson City, Clark and Washoe Counties from the law. The change adjusts the population cap to allow for the projected population increase for Elko County at the next decennial census.

A.B. 353 (Chapter 516)

Assembly Bill 353 relates to the financing of new construction, design, maintenance, and repair of school facilities. The bill revises provisions governing the review of plans for facilities and authorizes school districts to enter lease agreements with the option to purchase school facilities. The measure also requires the school boards in Clark and Washoe Counties to establish oversight panels for school facilities and prescribes the membership and duties of these panels.

In addition, the bill adds 1 percent to the room tax and 60 cents for each \$500 of value to the real estate transfer tax in Clark County with the additional revenue being used for school construction. The measure also provides that school district boards of trustees may, with voter approval, continue to issue general obligation bonds to maintain the current bond fund for the next ten years at a level that will not result in an increase in the existing property tax levy. Such an approach allows the district to accumulate school construction funds without raising or lowering the property tax levy and without holding an election for each issuance of the bonds.

Finally, the measure creates a state planning commission for the new construction, design, maintenance, and repair of school facilities and prescribes the membership and duties of the commission. It also appropriates \$300,000 to the commission for evaluation of existing school facilities and commission operating expenses. The commission expires by limitation on June 30, 1999.

Certain portions of this measure are effective on July 16, 1997. Others are effective on August 1, 1997; October 1, 1997; July 1, 1999; and July 1, 2008.

The portions concerning maintenance of the bond fund for the 10-year period expire by limitation on June 30, 2008.

School Personnel

S.B. 122 (Chapter 529)

Senate Bill 122 prohibits a person over the age of 21 who is employed in a position of authority by a school, college, or university from engaging in sexual conduct with students of certain ages. The measure defines people in authority as teachers, administrators, coaches, teachers' aides, and other nonprofessional employees who assist in the instruction of the students. The bill makes exceptions for a person in authority who is married to a pupil.

The bill specifies that a person in authority in a public or private school who engages in sexual conduct with a student who is 16 or 17 years of age and attends the same school is guilty of a category C felony. Senate Bill 122 also provides that a teacher, professor, administrator, or coach at a university or college who engages in sexual conduct with a 16- or 17-year-old student attending the same institution is also guilty of a category C felony.

Senate Bill 122 addresses situations involving sexual conduct between teachers and students that are not covered under Nevada's statutory sexual seduction law. Under the provisions of *Nevada Revised Statutes* 200.364 and 200.368, a person 18 years of age or older who engages in sexual relations with another person under the age of 16 years is guilty of statutory sexual seduction. If the offender is 21 years of age or older, the crime

is a category C felony. If the offender is under the age of 21 years, the crime is a gross misdemeanor.

S.B. 313 (Chapter 649)

Senate Bill 313 revises provisions concerning the background investigation of agents of postsecondary educational institutions, as well as for applicants for certain administrative, financial, and instruction positions within these schools. The measure provides that a person who has had a background investigation within the preceding five years is not required to repeat the process. In addition, the bill clarifies the procedure for obtaining fingerprints and for authorizing background investigations.

According to testimony, the bill is needed to eliminate unnecessary background investigations for people who may be employed by different postsecondary schools within a five-year period. The administrator of the Commission on Postsecondary Education estimates this bill will reduce by 20 percent the workload related to this function.

This measure is effective on July 17, 1997.

S.B. 316 (Chapter 453)

Senate Bill 316 requires school district boards of trustees to establish plans for the training and certification of certain teachers and other educational personnel in the administration of cardiopulmonary resuscitation (CPR). The measure requires that the plan provide for the training, certification, and recertification of physical education teachers. Other personnel may also be included.

Finally, the bill clarifies that teachers and other personnel who are certified to administer CPR are covered by Nevada's "Good Samaritan" statutes and are not liable for civil damages in the event they administer CPR on school property.

This measure is effective on July 16, 1997.

S.C.R. 46 (File No. 145)

Senate Concurrent Resolution No. 46 urges the Board of Regents of the University of Nevada to study the projected need for teachers in the state's public school system and report its findings to the 1999 Legislative Session. The resolution recommends that the study include an evaluation of the number of teachers that will be required in Nevada's public schools over the next decade, the ability of the University and Community College System of Nevada to accommodate an increase in students seeking to become teachers, and the advisability and estimated costs of expanding teacher training programs and required physical facilities.

According to testimony, the State of Nevada is the fastest growing state in the nation and is experiencing a phenomenal increase in enrollments in the public school system. The Clark County School District alone enrolls the equivalent of one classroom of children every day or the equivalent of one elementary school every month. In the 1996-1997 school year, the school districts in this state hired an additional 1,800 new classroom teachers. Of that 1,800, only about 550 had recently graduated from the colleges of education at the University of Nevada, Reno, or the University of Nevada, Las Vegas. As a result, school districts in this state must hire an increasing number of teachers from out of state to fill the necessary teaching positions.

A.B. 504 (Chapter 566)

Assembly Bill 504 requires a school district, university, or community college to provide workers' compensation coverage for a teacher who works without pay for another employer as part of a schools-to-careers program established pursuant to *Nevada Revised Statutes* (NRS) 388.368. The bill provides that a student who participates in a schools-to-careers program, when not covered by any other provision of Nevada's workers' compensation law, is deemed to be an employee of the employer at a deemed wage of \$900 per month.

This measure also amends a provision of industrial insurance law to provide that a student performing voluntary work for private organizations as a part of a public program may be deemed to be an employee of the public agency at a wage of \$100 per month.

In addition, A.B. 504 places with an apprenticeship committee the liability for an industrial injury that involves a person engaged in an apprenticeship program pursuant to NRS 616A.215, while that person is attending a class for vocational training or receiving bona fide instruction as an apprentice. The bill also provides that the apprenticeship committee must require the employers who are participating in an apprenticeship program to pay the costs of increased premiums, if any, that may result from this provision of A.B. 504.

This measure is effective on July 16, 1997.

A.B. 659 (Chapter 245)

Assembly Bill 659 appropriates a total of \$66,014,649 in the first year of the biennium, and \$81,467,527 in the second year, to cover salary and benefits of teachers hired to meet the required ratios for Nevada's Class-Size Reduction (CSR) Program. The measure notes that, although the Legislature's goal is a pupil-to-teacher ratio of 15 to 1, the funding provided is sufficient to maintain such ratios at 16 to 1 in at-risk kindergartens and first and second grades. Funding is included for the second year of the biennium to hire an additional 220 teachers to reduce the ratio in third grade to 19 to 1. Under certain circumstances and upon approval by the Superintendent of Public Instruction, school districts may use the class-size reduction funds for an alternate plan to improve pupil

achievement in grades 1, 2, and 3. The combined ratio of pupils per teacher in the aggregate from kindergarten to grade three, however, cannot be lower than the ratio in school year 1996-1997.

To receive class-size reduction funding, school districts must file a plan with the State Department of Education. Class-size reduction funds may not be used to adjust district-wide salary schedules or to settle or arbitrate disputes or contract negotiations. School districts also must demonstrate that a sufficient number of regular classroom teachers have been hired from sources of money other than CSR program funds to maintain the average pupil-to-teacher ratio that existed for the three years prior to the start of the CSR program in the 1990-1991 school year.

A total of \$600,000 is provided for training teachers. Of that sum, \$400,000 must be used in the first year of the biennium to train teachers in effective remedial education programs, and \$200,000 is available in the second year of the biennium to train teachers to work more effectively in small classes or in "team-teaching" situations.

The bill also continues a scholarship program for 90 prospective teachers, transferring \$130,680 in estate tax revenues to the University and Community College System for that purpose.

Most of the bill is effective on July 1, 1997. The provisions concerning the second year of the biennium are effective on July 1, 1998.

University, Community College, and Postsecondary Education

S.B. 51 (Chapter 88)

Senate Bill 51 removes the Council on Postsecondary Accreditation as one of the two organizations whose standards a postsecondary educational institution must meet to be accredited. According to testimony, the council no longer exists.

The measure is effective on May 23, 1997.

S.B. 54 (Chapter 89)

Senate Bill 54 increases the number of affidavits that an unaccredited postsecondary school must obtain to award degrees. The bill requires that such an institution obtain affidavits from two accredited colleges or universities stating that a majority of the school's course credits are acceptable at, or transferable to, those institutions. According to testimony, the bill codifies current provisions adopted by the Commission on Postsecondary Education within the *Nevada Administrative Code*. This change was

requested by the commission to strengthen existing policy and enhance the ability of a student to transfer credits for course work.

This measure is effective on May 22, 1997.

S.B. 271 (Chapter 687)

Senate Bill 271 establishes the Nevada higher education tuition trust fund within the state treasury. The trust fund will allow the cost of tuition to be paid in advance of enrollment at an institution of higher education. The bill provides for payment of tuition at institutions within the University and Community College System of Nevada; any other accredited college or university in Nevada; and an accredited community college, college, or university in another state. Payments to an out-of-state school may not exceed the in-state rates. In addition, the bill allows public and private employers to remit payments toward a prepaid tuition contract through payroll deductions.

Senate Bill 271 requires the State Treasurer to administer the fund. The measure also creates a five-member board of trustees comprised of the State Treasurer, the Director of the Department of Administration, the Chancellor of the University and Community College System of Nevada, and two members appointed by the Governor. The bill directs the board of trustees to develop a program for the prepayment of tuition at a guaranteed rate that will be established based on an annual actuarial study. The bill specifies the contents of the prepaid tuition contract and provides for the termination of such contracts and refunding of payments. The bill also sets guidelines for the investment of the fund's assets.

This measure is effective on October 1, 1997, and expires by limitation on July 1, 2001.

S.B. 295 (Chapter 308)

Senate Bill 295 revises the manner in which the Governor appoints the representative of the University and Community College System of Nevada to the Commission on Professional Standards in Education. The measure allows the Governor to appoint either the dean of one of the system's two colleges of education or a representative of the college nominated by the dean.

The bill is effective on July 5, 1997.

S.B. 476 (Chapter 405)

Senate Bill 476 revises provisions governing surety bonds required of certain private postsecondary institutions. The measure requires that any institution adding a facility at a new location be required to have a surety bond. Further, the annual report submitted to

the Commission on Postsecondary Education must include the annual income that the institution receives from student tuition. If an institution participates in the Federal Title IV student grant and loan program, and if the institution's student loan default rate exceeds the allowable federal maximum, the institution must file a surety bond of \$100,000 or 25 percent of the annual income of the institution from student tuition, whichever is greater.

According to testimony, the bill was requested to address problems with private postsecondary schools that receive a significant amount of income from Federal Title IV loans to students attending the school. Should the school's loan default rate exceed the federal maximum for three years, the federal program declares the school to be ineligible and the school's major source of funding is cut off. In most cases, this change results in immediate closure of the school with resulting claims to the student indemnification fund in excess of \$50,000.

A.B. 468 (Chapter 414)

Assembly Bill 468 requires universities within the University and Community College System of Nevada to accept all credits earned by a student in any course at a community college, in accordance with the Board of Regents' policy. The course must be designated in the college's catalog as transferable by the system, and must also be titled and described the same as the equivalent required course offered at a university. Credit for such a course must be applied toward the major or other course requirements for graduation from the university.

According to testimony, many students have found it difficult to transfer community college credits to the state's two universities for academic credit toward graduation. Officials with the University and Community College System indicated that, while the system is addressing this situation, transferring credits between institutions is still a problem for many students.

This measure is effective on July 1, 1997.

A.B. 669 (Chapter 629)

Assembly Bill 669 authorizes the Board of Regents of the University of Nevada to issue up to \$55 million in general obligation bonds to finance the improvement, refurbishing, and renovation of certain buildings and facilities at the University of Nevada, Reno, and the Thomas and Mack Center and Sam Boyd Stadium at the University of Nevada, Las Vegas. The sale of such bonds and the use of proceeds from the sale must be consistent with the provisions of the State Securities Law. The bill authorizes up to \$22 million for projects at the University of Nevada, Reno, and up to \$33 million at the University of Nevada, Las Vegas.

The bill is effective on July 1, 1997.

ELECTIONS

S.B. 262 (Chapter 355)

Senate Bill 262 revises the procedure for filling certain local elected offices that are declared vacant before the close of filing in a year when the office is not scheduled for election. The offices affected by this bill are any county or township offices, except county commissioner and district judge.

In addition, this bill requires the county or city clerk to post a notice at each polling place advising the voters of any candidate for general election who died after 5 p.m. of the third Tuesday in September, or of any candidate for general city election who died after 5 p.m. of the third Tuesday in May.

This bill is effective on July 8, 1997.

S.B. 447 (Chapter 686)

Senate Bill 447 creates a new chapter on city elections in the *Nevada Revised Statutes* and transfers all existing pertinent statutes into that chapter. The bill also conforms other pertinent statutes to the new chapter.

A.B. 117 (Chapter 216)

Assembly Bill 117 makes various changes to provisions concerning elections. The bill adjusts certain deadlines pertaining to the verification of signatures on petitions, adds the penalty of perjury to requirements for sworn statements, and clarifies a candidate's required residence. The bill further adds language pertaining to term limit restrictions.

In addition, A.B. 117 deletes the requirement that half of the filing fees be transferred to the State Treasurer, updates the types of supplies that are used in voting, authorizes the omission from sample ballots of the text of resolutions that propose constitutional amendments, and makes other technical corrections.

This measure is effective on July 1, 1997.

A.B. 349 (Chapter 515)

Assembly Bill 349 authorizes a city to hold a special election, in lieu of appointment, to fill a vacancy on the governing body of the city.

A.B. 387 (Chapter 367)

Assembly Bill 387 requires the appointment of six members to the Rocky Mountain Presidential Primary Task Force as soon as practical after July 1, 1997. The bill specifies that four members are appointed by legislative leaders and two are appointed by the Governor. Further, the measure requires Nevada's members of the task force to work cooperatively with members appointed by other western states to propose a common date for a presidential preference caucus or primary election.

According to testimony, a number of states in the West have expressed interest in working cooperatively to conduct a presidential preference primary or caucus at an early date in the year 2000. Most presidential preference primaries in the West are conducted too late to influence the selection of the presidential nominees of the two major political parties.

This measure is effective on July 1, 1997, and expires by limitation on January 1, 2000.

A.B. 396 (Chapter 202)

Assembly Bill 396 requires the Secretary of State to include an advisory question concerning Nevada Day on the statewide ballot at the 1998 general election. The advisory question must ask the voters whether the Nevada Legislature should declare the last Friday in October as the legal holiday to observe Nevada Day, thereby establishing a three-day weekend during which the Nevada Day Parade in Carson City would be held on the Saturday immediately following the last Friday in October. The measure stipulates that the results of the advisory question are not binding upon the Legislature or its individual members.

Nevada Day, a legal state holiday since 1939, celebrates Nevada's admission to the Union as the 36th state on October 31, 1864. State law currently specifies that this legal holiday is October 31, unless that date falls on a Saturday or Sunday. The legal holiday is observed on the preceding Friday when October 31 occurs on a Saturday and on the following Monday when that date falls on a Sunday.

A.B. 414 (Chapter 570)

Assembly Bill 414 makes various changes relating to elections. The measure requires district courts to notify county election officers, for purposes of maintaining voter registration files, of persons adjudicated insane or mentally incompetent. The bill changes, from 1,500 total registered voters to 1,500 active registered voters, the size of election precincts using mechanical voting systems. The measure deletes the requirement that the Secretary of State prescribe the color of ballots used in any election and instead requires the county clerk to prescribe such ballot colors. The bill further stipulates the third Monday in May as the deadline by which a local agency or local government must submit a copy of a ballot question to the county clerk for placement on the primary election ballot.

Assembly Bill 414 also revises, from 35 to 60 days before a city election, the deadline for a local agency or local government to submit a ballot question to the city clerk. In addition, the bill establishes early voting provisions for city elections and stipulates that the legal rights and remedies afforded to a private property owner are not affected by the leasing of such property for use as a temporary branch polling place for early voting.

Assembly Bill 414 requires those counties using electronic voting machines to perform accuracy tests on the equipment prior to the first day of early voting and revises the deadline for filing an initiative or referendum petition with the county or city clerk. In addition, the measure establishes a receipting procedure for the submission of county or city initiative and referendum petitions. Finally, the bill changes the ending day for early voting for city elections to the last Friday or Thursday, if the city offices are normally closed on Friday, before the election.

This measure is effective on July 1, 1997.

A.B. 454 (Chapter 577)

Assembly Bill 454 stipulates that a municipality's proposal to issue or incur general obligations must be submitted to voters at a general election, or a special election if an emergency is declared. Under current law, a municipality also may submit the proposal at a primary election.

A.B. 601 (Chapter 364)

Assembly Bill 601 revises certain provisions governing elections in an irrigation district. The measure lowers, from 21 to 18, the minimum age for voting in a district, if other qualifications are met. Further, the measure eliminates the requirement that an emergency must exist before the board of directors of an irrigation district may conduct a special election, but retains the requirement that such an election be authorized by the unanimous vote of the board. Finally, the bill clarifies voting by spouses and others who share ownership in land within a district and establishes provisions for voting by a limited-liability company.

A.J.R. 17 (File No. 153)

Assembly Joint Resolution No. 17 proposes to amend the *Constitution of the State of Nevada* to require that the Governor and Lieutenant Governor be affiliated with the same political party and elected jointly at the general election.

If approved in identical form by the 1999 Nevada Legislature, this proposal will be submitted to the voters for final approval or disapproval at the general election of the year 2000.

Elections Procedures

S.B. 10 (Chapter 52)

Senate Bill 10 concerns the primary election for a partisan office for which no minor party has submitted any candidates, the only candidates who have filed belong to the same major political party, and the number of candidates exceed twice the number to be elected. If one of these candidates receives a majority of the votes cast in the primary, the bill stipulates that only that candidate's name appears on the general election ballot as the nominee for the office. Currently, the names of the top vote-getting candidates (no more than twice the number to be elected) are placed on the general election ballot.

A.B. 4 (Chapter 37)

Assembly Bill 4 requires the county or city clerk, in each sample ballot for a primary election or primary city election, to include a list of candidates who have no opposition and the offices they are seeking.

A.B. 18 (Chapter 39)

Assembly Bill 18 prohibits the solicitation of votes or electioneering within 100 feet of the entrance to a polling place during an election, including the period of early voting. The measure also requires the county clerk or registrar of voters to post the outer limits of each restricted zone with notices concerning the prohibition. Exceptions are provided for residential or commercial property that is located within the 100-foot limit.

Further, the measure provides a comprehensive definition of "electioneering," which includes campaigning for or against a candidate, a ballot question, or a political party by posting signs, distributing literature, using loudspeakers, conducting polls, soliciting signatures to a petition, or displaying certain political badges or insignia. The bill authorizes each election board officer to take such action as is necessary to expedite voting by a person who is wearing political badges or insignia that cannot be covered or removed and then to assist that voter in exiting the polling place as soon as possible.

Current Nevada law prohibits electioneering and the solicitation of votes inside a polling place. The 1963 Legislature included in the prohibition those areas within 100 feet of a polling place. The prohibited area was increased to 300 feet in 1987. The entire distance limitation was repealed in 1989, however, for assumed constitutional reasons. In 1992, the United States Supreme Court upheld a Tennessee statute that prohibits the solicitation of votes and the display of campaign materials within 100 feet of the entrance of a polling place. Thus, Assembly Bill 18 reinstates a formerly questionable provision that since has been found constitutional by the United States Supreme Court.

A.B. 153 (Chapter 324)

Assembly Bill 153 authorizes municipalities to hold special elections to issue or incur general obligations on the first Tuesday after the first Monday in June of odd-numbered years. The bill also removes, for purposes of calling a special election at any time, the word “unexpected” from the definition of an occurrence that precipitates an emergency situation.

This measure is effective on July 5, 1997.

Campaign Practices**S.B. 215 (Chapter 118)**

Senate Bill 215 makes various changes to the provisions governing the reporting of campaign contributions and expenditures. Among other provisions, the measure implements Ballot Question 10 from the 1996 general election by prohibiting a person from giving to a candidate more than \$5,000 for the primary election and more than \$5,000 for the general election. Violation of this provision constitutes a category E felony. The measure provides that all other violations of campaign finance reporting statutes are subject to civil, instead of criminal, penalties.

In addition, S.B. 215 adds political parties and caucuses to the list of entities that must report campaign contributions and expenditures and lowers, from \$500 to \$100, the reporting threshold. The measure also brings the reporting deadline closer to election day and clarifies that campaign expenses and expenditures are those that are used to advocate expressly the election or defeat of a clearly identified candidate, group of candidates, ballot question, or group of questions.

The bill further requires the Secretary of State to provide simplified forms for a candidate who collects less than \$1,000 and provides a reporting process for a candidate who receives more than \$10,000 in campaign contributions during a year in which the office that the candidate seeks is not up for election. In addition, S.B. 215 requires the printing of statements concerning contribution limitations, reporting of contributions and expenditures, and related penalties on the forms used to declare candidacy, establish a political action committee, and register a recall committee. The measure also prohibits a person from making a contribution in the name of another person.

Senate Bill 215 clarifies that the Secretary of State is responsible for enforcement of Chapter 294A, “Campaign Practices.”

Finally, S.B. 215 makes changes to other provisions governing elections. The measure lowers, from D to E, the felony category for certain elections-related violations and reduces the filing period for major party candidates to two weeks in May. The bill also prohibits

a person from causing to be published, with malice and the intent to impede an election, false statements about a candidate or a ballot question and prohibits infiltration of a campaign. The measure authorizes the Commission on Ethics to investigate allegations of such violations and impose a fine, if necessary.

A.B. 5 (Chapter 457)

Assembly Bill 5 requires a person conducting a persuasive poll by telephone concerning a candidate to disclose, at the end of the poll, the name and telephone number of the candidate, political party, committee sponsored by a political party, or political action committee that requested or paid for the poll. The bill defines persuasive poll as one that does not use an established method of scientific sampling and is negative or derogatory about a candidate or his family. The measure also requires the county election officer to report to the Secretary of State any appearance of a violation of this provision. The Secretary of State, in turn, must report the alleged violation to the Attorney General for appropriate action in a court of competent jurisdiction. Finally, the bill establishes a civil penalty of \$5,000 for each offense.

A.B. 100 (Chapter 142)

Assembly Bill 100 reduces the period during which independent and minor political party candidates for elective office may file a declaration or acceptance of candidacy. The measure makes the date for the first day of filing by independent and minor party candidates the same as the date for the first day of filing by major party candidates, which is the first Monday in May.

EMINENT DOMAIN

S.B. 409 (Chapter 679)

Senate Bill 409 revises certain provisions regarding eminent domain. The measure extends the right of eminent domain that may be exercised for a public purpose to include certain activities relating to reservoirs, dams, water gates, canals, and aqueducts designed to facilitate the milling, smelting, working, reclamation, or dewatering of mines.

A.B. 361 (Chapter 330)

Assembly Bill 361 limits the exercise of the power of eminent domain. Except for certain types of companies and public utilities, this measure provides that only public agencies may exercise the power of eminent domain. The bill makes exceptions for condemnation by railroad companies; mining, smelting, and related activities; certain telephone, telegraph, and electric utility purposes; hydroelectric uses; petroleum and natural gas pipelines; and certain uses by community antenna television companies.

This measure was requested in response to a 1996 decision by Nevada's Supreme Court (*Glenbrook Homeowners v. Pettitt*) regarding a homeowners association's exercise of eminent domain to acquire private property needed to widen a byroad leading into the Glenbrook community in Douglas County. The court's opinion states:

If the legislature had intended to limit the power of eminent domain with respect to the construction of byroads, it would have expressly done so By expressly limiting the exercise of the power of eminent domain with regard to monorails and subways, but not limiting such exercise with regard to byroads, the legislature implicitly recognized the authority of private entities to condemn property for the construction of byroads.

Assembly Bill 361 establishes a state policy that limits the exercise of the power of eminent domain by persons who are not public agencies. This legislation is intended to clarify that such power is not granted to private entities to acquire property for byroads or other purposes that are not specifically exempted by the bill.

EMPLOYERS AND EMPLOYEES

S.B. 147 (Chapter 31)

Senate Bill 147 transfers, from the Labor Commissioner to the Commissioner of the Local Government Employee-Management Relations Board, the responsibility to provide a list of potential mediators if parties to a negotiation cannot agree on a mediator.

This measure is effective on April 26, 1997.

S.B. 275 (Chapter 637)

Senate Bill 275 requires any employer who employs at least 300 people in private employment at one location in this state to study the desirability and feasibility of providing or reimbursing affordable child care for his employees, if at least 10 percent of the employees request such a study. After conducting the study, the employer must notify the employees of the findings and submit a report of those findings to the Labor Commissioner. An employer is not required to conduct a study if one has been conducted within the preceding 12 months or satisfactory evidence is submitted to the Labor Commissioner indicating that the employer is currently providing child care or is reimbursing employees for all or a portion of the costs of child care. The bill requires the Labor Commissioner to adopt necessary regulations and provides for the prosecution of violations.

These provisions expire by limitation on June 30, 1999.

S.B. 368 (Chapter 428)

Senate Bill 368 provides that the State Contractors' Board must require a contractor to file a bond or establish a cash deposit in an amount fixed by the board if the Labor Commissioner notifies the board that three substantiated claims for wages have been filed against the contractor within a two-year period. The contractor must maintain the bond or deposit for the period required by the board. The measure requires the Labor Commissioner to notify the board after three substantiated wage claims have been filed against a contractor within a two-year period. The notification must include a copy of the Labor Commissioner's final written decision on each claim.

S.B. 400 (Chapter 426)

Senate Bill 400 urges Congress to address the problem of child labor, both in the United States and abroad. Additionally, the measure urges Congress to support adoption of the International Labor Organization convention respecting child labor. Finally, the bill urges Nevada businesses not to sell products made with child labor.

This bill is effective on July 16, 1997.

A.B. 1 (Chapter 36)

Assembly Bill 1 revises the provisions governing appeals from final judgments in actions for age discrimination in employment. This measure requires the Supreme Court to provide by rule for the filing of briefs within six months after the date of entry of the judgment in such a case, but allows the Supreme Court to grant an extension of time for good cause. Unless good cause is shown for a later hearing, the Supreme Court must set the date of an appeal for argument within 60 days after the period for filing briefs has expired.

A.B. 38 (Chapter 287)

Assembly Bill 38 authorizes an employee or a person referred to an employer by a labor organization to submit a written explanation in direct response to any written entry in a person's employment record. The bill also requires that the response be of a reasonable length and in a format prescribed by the employer so that it will fit within the employment file maintained by the employer. In addition, the measure prohibits the maintenance of a secret record of employment, but allows an employer or a labor organization to maintain a confidential investigative file.

This bill is effective on July 5, 1997.

A.B. 202 (Chapter 35)

Assembly Bill 202 prohibits a place of public accommodation from refusing to permit an employee who is training a service animal to bring the animal into the place of public accommodation. The bill further clarifies that employers may not prohibit employees who are training a service animal from bringing the animal into any area within the place of public accommodation, regardless of whether the area is open to the public. The bill authorizes civil and criminal penalties for violations of these provisions.

The measure also prohibits common carriers or other means of public transportation from refusing service to a person who is training a service animal. The bill clarifies that a person training a service animal is not exempted from liability for damage that may be caused by the animal.

A.B. 248 (Chapter 339)

Assembly Bill 248 provides immunity from civil liability in certain circumstances for an employer who discloses information regarding an employee or former employee to a prospective employer. For such immunity to apply, the bill requires that a disclosure be made at the request of the employee or former employee and be limited to information

regarding the employee's ability, diligence, skill, or reliability, or an illegal or wrongful act committed by the employee.

The measure also creates a rebuttable presumption that such employee information is provided in good faith. The bill does not provide immunity for employers who act with malice or ill will, disclose inaccurate or misleading information, or disclose information in violation of a state or federal law or in violation of an agreement with the employee.

A.B. 595 (Chapter 384)

Assembly Bill 595 changes the provisions governing the civil liability of public and private employers for harm or injury caused by the intentional conduct of an employee. This measure provides that an employer is not liable if the employee's conduct is a truly independent venture of the employee; is not committed in the course of the very task assigned to the employee; and is not reasonably foreseeable under the facts and circumstances of the case, considering the nature and scope of employment. The bill establishes that employee conduct is reasonably foreseeable if a person of ordinary intelligence and prudence could have anticipated the conduct and the probability of injury.

Assembly Bill 595 does not impose strict liability on an employer for any unforeseeable intentional act of an employee.

According to testimony, A.B. 595 responds to the March 27, 1997, decision of Nevada's Supreme Court in *State v. Jimenez*. The *Jimenez* decision, which was recently withdrawn, announced a new test for employer liability and rejected the negligence foreseeability test for intentional torts. According to this new test, an employer would have been considered to be the insurer for an employee's intentional wrongdoing. The ruling placed employers at a great disadvantage in any litigation based upon the intentional acts of employees that result in harm or injury. According to the Attorney General's staff, the new test could also have been interpreted to impose strict liability on employers in such cases.

On June 17, 1997, the Supreme Court withdrew its opinion in the *Jimenez* case. Nevertheless, proponents of the bill that the issue still needs to be addressed in statute. With the withdrawal of the opinion, the issue of employer liability is governed by prior Nevada case law, primarily the 1970 Supreme Court opinion in *Prell Hotel Corp. v. Antonacci*, which established workable criteria for employer liability.

Assembly Bill 595 codifies the *Prell* test for employer liability to ensure that this standard applies in these types of intentional tort cases. This bill does not alter the normal rules of civil procedure in civil actions where the burden of proof is on the plaintiff.

This measure, which is effective on July 11, 1997, does not apply to cases filed prior to its effective date.

A.C.R. 25 (File No. 127)

Assembly Concurrent Resolution No. 25 encourages all agencies involved in funding and regulating employment and training to make certain efforts to customize employment services for Nevadans. Further, the measure addresses accessibility to jobs and employment and training for those eligible for such services. Finally, the resolution stresses the importance of easing the bureaucratic burden imposed on employers who want to work with these training programs and directs the State to make efforts to rectify this burden.

Testimony indicated that the Department of Employment, Training and Rehabilitation (DETR) in Nevada is discussing with the United States Department of Labor a waiver from certain requirements imposed by federally funded employment training programs. Such a waiver would grant enhanced flexibility to DETR in working with the state's Department of Human Resources as it attempts to meet the requirements of welfare reform. This resolution is expected to assist DETR in obtaining such a waiver because it demonstrates Nevada's support for increased flexibility in programs administered by DETR.

FAMILY TOPICS

Child Care

S.B. 450 (Chapter 664)

Senate Bill 450 reduces the amount of the state business tax for a business that provides child care assistance to employees whose monthly income is 150 percent or less of the federally designated poverty level. The measure authorizes the business tax credit if free child care or a voucher system is provided to the employee by the business, but the credit may not exceed 50 percent of the business's total tax liability.

An employer is immune from civil liability for damages that arise from or are related to the child care provided if the damages are caused by an act or omission that constitutes simple negligence. Finally, an on-site child care facility of a business may be granted an exception to the requirement of outdoor play space if an equal amount of indoor space is made available.

This measure is effective on January 1, 1998.

A.B. 429 (Chapter 396)

Assembly Bill 429 appropriates \$319,000 from the State General Fund to the Department of Employment, Training and Rehabilitation (DETR) for the purpose of establishing and supporting child care programs throughout the state. The bill requires that \$40,000 be granted to the Turnabout AmeriCorps Child Care Program in Fallon as a match for the existing federal AmeriCorps program. In addition, the measure specifies that DETR may not use more than \$29,000 of the appropriation for administration of the programs.

This bill is effective on June 30, 1997.

A.B. 557 (Chapter 347)

Assembly Bill 557 requires Nevada's Board for Child Care to adopt plans and requirements regarding certain emergencies. The bill requires the board to ensure that each child care facility and its staff is prepared to respond to fire drills, natural disasters, and other emergencies. Further, the bill requires the State Fire Marshal to inspect annually a child care facility and to observe and make recommendations regarding drills conducted pursuant to the act.

According to testimony, each county presently determines whether a child care facility develops and practices fire drills.

The measure is effective on July 1, 1997, for the purposes of adopting regulations. The State Fire Marshal must begin conducting annual inspections effective October 1, 1997.

Child Custody

S.B. 419 (Chapter 320)

Senate Bill 419 requires district courts in counties with a population of 400,000 or more to establish a program of mandatory mediation for child custody and visitation cases. The measure requires that the program provide for impartial mediation of the custody, visitation, and other nonfinancial issues deemed appropriate by the court. The court may exclude cases that involve child abuse or domestic violence. In addition, S.B. 419 requires the court to provide standards for the training and educational requirements of the mediators, prohibit the mediator from reporting any information to the court other than whether the dispute was resolved, and establish a sliding fee schedule.

Finally, S.B. 419 requires that the costs of the program be paid from the county general fund and that a report regarding the program be submitted to each regular legislative session.

S.B. 449 (Chapter 380)

Senate Bill 449 revises certain provisions governing hearings to determine the person most qualified and suitable to serve as a guardian for a child in certain circumstances. The bill requires that a petition to appoint a guardian include whether the guardianship is requested as a result of an investigation of abuse or neglect of a child. Senate Bill 449 also provides that, if a judicial determination is made that a person is in need of a guardian, the court may appoint a special master to identify the person most qualified and suitable to serve as the appointed guardian. The report submitted by the special master must be considered by the court in determining who is a suitable guardian.

The bill specifies that the court or the special master may allow a person who has a personal interest in the well-being of the proposed ward or who possesses information relevant to the guardianship determination to participate in the hearing. This person may be a parent, other relative, teacher, friend, or neighbor. Similar provisions are set forth in the bill for situations involving child abuse or neglect in which the court determines that the child must be placed in protective, temporary, or permanent custody.

Finally, S.B. 449 prohibits the removal or replacement of the guardian unless the court finds that such a change is in the best interests of the minor.

A.B. 370 (Chapter 301)

Assembly Bill 370 establishes domestic violence as a grounds for an appropriate Nevada court to have emergency jurisdiction under the provisions of the Uniform Child Custody Jurisdiction Act. This measure provides that a court that is competent to decide child

custody matters has jurisdiction to make a child custody determination if the child is physically present in this state and it is necessary in an emergency to protect the best interests of the child because of domestic violence.

The Uniform Child Custody Jurisdiction Act establishes the jurisdiction of state courts in child custody matters. This uniform law is designed to promote cooperation with the courts of other states; to deter abductions and other unilateral removal of children to obtain custody; and to establish a relationship among states in order to avoid conflicting rulings.

Under the current law, domestic violence is not grounds for emergency jurisdiction in child custody cases.

A.J.R. 10 (File No. 131)

Assembly Joint Resolution No. 10 urges the Uniform Law Commissioners to adopt an amendment to the Uniform Child Custody Jurisdiction Act and urges Congress to amend the Parental Kidnapping Prevention Act, to provide that the threat or occurrence of domestic violence against a parent or guardian of a child is grounds for a court to exercise emergency jurisdiction over child custody; and establish an order of priority, with emergency jurisdiction having the highest priority, for the exercise of jurisdiction over child custody matters.

Child Support

S.B. 356 (Chapter 483)

Senate Bill 356 requires applicants for certain recreational, occupational, and professional licenses, certificates, or permits to sign a statement indicating whether the applicant is subject to a court order for child support and whether the individual is in compliance with the payment of money associated with that court order. If the statement indicates that the person is not in compliance, the agency is prohibited from renewing or issuing the license, certificate, or permit. The measure also requires the district court to suspend recreational, occupational, and professional licenses, certificates, or permits that have been issued to a person who has failed to comply with a court order to establish paternity; an individual who has not complied with an order to establish or enforce a child support order; or a person who owes back payments for child support in excess of \$1,000. The licenses, certificates, and permits may not be issued, renewed, or restored until the court determines that the order has been satisfied or a payment plan has been established.

The measure provides that the district attorney must notify a person who has failed to comply with a subpoena or warrant or who is in arrears for child support. The individual then has 30 days to comply with the subpoena or warrant, to pay the back support, or request a hearing. The bill specifies that, if the individual fails to make these

arrangements, the district attorney or other agency is required to request that the hearing master suspend all recreational, occupational, and professional licenses, certificates, or permits issued to that person.

If a determination is made to suspend, the court is required to issue a copy of the order to all issuing agencies. The bill grants the individual an additional 30 days to satisfy the problem. If these problems are not addressed, the licenses, certificates, or permits are automatically suspended. A mechanism is provided to expedite the restoration of licenses, certificates, or permits when the court determines the person has complied with the warrant or subpoena, or has satisfied the arrearage.

The bill also requires the Welfare Division to conduct a study of the effectiveness of the act. The study must include an analysis of the impact of the act upon the agencies that issue the licenses, certificates, and permits affected by the bill and upon the individuals requesting or holding those licenses, certificates, and permits. The division must report the results of the study and any recommended legislation to the 1999 Legislature.

Senate Bill 356 takes effect October 1, 1997. Should the United States Congress repeal the federal law that requires states to take the actions specified in the bill, the provisions of this act will sunset; the provisions enacted by the 1995 Legislature with regard to the suspension of drivers' licenses would remain, however.

A.B. 401 (Chapter 489)

Assembly Bill 401 makes various changes regarding the administration of public welfare and the enforcement of child support. The measure establishes this act as the Nevada Personal Responsibility and Self-Sufficiency Act of 1997.

Assembly Bill 401 enacts the Temporary Assistance for Needy Families (TANF) program and the Program for Child Care and Development within the Welfare Division of the Department of Human Resources. The bill specifies conditions of eligibility, requires an assessment of certain skills, establishes criteria for a personal responsibility plan, and provides an agreement of cooperation for applicants and beneficiaries. Further, the measure identifies exemption and hardship criteria for applicants and enumerates sanctions for failure to cooperate with certain provisions of the TANF program.

The bill contains provisions authorizing an emergency diversion program for individuals in danger of entering the welfare system, encouraging a mentoring program for pregnant teens, and providing for client screening for potential mental health and substance abuse problems. In addition, A.B. 401 specifies that, in accordance with federal requirements, any person fraudulently receiving benefits in more than one state shall be terminated from the program for 10 years. The Welfare Division is required to study the possibility of changing the second period of eligibility from two years to one year, within the federally mandated five-year lifetime limit. In addition, the agency must collect data concerning the number of cases and the costs associated with children born into a household receiving

welfare benefits. Further, the bill requires the Department of Employment, Training and Rehabilitation to use job development coordinators to work with public and private sector employers to create jobs.

The measure limits TANF benefits to 24 months of assistance before requiring a 12-month break in the receipt of benefits. The bill also provides for a program of transitional assistance and specifies treatment in cases where a recipient is a victim of domestic violence.

The bill also makes changes concerning the State Welfare Board. The measure changes the function of the board from one that adopts regulations to one that has advisory authority. The measure provides the Administrator of the Welfare Division with the authority to draft regulations. The administrator must make quarterly reports to the Legislature's Interim Finance Committee concerning any regulations proposed or adopted in association with this program.

Assembly Bill 401 also revises the Welfare Division's powers and duties regarding the determination of paternity and the establishment, modification, and enforcement of child support orders. The bill changes the division's authority and responsibility by:

- Creating a new procedure for the division to make periodic adjustments to child support orders based upon changes in the cost of living;
- Creating new procedures for child support enforcement that allow the division to obtain information about responsible parents from financial institutions, seize the financial assets of parents whose payments are in arrears, and require responsible parents to pay additional amounts to satisfy arrearages;
- Broadening the division's authority to obtain information from a variety of public and private sources for purposes of child support enforcement; and
- Requiring the division to order, under certain circumstances, blood tests or tests for genetic identification for the determination of paternity.

Assembly Bill 401 also revises the procedures for the establishment of paternity and the establishment, modification, and enforcement of child support orders through hearings conducted by court-appointed masters. The bill expands the authority of masters and makes various procedural changes regarding such masters.

Furthermore, this measure revises the procedure for withholding income in enforcing child support and expands the sources of income from which child support payments may be withheld. In addition, the bill changes the procedure for the assignment of income to pay child support. The measure also requires that certain information be included in orders for the payment of child support and provides for the imposition and enforcement of liens on the real and personal property of persons responsible for paying child support.

Assembly Bill 401 changes the provisions concerning the establishment of paternity and includes a new presumption of paternity based upon the results of tests for genetic identification. The bill also expands the admissibility of evidence relating to paternity, repeals the law that allows a person to demand a jury in a paternity trial, and establishes requirements for including in a birth certificate the name of a person who voluntarily acknowledges paternity.

Further, Assembly Bill 401 requires that Social Security numbers be included in certain documents relating to birth, marriage, divorce, child support, and death.

The bill requires the Employment Security Division to establish and administer a state directory of newly hired employees. Employers must report certain information to the directory regarding their newly hired employees and the division is required to provide information from the directory to certain federal and state agencies, including the Welfare Division. The bill requires the Welfare Division to provide the information to the National Directory of New Hires and compare this information with the state case registry for the enforcement of child support.

Assembly Bill 401 adopts, effective January 1, 1998, the Uniform Interstate Family Support Act (UIFSA), which establishes a new procedure for a Nevada court to enforce a child support order entered in another state and for courts in other states to enforce such orders that are entered in Nevada. The UIFSA replaces the Revised Uniform Reciprocal Enforcement of Support Act (RURESA).

The measure specifies that funding received by the state from the TANF block grant must be appropriated by the Legislature.

The major purpose of Assembly 401 is to carry out the requirements of the Federal Personal Responsibility and Work Opportunity Act of 1996, *Public Law 104-193*. This federal welfare reform law represents the first major overhaul of the nation's welfare system in more than 30 years.

Domestic Violence and Child Abuse

S.B. 155 (Chapter 378)

Senate Bill 155 creates a program to assist victims of domestic violence in establishing and maintaining confidential residential addresses. A person is eligible for the program if the person has been a victim of domestic violence prior to filing an application for a fictitious address. To participate in the program, the victim must apply for a fictitious address through the Office of the Secretary of State, and the measure sets forth the procedures that must be followed. Senate Bill 155 authorizes the Secretary of State to adopt any additional procedures that may be necessary.

The bill requires the Secretary of State to approve or disapprove the application within five days. If the application is approved, the Secretary of State must issue the participant a fictitious address. The measure also requires that the participant's real address remain confidential unless a court orders the release of the address or the address is requested by a law enforcement agency. Senate Bill 155 provides that the Secretary of State is designated as the participant's agent for the purposes of service of process and receipt of mail.

Finally, S.B. 155 requires the Secretary of State to develop a form and related procedures that permit a participant to register to vote or change his or her current voter registration address. The procedures must protect the confidential address of the person.

This measure appropriates \$22,393 in the first year and \$20,939 in the second year of the biennium to the Office of the Secretary of State to carry out these provisions.

S.B. 192 (Chapter 206)

Senate Bill 192 prohibits genital mutilation of a female child and includes this act in the definition of sexual abuse of a child. The measure specifies that aiding, abetting, encouraging, or participating in such acts also constitutes sexual abuse of a child. In addition, S.B. 192 provides that a person who willfully conducts or participates in such activities, or removes a child from Nevada for this purpose, is guilty of a category B felony. The bill clarifies that custom and religion do not constitute a defense.

In addition, the measure requires the State Board of Health to study public education methods concerning this topic and report its findings and recommendations to the 1999 Legislature.

Female genital mutilation is a cultural practice performed in a number of countries in Africa and the Middle East. According to testimony, the negative public health and mental health consequences of the practice are significant. The committee reviewed anecdotal reports of the procedure being continued in this country, along with information about children being removed from the United States for the purpose of imposing this procedure upon them.

The measure is effective on June 26, 1997.

S.B. 205 (Chapter 240)

Senate Bill 205 provides that a person accused of child abuse or neglect may ask the investigating agency for copies of statements he or she may have made in response to the accusation of abuse and neglect. The accused person also may request a written summary of the allegations, but the summary must not identify the individual reporting the alleged abuse or neglect. In addition, the measure clarifies the definition of the term

“physical injury” as used in statutes concerning the protection of children and the investigation of reports of child abuse and neglect. The bill specifically retains the existing definition of the term in the criminal code governing the punishment for those convicted of child abuse or neglect.

According to testimony, people accused of abuse and neglect often encounter difficulties in obtaining copies of their own statements made to investigating agencies in response to an alleged incident. The bill also allows a person being investigated to receive a summary of the allegations, but still maintain the confidentiality of persons making such reports.

S.B. 387 (Chapter 434)

Senate Bill 387 requires a police officer, under certain circumstances, to prepare a report concerning an investigation of domestic violence, even if no arrest is made. If the investigation concerns a mutual battery constituting domestic violence and the officer determines that one of the persons was the primary aggressor, the officer must include certain specified information in the report. A copy of the report must be immediately forwarded to the Central Repository for Nevada Records of Criminal History. The bill also requires a police officer to obtain at least one fingerprint and forward it with the report if the officer issues a citation in lieu of taking the person before a magistrate in a case involving domestic violence.

Senate Bill 387 also creates the Repository for Information concerning Missing Persons within the central repository. The Repository for Information concerning Missing Persons must contain a complete and systematic record of all persons who reside in Nevada who are reported missing. The central repository must also provide a toll-free telephone service to disseminate information about missing persons. Furthermore, the central repository must file certain reports concerning domestic violence with the Legislature. If a missing person is under the age of 16, the central repository may request certain identifying information from the child's parent or guardian. Finally, the bill appropriates funds to Clark and Washoe Counties to provide each county coroner with electronic equipment for accessing the information contained in the central repository.

S.B. 400 (Chapter 426)

Senate Bill 400 urges Congress to address the problem of child labor, both in the United States and abroad. Additionally, the measure urges Congress to support adoption of the International Labor Organization convention respecting child labor. Finally, the bill urges Nevada businesses not to sell products made with child labor.

This bill is effective on July 16, 1997.

A.B. 110 (Chapter 102)

Assembly Bill 110 requires state or local governments to assess costs and fees pertaining to restraining orders against the adverse party. This measure also allows the Board of Compensation to honor certain claims by Nevada residents who are victimized while in another state. In addition, this measure provides for nonresidents who are victimized in Nevada to be compensated for their injuries under certain circumstances.

Assembly Bill 110 responds to federal compliance mandates found in the Violence Against Women Act (part of the 1994 crime bill). In addition, the provisions regarding residency were requested for compliance purposes with a different federal grant concerning victims (Federal Victims of Crime Act) in order for the state to receive grant funds and continue existing victim service programs.

This measure is effective on June 1, 1997.

A.B. 170 (Chapter 476)

Assembly Bill 170 makes various changes regarding domestic violence. The bill expands the list of persons who may be victims of domestic violence by including former spouses and those involved in a dating relationship. In addition, the measure creates a repository for information concerning protection orders against domestic violence and requires the transmittal of specified information to the Central Repository for Nevada Records of Criminal History regarding such orders. Only information concerning events that occur after October 1, 1998, will be included in the repository. Assembly Bill 170 also provides procedures for registering restraining orders issued by a court located outside this state.

The bill also authorizes a justice of the peace or municipal court judge to suspend the sentence of a person convicted of a misdemeanor involving domestic violence. The suspension must be for a period of not more than three years, and the offender must actively participate in a program of counseling related to the prevention of domestic violence.

The measure strengthens penalties for committing a battery that constitutes domestic violence. The bill provides that first- and second-time domestic violence offenders may be found guilty of a misdemeanor offense. The misdemeanor sentence includes a jail term, which may be served intermittently at the discretion of the judge; community service; and a fine. Second-time offenders will be punished more severely within this sentencing structure. Further, the bill requires participation in a weekly counseling session at the offender's expense. In addition to the fine, an administrative assessment of \$35 will be imposed on the offender. Drug and alcohol counseling, if necessary, also may be part of the sentence. Third and subsequent domestic violence offenses are punished as category C felonies, which include a term of imprisonment and certain limitations on release. Further, the bill directs prosecuting attorneys not to dismiss or plea bargain domestic violence charges.

The bill also creates the Office of Ombudsman for Victims of Domestic Violence. The measure directs the Attorney General to appoint the ombudsman, who serves a four-year term. The bill authorizes the ombudsman to write grants; collect statistical information; provide victim assistance and public education; organize training for law enforcement, attorneys, and others within the judicial system; and submit reports to the Legislature. In addition, the ombudsman is responsible for administering an account for programs related to domestic violence. This account is funded through administrative assessments imposed on persons convicted of domestic battery and may be used only for specified purposes.

Finally, the bill directs the Attorney General to appoint a committee on domestic violence. This committee is authorized to adopt regulations; review, monitor, and certify domestic violence treatment programs; review and evaluate training programs; and submit reports to the Legislature.

Sections 18 and 19 of this bill are effective on January 1, 1998, and do not apply to offenses committed before that date. Most of the remainder of the measure is effective on October 1, 1997.

A.B. 348 (Chapter 300)

Assembly Bill 348 prohibits health insurers, societies, corporations, and health maintenance or dental care organizations from denying a claim for insurance coverage because it involved an incident of domestic violence. Such organizations also are prohibited from canceling or refusing to issue a policy for the same reason.

This measure also requires Nevada's Department of Human Resources to establish a task force, consisting of various agency representatives, to study the impact of domestic violence on children. This task force is directed to report its findings and recommendations to the 1999 Nevada Legislature.

This measure was requested on behalf of the Nevada Domestic Violence Prevention Council, to insure that health insurance coverage is not denied because of domestic violence. In addition, testimony indicated that there is widespread concern about the impact of domestic violence on children and noted that this measure provides a multiagency approach in addressing this issue. Representatives from the Nevada Network Against Domestic Violence, Nevada's Division of Child and Family Services, and the Nevada's Women Lobby spoke in favor of the measure.

A.B. 356 (Chapter 517)

Assembly Bill 356 revises the provisions governing protection of children from abuse or neglect. The measure directs Nevada's Division of Child and Family Services to adopt regulations that include qualification requirements for personnel of agencies who enter into

an agreement with the division to provide children and family services. In addition, the bill requires child protective service or law enforcement agencies to investigate immediately any report of abuse or neglect that includes a child five years of age or younger; a high risk of serious harm; or death, serious injury, or visible signs of physical abuse. Otherwise, the bill allows such agencies to conduct an evaluation not later than three days after the receipt of the report to determine if an investigation is warranted.

The bill determines that an investigation is warranted for cases in which the child is in imminent danger of harm; is vulnerable as a result of untreated injury, illness, or any other condition that may threaten immediate health and safety; and the alleged abuse or neglect cannot be addressed through various other social service strategies. The bill directs the agency to initiate an investigation not later than three days after the evaluation is completed.

For those situations in which an investigation is not warranted, the bill directs the agency to provide or refer the child and family to appropriate social service programs or conduct an assessment to determine what services, if any, are needed. The bill requires the agency to be informed if the family refuses or fails to participate in the services or if it is determined that there is a serious risk to the child. Agencies may initiate an investigation at any time, even if it was first determined that one was not warranted.

The bill provides that information regarding reports and investigations may be made available to the public if the child who is the subject of the report dies or is critically injured from abuse or neglect. This information is limited to verifying that a report or investigation has been made and also may include appropriate factual descriptions. The bill allows a member of the public to petition the agency for other additional information.

This measure is effective on July 1, 1997, and expires by limitation on June 30, 2001.

A.C.R. 16 (File No. 41)

Assembly Concurrent Resolution No. 16 designates April as Child Abuse Prevention Month in Nevada in recognition of the importance of the family and the Legislature's commitment to the safety and well-being of all children. This measure encourages Nevada residents to display a blue ribbon on clothing or automobiles to increase public awareness and promote the prevention of child abuse and neglect.

A.C.R. 43 (File No. 124)

Assembly Concurrent Resolution No. 43 encourages nonprofit organizations and governmental agencies who have volunteers that regularly render services to children to establish programs to protect children from sexual molestation. The resolution describes the number of substantiated cases of sexual molestation in Nevada in 1995 and further describes the situation such organizations face when using volunteers with children. Finally, the measure outlines the recommendations for an informational program that nonprofit organizations and governmental agencies may use for volunteers.

GAMING

S.B. 141 (Chapter 25)

Senate Bill 141 revises the definition of banks for certain activities regulated by the Gaming Control Board. This measure expands the definition of banks to include banks that are regulated by the state or authorized to do business in Nevada.

In 1995, the Legislature authorized interstate banking in Nevada with the passage of Senate Bill 561 (Chapter 482, *Statutes of Nevada 1995*), which was designed to implement the provisions of the federal Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994. The federal law gives states the opportunity to authorize interstate banking within their borders, but requires that the states must “opt in” prior to June 1, 1997, by affirmatively enacting legislation to permit such activity. To do business in Nevada, Interstate banks must comply with state law and the regulations adopted by the Nevada Commissioner of Financial Institutions.

Testimony indicated that Senate Bill 141 is an extension of the provisions of S.B. 561 from 1995. This measure extends the exemption from certain gaming licensing requirements associated with capital leases for banks that have their principal place of business in the state to interstate banks authorized to do business in Nevada or regulated by the state. Advocates of the measure argued that interstate banks must provide the same information to the Commissioner of Financial Institutions that banks chartered in Nevada must provide; therefore, the same exemptions should apply.

This measure is effective on April 22, 1997.

S.B. 208 (Chapter 452)

Senate Bill 208 revises certain provisions relating to nonrestricted gaming licenses and the creation of gaming enterprise districts in counties with a population of 400,000 or more. The measure revises the criteria upon which approval for designation as a gaming enterprise is based for certain proposed locations. If the location of the proposed establishment is not within the Las Vegas Boulevard gaming corridor or the rural Clark County gaming zone, as defined by the bill, and is not within an existing gaming enterprise district, a person may petition the appropriate local government to designate the location a gaming enterprise district under the new criteria.

In addition to proving compliance with the existing requirements for approval of such petitions by clear and convincing evidence, the person must also demonstrate that the property line is at least 500 feet from a developed residential district and at least 1,500 feet from the property line of a school or building used for religious worship. In addition, the petitioner must prove that the proposed establishment will not adversely affect a residential district, school, or building for religious worship whose property line is within 2,500 feet of the property line of the proposed establishment. Senate Bill 208 also requires the petitioner requesting the designation of a location as a gaming enterprise district to provide

notice of the hearings to property owners and tenants of mobile home parks within 2,500 feet of the proposed establishment.

Senate Bill 208 requires a three-fourths majority vote of the local governing body to grant a petition designating a location as a gaming enterprise district under the new criteria. An appeal of the decision to grant or deny a petition to a panel of members from the Gaming Policy Committee is authorized. The panel is composed of a member of the Nevada Gaming Commission, a member of the State Gaming Control Board, an enrolled member of a Nevada Indian Tribe, and two representatives of the general public appointed by the Governor. A party may seek judicial review of the decision of the panel.

Senate Bill 208 also stipulates that an establishment with a nonrestricted license that is located within a gaming enterprise district may only expand within the confines of the district. In addition, if such an establishment is not located within a gaming enterprise district, it may not increase the number of games or slot machines it operates beyond the number authorized by local ordinances in effect on December 31, 1996.

Senate Bill 208 provides that certain locations are not required to comply with the new criteria and must petition for designation as gaming enterprise districts under the provisions of existing law. The new criteria do not apply if the location of the proposed establishment is located within the Las Vegas Boulevard gaming corridor or the rural Clark County gaming zone and is not within a gaming enterprise district. The bill authorizes a proposed resort hotel to petition the county to designate its proposed location a gaming enterprise district under the existing criteria if it is located on 25 or more acres in an unincorporated area designated for gaming by the county's master plan for which an application for appropriate zoning is submitted to the county before June 28, 1997.

The new provisions of S.B. 208 do not apply to an establishment that holds a nonrestricted license for a resort hotel on the effective date of the act, or to its adjacent property. In addition, these new provisions do not apply to proposed establishments that were approved by a local governing body before the effective date of this measure, if the property line of the establishments is within a specified area.

With certain exceptions, all designations of locations as gaming enterprise districts expire on the effective date of the act. Senate Bill 208 provides that the designation does not expire if the local government grants all approvals for land use for the proposed establishment by December 31, 1998, and the Nevada Gaming Commission approves a nonrestricted license for the proposed establishment by December 31, 2002. In addition, the expiration of such designations does not apply to locations within the Las Vegas Boulevard gaming corridor, the rural Clark County gaming zone, and certain master planned communities. These provisions do not apply to existing locations in designated gaming enterprise districts if such operations are within specified unincorporated areas of a county and within a certain number of feet from other gaming activity. Further, exceptions are made for certain nonrestricted licensees if located within specified areas.

Also, S.B. 208 provides increased notice to the public of proposed locations for nonrestricted licensees in counties with a population of 400,000 or more. The bill requires local government to publish a map of the gaming enterprise districts within its jurisdiction, which must be made available to the public. The bill also requires that, if a person plans to develop property for the operation of a nonrestricted gaming establishment, he must erect and maintain a sign on the property that provides adequate notice to the public if the property is within a gaming enterprise district and outside the Las Vegas Boulevard gaming corridor.

Finally, the bill requires an individual selling residential property, at least 24 hours prior to signing the sales agreement, to provide the initial purchaser with notice of any surrounding gaming enterprise districts by providing a copy of the map published by local government. The purchaser may waive this waiting period in writing.

This bill is effective on July 16, 1997.

S.B. 280 (Chapter 316)

Senate Bill 280 reduces the fee charged to disseminators of racing information from \$10 per day for each race book to whom the information is provided to 4.25 percent of the total fees collected from users of the service each calendar month for the dissemination of live broadcasts. In addition, a disseminator who fails to report, pay, or account for the fee is liable for a monetary penalty.

According to testimony, this measure was requested on behalf of disseminators of racing information services to address a shift in race book betting following the introduction of pari-mutuel wagering in 1990. Because disseminators do not share in pari-mutuel wagers, a steady decline in the disseminators' revenue base resulted, but the tax liability of the disseminators (a flat fee) has remained constant since its adoption in 1949. This fee was considered appropriate when adopted because the disseminators received a percentage of a licensed race book's handle in exchange for race track simulcasts provided by the disseminator. According to testimony, the fees collected for 1997 will be equal to approximately 30 percent of the disseminators' revenue.

The measure does not affect the regulator fees or expenses that must be paid by disseminators under existing law.

This measure is effective on July 5, 1997.

S.B. 317 (Chapter 358)

Senate Bill 317 revises provisions governing the distribution of fees for gaming licenses in counties whose population is 400,000 or more. The measure stipulates the manner in which the county treasurer must distribute all money received for county gaming licenses.

If the license is collected within the boundaries of an incorporated city, the money must be paid into that city's general fund. If the license is collected within the boundaries of an unincorporated town under the control of the board of county commissioners, the bill specifies that the money must be placed into the town's government fund for its general use and benefit. Finally, if the license is collected outside the boundaries of an incorporated city or unincorporated town, the money must be retained by the county treasurer and credited to the county general fund.

Senate Bill 317 also requires the Executive Director of the Department of Taxation to decrease the property tax rate in a county whose population is 400,000 or more based on the amount of money collected for the gaming licenses.

This measure is effective on July 8, 1997.

S.B. 318 (Chapter 663)

Senate Bill 318 makes various changes regarding gaming and certain types of wagering. The bill stipulates that the State Gaming Control Board may permit certain licensees to move an establishment and transfer the restricted or nonrestricted license to a location within a redevelopment zone in the same jurisdiction. The licensee also may move to another location if the local government takes the property through condemnation or eminent domain. The bill requires the licensee to receive all necessary approvals from local government prior to the board's approval.

Further, the measure allows an operator of a race book to use a televised broadcast for wagering purposes if the Nevada Gaming Commission adopts regulations to govern the use of such broadcasts by December 31, 1997.

Senate Bill 318 clarifies that any information provided to local governments by an applicant or licensee and any investigative reports and documents prepared by agents or employees of the board of the Nevada Gaming Commission are confidential.

In addition, the bill prohibits a person licensed to engage in off-track pari-mutuel wagering from accepting less than the full face value of an off-track pari-mutuel wager. In addition, the licensee must not agree to refund or rebate any portion of the wager or attempt to evade the prohibition by offering to a patron a wager that is not posted and offered to all patrons. The Nevada Gaming Commission is required to adopt regulations to carry out these provisions.

Further, Senate Bill 318 restructures the off-track pari-mutuel wagering committee that may be appointed to negotiate with out-of-state tracks for the right to conduct pari-mutuel wagering. The bill also requires the Nevada Gaming Commission to grant the committee the exclusive right to negotiate an agreement relating to off-track pari-mutuel wagering with out-of-state tracks.

Finally, S.B. 318 prohibits the acceptance, receipt, or transmission of wagers placed by a messenger or through any medium of communication from within or outside the state unless the wager complies with all applicable laws and regulations and is accepted or received in Nevada by a licensed race book or sports book, a person licensed to engage in pari-mutuel wagering, or any other person or establishment appropriately licensed under Nevada's gaming law.

This measure is effective on July 17, 1997.

S.B. 345 (Chapter 309)

Senate Bill 345 revises the provisions regulating providers of certain information services to gaming licensees. This measure defines the term "information service" as a person who sells and provides information to a licensed sports pool that is used primarily to aid the placing of wagers on any event. The definition in the bill does not include newspapers, magazines, television or radio services, or television or radio broadcasts, if providing such information is not their primary purpose. Before issuing a license to an operator of an information service, the Nevada Gaming Commission must charge and collect an annual fee of \$6,000.

A.B. 162 (Chapter 65)

Assembly Bill 162 clarifies the method of transferring an interest in a licensed gaming establishment. The measure authorizes the chairman of the State Gaming Control Board to provide written approval for a person to transfer such an interest to or from a living trust. The measure also allows the chairman to approve administratively any licensing, registration, finding of suitability, or approval required for the person, the trust, or the interest that results from the transfer. Before any amendment to such a trust is effective, A.B. 162 requires prior written administrative approval from the chairman.

This bill is effective on May 12, 1997.

A.B. 294 (Chapter 296)

Assembly Bill 294 clarifies provisions regarding foreign gaming operations. The bill authorizes the State Gaming Control Board to require certain licensees who have or intend to have an activity or association in a foreign market to file an application for a finding of suitability by the Nevada Gaming Commission. In addition, the bill allows the board to prohibit a licensee from engaging in such foreign activity or association if found unsuitable. Further, Assembly Bill 294 prohibits licensees to associate with any person in a foreign operation who has been found unsuitable or guilty of cheating by a governmental oversight body.

This measure is effective on July 5, 1997.

A.B. 304 (Chapter 109)

Assembly Bill 304 provides that gaming licensees and their employees have absolute immunity from civil liability for reporting possible violations involving cash transactions. This measure also ensures that such reports are privileged and not subject to disclosure by law enforcement.

In January 1997, the State Gaming Control Board adopted revisions requiring that gaming licensees report suspicious transactions occurring in casinos. Testimony indicated that candor is necessary in the reporting of suspicious transactions, and assurances, such as absolute immunity, should be in place to deter adverse financial repercussions on the licensee. In addition, it was reported that suspicious transaction reports need to be privileged to ensure discreet and confidential investigations and to protect the involved persons from unnecessarily being labeled as a criminal or a suspicious person.

Under federal law, the Secretary of the Treasury requires financial institutions to report suspicious transactions. Like A.B. 304, federal law also provides that a person reporting such transactions is not liable for the disclosure.

This bill is effective on June 1, 1997.

A.B. 364 (Chapter 136)

Assembly Bill 364 increases, from \$200,000 to \$500,000, the maximum amount of prizes allowed for charitable lotteries in a calendar year.

This measure is effective on June 9, 1997.

A.B. 419 (Chapter 689)

Assembly Bill 419 makes various changes to the provisions governing gaming and clarifies certain gaming terminology. The bill defines the term "banking game" as gambling against the licensed establishment rather than against one another. In addition, the measure describes the term "representative of value" as an instrumentality used by a patron whether or not it may be redeemed for cash. Further, the word "wager" means a sum of money or representative of value that is risked on an uncertain outcome or occurrence.

The bill expands the definition of gaming employee and clarifies that cashless wagering systems used in race book or sports pool transactions must be maintained on a computer operated by a licensee. The bill also revises the definition of the term "gross revenue" to exclude cash provided to a patron by a licensee, such cash being that which is subsequently won by the licensee and is not reimbursed. Further, the bill includes slot machine routes or inter-casino linked systems in the definition of nonrestricted license or

operations. Finally, the bill defines the term “gross revenue” as it relates to pari-mutuel wagering.

The bill authorizes the Nevada Gaming Commission to impose a fee on a licensee who concludes a gaming operation based on the total outstanding value of collectible credit instruments received from gaming operations that remain unpaid on the last tax day. If a person fails to report state license fees or if the State Gaming Control Board finds the report unsatisfactory, the bill allows the board to collect interest on the unpaid tax.

The measure also authorizes the board to deregister publicly traded corporations that have ceased gaming activity in Nevada and outlines notice requirements.

The State Gaming Control Board requested this bill in order for the Legislature to make a policy determination concerning the taxation of gross revenue in the gaming industry. Testimony indicated that the major controversies in the measure are the definitions of the terms “representative of value” and “wager.” Witnesses primarily focused on nonnegotiable chips (i.e., “wooden chips”) that individual casinos distribute to patrons. The State Gaming Control Board maintains that such chips are complimentary and should not be deducted as losses from gross revenue.

The gaming industry claims that the 1995 Legislature clarified that gross revenue does not include the value of a chip, whether negotiable or nonnegotiable, that is won by a casino from a patron for which the casino has not received cash. They contended that casinos offer various promotional packages, which include free gaming chips and tokens to entice patrons into Nevada. Because no cash is received by the casino for these chips, gaming representatives argued that their value should not be included in the calculation of the casino’s gross revenue. The gaming industry’s definition, rather than the board’s, is stipulated in the bill.

A.B. 538 (Chapter 633)

Assembly Bill 538 makes it a misdemeanor offense to conduct dog racing as a gaming activity in Nevada. In addition, the measure prohibits the State Gaming Control Board from issuing dog racing licenses. The bill also prohibits pari-mutuel wagering in connection with any dog race. Finally, certain provisions in state law relating to greyhound racing are repealed.

This measure will uniformly prohibit dog racing as a gaming activity throughout the state. Although dog racing is illegal under certain city and county ordinances, it is not unlawful on a statewide basis.

HEALTH CARE
(See also: Insurance)

S.B. 433 (Chapter 553)

Senate Bill 433 requires the Department of Human Resources (DHR), with the approval of the Interim Finance Committee, to establish and administer a program to provide community-based services to certain people with physical disabilities to avoid placement in a facility for long-term care. The measure requires DHR to contract with the Department of Employment, Training and Rehabilitation (DETR) to coordinate the provision of such services. Further, the measure requires DHR to apply for a waiver from the appropriate Federal Government agency to authorize the department to include certain specified services for people with physical disabilities as medical assistance under the state Medicaid plan.

The measure directs DHR to adopt regulations to determine eligibility for the services provided pursuant to the program and to report on the effectiveness of the program to the governor and to the Nevada Legislature. Also, the bill specifies the responsibilities of DETR for this program. The program is effective on October 1, 1997.

Finally, effective June 30, 1997, \$500,000 is appropriated to DETR for its contract obligations in the program.

S.B. 470 (Chapter 437)

Senate Bill 470 requires the Department of Human Resources to establish a program to increase the awareness of health care programs for children and to encourage enrollment in such programs. The bill also requires that the program provide for the public dissemination of certain information regarding health care services available to children under the age of 13 years. The bill requires the director of the department to evaluate the effectiveness of the program annually and report to the Interim Finance Committee concerning the results of the evaluation and any recommendations to improve the program.

Finally, S.B. 470 authorizes the use of money from the intergovernmental transfer account for health care services to uninsured children under the age of 13 years under certain circumstances.

This measure is effective on July 1, 1997.

A.B. 600 (Chapter 634)

Assembly Bill 600 authorizes the creation of a hospital district that encompasses more than one county. The measure requires each board of county commissioners of the affected counties to approve the establishment of the district and provides for the composition of

the board of trustees for the multi-county hospital district. The bill prohibits the formation of a multi-county hospital district by petition of a county's landowners. Finally, the measure transfers, from the board of county commissioners to the board of trustees for a hospital district, the authority to determine which patients are eligible for indigent or charitable medical care.

A.B. 667 (Chapter 628)

Assembly Bill 667 makes certain technical changes to authorize the creation of a hospital district that encompasses more than one county. The measure specifies that the board of county commissioners of the county in which the hospital is located is responsible for transferring payments of money for the treatment of medically indigent patients. Further, the bill specifies the responsible party for certain actions related to real property.

This measure is effective on July 16, 1997.

Health Care Professions

S.B. 244 (Chapter 207)

Senate Bill 244 makes various changes concerning the regulation of health care. The bill provides that, in a proceeding before the Board of Medical Examiners, the board may apply to the district court for an order requiring a person to appear before the court and show cause why he should not be held in contempt under certain conditions. Grounds for an application to the district court include refusing to take an oath or be examined, resisting a lawful order of the board, or obstructing the board proceeding. The bill also authorizes the board to invest fees in treasury bills, United States notes, or other specified investments. In addition, S.B. 244 allows the board to license a person who has passed the examination given by the Medical Council of Canada.

Further, the measure authorizes the board to issue a license to a physician's assistant in place of the current certificate. The bill also allows the board to discipline a practitioner for a single instance of malpractice and prohibits a practitioner from engaging in any sexual activity with a patient currently being treated by the practitioner. Moreover, the bill requires a physician who has been disciplined by the board to pay all costs incurred by the board relating to the proceeding. Finally, the measure authorizes practitioners to transmit prescriptions for controlled substances by facsimile under certain conditions.

A.B. 12 (Chapter 280)

Assembly Bill 12 authorizes the commissioners of the Western Interstate Commission for Higher Education to require students in certain professions to practice such professions in medically underserved areas within Nevada as a condition to receive state financial

support. The measure lists those professions that could benefit a medically underserved area, including dentists, physical therapists, pharmacists, and physicians' assistants. If a person agrees to practice in a medically underserved area for at least two years, the commissioners may forgive the loan portion of a student's support fee as well as the stipend portion. The commissioners may assess a default charge of at least three times the loan amount if a person does not fulfill the two-year requirement to work in a medically underserved area.

This bill allows the commission to use several definitions of medically underserved areas, including definitions for medically underserved populations and health professional shortage areas developed by the United States Secretary of Health and Human Services and those established by the Officer of Rural Health of the University of Nevada School of Medicine.

This measure is effective on July 1, 1997.

A.B. 29 (Chapter 134)

Assembly Bill 29 establishes a procedure for a terminally ill patient to obtain identification that notifies emergency response personnel that the patient does not want to be resuscitated in the event of cardiac or respiratory arrest. The measure specifies the use and content of "Do-Not-Resuscitate" (DNR) identification. The bill requires a health authority to adopt regulations regarding the do-not-resuscitate protocol and the method of identification. An individual may apply for identification through his physician if the person has a terminal condition and the physician in writing certifies the condition and that the individual is capable of making an informed decision. The patient must agree to the DNR order in writing. A person possessing DNR identification can revoke his authorization at any time by removing or destroying the identification or indicating in some manner that it be removed or destroyed.

Physicians and emergency first responders who withhold resuscitation procedures pursuant to this program are exempt from charges of unprofessional conduct and from civil and criminal liability. Physicians and emergency personnel observing do-not-resuscitate identification must comply with the individual's wishes or transfer care to another person who will follow the protocol. The bill sets forth exceptions and penalties for emergency response personnel and physicians who do not comply with the established procedures.

The measure clarifies that death resulting from this program does not constitute suicide or homicide and will not affect or impair life insurance policies. In addition, the bill states that the measure in no way condones, authorizes, or approves mercy killing, euthanasia, or assisted suicide. Finally, the act makes it unlawful to forge DNR identification or to conceal or deface such identification. Assembly Bill 29 also makes it unlawful for emergency personnel to fail to transfer a patient to a physician or health facility where the DNR protocol may be carried out if he is unable to comply with the DNR identification protocols.

A.B. 128 (Chapter 180)

Assembly Bill 128 prohibits an employer from discharging a volunteer ambulance driver or ambulance attendant as a result of the volunteer's action as a driver or attendant. The measure also prohibits state and local governments from reducing salaries for time spent away from work for those employees acting as volunteer ambulance drivers or attendants.

In addition, the measure requires that, if a volunteer is killed while engaged in volunteer ambulance activities, his dependent may have all fee and textbook expenses paid by the Board of Regents for classes taken at an institution of the University and Community College System of Nevada. Finally, the act increases, from \$300 to \$2,000 per month, the deemed wage for a member of a nonprofit organization who renders volunteer ambulance services.

The bill is effective on June 25, 1997.

A.B. 136 (Chapter 201)

Assembly Bill 136 requires the Commissioner of Insurance to collect and maintain certain information regarding each closed claim for medical malpractice filed against physicians and surgeons in Nevada. The measure also directs the commissioner to adopt necessary regulations and to submit a summary of the collected data in the commissioner's biennial report to the Legislature.

A.B. 192 (Chapter 135)

Assembly Bill 192 extends, from 30 to 60 days, the time within which a settlement conference must be held in an action for medical or dental malpractice. The measure also requires the district judge to cause, before the date scheduled for the conference, the deposition of the plaintiff, the defendant, and a person designated by the plaintiff to testify regarding damages. The amendatory provisions involving dental malpractice expire by limitation on June 30, 1999.

This measure is effective on July 1, 1997.

A.B. 286 (Chapter 407)

Assembly Bill 286 expands the powers and duties of the Board of Homeopathic Medical Examiners. The board is authorized to regulate the practice of homeopathic medicine, to license or certify applicants for licensure, and to investigate and hear all complaints made against homeopathic physicians or practitioners. The bill specifies the classical methodologies used in the practice of homeopathic medicine. The measure also exempts

certified nurses in the discharge of their duties as nurses from the provisions of the homeopathic medicine law.

A.B. 309 (Chapter 227)

Assembly Bill 309 makes various changes relating to chiropractic care. The measure declares the practice of chiropractic to be a learned profession subject to protection and regulation by the state. In addition, the bill changes the name of the Nevada State Board of Chiropractic Examiners to the Chiropractic Physicians' Board of Nevada. The measure clarifies that unprofessional conduct by a chiropractor includes violating or attempting to violate, directly or indirectly, any regulations adopted by the board or any other statute or regulation pertaining to the practice of chiropractic.

The bill provides that licensing examinations must be held at least semiannually and deletes the requirement that the examination include a demonstration of chiropractic technique. Licensing reciprocity is granted if the applicant has passed all parts of the licensing examination administered by the National Board of Chiropractic Examiners and has actively practiced chiropractic in another state for a minimum of seven of the immediately preceding ten years without being subject to any adverse disciplinary action.

The measure specifies that applicants must score 75 percent or higher in all subjects of the licensing examination. Existing law requires applicants to score a general average of not less than 75 percent, without falling below 70 percent in any one subject. Finally, the bill provides that 2 of the 12 hours of continuing education required to renew the annual license must be obtained in a topic specified by the board.

A.B. 440 (Chapter 274)

Assembly Bill 440 deletes the provision specifying that a nursing assistant is an employee of a medical facility. The bill also authorizes the Executive Director of the State Board of Nursing to issue a cease and desist order to any person who practices or offers to practice as a nursing assistant without a certificate. The executive director must forward to the appropriate law enforcement agency any information the board receives regarding a person practicing as a nursing assistant without certification. In addition, nursing assistants are no longer required to submit the type of facility in which they are employed as a condition for renewal of biennial certification. Finally, the bill clarifies that a nursing assistant does not include a person who is employed by the state or under contract with the state to provide, or assist in the provision of, personal care of other persons, if he does not primarily perform acts that are within the authorized scope of practice of a nursing assistant.

A.B. 471 (Chapter 391)

Assembly Bill 471 requires the Board of Dental Examiners of Nevada to issue to certain persons a restricted license to practice dentistry in the state. The bill specifies that a restricted license is available to a person who has a valid dentistry license issued by another state, a degree from an accredited dental school or college, five years of clinical experience since graduation, and a contract with a facility approved by the Department of Human Resources. The licensee must pass the board's examination within one year of issuance of the restricted license. If the licensee fails the examination, the restricted license is automatically revoked. The bill also sets forth the conditions under which the board is prohibited from issuing a restricted license.

In addition, the measure specifies that a person with a restricted license may perform dental services only under the supervision of a dentist licensed in Nevada who is appointed by the Health Division to directly supervise dental care in contract facilities. Finally, A.B. 471 prohibits a person with a restricted license from engaging in private practice.

Testimony indicated that this bill attempts to increase dental access to individuals who do not have dental care by increasing the potential pool of dentists who might be willing to serve such individuals.

A.B. 577 (Chapter 327)

Assembly Bill 577 changes the provisions governing actions for malpractice and screening panels for medical or dental malpractice claims. This measure removes the existing provisions that authorize the Division of Insurance to grant extensions of time for filing an answer or a response in a proceeding involving such a screening panel.

The bill extends, from 30 to 90 days, the time within which a person must file an answer to a malpractice complaint. A respondent who fails to file an answer within the required time period may not participate in any conference held to resolve any issues as to challenges for cause. The bill also extends, from 21 to 30 days, the time within which a person must file a response to the allegations of an answer. This measure allows the division to authorize an extension of these time limits if all the parties to the action agree. Unless otherwise stipulated by all the parties, the division may not accept any answer or response that is not filed on time. Furthermore, the bill allows any pleading required to be filed with the division to be delivered to the opposing party or attorney by personal service.

Assembly Bill 577 provides that any parties represented by the same attorney are deemed to be one party for the purpose of determining the distribution of peremptory challenges in the impaneling of a screening panel. The measure also prohibits a screening panel from considering challenges concerning any relevant statute of limitation relating to a claim before the panel.

The bill includes dentists in various provisions governing actions for malpractice where they are not included in existing law. The provisions in the bill relating to dentists, however, expire by limitation on July 1, 1999.

A.B. 626 (Chapter 342)

Assembly Bill 626 allows registered pharmacists under certain conditions to sell or furnish prepackaged contact lenses that do not require any adjustment, modification, or fitting. The bill requires ophthalmologists and optometrists writing prescriptions for contact lenses to include the expiration date of the prescription, the number of refills approved, and such other information as necessary for the proper filling of the prescription. The measure prohibits the filling of a prescription for a contact lens in violation of the expiration date or number of refills as specified on the prescription. The bill also specifies that the initial fitting of a contact lens must be performed by a Nevada licensed optician, ophthalmologist, or optometrist. Finally, the measure allows a registered nurse certified in oncology to dispense medicine under the supervision of the prescribing physician.

This measure is effective on July 8, 1997.

Health Care Services and Facilities

S.B. 49 (Chapter 258)

Senate Bill 49 authorizes the supervising board of a county hospital to contract with insurers for health care services on a capitated basis. Such participation is subject to rules adopted by the Insurance Commissioner.

According to testimony, this change clarifies that county hospitals may participate in contracts with health maintenance organizations and other managed care organizations that provide for capitation types of contracts. These contracts typically pay hospitals a fixed rate each month based upon an agreed number of patients assigned to that hospital. The payment is made regardless of the number of those individuals who actually are admitted. Senate Bill 49 extends the same ability to county-owned hospitals as is currently enjoyed by private hospitals.

The bill is effective on July 3, 1997.

S.B. 427 (Chapter 550)

Senate Bill 427 makes three significant policy changes to health care in Nevada: The measure establishes a Division of Health Care Financing and Policy in the Department of Human Resources, reauthorizes the Billed Charge Master Compliance Program, and

authorizes certain items for study by the Legislative Committee on Health Care. In addition to its responsibilities in health care financing and policy, the new division assumes certain programs that were formerly with the Welfare Division. These programs include Elder Protective Services and Homemaking Services, the Medical Care Advisory Group, and the Intergovernmental Transfer Program. Certain changes are made to the Billed Charge Master Compliance Program to include modifying the charge master reporting criteria for participating hospitals. The expiration date for the program is extended to June 30, 1999.

Finally, the Legislative Committee on Health Care and the Interim Finance Committee are required to oversee certain aspects of organizational and program changes for the division and approve them before such changes may be made. In addition to approving organizational changes, the committees must provide advice and guidance to the division regarding the implementation of Medicaid managed care and the development and implementation of a study of the reengineering of business processes relating to the administration of Medicaid. Further, the Legislative Committee on Health Care is required to conduct a wide-ranging study of expanding eligibility and services for Medicaid recipients, including establishing a mandatory Medicaid managed care program, long-term care and catastrophic health care needs, incentives for employers to provide health care insurance, and establishing an office to advocate on behalf of consumers of health care.

The measure has varying effective dates with the majority of its provisions effective on July 1, 1997. The sections relevant to the reorganization expire by limitation on June 30, 1999, thereby requiring the 1999 Legislature to evaluate the effectiveness of the new division.

S.B. 448 (Chapter 310)

Senate Bill 448 authorizes the State Board of Health to adopt regulations establishing the length of time that health care and other records of a medical laboratory must be retained. The regulations must be consistent with applicable federal regulations. The bill also authorizes the board to require an out of state laboratory to be licensed in Nevada under certain conditions.

A.B. 11 (Chapter 417)

Assembly Bill 11 requires licensees of certain residential care facilities for the elderly to post surety bonds as a condition of licensure. The bill requires facilities for intermediate care, facilities for skilled nursing, residential facilities for groups, and agencies that provide nursing in the home to file a surety bond in an amount based on the number of employees. The bond for residential facilities for groups may be waived by the administrator of the Aging Services Division in certain hardship cases.

The bond must be conditioned to provide indemnification to an older patient who the Specialist for the Rights of Elderly Persons determines has suffered property damage as a result of any act or failure to act by the facility or agency.

Finally, the bill provides for sanctions against facilities that do not post bonds or are no longer covered by such bonds, permits a substitute for the bond, and identifies the process for recovering payment from the bond in the event an older patient sustains damage to his property.

A.B. 155 (Chapter 168)

Assembly Bill 155 requires criminal history checks of employees of agencies that provide nursing in the home, facilities for intermediate care, facilities for skilled nursing, and residential facilities for groups. The bill establishes the procedures to be followed by employers in complying with the required criminal background checks and other provisions. Further, the measure includes the circumstances under which an applicant of a facility for intermediate care, facility for skilled nursing, or residential facility for groups shall be disqualified for licensure.

The bill also establishes the procedures for termination of an employee who possesses certain criminal convictions and the procedures to be followed by the Central Repository for Nevada Records of Criminal History in conveying criminal conviction information. The measure also sets forth the rights of an employee regarding information obtained from the central repository. Finally, the bill identifies the crimes that disqualify an employee from employment in such care facilities.

A.B. 599 (Chapter 365)

Assembly Bill 599 requires certain entities that provide screening, diagnostic, or therapeutic services to cancer patients to report information on such cases to the cancer reporting system. The measure requires hospitals, medical laboratories, and other facilities providing such services, and physicians who diagnose or provide treatment for cancer, to report this information.

The bill is effective on July 9, 1997.

A.C.R. 28 (File No. 151)

Assembly Concurrent Resolution No. 28 directs the Legislative Committee on Health Care to study three additional topics during the 1997-1998 interim period and report its findings and recommendations for legislation to the 1999 Legislature. The topics identified for special study are the availability and affordability of health care insurance in Nevada, the

long-term health care needs of Nevada's population, and the availability of long-term care insurance in Nevada.

Managed Care

S.B. 474 (Chapter 442)

Senate Bill 474 prohibits the state's Welfare Division from entering into any managed care contract for pharmaceutical services for welfare recipients unless the contract is reviewed and approved by the Nevada Legislature's Committee on Health Care. The committee will review cost and access issues concerning such agreements. The measure also provides for the reimbursement of drug costs without prior authorization if the drug has been approved for use by the Food and Drug Administration and appropriately prescribed by the recipient's physician. The bill exempts contracts for managed care that include only recipients of the state's Temporary Assistance for Needy Families (TANF) and Children's Health Assurance Program (CHAP). This portion of the measure sunsets October 1, 1999.

The measure also requires the Nevada Legislature's Committee on Health Care to establish a date for the implementation of an electronic online prescription claims system. If needed, such a system may also be made available to managed care organizations with contracts to serve welfare recipients.

According to testimony, the online prescription claims system provides immediate eligibility information and assists in preventing fraud. The system also helps pharmacists identify any potential drug interaction problems.

This bill is effective on July 16, 1997.

A.B. 13 (Chapter 340)

Assembly Bill 13 requires the Department of Human Resources to contract only with a health maintenance organization that has negotiated in good faith with a federally qualified health center, the University Medical Center of Southern Nevada, and the University of Nevada School of Medicine to provide Medicaid managed care. The measure also requires the department to cooperate with the School of Medicine during the development and implementation of the managed care program to assist in the provision of an adequate patient base for its medical residency program. Further, the School of Medicine is authorized to establish a nonprofit organization to support its role in the managed care program. Finally, the bill makes consistent the reference to Medicaid throughout the *Nevada Revised Statutes*.

This measure is effective on July 1, 1997.

A.B. 26 (Chapter 459)

Assembly Bill 26 prohibits insurers from requiring prior authorization for an insured woman's annual cytological screening, baseline mammogram if between the age of 35 and 40, or annual mammogram if 40 years of age or older. The bill applies to policies of health insurance, group health insurance, health insurance issued by hospital or medical service corporations, and health maintenance organization plans.

A.B. 156 (Chapter 140)

Assembly Bill 156 creates a new chapter of the *Nevada Revised Statutes* that regulates managed care organizations (MCOs).

The measure requires an MCO to authorize coverage of a health care service recommended by a health care provider for the insured if that service is covered by the health care plan of the insured, unless certain criteria are met. A decision by the MCO not to authorize coverage must be made by a licensed Nevada physician. The decision not to authorize coverage and the reason for the decision must be transmitted in writing in a timely manner to the insured, the health care provider who recommended the service, and the primary care physician of the insured.

The bill also requires each MCO to establish written criteria explaining the manner in which a decision is made to authorize coverage of a health care service. The measure defines the term "utilization review" and mandates that each MCO develop and maintain written policies and procedures governing the conduct of utilization review.

In addition, A.B. 156 directs MCOs to establish quality assurance programs designed to direct, evaluate, and monitor the effectiveness of health care services provided to insureds. Each MCO is required to maintain a written description of its quality assurance program and to provide the description to each health care provider it employs or with whom it contracts. Each MCO is responsible for any activity conducted pursuant to its quality assurance program, regardless of whether the MCO or another entity performs the activity. The bill requires each quality assurance program to include a quality improvement committee directed by a licensed Nevada physician. The committee is charged with reviewing medical records of insureds and the clinical processes used by health care providers to identify problems related to the quality of health care provided.

The measure also prohibits MCOs from restricting or interfering with any communication between health care providers and patients regarding information that the health care provider determines is relevant to the health care of the patient. In addition, A.B. 156 prohibits MCOs from terminating a contract with, demoting, refusing to contract with, or refusing to compensate a health care provider solely because the provider, in good faith, advocates on behalf of a patient or assists a patient in seeking reconsideration of a decision by the MCO to deny coverage for a health care service.

In addition, A.B. 156 prohibits an MCO from offering or paying any type of material inducement or financial incentive to a provider of health care to withhold or limit medically necessary health care services to an insured. The measure clarifies that capitation or other financial incentives are permissible if the arrangement is designed to provide an incentive to the health care provider to use health care services effectively and consistently in the best interest of the health care of the insured.

The measure requires MCOs to provide coverage for medically necessary emergency services without prior authorization by the MCO. The bill also extends the requirement for coverage of medically necessary emergency services without prior authorization to any contract for group, blanket, or individual health insurance, and any contract by a nonprofit hospital, medical, or dental service corporation.

Further, the bill requires each MCO to establish a system for resolving complaints that includes the use of a review board, of which the majority of the members must be insureds who receive health care services from the MCO. The measure details the elements that must be included in a system for resolving complaints, such as time frames for resolution, written notices to the insured, and the provision of an expedited review for a complaint involving an imminent threat to the insured's health. The bill specifies that such a system must also be established by each insurer issuing a policy of individual or group health insurance and each insurer issuing a contract for hospital or medical services in this state.

Finally, A.B. 156 requires each MCO to file an annual report with the Commissioner of Insurance and the State Board of Health regarding its methods for reviewing the quality of health care services provided to its insureds and its system for resolving complaints of insureds. Certain financial reports must also be submitted by each MCO that is not owned and operated by a public entity and has more than 100 insureds. All documents filed with the commissioner are deemed to be public records.

Mental Health

S.B. 228 (Chapter 237)

Senate Bill 228 authorizes financial assistance to a parent or relative who cares for a person with profound or severe mental retardation or a person under six years of age who has certain developmental delays. Further, the measure sets forth the criteria for eligibility and indicates that such financial assistance is limited to legislative appropriations for each fiscal year.

The bill is effective on July 1, 1997.

S.B. 319 (Chapter 652)

Senate Bill 319 appropriates approximately \$1.2 million to the Division of Mental Health and Mental Retardation and establishes or expands various programs regarding mental health. The measure also authorizes the division to accept and use certain donations, gifts, and grants for programs that provide services to mentally ill or mentally retarded people.

The bill appropriates \$707,599 for the operation of transitional housing facilities in Clark and Washoe Counties; \$420,932 for the establishment of a program for assertive community treatment in Washoe County; and \$73,932 for the purchase of additional vehicles. In addition, \$140,000 is appropriated to the State Public Works Board for the renovation of Building 7 at the Nevada Mental Health Institute for a crisis unit that will provide emergency psychiatric services.

The measure is effective on July 1, 1997.

S.C.R. 60 (File No. 146)

Senate Concurrent Resolution No. 60 directs the Legislative Commission to appoint an interim committee to study the feasibility of adopting a program of outpatient civil commitment for persons who are mentally ill. Among other issues, the study must review the types and rates of success of various programs of outpatient civil commitment for mentally ill residents in other states. Further, the study must evaluate the expected benefits of such programs in Nevada. Finally, the measure requires the Legislative Commission to submit a report of its findings and recommended legislation to the 1999 Legislature.

A.B. 375 (Chapter 688)

Assembly Bill 375 specifies certain rights for a person who is entered into a mental health facility. The measure addresses both voluntary and involuntary commitment.

The bill specifies the procedures for converting a client to involuntary status after having been admitted voluntarily to a facility. In addition, the bill provides that a client may not be admitted to a mental health facility under false pretenses or as a result of any improper, unethical, or unlawful conduct on the part of a facility to collect money from the client's insurance company. Further, the measure establishes the client's right to be given documentation regarding a facility's policies for discharging clients. Such policies and criteria must not be based on the availability of insurance coverage or other financial considerations in an emergency or involuntary court-ordered admission.

The bill specifies additional rights of a client who is committed involuntarily to a facility. A client's rights include a second evaluation by a psychiatrist or psychologist, a copy of the

procedure of the facility regarding such commitment, and a list of any other rights concerning involuntary commitment or treatment. A facility may request a third evaluation to resolve any discrepancies. The measure enumerates a client's rights concerning the suspension or violation of rights and requires that a list of these rights be posted in all facilities. Facilities must document that they have provided a client with a list of all the rights designated in the bill and in existing law.

The measure requires mental health facilities to make decisions and establish policies and procedures regarding emergency or involuntary court-ordered admissions based on clinical efficiency rather than cost containment. An exception is granted for public facilities that are limited by their budgets. In addition, Senate Bill 375 protects a person from retaliation by certain facility personnel for reporting a violation of law or providing information regarding violation of a law and requires that a non-English speaking or hearing impaired client have reasonable access to an interpreter.

The bill also requires that a person designated to represent a client be kept informed about the client's medical and mental condition if the client signs a release allowing the practice. Further, the bill specifies the parties who have access to a client's medical records.

Further, Senate Bill 375 specifies that a facility must act within 48 hours after receiving a request from a client who was admitted voluntarily and who requests release from the facility, if the facility chooses to convert the person to an emergency or involuntary commitment. The bill also stipulates that a person who has been converted to an emergency admission must be evaluated within 72 hours of the commitment and that a psychiatrist or a psychologist must conduct the evaluation unless such a professional is not available. In that instance, a physician may conduct the evaluation.

The measure requires a district attorney to petition for an emergency admission to be filed within five judicial days after the date on which the petition is received by the clerk of the court. Finally, the measure specifies that the release of an involuntarily court-admitted client becomes unconditional 10 days after the court orders a conditional release, unless an order provides otherwise.

HOUSING, DEVELOPMENT, AND REAL ESTATE

S.B. 150 (Chapter 638)

Senate Bill 150 exempts certain individuals from being licensed as a contractor under Chapter 624 of the *Nevada Revised Statutes*. The bill provides that an owner, managing officer, or employee of a complex that contains four or fewer condominiums, townhouses, cooperative units, or apartments does not have to be a licensed contractor to perform work or repairs on the property under certain conditions. In order to be exempt, the value of the work, including labor and materials, must be worth less than \$500. In addition, the work must not require a building permit or be work typically performed by a plumbing, electrical, refrigeration, heating, or air-conditioning contractor. The bill also specifies that the work must not be in a classification that significantly affects the health, safety, and welfare of the general public. Furthermore, the work must not be part of a larger project that has been fragmented to avoid the \$500 cap. Finally, the work must not be performed by a person who otherwise is required to be licensed or by an employee of such a person.

A.B. 60 (Chapter 18)

Assembly Bill 60 amends the laws relating to fair housing, discrimination in loans for housing, and administrative actions before the Nevada Equal Rights Commission.

The bill expands the scope of the provisions of the Nevada Fair Housing Act that govern discriminatory notices, advertisements, or statements made in connection with the sale or rental of housing. Current law exempts from these provisions the owner of three or fewer dwelling units who does not use the services of a real estate agent. Assembly Bill 60 eliminates this exemption and prohibits such an owner from publishing, posting, or mailing statements that indicate a preference, limitation, or discrimination.

The measure also prohibits lenders from discriminating against a customer who does not intend to enter into a transaction for a housing loan or grant but submits an application as if intending to enter into such a transaction. Finally, the bill requires the Nevada Equal Rights Commission to hold a hearing regarding a case that involves a discriminatory housing practice, if attempts at mediation fail and neither party elects to go to court.

This measure is effective on April 14, 1997.

A.B. 165 (Chapter 475)

Assembly Bill 165 provides for the certification of certain inspectors of structures by the Real Estate Division of the Department of Business and Industry. The bill establishes definitions and terms, and sets forth the responsibilities of the Real Estate Division in administering the certification program. The measure specifies criteria for application as a certified inspector and an appeals process for denial of certification. In addition, the bill establishes a disciplinary process and certain penalties and fines for violations of

the measure. The Real Estate Division is required to adopt regulations to administer the certification program.

The bill appropriates, from the State General Fund, \$36,556 for Fiscal Year 1997-1998 and \$27,524 for Fiscal Year 1998-1999 for costs related to the certification program. The appropriation authority for each fiscal year lapses at the end of that fiscal year.

A.B. 634 (Chapter 632)

Assembly Bill 634 establishes certain obligations on the owner of private property upon which a nonprofit organization has installed a historical marker. The measure stipulates that an owner who consents to the placement of such a marker is deemed to have consented to maintain the marker in or on the structure unless he requests that the nonprofit organization remove the marker. If the property is sold, the bill requires the seller to notify the buyer of the obligation to maintain the marker unless the new buyer requests that the nonprofit organization remove it.

The bill applies retroactively to historical markers placed on private property by a nonprofit organization. On or before January 1, 1998, an owner who has removed a marker and not returned it to the organization must either replace the marker or reimburse the organization for its cost.

This measure is effective on July 17, 1997.

Landlord and Tenant Law

A.B. 484 (Chapter 690)

Assembly Bill 484 changes the provisions governing summary eviction proceedings for a landlord or his agent to obtain possession of any dwelling, apartment, mobile home (except for a mobile home lot in a mobile home park), recreational vehicle (except a recreational vehicle lot in a mobile home park), or commercial premises with periodic rent reserved by the month or a shorter period when the tenant is in default in the payment of rent. This measure allows the tenant, upon appeal from an order for summary eviction, to obtain a stay of executing the order by filing with the trial court a \$250 bond to cover the expected costs on appeal. The court may order an additional bond in any case concerning the lease of commercial property or any other property for which the monthly rent exceeds \$1,000.

This measure requires a tenant who maintains possession of the property to continue to pay rent during the period of time the appeal is pending and allows the landlord to initiate a new proceeding for summary eviction if the tenant fails to pay the rent.

Assembly Bill 484 amends the existing provisions that authorize the landlord or his agent to lock out the tenant or otherwise peaceably deny the tenant's access to the premises. The bill does not allow such action if it is prohibited under the law governing the landlord's recovery of possession of a residential dwelling.

Finally, this measure changes the requirement for the court to hold a hearing to determine the truth and sufficiency of any notices or affidavits filed pursuant to the summary eviction proceedings. If the tenant and the landlord each file the necessary affidavit, regardless of the information contained in the tenant's affidavit, the court is required to hold a hearing.

Affordable Housing and Housing Authorities

A.B. 17 (Chapter 398)

Assembly Bill 17 authorizes counties and cities to use revenue from the real property transfer tax to develop affordable housing for families whose income does not exceed 80 percent of the median income of families in the same county. The bill requires that a county or city that uses the revenue in that manner must give priority to the development of affordable housing for the disabled or elderly.

A.B. 74 (Chapter 464)

Assembly Bill 74 authorizes a county or city to convey certain land owned by the county or city to a nonprofit corporation if the corporation demonstrates its intent to construct affordable housing. Before the county or city conveys the land, the governing body must hold a public hearing on the matter. In addition, any agreement to convey land to the nonprofit entity must ensure the affordability of housing constructed on the property and include provisions for reversion to the county or city if the entity fails to construct and maintain affordable housing. Finally, if the county or city receives more than one application to convey the property, A.B. 74 requires that priority be given to a project that will develop affordable housing for the disabled or elderly.

The measure does not authorize the conveyance of land obtained through eminent domain.

A.J.R. 2 (File No. 37)

Assembly Joint Resolution No. 2 urges the United States Congress to support federal legislation that would facilitate development of affordable housing. The measure specifically urges adoption of an amendment to the Federal Recreation and Public Purposes Act that would include affordable housing as a public purpose for which governmental bodies and nonprofit corporations may acquire public lands. In addition, the

resolution urges passage of congressional legislation that would allow the sale of public lands to local governments and to nonprofit corporations at a price less than the fair market value so that affordable housing may be developed.

Manufactured Homes and Mobile Home Parks

S.B. 87 (Chapter 100)

Senate Bill 87 requires a landlord of a mobile home park to notify the Manufactured Housing Division of the Department of Business and Industry in writing of the landlord's correct name, address, and telephone number as well as the address and telephone number of the landlord's manager or assistant manager. The bill also requires the landlord to notify the division within 45 days if the landlord's name, address, or telephone number subsequently changes. In addition, the measure provides that the administrator of the division send to the landlord, a copy of the chapter titled "Landlord and Tenant: Mobile Home Parks," which the landlord must acknowledge reading.

This bill is effective on May 28, 1997.

S.B. 95 (Chapter 101)

Senate Bill 95 revises the procedures for reports of sale by dealers and rebuilders of manufactured homes, mobile homes, and commercial coaches. The bill requires the dealer, rather than the seller, to file the report of sale when a new home or coach is sold by a dealer. The measure also directs the dealer or rebuilder, instead of the seller, to file the necessary report when a used or rebuilt home or coach is sold by a dealer or rebuilder.

This bill is effective on May 28, 1997.

S.B. 106 (Chapter 53)

Senate Bill 106 authorizes a fine or the suspension or revocation of the license of a dealer licensed by the Manufactured Housing Division who knew or should have known of an unlawful act committed by a salesman, rebuilder, installer, or serviceman employed by, or associated with, the dealer, or who failed to adequately supervise such a person. The bill also provides that a licensee, other than a salesman, may be disciplined for conducting business from a location not authorized by the division. Furthermore, a dealer's failure to disclose material facts in connection with the sale, purchase, or lease of a manufactured home constitutes grounds for discipline. A dealer may also be disciplined for knowingly permitting a person whose license has been revoked or suspended to engage in acts that require a license. Finally, the measure includes additional grounds for discipline of a person who acts in the dual capacity of agent and undisclosed principal, exhibits gross

negligence or incompetence in performing an act requiring a license, or fails to take corrective action required by a notice of violation.

A.B. 148 (Chapter 225)

Assembly Bill 148 makes various changes to the trust fund for low-income owners of mobile homes. The measure requires a mobile home park owner to notify Nevada's Manufactured Housing Division of an impending rent increase 90 days before the increase, if the owner knows that the affected lot is occupied by a person receiving assistance from the trust fund. The bill also clarifies a person's eligibility for participation in the trust fund by specifying that the person must be the registered owner as indicated on the certificate of ownership issued by the division. In addition, A.B. 148 expands the definition of "mobile home," for purposes of participation in the trust fund, to include a travel trailer located on a lot in a mobile home park.

This measure is effective on June 30, 1997.

A.B. 297 (Chapter 108)

Assembly Bill 297 makes various changes relating to manufactured housing. The bill provides that an unlicensed person who causes damage to a mobile home, manufactured home, or commercial coach is required to reimburse the owners of the home for the cost of repairing such damage. The administrator of the Manufactured Housing Division is authorized to assess a penalty against an unlicensed person equal to the estimated cost of the repairs.

The measure clarifies that a contractor's license does not authorize a contractor to construct or repair a mobile home, manufactured home, or commercial coach. Licensed contractors who construct or repair such a home are subject to disciplinary action unless they are additionally licensed by the Manufactured Housing Division or they own the home. Further, the bill provides that a person who exclusively constructs or repairs mobile homes, manufactured homes, or commercial coaches is not a general building contractor.

Finally, the bill stipulates that all money deposited into a separate trust account from down payments, deposits of earnest money, proceeds of loans, or other money received by a manufactured or mobile home dealer must not be withdrawn from the trust account except to pay specific expenses as authorized by the written contract.

A.B. 318 (Chapter 509)

Assembly Bill 318 increases, from 168 inches to 192 inches, the maximum allowable width of a mobile or manufactured home that may be moved on certain highways in Nevada. This maximum width includes any appendages and roof eaves. The measure further

requires Nevada's Department of Transportation to adopt regulations concerning standards for transporting mobile or manufactured homes not exceeding the maximum in width.

Assembly Bill 318 addresses the growing manufactured housing industry and the need to transport larger homes over Nevada's highways. Testimony indicated that this measure is comparable to width requirements in the State of California.

A.B. 400 (Chapter 293)

Assembly Bill 400 clarifies that any deposit received by a landlord of a mobile home park before October 1, 1991, and still held by the landlord upon the effective date of this bill must be refunded to the tenant. The measure requires that interest of 5 percent per year, compounded annually, be paid for the entire period during which the deposit was held by the landlord, except that interest need not be calculated or applied to the portion of the period prior to October 1, 1991.

The measure is effective on July 5, 1997.

A.B. 522 (Chapter 303)

Assembly Bill 522 clarifies that the annual fee assessed for the fund for low-income owners of mobile homes applies only to lots in mobile home parks operated for profit. The bill also specifies that managers of a mobile home park, other than a park owned by a nonprofit organization or housing authority and operated as a nonprofit, are exempt from requirements to contract with a third party to provide emergency repairs for tenants, if the managers have an alternative and timely plan to handle emergency repairs. In addition, if the landlord or his agent knows that a tenant receives assistance from the trust fund for low-income mobile home owners, the landlord or agent must notify the administrator of the Manufactured Housing Division 90 days before increasing the tenant's rent.

The bill allows a tenant of a mobile home park who is living alone to have one other person live in the home, under certain conditions, without paying an additional charge or fee. The measure also provides that a mobile home lease may be terminated upon failure of the tenant to meet mandated age or income limits required in parks operated by nonprofit agencies. Finally, the bill clarifies that, to be eligible for assistance from the lot rent subsidy program, a person must be a tenant in a mobile home park that is operated for profit.

The measure is effective on July 1, 1997.

A.B. 541 (Chapter 594)

Assembly Bill 541 requires a landlord of a mobile home park to maintain all driveways within the park and all sidewalks adjacent to the street. The bill allows landlords of

mobile home parks to discount rent for long-term tenants of the park who are 55 years of age or older. The rental agreement or lease must specify the period of tenancy required for a long-term occupancy discount. The measure prohibits a manager of a mobile home park from purchasing a mobile home within the park if the manager has denied a tenant the right to sell the mobile home or has denied a prospective buyer the right to purchase that mobile home.

In addition, the measure requires the Division of Manufactured Housing to adopt regulations concerning continuing education requirements for installers, rebuilders, and servicers of mobile homes. The bill sets forth criteria for such regulations. Finally, the bill prohibits the division from renewing any license for an installer, rebuilder, or servicer of a mobile home until the licensee has submitted proof of completion of the required continuing education.

The continuing education requirements are effective on October 1, 1998. The remainder of the measure is effective on October 1, 1997.

A.C.R. 23 (File No. 97)

Assembly Concurrent Resolution No. 23 urges the Las Vegas Valley Water District to maintain the current schedule of rates for water usage in a mobile home park until such time as master meters are converted to individual residential meters, which measure actual consumption by each park resident.

Real Estate and Development

S.B. 91 (Chapter 139)

Senate Bill 91 defines the term "complex property" appraisal. In addition, the bill requires an applicant for a license as a residential appraiser to complete not less than 90 hours of academic instruction and at least 500 hours of experience relating to complex property. The measure also provides that an applicant for a certificate as a general appraiser must complete at least 180 hours of academic instruction. Finally, S.B. 91 increases the number of hours needed to satisfy continuing education requirements for appraisers.

Senate Bill 91 brings Nevada law into compliance with new federal regulations scheduled to take effect on January 1, 1998.

This bill is effective on June 9, 1997.

S.B. 92 (Chapter 113)

Senate Bill 92 increases, from three to six, the number of hours of continuing education for renewal of a real estate license that must be devoted to ethics, professional conduct, or the legal aspects of real estate.

This bill is effective on July 1, 1997.

S.B. 212 (Chapter 153)

Senate Bill 212 makes various changes to the provisions governing the disclosures required upon the sale of residential property. This measure provides that, if the seller does not agree to repair or replace a new defect that is discovered after the completion of the disclosure form (or a defect identified in the form that has become worse), the purchaser may either rescind the agreement to purchase the property or close escrow and accept the property with the defect as revealed by the seller without further recourse.

Senate Bill 212 also provides that, if a seller or agent provides notice to the purchaser before the conveyance of the property of a defect in the property of which the cost of repairs or replacement was not limited by the provisions in the purchase agreement, the purchaser may close escrow and accept the property with the defect as revealed by the seller or agent without further recourse. This bill eliminates the option in these situations of recovering from the seller the actual amount necessary to repair or replace the defect.

S.B. 248 (Chapter 283)

Senate Bill 248 provides for the regulation of the business of property management. The bill defines "property management" and "property manager" and provides for the issuance of a permit to engage in property management under certain conditions. Among other requirements, an applicant for a permit must complete at least 24 hours of classroom instruction in property management. The bill also establishes conditions for issuing a permit to a partnership, corporation, limited-liability company, or a sole proprietorship. In addition, S.B. 248 requires a real estate broker who holds a permit to obtain a written brokerage agreement signed by the broker and the client before the broker engages in property management for the client.

Furthermore, the measure makes it unlawful for any person, partnership, association, limited-liability, or corporation to act as a property manager without first obtaining a permit and a license as a real estate broker, real estate broker-salesman, or real estate salesman.

The bill exempts certain persons from this chapter of law, such as an employee of a real estate broker who collects rent for the broker, or a property manager of a property who maintains an office on the property and does not manage any other property. The measure also exempts a person who performs property management for

a common-interest property, a condominium, a time-share, or a planned unit development, under certain conditions.

In addition, S.B. 248 imposes certain requirements on real estate brokers regarding the administration of trust accounts. Finally, a person licensed in Nevada on July 1, 1998, as a real estate broker, broker-salesman, or salesman, may engage in property management without a permit until July 1, 1999. Such a person shall be deemed to have satisfied the educational requirements of the law for an initial permit if, on or before July 1, 1999, the person passes a test on property management principles adopted by the Real Estate Commission.

Portions of the bill become effective on October 1, 1997. The balance of the measure is effective on July 1, 1998.

S.B. 260 (Chapter 217)

Senate Bill 260 directs the Department of Business and Industry to conduct a study relating to the requirements for disclosure that are associated with the sale of residential property in Nevada. Among other provisions, the measure specifies that the study include the feasibility of creating a form that will aid the purchaser of residential property in understanding the full nature of the transaction.

The bill requires the department to submit a report of its findings and recommendations for review by the 1999 Nevada Legislature, on or before February 15, 1999.

This measure is effective on July 1, 1997.

S.B. 314 (Chapter 631)

Senate Bill 314 revises provisions governing unit-owners' associations. The bill authorizes a unit owner to attend any meeting of the units' owners association or the executive board, except when the executive board meets in executive session. Senate Bill 314 establishes certain requirements for rules adopted by an association and specifies certain penalties an executive board may impose for violation of those rules. Each member of the executive board must certify in writing at the time of his appointment or election that he has read and understands the governing documents of the association and the applicable laws. Meetings of the association must be held at least once a year and the executive board must meet at least once every 90 days. Further, the bill establishes requirements for the content of meeting agendas.

Senate Bill 314 also establishes requirements for a reserve account for common area repairs and imposes certain requirements before the association can commence certain civil actions. In addition, the measure imposes restrictions on an association's ability to foreclose a lien assessed for a violation of the association rules. Further, an association may not apply any assessment, fee, or other charge paid by a unit's owner toward another

fine imposed against the unit's owner. The bill also prohibits a unit-owners' association from exercising the power of eminent domain.

In addition, the bill creates the Office of the Ombudsman for Owners in Common-Interest Communities and provides a mechanism to fund the ombudsman. Finally, the measure specifies the content of the information statement a seller is required to provide to a purchaser of a unit.

Portions of Senate Bill 314 are effective on October 1, 1997. Other portions are effective on January 1 and July 1, 1998.

S.B. 370 (Chapter 198)

Senate Bill 370 exempts certain people from the definition of "real estate broker." A person is exempt if employed by a licensed broker to accept reservations for rental of lodging for 31 days or less and if no tasks related to the sale or transfer of real estate are performed.

Testimony indicated that there was uncertainty in the industry regarding whether nonlicensed office staff could legally accept reservations for rental lodging.

S.B. 480 (Chapter 559)

Senate Bill 480 revises and clarifies certain provisions governing actions relating to constructional defects involving residential property. The bill requires disclosure after the commencement of an action of all information regarding applicable homeowners' warranties. Disclosure of any insurance agreements is required of the contractor following a settlement offer. Upon the petition of a party, the court is required, in setting a trial date, to give preference to a case involving constructional defects. The action may be assigned to a senior judge upon a party's petition, and any additional expenses must be paid by the parties.

Senate Bill 480 requires the claimant to provide the contractor with notice of the defects in each multiple unit residence that describes in reasonable detail the cause of the defects, if known. Prior to inspecting the defects at a reasonable time, the contractor must provide reasonable notice of the inspection. In complex matters, the bill authorizes the extension of the time frame in which the notice and inspection must take place. The bill defines a complex matter as a claim involving five or more separate residences in which the claimant is a representative of a homeowner's association.

The bill stipulates that, at least 15 days prior to mediation, the parties must provide one another with all relevant documents, including reports, photos, work orders, and warranties that are not privileged. The bill also requires that, in cases involving a claimant who is the representative of a homeowner's association, the association must submit any offer of settlement to each member of the association. Senate Bill 480 also provides that

a contractor who fails to respond in good faith to certain claims or who fails to agree to or participate in mediation is subject to certain penalties.

Finally, S.B. 480 authorizes a contractor to require any third party, except an insurer or a governmental body, to appear and participate in the mediation proceedings as if the party were a contractor.

A.B. 300 (Chapter 86)

Assembly Bill 300 amends various statutes to provide that a limited-liability company may apply to do business as a real estate broker, broker-salesman, or salesman. Currently, only a person, association, corporation, or partnership may apply for a license. The measure provides that a limited-liability company's articles of organization must designate a manager. Also, the name and address of the manager and each member must be listed in the application. The bill further provides that limited-liability companies holding a real estate license are subject to the same regulatory provisions and penalties as other licensees.

The provisions of this bill do not apply to offenses committed before October 1, 1997.

A.B. 421 (Chapter 164)

Assembly Bill 421 changes the provisions governing the effect of a release or covenant not to sue or not to enforce judgment. This measure adds equitable indemnity as a condition for which a tortfeasor who receives such a release or covenant may be discharged from all liability to any other tortfeasor. Furthermore, the bill defines "equitable indemnity" to mean a right of indemnity that is created by the court rather than expressly provided for in a written agreement.

Assembly Bill 421 was requested to address situations in construction defect litigation where one tortfeasor (an individual or business being sued for a wrongful act) wants to settle his part of a case but is prevented from doing so because other tortfeasors are not ready or willing to settle. The existing law allows one of two or more tortfeasors to settle with the injured party and to be discharged from all liability for contribution to the tortfeasors who do not settle. Under contribution, a tortfeasor against whom a judgment is rendered is entitled to recover proportional shares of judgment from other joint tortfeasors whose negligence contributed to the injury and who were also liable to the injured party.

In an opinion dated January 3, 1997 (*Medallion Development v. Converse Consultants*), Nevada's Supreme Court held that the existing law does not address implied equitable indemnity or the right under which the entire loss or liability is shifted from one tortfeasor to the party primarily responsible. Because of this decision, one party cannot be released to settle his part of the case separately. Assembly Bill 421 corrects this situation by

specifically providing for equitable indemnity in the law, and it should expedite the settlement of disputes.

This bill is effective on June 20, 1997.

A.B. 570 (Chapter 601)

Assembly Bill 570 provides a procedure for the maintenance of certain improvements in subdivided land, either through a homeowners' association or by a local government through the creation of a maintenance district. The bill stipulates that a developer may, in lieu of creating a homeowners' association, request the governing body to assume the maintenance of landscaping, public lighting, and security walls. The request must be accompanied by a petition signed by a majority of the owners whose property will be assessed for the maintenance. If the governing body determines that it would be desirable to assume the responsibility, it must, by ordinance, create a maintenance district or unit of assessment. The bill's provisions apply prospectively to a development in which all of the affected owners agree in writing to the district or assessment.

Alternatively, A.B. 570 stipulates that, if a developer creates a homeowners' association, the local governing body may require the association to adopt a plan for the maintenance of improvements on the land. If the association fails to maintain the improvements, the bill provides a method for the governing body to compel compliance or assume the maintenance. If the governing body assumes the maintenance, the governing body may assess the owners for the associated costs.

This measure is effective on July 16, 1997.

INFRASTRUCTURE

S.B. 368 (Chapter 428)

Senate Bill 368 provides that the State Contractors' Board must require a contractor to file a bond or establish a cash deposit in an amount fixed by the board if the Labor Commissioner notifies the board that three substantiated claims for wages have been filed against the contractor within a two-year period. The contractor must maintain the bond or deposit for the period required by the board. The measure requires the Labor Commissioner to notify the board after three substantiated wage claims have been filed against a contractor within a two-year period. The notification must include a copy of the Labor Commissioner's final written decision on each claim.

S.B. 458 (Chapter 556)

Senate Bill 458 requires a general building contractor to provide the owner of a single-family residence with whom he has contracted certain information about the subcontractors working on the project and certain information regarding mechanics' liens. The bill authorizes the State Contractors' Board to establish advisory committees to provide assistance with respect to issues of fraud in the construction industry and specifies certain matters relating to the composition and function of such committees. The measure also requires the board to carry out a consumer education program, which offers a telephone number for the public to obtain information about protection against fraudulent construction practices. In addition, S.B. 458 increases the maximum amount of the required bond or security deposit a contractor must furnish in order to be licensed to \$100,000. Furthermore, under certain conditions, the board may require a contractor to submit a financial statement prepared by a certified public accountant. The bill also defines construction fraud and authorizes the board to designate employees to investigate fraud and cooperate with other state, local, and federal officials in such investigations.

Senate Bill 458 provides that, if a licensee commits a fraudulent act that is grounds for discipline, the mere correction of any condition resulting from such an act or the surrender or expiration of the license does not prevent the board from taking disciplinary action. The bill requires the board to provide a licensee with notice and opportunity for hearing before disciplinary action is taken, and this same requirement applies to cases in which a license is not granted or renewed or an administrative assessment is imposed. In cases involving public health, safety, or welfare, the board may summarily suspend a license pending the hearing.

The measure also provides that knowingly making a false statement in connection with filing a notice of lien or failure to give the required notice are grounds for discipline and also constitute a gross misdemeanor. In addition, S.B. 458 increases to \$500 the value of the work that must be performed or the materials that must be supplied before a lien can be filed. Further, the bill requires a lien holder to record a court order within two days after the court orders the release or reduction of a lien, unless a stay order has been entered. The bill also requires a building inspector who issues a permit to a residential homeowner

to deliver a statement to the owner that contains specific information regarding the owner's rights and responsibilities.

A contractor who receives an initial payment of \$1000 or 10 percent, whichever is less, of the aggregate contract price for a residential pool or spa, must commence the work within 30 days after the necessary permits are issued and must not fail or refuse to perform any work during any 30-day period. Upon satisfactory payment for any portion of the work, the contractor must furnish the owner with a full and unconditional release of any lien for that portion of the work. Any contract for a residential pool or spa in excess of \$1000 must be in writing and contain certain information, including a notice that the owner has the right to request a payment and performance bond. The bill allows for the final payment to be made after inspection and completion of certain phases of the project.

S.B. 494 (Chapter 439)

Senate Bill 494 amends Assembly Bill 291 of this legislative session to enable the creation of a district in downtown Reno in which would be imposed the 1 percent room tax authorized by A.B. 291.

Assembly Bill 291 authorizes a room tax of 1 percent in Washoe County to be used for railroad grade separation projects. The bill does not create a district for the imposition of that tax, however; thus, the tax, if enacted, would be imposed countywide.

Testimony indicated that the intent of the legislation was to limit the room tax to the City of Reno. Accordingly, S.B. 494 repeals the pertinent sections of A.B. 291 and replaces them with the same sections amended to enable the City of Reno to impose the tax and to create a district contiguous with the downtown Reno redevelopment area.

This measure is effective on July 16, 1997.

A.B. 201 (Chapter 85)

Assembly Bill 201 makes various changes related to the municipal bond bank. The measure increases, from \$600 million to \$1.8 billion, the amount of state securities that may be issued to acquire municipal securities. In addition, the measure includes the Southern Nevada Water Authority among those entities that are eligible to participate in the municipal bond bank. The measure stipulates that, if a member's water revenues are insufficient to pay its share of bonds issued pursuant to this measure, the amount due must be paid out of the member's general fund. If general funds are insufficient, the member must impose an ad valorem tax.

This measure effective on May 19, 1997.

A.B. 291 (Chapter 506)

Assembly Bill 291 authorizes the board of county commissioners in each county to impose, by ordinance, a sales tax to be used to finance infrastructure projects. In all counties except a county with a population of more than 100,000 but less than 400,000, the increase, if enacted, must be no more than one-quarter of 1 percent. In counties with a population of more than 100,000 but less than 400,000, the increase may be no more than one-eighth of 1 percent. An ordinance to impose or make other changes to the tax must be approved by a two-thirds majority of the board at a public hearing for which notice was given at least two weeks in advance. Certain other procedures to impose the tax and the uses for which the tax revenues may be expended vary according to the population of a county.

Counties With a Population of 400,000 or More

In a county with a population of 400,000 or more in which a water authority exists, revenues from the tax must be used for water and wastewater facilities. Cities and towns that are not served by the water authority must be allocated a share of the tax revenues based upon assessed valuation. The bill requires such a county to report annually to the Legislature or Interim Finance Committee concerning the collection, distribution, and use of tax revenues. Finally, the measure requires the board to review the necessity for the tax within ten years. In addition, the bill stipulates that the tax must be discontinued by June 30, 2025, or when the revenues exclusive of penalties or interest have reached \$2.3 billion, whichever comes first.

Assembly Bill 291 also authorizes a city that owns a municipal water system, in a county with a population of 400,000 or more, to impose an excise tax on customers of the water system. The city must levy varying rates for different classes of customers, subject to the limitation of one-quarter of 1 percent for residential classes and 5 percent for commercial or other classes. The excise tax must be reviewed every ten years.

In addition, A.B. 291 requires a legislative performance audit of the Southern Nevada Water Authority and stipulates that the authority must, upon the request of the Legislative Auditor, pay the costs of the audit, up to \$120,000, to the Audit Division of the Legislative Counsel Bureau

Counties With a Population of Less Than 400,000

In any county with a population less than 400,000, the tax may not be imposed until a plan for the expenditure of revenues has been approved by the board after a public hearing. On or before the date a plan expires, the board must determine the necessity to continue imposition of the tax, but no changes may be made that impair associated bonds or obligations.

In a county with a population of 100,000 or more, but less than 400,000, revenues must be used for flood control facilities, public safety facilities, or any combination of those uses.

Furthermore, in such a county in which a regional planning commission exists, the commission must review and rank the projects proposed to be funded by the tax before the county commission may impose the tax.

In addition to the sales tax increase for infrastructure, the bill authorizes a county with a population of 100,000 or more but less than 400,000 to impose a 1 percent room tax to finance grade separation projects. This provision was further amended by Senate Bill 494 to clarify that the 1 percent room tax authorized by A.B. 291 would be imposed only in the City of Reno's downtown redevelopment area, not countywide.

Finally, in a county with a population of less than 100,000, revenues must be used for water or wastewater facilities; flood control facilities; solid waste disposal facilities; the construction or renovation of schools; or a combination of those projects.

This measure is effective on July 16, 1997.

A.B. 330 (Chapter 512)

Assembly Bill 330 revises provisions concerning planning and zoning. The measure authorizes local governments to adopt ordinances to grant, without a hearing, minor deviations from land use zoning requirements. The ordinance must require the written consent of any owner of property who would be affected by the minor deviation and must provide for an appeal by the applicant or other aggrieved person.

In addition, A.B. 330 allows local governments to authorize hearing examiners to take final action on variances, abandonments, vacations, special use permits, conditional use permits, and other special exceptions or applications. The bill stipulates that hearing examiners may not take final action on zoning classifications, zoning districts, or amendments to zoning boundaries. Similarly, the measure expands the authority which a local government may grant a planning commission.

Assembly Bill 330 also increases, from 45 to 60 days, the period of time within which a planning commission in counties with a population of less than 40,000 must take certain actions related to the acceptance of parcel maps. The bill further sets forth procedures and time limits for appeals related to certain decisions of the planning commission.

Finally, Assembly Bill 330 authorizes professional land surveyors to request the correction or amendment of parcel maps and similar documents.

A.B. 353 (Chapter 516)

Assembly Bill 353 relates to the financing of new construction, design, maintenance, and repair of school facilities. The bill revises provisions governing the review of plans for facilities and authorizes school districts to enter lease agreements with the option

to purchase school facilities. The measure also requires the school boards in Clark and Washoe Counties to establish oversight panels for school facilities and prescribes the membership and duties of these panels.

In addition, the bill adds 1 percent to the room tax and 60 cents for each \$500 of value to the real estate transfer tax in Clark County with the additional revenue being used for school construction. The measure also provides that school district boards of trustees may, with voter approval, continue to issue general obligation bonds to maintain the current bond fund for the next ten years at a level that will not result in an increase in the existing property tax levy. Such an approach allows the district to accumulate school construction funds without raising or lowering the property tax levy and without holding an election for each issuance of the bonds.

Finally, the measure creates a state planning commission for the new construction, design, maintenance, and repair of school facilities and prescribes the membership and duties of the commission. It also appropriates \$300,000 to the commission for evaluation of existing school facilities and commission operating expenses. The commission expires by limitation on June 30, 1999.

Certain portions of this measure are effective on July 16, 1997. Others are effective on August 1, 1997; October 1, 1997; July 1, 1999; and July 1, 2008.

The portions concerning maintenance of the bond fund for the 10-year period expire by limitation on June 30, 2008.

INSURANCE

S.B. 246 (Chapter 138)

Senate Bill 246 amends the law relating to the payment of the insurance premium tax. In 1995, the Legislature temporarily repealed a provision requiring insurers to prepay the tax. That temporary repeal was scheduled to expire on January 1, 1998. This bill makes the repeal permanent. Senate Bill 246 also changes the dates by which insurers must file annual reports and make quarterly tax payments.

S.B. 351 (Chapter 221)

Senate Bill 351 authorizes an affiliate, parent, or subsidiary of a bank, as defined in the bill, to sell insurance and annuities. In addition, the measure prohibits a bank from requiring a customer to purchase insurance from an affiliate, parent, or subsidiary as a condition of receiving credit or services from the bank or engaging in certain transactions with the bank.

According to testimony, in March 1996, the United States Supreme Court ruled in *Barnett Bank v. Florida Insurance Commissioner* that a national bank has the authority to sell insurance through a branch in towns of 5,000 people or less. The Comptroller of the Currency, who regulates national banks, interpreted this ruling to authorize banks to sell insurance nationwide. Senate Bill 351 codifies the *Barnett* ruling as interpreted by the Comptroller. In addition, federal law prohibits a bank from requiring customers to purchase insurance from the bank as a condition of doing business with the bank. The provision in S.B. 351 mirrors this federal law.

This measure is effective on June 30, 1997.

S.B. 393 (Chapter 435)

Senate Bill 393 requires the Attorney General and the Insurance Commissioner to notify the appropriate licensing agency when a person licensed or registered to engage in a business or profession under Nevada law is convicted of insurance fraud. Within one year from receipt of the information, the agency must submit a report to the Legislature explaining what action the agency took against the convicted person. The measure also provides that a person commits insurance fraud when he knowingly and willfully engages in certain conduct, such as employment of a person to procure clients, patients, or other persons who receive services or benefits under an insurance policy. In addition, the bill prohibits conspiring to commit, soliciting, or permitting the commission of insurance fraud.

A.B. 578 (Chapter 603)

Assembly Bill 578 authorizes the Division of Insurance to charge a fee for each check returned to the division for insufficient funds. The bill also requires the division to deliver

to the Secretary of State a copy of any order of the Commissioner of Insurance or a district court prohibiting an insurer from doing business in this state. In addition, the bill makes a number of technical changes to existing insurance laws to make consistent various provisions in different chapters of the *Nevada Revised Statutes*.

Automobile Insurance

A.B. 36 (Chapter 298)

Assembly Bill 36 makes various changes to the provisions governing the motor vehicle insurance verification program administered by the Department of Motor Vehicles and Public Safety (DMV&PS). The bill removes the \$50 "nonresponse" fee assessed to those who do not return the insurance verification form mailed by the department. The measure also defines a "dormant vehicle" and lists the procedure by which a registered owner may cancel the insurance and registration of such a vehicle. The bill removes from the insurance verification program golf carts and motor carriers over 26,000 pounds. The measure also requires the DMV&PS to verify only insurance coverage for newly purchased motor vehicles or those with a policy of liability insurance that has been issued, amended, or terminated.

Assembly Bill 36 also makes various changes to the procedures used in mailing the insurance verification form by the department. The bill requires the department to send the initial insurance verification form to the registered owner of the motor vehicle via first class mail. If the registered owner fails to return the completed form within 20 days, the bill requires the department to send a second form via certified mail. The registered owner must return the second notice within 15 days after the date of mailing by the department. In addition, the measure permits the authorized agent of the registered owner to verify insurance coverage on behalf of his client.

The bill requires the DMV&PS to notify the Commissioner of Insurance if an insurer fails to transmit the required insurance coverage information to the department or if the information provided is false, incomplete, or misleading. The measure requires new insurers to demonstrate to the DMV&PS that they are able to properly submit the required information to the department before being licensed to sell motor vehicle insurance in this state.

Finally, the measure establishes a program for the refund of the \$50 nonresponse fee. In order to receive the refund, the registered owner must apply with the department and assert that the vehicle in question was covered by a policy of liability insurance at the time of the department mailing. The application for the refund also requires the registered owner to assert that the insurance verification form mailed by the department was not received or that the completed form was returned to the department as required by law.

This measure is effective on July 5, 1997.

Health Insurance

S.B. 428 (Chapter 360)

Senate Bill 428 provides that the minimum benefit for the treatment of withdrawal from the physiological effects of alcohol or drugs under a policy of health insurance must be \$1,500 per year. The minimum yearly amount for inpatient care for the treatment of alcohol and drug abuse must be \$9,000. In addition, the measure requires policies to provide a minimum yearly benefit of \$2,500 for outpatient counseling. Finally, the bill eliminates the \$39,000 lifetime limit on benefits under such policies.

This bill is effective on January 1, 1998.

A.B. 26 (Chapter 459)

Assembly Bill 26 prohibits insurers from requiring prior authorization for an insured woman's annual cytological screening, baseline mammogram if between the age of 35 and 40, or annual mammogram if 40 years of age or older. The bill applies to policies of health insurance, group health insurance, health insurance issued by hospital or medical service corporations, and health maintenance organization plans.

A.B. 30 (Chapter 460)

Assembly Bill 30 establishes a toll-free telephone service in the Division of Insurance to assist consumers of health insurance by answering their questions and directing them to appropriate resources. Further, the measure requires the Division of Insurance to gather data on the nature of concerns by Nevada consumers regarding their health care plans.

The bill requires the Commissioner of Insurance to convene an advisory committee to establish criteria that measure the nature of complaints received from consumers and to develop and distribute an educational pamphlet concerning health care plans. The commissioner is required to submit a report to the next session of the Legislature regarding this program.

Finally, the amendment permits the Division of Insurance to use money from an existing insurance education fund. The designated use of the money is consistent with the purpose of the fund, which is to educate people regarding insurance issues.

The measure authorizes the expenditure of \$110,000 during the biennium to fulfill the intent of the bill. The measure is effective on July 1, 1997.

A.B. 348 (Chapter 300)

Assembly Bill 348 prohibits health insurers, societies, corporations, and health maintenance or dental care organizations from denying a claim for insurance coverage because it involved an incident of domestic violence. Such organizations also are prohibited from canceling or refusing to issue a policy for the same reason.

This measure also requires Nevada's Department of Human Resources to establish a task force, consisting of various agency representatives, to study the impact of domestic violence on children. This task force is directed to report its findings and recommendations to the 1999 Nevada Legislature.

This measure was requested on behalf of the Nevada Domestic Violence Prevention Council, to insure that health insurance coverage is not denied because of domestic violence. In addition, testimony indicated that there is widespread concern about the impact of domestic violence on children and noted that this measure provides a multiagency approach in addressing this issue. Representatives from the Nevada Network Against Domestic Violence, Nevada's Division of Child and Family Services, and the Nevada's Women Lobby spoke in favor of the measure.

A.B. 394 (Chapter 432)

Assembly Bill 394 requires all individual and group health insurance policies and health maintenance organization insurance to include coverage for certain digestive disorders beginning January 1, 1998, regardless of whether the condition existed when the policy was purchased. The coverage is required to include medically necessary enteral formulas prescribed by a physician for use at home. The bill also requires a minimum annual coverage of \$2,500 for special food products modified to be low in protein for persons with such digestive disorders. The measure exempts health maintenance organizations providing health care services for Medicaid recipients from the provisions of the bill.

A.B. 477 (Chapter 214)

Assembly Bill 477 requires that any policy of health insurance for hospital, medical, or surgical expenses include coverage for the management and treatment of diabetes, including training for the self-management of diabetes. Diabetes is defined to include type I, type II, and gestational diabetes. Insurers are required to include notice of the availability of coverage in disclosures required under existing statute. The bill provides that the required coverage is subject to the same deductibles, copayment, coinsurance, and annual and lifetime limit provisions of the policy as other covered expenses. Policies of health insurance issued for delivery or renewed on or after January 1, 1998, are required to include the coverage. The bill stipulates that coverage for the management and treatment of diabetes include medically necessary medications, equipment, supplies, and appliances to treat diabetes.

A.B. 521 (Chapter 586)

Assembly Bill 521 brings Nevada into compliance with the Federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), also known as the Kennedy-Kassebaum Act, which was designed to provide more options for maintaining health insurance for certain eligible individuals who change jobs (move from group to group); lose jobs; become self-employed; or move to a company that does not provide health insurance (move from group to individual).

The bill takes two concepts, portability and availability, and spreads them over the three insurance markets: individual, small employer, and group. Portability laws require carriers to limit preexisting condition waiting periods, credit previous continuous coverage to any waiting period (a concept known as creditable coverage), and cover whole groups covered under a previous policy when a group plan is replaced. Availability laws require carriers to offer coverage without regard to health status or claims experience (a concept known as guaranteed issue), and that require carriers to renew coverage unless the employer or the individual has breached the contract in specific ways such as nonpayment of premiums, fraud, or misrepresentation (a concept known as guaranteed renewal). Assembly Bill 521 imposes portability on the group market, availability on the individual market, and both portability and availability on the small employer market.

The bill establishes a reinsurance program to assist insurance carriers in the individual and small employer markets with the burden of guaranteed issue and renewal for certain eligible persons. Carriers will have the option of underwriting their own risks, referred to as risk-assuming carriers, or participating in the reinsurance program, referred to as reinsuring carriers. Reinsuring carriers are responsible for the first \$5,000 in claim costs for eligible individuals. After that, the carrier buys reinsurance from the program and is liable for 10 percent of the next \$50,000 of benefit payments (a maximum of \$10,000 in liability per carrier per year). The reinsurance program then pays any remaining claims. The program is funded through assessments on participating carriers. If it is determined that the losses of the program exceed 5 percent for two consecutive years, the program may then assess the health insurance industry up to 0.5 percent of the health insurance market premium written for that year (including the stop loss premium). Carriers assessed as a result of the additional funding may offset the assessment against their premium tax liability at the rate of 20 percent per year over a five-year period.

The bill also incorporates federally mandated provisions regarding length of maternity hospital stays and mental health parity provisions for group health plans, and length of maternity hospital stay provisions for small group plans.

The measure appropriates funds to the Division of Insurance to adopt regulations pursuant to the measure and to create and operate the reinsurance program.

The mental health parity provisions are effective January 1, 1998, and sunset on September 30, 2001. The remainder of the measure is effective July 16, 1997.

A.B. 549 (Chapter 412)

Assembly Bill 549 prohibits insurers who provide health insurance from requiring an insured person or any member of his family to take a genetic test. The bill also prohibits insurers from requiring an insured to disclose whether he or any member of his family has taken a genetic test. In addition, insurers are prohibited from using genetic information to determine rates or coverage benefits. The bill defines both genetic information and genetic test.

The provisions of the bill are not applicable to insurers issuing a policy of health insurance that provides coverage for long-term care or disability income. Further, the measure allows a person who takes a genetic test to inspect or obtain any genetic information included in the records of his test.

Assembly Bill 549 prohibits, with certain exceptions, the obtaining of genetic information that identifies a person without first obtaining informed consent. The bill also prohibits, with certain exceptions, the retention of a person's genetic information without the informed consent of the person. The measure prohibits disclosing or compelling a person to disclose the identity of a person who was subject to a genetic test or disclosing genetic information in such a manner that would allow identification of a person without first obtaining informed consent.

Violations of the bill's provisions are misdemeanors. In addition, individuals suffering an injury as a result of the disclosure of genetic information are granted the ability to bring a civil action for recovery of actual damages, including costs and attorney's fees.

Finally, the State Board of Health is authorized to adopt regulations to enforce the provisions of the bill.

Workers' Compensation

S.B. 105 (Chapter 645)

Senate Bill 105 requires workers' compensation insurers, other than self-insurers, to provide each insured employer with a certificate of insurance that must contain certain specified information. The bill also requires an insured employer, including a self-insured employer, to post a certificate indicating that the employer has the required industrial insurance coverage. In addition, the bill provides that the workers' compensation fraud control unit of the Office of the Attorney General must have access to the index of compensation claims maintained by the administrator of the Division of Industrial Relations (DIR). Furthermore, S.B. 105 authorizes the administrator to impose certain fines on an employer who intentionally fails to provide information for use in the index. The bill also requires certain information to be contained in a certificate of self-insurance issued by the Commissioner of Insurance.

The measure also provides that the administrator of the DIR may impose certain fines if the fraud control unit does not prosecute a person for specified violations. In addition, S.B. 105 authorizes the administrator of DIR to impose certain penalties if an employer fails to provide and secure or maintain industrial insurance coverage. Finally, the bill amends certain provisions of the Industrial Insurance Act that will be effective upon the commencement of “three-way insurance” on July 1, 1999.

Sections of S.B. 105 that transfer authority to impose certain penalties against an employer who fails to maintain industrial insurance coverage are effective January 1, 1998. Sections of the bill that require insurers, other than self-insurers, to provide each insured employer with a certificate of insurance are effective on July 1, 1999. Other sections of the bill are effective on July 1, 1997.

S.B. 125 (Chapter 84)

Senate Bill 125 clarifies that the term “product” used in the unemployment security provisions relating to direct sellers includes an intangible service as well as a tangible good. In addition, the bill exempts certain direct sellers from the mandatory provisions regarding industrial insurance.

According to testimony, the exemption in the unemployment statutes for direct sellers was patterned after federal law. The Internal Revenue Service (IRS) interpreted the term “product” in the federal statute to exclude intangible services. Nevada’s Employment Security Division (ESD) adopted the same interpretation of the provision in state law. After several court decisions held that an intangible service is a “product,” the IRS changed its interpretation. Senate Bill 125 clarifies the definition of “product” and conforms state law to the interpretation now used under the federal statute.

In addition, S.B. 125 authorizes an exemption from mandatory workers’ compensation coverage for certain direct sellers, such as individuals who sell Tupperware, Avon, Shaklee, and similar products. Testimony indicated that these individuals generally work for themselves out of their own homes and have small operations.

This bill is effective on May 15, 1997.

S.B. 219 (Chapter 653)

Senate Bill 219 provides that the Governor may appoint one or more special appeals officers to conduct hearings in contested claims for industrial insurance benefits. In addition, the bill provides that a special appeals officer may hear any case in which a regular appeals officer has a conflict or any case assigned to him by the senior appeals officer to assist with a backlog of cases. The measure also provides that a special appeals officer is to be paid at an hourly rate determined by the Department of Administration.

This bill is effective on July 17, 1997.

S.B. 372 (Chapter 674)

Senate Bill 372 provides that an offender confined in a county jail or other local detention facility may receive coverage under the modified program of industrial insurance while engaged in a work program directed by the administrator of the detention facility. An offender is limited to the rights and remedies established by the modified program established by the Division of Industrial Relations and is not entitled to the rights and remedies of the Nevada Industrial Insurance Act and the Nevada Occupational Diseases Act.

A modified program of industrial insurance coverage for state prison inmates was enacted in 1989. According to testimony, the state program has functioned well, and representatives of local authorities indicated that a similar program for offenders confined in county jails and local detention facilities would be useful.

Senate Bill 372 is effective on July 1, 1997.

S.C.R. 62 (File No. 137)

Senate Concurrent Resolution No. 62 commends the State Industrial Insurance System and the Division of Industrial Relations of the Department of Business and Industry for the reduction of industrial injuries. The measure recognizes the efforts of employees, which have resulted in a 40 percent decline in the percentage of workers' compensation claims since the creation of the workplace safety and health initiatives in 1992.

A.B. 114 (Chapter 133)

Assembly Bill 114 eliminates the duty of the Division of Industrial Relations (DIR), Department of Business and Industry, to certify or authorize insurers to provide industrial insurance, and places that duty with the Commissioner of Insurance. The bill also clarifies existing statutory provisions that prohibit unauthorized insurers from providing workers' compensation insurance in Nevada.

Beginning July 1, 1999, private insurance companies will be allowed to provide workers' compensation insurance to Nevada's employers. *Nevada Revised Statutes* 616A.465 gives the Commissioner of Insurance responsibility for certifying or authorizing insurers. The statute also requires DIR to authorize whether an insurer meets requirements of the workers' compensation laws. According to testimony, the Commissioner of Insurance testified that the Commissioner should be solely responsible for certifying or authorizing insurers to provide industrial insurance.

This bill is effective on July 1, 1999.

A.B. 147 (Chapter 474)

Assembly Bill 147 limits the circumstances under which an insurer, an employer, an organization for managed care, a third-party administrator, the representative of any of those persons, or the representative of an injured employee may communicate with a physician or chiropractor regarding the medical disposition of a claim for workers' compensation benefits. The bill requires that a log that includes the date, time, and subject matter of the communications be maintained by the party that initiates an oral communication. The log must be maintained in a written form or in a form from which a written record may be produced, and it must be made available to the injured employee or his representative, or his employer, upon request.

The measure also requires that a copy of a written communication that relates to the medical disposition of a claim be provided to the employee or his representative in a timely manner.

A person who violates the provisions of this bill is subject to an administrative penalty.

A.B. 184 (Chapter 487)

Assembly Bill 184 authorizes the establishment of a program by an employer in which a police officer or fireman who suffers a catastrophe resulting in temporary total disability may elect payment of his normal salary rather than workers' compensation benefits. "Police officers" are defined as those covered under heart-lung workers' compensation provisions. A "catastrophe" is defined as an illness or accident arising out of, or in the course of, employment, which is life threatening or will require convalescence in excess of 30 days.

If an employer elects to establish such a program, an eligible employee may collect normal salary for not more than one year and accrue sick leave, annual leave, and retirement benefits. Further, the program may allow a police officer or fireman to return to light-duty employment modified according to his physical restrictions or limitations. Finally, the measure applies to self-employed insurers as well as state employers of police officers and firemen.

A.B. 466 (Chapter 399)

Assembly Bill 466 stipulates that, in a county with a population of 100,000 or more, a test of an injured worker for the use of alcohol or a controlled substance must be performed by a laboratory certified by the College of American Pathologists or by the Federal Department of Health and Human Services. This bill requires that testing of breath for alcohol be performed pursuant to regulations of the Federal Department of Transportation. This measure also provides that, in addition to an insurer, an appeals officer, a hearing

officer, or an employer may request that an injured employee submit himself for a medical examination.

Testimony indicated that A.B. 466 is intended to ensure that a test of an injured worker for the use of alcohol or a controlled substance is performed by a certified laboratory to minimize the chance of incorrect results being used in workers' compensation cases. The bill was made effective on July 1, 1999, to provide sufficient time for laboratories that want to perform these tests to obtain the required certifications.

This bill is effective on July 1, 1999.

A.B. 519 (Chapter 567)

Assembly Bill 519 appropriates \$50,000 from the State General Fund to the Health Division, Department of Human Resources, for continuation of the program developed by the perinatal substance abuse subcommittee of the Advisory Board on Maternal and Child Health.

This bill is effective on June 30, 1997.

A.B. 548 (Chapter 285)

Assembly Bill 548 provides that workers' compensation premium rates paid by employers under the assigned risk plan be actuarially determined to ensure that the plan is financially self-sustaining. This bill also eliminates a requirement that a private carrier provide industrial insurance for the same classes of risk in this state for which the insurer provides industrial insurance outside this state.

Testimony indicated that this bill will ensure that employers who are not in the assigned risk plan are not required to subsidize premiums of employers who are in the assigned risk plan.

In addition, testimony indicated that the requirement to provide industrial insurance for the same classes of risk in this state for which a private carrier provides industrial insurance outside this state is not necessary because another provision in the workers' compensation law allows a private carrier to refuse to provide coverage for any particular risk. Employers who cannot obtain industrial insurance in the voluntary market will receive coverage in the assigned risk plan.

This bill is effective on July 3, 1997, except for the provision regarding the assigned risk plan, which is effective on July 1, 1999.

A.B. 609 (Chapter 410)

Assembly Bill 609 makes various changes to Nevada's workers' compensation laws. The bill creates in the State Insurance Fund an account for "extended claims" and an account for "current claims." The bill requires the State Industrial Insurance System (SIIS) to allocate to the account for extended claims \$650 million in invested assets to be used to pay liabilities of the State Insurance Fund for workers' compensation claims incurred prior to July 1, 1995. Money and assets credited to the account for current claims must be used to pay liabilities of the State Insurance Fund for claims incurred on or after July 1, 1995.

The measure also repeals provisions authorizing the imposition of a surcharge to ensure the solvency of SIIS; provides that imposition of any assessment to fund the account for extended claims requires legislative approval; authorizes the manager of SIIS to establish a plan for designating small employers for the purpose of establishing their premiums; and restricts, for a limited period, the manner in which private carriers may determine premiums for insured employers.

In addition, A.B. 609 amends a provision regarding automatic closure of an injured employee's claim. If the medical benefits required to be paid for a claim are less than \$500, the claim closes automatically if the claimant does not receive medical treatment for the injury for at least 12 months, instead of the current six months.

The bill allows for the electronic transmission of certain documents related to claims; clarifies the authority of insurers to purchase annuities for the payment of claims; and transfers, from the Governor to the manager of SIIS, the authority to hire and set the salaries of assistant managers.

Assembly Bill 609 also transfers, from SIIS to the Division of Industrial Relations, the authority to perform certain regulatory functions, including adoption of regulations regarding the manner in which otherwise confidential information may be made available to certain state and federal agencies. The bill establishes procedures relating to filing of a claim against the uninsured employers' claim fund and provides authority to impose a penalty for failure to secure and maintain workers' compensation insurance. The bill also specifies which records of SIIS are confidential.

Many sections of the bill are effective on July 1, 1997, including sections that create separate accounts for extended and current claims; allow SIIS to establish a plan for designating small employers for the purposes of establishing their premiums; affect automatic closure of certain claims; allow insurers to purchase annuities; and specify which records of SIIS are confidential. Sections of the bill relating to regulation of confidential records, electronic transmission of information, and transfer of certain regulatory functions are effective on January 1, 1998. Other sections of the bill are effective on July 1, 1999, and July 1, 2003.

A.B. 617 (Chapter 421)

Assembly Bill 617 establishes deemed wages for managers of limited liability companies for the purposes of industrial insurance.

Section 3 of the bill is effective on July 1, 1999, and the remainder of the bill is effective on October 1, 1997.

A.C.R. 20 (File No. 52)

Assembly Concurrent Resolution No. 20 designates April 28, 1997, as Workers' Memorial Day in Nevada. The resolution recognizes workers who have been injured, diseased, or killed on the job and renews the state's commitment to prevent such tragedies in the future. Further, the measure identifies the day as the anniversary of the Occupational Safety and Health Act, and describes the incidence of injury, disease, and death in the United States.

LEGISLATURE

Legislative Counsel Bureau and Legislative Building

S.B. 70 (Chapter 148)

Senate Bill 70 appropriates \$60,000 from the State General Fund to the Legislative Counsel Bureau for the cost of reproducing volumes of *Nevada Reports* that are out of print or of limited supply.

This measure is effective on June 12, 1997.

S.B. 71 (Chapter 149)

Senate Bill 71 appropriates \$150,000 from the State General Fund to the Budget Division of the Department of Administration to reimburse the Legal Division of the Legislative Counsel Bureau for the expense of preparing legislation requested by agencies of the executive branch.

This bill is effective June 12, 1997.

S.B. 179 (Chapter 58)

Senate Bill 179 appropriates \$175,000 from the State General Fund for use by the Host Committee for expenses related to activities for the 1998 Annual Meeting of the National Conference of State Legislatures in Las Vegas. The bill requires any remaining balance of the appropriation not committed for expenditure by June 30, 1999, to revert to the general fund. Further, the measure provides for the repayment of the appropriation from money donated for the annual meeting.

The measure is effective on May 2, 1997.

S.B. 189 (Chapter 59)

Senate Bill 189 authorizes the Legislative Auditor to request payment from the Department of Administration for the cost of conducting a single audit when federal law requires the State of Nevada to conduct such an audit. The bill also authorizes the Legislative Auditor to submit a final audit report to the appropriate federal agency before presenting it to the Audit Subcommittee of the Legislative Commission.

This measure is effective on July 1, 1997.

S.B. 196 (Chapter 535)

Senate Bill 196 appropriates \$234,980 from the State General Fund to the Legislative Fund to establish an interactive video broadcast system between the Legislative Building in Carson City and the Grant Sawyer State Office Building in Las Vegas.

This bill is effective on June 30, 1997.

A.B. 57 (Chapter 3)

Assembly Bill 57 appropriates \$2.6 million from the General Fund to the Legislative Fund for the completion of the addition to the Legislative Building.

This bill is effective on February 20, 1997.

A.B. 123 (Chapter 397)

Assembly Bill 123 requires the Legislative Counsel to prepare and publish a register of permanent administrative regulations adopted by agencies of the state. The register must include the proposed and adopted text of each regulation, any revisions thereto, pertinent public notices, the required informational statement, and the effective date. Further, the bill requires the Legislative Counsel to publish the register not less than 10 times per year and lists the entities that must receive and maintain copies of the register, including each county library in the state. The measure also requires the Legislative Counsel to provide free public access on the Internet to the information contained in the register.

Assembly Bill 123 permits, but does not require, the Legislative Counsel to use the services of the State Printing Division in publishing the register. Finally, the bill requires the *Nevada Administrative Code* to contain the citation of authority under which each permanent regulation was adopted by a state agency.

A.B. 524 (Chapter 587)

Assembly Bill 524 requires the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau to jointly develop criteria for a business plan for use by state agencies. State agencies seeking expansion of statutory authority, funding for new programs, or certain substantive program enhancements would be required to submit a business plan in conjunction with the proposed budget request beginning in the 1999-2001 biennium. The bill specifies that the criteria for business plans must be submitted to the Interim Finance Committee by February 1, 1998. Highway construction and other public works projects are exempted from the requirements of the measure.

A.B. 631 (Chapter 615)

Assembly Bill 631 makes various changes concerning the Legislative Counsel Bureau (LCB). The bill allows the issuance of checks from the LCB checking account for certain travel advances and reimbursements. The bill also eliminates the Committee to Consult with the Legislative Counsel and replaces it with a Legislative Committee to Consult with the LCB Director concerning the general management, organization, functioning, staffing, and work load of the entire bureau. The measure also increases, from \$500 to \$1,000, the maximum authorized amount of each petty cash account maintained by the LCB, and creates a revolving account for use by the legislative gift shop. Finally, the bill clarifies that monthly reports of lobbyists who spend less than \$50 must specify the amount spent on each legislator.

This measure is effective on July 1, 1997.

A.B. 646 (Chapter 447)

Assembly Bill 646 makes various technical corrections to inappropriate or inaccurate provisions of the *Nevada Revised Statutes*. In addition, the measure clarifies ambiguous provisions and deletes obsolete ones. The primary components of the bill include changing certain terms such as "reasonable man" to "reasonable person," changing references relating to dates, correcting references to obsolete or renamed federal agencies and publications, clarifying exceptions to statutes and removing references to sections that are no longer exceptions, correcting the scientific name of one of the state trees, removing obsolete references to presidential primary elections, and combining sections which contain duplicative provisions.

Nevada Revised Statutes 220.080 directs the Legislative Counsel to make recommendations to the Legislature for the clarification, elimination, and resolution of certain statutes. The traditional manner for presenting such changes is through this "reviser's bill."

A.C.R. 18 (File No. 51)

Assembly Concurrent Resolution No. 18 grants five days of administrative leave to employees of the 69th Session of the Nevada Legislature. The measure specifies the staff that are granted such leave and recognizes their contributions to the Nevada Legislature. Employees eligible for such leave must be employed on the last day of the 1997 Legislative Session.

Legislative Members and Process

S.B. 1 (Chapter 1)

Senate Bill 1 appropriates \$10 million from the State General Fund to the Legislative Fund.

This bill is effective on January 23, 1997.

S.B. 30 (Chapter 525)

Senate Bill 30 increases the amount of official stationery provided to each member of the Legislature at every regular session. The number of letterheads and envelopes is increased from 2,000 to 4,000 for each item, and the number of business cards is increased from 1,000 to 2,000. No change is proposed in the number of memorandum sheets provided to each member, which is 1,000. The provisions of the bill are effective for the 1999 Legislative Session.

Since 1985, when the quantity of legislative stationery was last increased, Nevada has experienced rapid population growth. This bill is designed to allow members of the Legislature to maintain effective communications with constituents and to carry out their representational duties in a rapidly growing state.

S.B. 359 (Chapter 203)

Senate Bill 359 ratifies technical corrections to the *Nevada Revised Statutes* and *Statutes of Nevada 1995*.

The Legal Division of the Legislative Counsel Bureau continuously looks for conflicting sections of different bills and technical errors in the *Nevada Revised Statutes* and *Statutes of Nevada*. In the case of conflicting language, changes are made only after careful consideration of legislative intent. This bill ratifies those technical changes.

This measure is effective on June 26, 1997.

S.B. 490 (Chapter 440)

Senate Bill 490 increases the daily rate of compensation for certain legislative employees. This measure also establishes the compensation of the Senate and Assembly committee managers, recording clerks, and media clerks. Further, S.B. 490 establishes the compensation rate for the secretary for the Assembly Committee on Ways and Means, the Senate front desk assistant, and the secretary for the Senate Committee on Judiciary.

S.J.R. 3 - 68th Session (File No. 147)

Senate Joint Resolution No. 3 proposes to amend the *Constitution of the State of Nevada* to change the first day of a regular biennial legislative session from the third Monday in January to the first Monday in February and to limit the length of each such session to no more than 120 calendar days. In addition, the measure requires the Governor to submit the proposed executive budget to the Legislature not later than 14 days before the start of each regular session.

Senate Joint Resolution No. 3 was approved in identical form by both the 1995 and 1997 Nevada Legislatures. Accordingly, this proposal will be submitted to the voters for their approval or disapproval at the general election of 1998.

A.B. 99 (Chapter 467)

Assembly Bill 99 authorizes additional entities to make requests directly to the Legislative Counsel for the drafting of legislative measures prior to each regular session. A metropolitan police department in a county having a population of 400,000 or more may request the drafting of three legislative measures, and each school district in the state may request between one and five measures, depending on the population of the county in which the school district is located.

This measure also provides that only a member of the Legislature has the authority to request the prefiling of a legislative bill or joint resolution. The measure specifically removes such authority from all other entities.

A.B. 120 (Chapter 127)

Assembly Bill 120 authorizes the Legislature to reject certain proposed administrative regulations. Under current law, the Legislative Commission reviews proposed regulations and may object to, but not reject, them if they are determined to exceed the agency's statutory authority or do not carry out legislative intent. This bill removes the provision that allows a regulation to become effective over the objection of the commission. Instead, the measure establishes a procedure for the resubmission of regulations to the commission. If the agency refuses to revise the proposed regulation, the commission is authorized to postpone the filing of the regulation until it is approved or rejected by the Legislature in the next regular session.

The measure also establishes a similar procedure for the legislative approval or rejection of agency-generated forms that do not conform to the appropriate statutory authority.

Assembly Bill 120 is substantially similar to Assembly Bill 214 of the 1997 Session, which was vetoed by the Governor. At the 1996 general election, Nevada voters approved a constitutional amendment that specifically authorizes legislative review.

This bill is effective on July 1, 1997.

A.B. 630 (Chapter 614)

Assembly Bill 630 requires the Secretary of State to prepare, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau (LCB), the fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum. The bill repeals the provision that requires the Fiscal Analysis Division to prepare such fiscal notes. The measure also changes, from April 1 to July 1 in even-numbered years, the date by which the Legislative Commission must submit to the Secretary of State the condensation, explanation, arguments for and against passage, and fiscal note of each constitutional amendment or statewide measure proposed by the Legislature.

The Research and Legal Divisions of the LCB have collaborated since 1981 on the preparation of the required explanatory language to accompany constitutional amendments and statewide measures that originate in the Legislature. The law requires the legislative house of origin or the Legislative Commission to approve such language. Since 1987, when fiscal notes were first required for statewide ballot measures, a somewhat different process has been required by law, including a requirement that the Legislative Commission approve the fiscal note for each measure proposed by initiative or referendum. Assembly Bill 630 removes this latter requirement and consolidates existing LCB programs to explain statewide measures that are referred to the voters by the Legislature.

A.J.R. 5 (File No. 150)

Assembly Joint Resolution No. 5 proposes to amend the *Constitution of the State of Nevada* to provide for annual regular sessions of the Nevada Legislature. The measure replaces biennial sessions of unlimited length with annual sessions of no more than 120 calendar days in odd-numbered years, and no more than 45 calendar days in even-numbered years. Further, the measure requires regular sessions to commence on the first Monday of March in each year. In addition, the amendment requires the Governor to provide the Legislature with the proposed executive budget in odd-numbered years, and any proposed appropriations or budget revisions in even-numbered years, not later than 30 days before the session convenes.

The resolution also limits any special session of the Legislature to 20 calendar days and permits the Legislature to petition the Governor to call a special session. Such a petition must set forth the topics for consideration in the special session and must be signed by at least two-thirds of the members elected to each house. The measure also requires that an initiative petition that proposes a new statute or an amendment to an existing statute

be circulated not earlier than one year before the convening of the regular session to which it is submitted.

Finally, A.J.R. 5 requires the sample ballot explanation of this constitutional amendment to include a statement that the measure allows legislators to receive compensation for each calendar day of service, up to the constitutional maximum of 60 days for each regular, annual session.

If approved in identical form by the 1999 Nevada Legislature, this proposal will be submitted to the voters for final approval or disapproval at the general election of the year 2000.

A.C.R. 56 (File No. 135)

Assembly Concurrent Resolution No. 56 limits the number of requests for the drafting of legislative measures that may be submitted to the Legislative Counsel during the 1997-1998 interim period. The measure prescribes the limits for requests from all senators and assemblymen, including those who served in the 1997 Session and those who are elected at the 1998 general election. Limits also are established for the chairmen of standing committees and legislative leaders, including those who served in 1997 and those designated for such positions after the 1998 general election.

In addition, the measure limits requests for the drafting of legislative measures that are submitted by the chairmen of the Legislative Commission and Interim Finance Committee, interim study committees of the Legislature, the Board of Regents of the University of Nevada, agencies of the executive branch, Nevada's constitutional officers, and the judicial branch.

The resolution directs the Legislative Counsel to take all actions necessary to complete 1,000 bill drafts before the first day of the 1999 Session and prohibits a requester from changing a request's subject matter after it has been submitted for drafting.

A.C.R. 58 (File No. 157)

Assembly Concurrent Resolution No. 58 thanks the members of the clergy for the religious services provided during legislative floor sessions and directs the State Controller to pay each member \$35 for each day of service during the 1997 Session.

A.C.R. 59 (File No. 158)

Assembly Concurrent Resolution No. 59 commends Donald L. Bailey Sr., Chief of the State Printing Division, and the members of his staff for their dedication and exceptional work during the 1997 Legislative Session.

A.J.R. 13 - 68th Session (File No. 34)

Assembly Joint Resolution No. 13 of the 68th Session proposes to amend the *Constitution of the State of Nevada* to provide for the resolution of conflicts between amendments to the *Constitution* and the statutes that are enacted by the voters. The proposal specifically addresses conflicting amendments appearing on the statewide ballot at the same time. In general, if two or more measures addressing the same matter are approved by the voters at the same election, provisions that contradict in substance are decided in favor of the measure receiving the largest favorable vote.

Testimony indicated that it is possible to have more than one initiative petition on the same topic at the same statewide election. In addition, similar matters can be referred to the voters by the Legislature.

Currently, Article 16, Section 1, subsection 2 of the *Constitution of the State of Nevada* provides for the resolution of conflicts if two or more amendments to the *Constitution* proposed by the Legislature appear on the same general election ballot. If two or more are approved by the voters, all go into effect if there is no contradiction in substance. If two or more are approved by the voters and contradict in substance, the amendment receiving the largest favorable vote becomes part of the *Constitution*.

No similar constitutional provisions exist for resolving conflicts between proposed amendments to the *Constitution* or statutes submitted by initiative, nor do they exist for conflicts between legislative proposals and initiative proposals. The provisions of A.J.R. 13 remedy these constitutional flaws.

Since this measure was approved in identical form by both the 1995 and 1997 Legislatures, it will be placed on the ballot for voter consideration at the 1998 general election.

A.J.R. 14 - 68th Session (File No. 155)

Assembly Joint Resolution No. 14 of the 68th Session proposes to amend the *Constitution of the State of Nevada* by removing the Lieutenant Governor as President of the Nevada Senate and providing that the legislator serving as President of the Senate is next in succession to the office of Governor after the Lieutenant Governor. The measure also abolishes the additional expense allowance of \$2 per day paid during session to the President of the Senate and Speaker of the Assembly.

Proponents of the bill testified that the duties and role of the Lieutenant Governor in the Senate are contrary to the "separation of powers" principle because the Lieutenant Governor presides over the Senate and is permitted to vote in the event of a tie. Removal of the Lieutenant Governor as President of the Senate would allow that body to select one of its members as President. Testimony also indicated that the additional allowance provided to the presiding officers of the Senate and Assembly causes complications with regard to federal income tax provisions.

Since this resolution was approved in identical form by both the 1995 and 1997 Nevada Legislatures, the proposal will be submitted to the voters for their approval or disapproval at the general election of 1998.

Legislative and Other Studies Directed by the Legislature

S.B. 36 (Chapter 376)

Senate Bill 36 requires the Public Employees' Retirement System to conduct a study of the pension plan for the justices of the Supreme Court and the district court judges to determine the feasibility of funding the plan on an actuarial reserve basis. The measure outlines the scope of the study and requires that a report of the findings and any recommended legislation be delivered to the Interim Retirement Committee of the Legislature by December 1, 1998. Finally, S.B. 36 authorizes the expenditure of \$22,000 from the public employees' retirement fund to carry out the study.

This measure is effective on July 8, 1997.

S.B. 253 (Chapter 661)

Senate Bill 253 creates a legislative committee to study the distribution among local governments of revenue from state and local taxes. The bill specifies that the committee consists of eight members: four from the Senate appointed by the Senate Majority Leader and four from the Assembly appointed by the Assembly Speaker. Each of the members must have served on a standing committee on government affairs or taxation during the preceding legislative session.

The measure requires the committee to consult with an advisory committee consisting of the Executive Director of the Department of Taxation and ten members who represent specified entities and the various geographical areas of the state. Among other provisions, the measure requires the Legislative Counsel Bureau to assist the committee in its research, investigations, and review, and directs the committee to recommend to the Legislature any appropriate legislation.

The measure also requires the committee to appoint a subcommittee to study the cost to Nevada's counties and cities of maintaining highways, roads and streets, and the maintenance practices of these local governments. Further, the bill authorizes the committee to contract with one or more consultants to obtain technical advice concerning this study. The cost of the study must be determined by the Director of the Legislative Counsel Bureau, but may not exceed \$250,000. The Executive Director of the Department of Taxation must withhold a portion of the proceeds of the additional, state-imposed excise tax on motor vehicle fuel from each of the counties and cities, in proportion to the amount that would have been allocated. The measure requires the committee to submit a report

of its findings and recommendations concerning this study to the Legislature no later than November 1, 1998.

Senate Bill 253 represents a continuation of the study of the distribution of tax revenue among local governments, which began last interim under the provisions of Senate Concurrent Resolution No. 40 of the 1995 Session.

This measure is effective on July 1, 1997, and expires by limitation on July 1, 2001.

S.B. 260 (Chapter 217)

Senate Bill 260 directs the Department of Business and Industry to conduct a study relating to the requirements for disclosure that are associated with the sale of residential property in Nevada. Among other provisions, the measure specifies that the study include the feasibility of creating a form that will aid the purchaser of residential property in understanding the full nature of the transaction.

The bill requires the department to submit a report of its findings and recommendations for review by the 1999 Nevada Legislature, on or before February 15, 1999.

This measure is effective on July 1, 1997.

S.B. 427 (Chapter 550)

Senate Bill 427 makes three significant policy changes to health care in Nevada: The measure establishes a Division of Health Care Financing and Policy in the Department of Human Resources, reauthorizes the Billed Charge Master Compliance Program, and authorizes certain items for study by the Legislative Committee on Health Care. In addition to its responsibilities in health care financing and policy, the new division assumes certain programs that were formerly with the Welfare Division. These programs include Elder Protective Services and Homemaking Services, the Medical Care Advisory Group, and the Intergovernmental Transfer Program. Certain changes are made to the Billed Charge Master Compliance Program to include modifying the charge master reporting criteria for participating hospitals. The expiration date for the program is extended to June 30, 1999.

Finally, the Legislative Committee on Health Care and the Interim Finance Committee are required to oversee certain aspects of organizational and program changes for the division and approve them before such changes may be made. In addition to approving organizational changes, the committees must provide advice and guidance to the division regarding the implementation of Medicaid managed care and the development and implementation of a study of the reengineering of business processes relating to the administration of Medicaid. Further, the Legislative Committee on Health Care is required to conduct a wide-ranging study of expanding eligibility and services for Medicaid

recipients, including establishing a mandatory Medicaid managed care program, long-term care and catastrophic health care needs, incentives for employers to provide health care insurance, and establishing an office to advocate on behalf of consumers of health care.

The measure has varying effective dates with the majority of its provisions effective on July 1, 1997. The sections relevant to the reorganization expire by limitation on June 30, 1999, thereby requiring the 1999 Legislature to evaluate the effectiveness of the new division.

S.C.R. 2 (File No. 15)

Senate Concurrent Resolution No. 2 directs the Legislative Commission to appoint a committee composed of three Senators and three Assemblymen to continue the review of the Tahoe Regional Planning Compact and the oversight of the Tahoe Regional Planning Agency (TRPA). Among other provisions, the measure directs the committee to study and review the role and activities of each federal and state agency having authority to regulate activities in the Lake Tahoe Basin and to communicate with members of the California Legislature to achieve the goals of the compact.

During five of the last six sessions of the Nevada Legislature, similar oversight committees were established to review TRPA.

S.C.R. 10 (File No. 141)

Senate Concurrent Resolution No. 10 directs the Legislative Commission to appoint an interim subcommittee to study fees, fines, forfeitures, and administrative assessments imposed and collected by the courts of the State of Nevada. Among other issues, the study must analyze the differing purposes for the imposition, collection, and expenditure of money from these sources. In addition, the study must analyze the proper use and characterization of the terms "fees," "fines," "forfeitures," and "administrative assessments" and determine whether all such money is actually collected. Finally, the measure requires the Legislative Commission to submit a report of its findings and recommended legislation to the 1999 Legislature.

S.C.R. 21 (File No. 142)

Senate Concurrent Resolution No. 23 urges the Department of Motor Vehicles and Public Safety to conduct a study of the feasibility of separating the Peace Officers' Standards and Training Committee from that department, and other related matters. Further, the department is directed to submit a report of its findings and any recommendations for legislation to the Director of the Legislative Counsel Bureau, no later than October 1, 1998, for distribution to the members of the 1999 Legislature.

S.C.R. 46 (File No. 145)

Senate Concurrent Resolution No. 46 urges the Board of Regents of the University of Nevada to study the projected need for teachers in the state's public school system and report its findings to the 1999 Legislative Session. The resolution recommends that the study include an evaluation of the number of teachers that will be required in Nevada's public schools over the next decade, the ability of the University and Community College System of Nevada to accommodate an increase in students seeking to become teachers, and the advisability and estimated costs of expanding teacher training programs and required physical facilities.

According to testimony, the State of Nevada is the fastest growing state in the nation and is experiencing a phenomenal increase in enrollments in the public school system. The Clark County School District alone enrolls the equivalent of one classroom of children every day or the equivalent of one elementary school every month. In the 1996-1997 school year, the school districts in this state hired an additional 1,800 new classroom teachers. Of that 1,800, only about 550 had recently graduated from the colleges of education at the University of Nevada, Reno, or the University of Nevada, Las Vegas. As a result, school districts in this state must hire an increasing number of teachers from out of state to fill the necessary teaching positions.

S.C.R. 53 (File No. 143)

Senate Concurrent Resolution No. 53 directs the Legislative Commission to appoint an interim committee to study the construction and maintenance of highways. During the 1993-1994 interim, an interim study was conducted concerning the financing of the construction and maintenance of highways and roads in Nevada. Since that time, there has been a growing need to continue studying this component of the state's infrastructure. The resolution requires the Legislative Commission to submit a report of its findings and recommended legislation to the 1999 Legislature.

S.C.R. 60 (File No. 146)

Senate Concurrent Resolution No. 60 directs the Legislative Commission to appoint an interim committee to study the feasibility of adopting a program of outpatient civil commitment for persons who are mentally ill. Among other issues, the study must review the types and rates of success of various programs of outpatient civil commitment for mentally ill residents in other states. Further, the study must evaluate the expected benefits of such programs in Nevada. Finally, the measure requires the Legislative Commission to submit a report of its findings and recommended legislation to the 1999 Legislature.

A.C.R. 28 (File No. 151)

Assembly Concurrent Resolution No. 28 directs the Legislative Committee on Health Care to study three additional topics during the 1997-1998 interim period and report its findings and recommendations for legislation to the 1999 Legislature. The topics identified for special study are the availability and affordability of health care insurance in Nevada, the long-term health care needs of Nevada's population, and the availability of long-term care insurance in Nevada.

A.C.R. 32 (File No. 140)

Assembly Concurrent Resolution No. 32 directs the Legislative Commission to appoint an interim subcommittee to study the family court system in Nevada. The study must involve an evaluation of the organization, operation, and jurisdiction of family courts, including factors such as caseloads, staff resources, public access to court records, and the resolution of disputes in family law matters. The resolution also requires the Legislative Commission to submit a report of its findings and recommended legislation to the 1999 Legislature.

A.C.R. 44 (File No. 156)

Assembly Concurrent Resolution No. 44 directs the Legislative Commission to appoint an interim committee to study student discipline and special education programs in Nevada's public schools. Among other issues, the study must review current disciplinary measures and the response by public schools to criminal activities by students on school grounds. Further, the study must review and evaluate special education programs and needs in Nevada, including the diagnosis and placement of pupils with disabilities or other special needs. The measure requires the committee to consist of three Senators and three Assembly members and authorizes the appointment of a nonvoting technical advisory board to assist the committee in its study. Finally, the measure requires the Legislative Commission to submit a report of its findings and recommended legislation to the 1999 Legislature.

A.C.R. 57 (File No. 152)

Assembly Concurrent Resolution No. 57 directs the Legislative Commission to appoint an interim committee to study the juvenile justice system in the State of Nevada. Among other issues, the study must include the uniformity and cost of the administration of the juvenile justice system among the counties of this state, the use of alternatives to traditional methods of adjudication of children alleged to be delinquent or in need of supervision, and the facilities for the confinement and detention of children who are delinquent. Assembly Concurrent Resolution No. 57 requires the Legislative Commission to submit a report of its findings and recommended legislation to the 1999 Legislature.

**LOCAL GOVERNMENTS, SPECIAL DISTRICTS, AND
MISCELLANEOUS MATTERS RELATING TO
GOVERNMENT AND PUBLIC AFFAIRS**

Bills Applying Generally to Local Governments

S.B. 46 (Chapter 122)

Senate Bill 46 authorizes a board of county commissioners to enter into an interlocal agreement with a school district located in the same county to provide for the construction or improvement of a school facility. In addition, the measure clarifies that the board may authorize the expenditure of county money for the construction or improvement of a library facility that is owned by a city or school district within the county.

This measure is effective on June 5, 1997.

S.B. 49 (Chapter 258)

Senate Bill 49 authorizes the supervising board of a county hospital to contract with insurers for health care services on a capitated basis. Such participation is subject to rules adopted by the Insurance Commissioner.

According to testimony, this change clarifies that county hospitals may participate in contracts with health maintenance organizations and other managed care organizations that provide for capitation types of contracts. These contracts typically pay hospitals a fixed rate each month based upon an agreed number of patients assigned to that hospital. The payment is made regardless of the number of those individuals who actually are admitted. Senate Bill 49 extends the same ability to county-owned hospitals as is currently enjoyed by private hospitals.

The bill is effective on July 3, 1997.

S.B. 61 (Chapter 28)

Senate Bill 61 authorizes the Department of Motor Vehicles and Public Safety (DMV&PS) to release personal information from drivers' license and vehicle registration files to public administrators and public guardians who are investigating the financial status of proposed wards and intestate decedents or conducting investigations to determine whether there is a qualified person to act as the guardian of a proposed ward or administrator of the estate of a deceased person.

Testimony indicated that, without information from the files of the DMV&PS, it is sometimes difficult for these officials to identify vehicles belonging to decedents or locate family members who might act as a guardian for a ward or an administrator for an estate.

This bill is effective on April 22, 1997.

S.B. 83 (Chapter 112)

Senate Bill 83 authorizes every board of county commissioners in Nevada to adopt an ordinance to abolish the office of constable in one or more townships where the board has determined that the office is not necessary. According to testimony, all counties in Nevada except for Washoe County currently have this authority.

S.B. 84 (Chapter 23)

Senate Bill 84 removes the requirement that the offices of ex officio registrars of voters be open extended hours and Saturdays during the last days before the close of voter registration. This provision does not affect the extended hours provided by the offices of the county clerk.

S.B. 85 (Chapter 111)

Senate Bill 85 allows a board of county commissioners to establish the days and hours of a branch office that a county officer may be authorized to open.

S.B. 158 (Chapter 222)

Senate Bill 158 requires that state and local government entities leasing an area that offers a service to the public provide for a toilet facility that is accessible to disabled persons. The toilet facility must be located within the leased area or within the common area of a leased complex. The measure addresses the process for filing complaints and specifies that the Office of the Attorney General is responsible for enforcing the provisions of the bill. Senate Bill 158 applies only to facilities leased after October 1, 1997.

S.B. 262 (Chapter 355)

Senate Bill 262 revises the procedure for filling certain local elected offices that are declared vacant before the close of filing in a year when the office is not scheduled for election. The offices affected by this bill are any county or township offices, except county commissioner and district judge.

In addition, this bill requires the county or city clerk to post a notice at each polling place advising the voters of any candidate for general election who died after 5 p.m. of the third Tuesday in September, or of any candidate for general city election who died after 5 p.m. of the third Tuesday in May.

This bill is effective on July 8, 1997.

S.B. 296 (Chapter 282)

Senate Bill 296 provides that a shooting range does not constitute a nuisance for any noise attributable to the establishment if it is in compliance with the provisions of all applicable statutes, ordinances, and regulations concerning noise as they exist on October 1, 1997. If a shooting range begins operation after that date, the bill requires the shooting range to comply with applicable provisions as they exist at that time. In addition, the measure clarifies that a shooting range is not subject to state or local noise control laws that are adopted or amended after the shooting range begins operation. A shooting range is defined as an area designed and used for sport shooting or archery.

S.B. 312 (Chapter 542)

Senate Bill 312 makes various changes concerning redevelopment, including providing for the termination of redevelopment plans. The measure requires each redevelopment project to include an employment plan and authorizes the redevelopment agency to obligate lessors or purchasers in the redevelopment district to comply with the plan. Further, the bill restricts the length of time securities may be issued to finance a redevelopment plan. In addition, S.B. 312 prohibits the use of certain taxes for redevelopment, enacted on or after November 5, 1996, if the voters have approved them for some other purpose. Finally, the bill deletes Chapter 361B of the *Nevada Revised Statutes* and all provisions that relate to urban renewal projects and tax increment areas.

This measure is effective on June 30, 1997.

S.B. 429 (Chapter 659)

Senate Bill 429 authorizes any county or city to institute a program or sponsor an activity that is designed to increase public involvement in the operation of government and the development of public policy. The bill also creates the repository for records concerning programs, activities, and events related to the participation of citizens in the development of public policy and the improvement of the operation of government. The director of the Department of Museums, Library and Arts is directed to maintain the repository. The bill also authorizes the director to create an advisory committee to provide advice on matters concerning the repository. In addition, S.B. 429 expands the items that may be included

in the Governor's proclamation of Constitution Week and Constitution Day and authorizes such proclamations to be made at the Governor's discretion.

Finally, the measure requires the director to report to the 2001 Nevada Legislature about the status of the repository.

A.B. 7 (Chapter 32)

Assembly Bill 7 authorizes local law enforcement agencies to use volunteers to issue citations for violations of laws or local ordinances concerning handicapped parking. The law enforcement agency is required to establish minimum qualifications for volunteers and provide appropriate training. Volunteers are deemed employees of the local government for the purpose of providing industrial insurance coverage. The measure specifies that law enforcement agencies are not liable for negligent acts of such volunteers, unless such acts affirmatively cause harm.

A.B. 34 (Chapter 61)

Assembly Bill 34 eliminates certain fees charged by courts or county clerks for services relating to the administration of estates valued at \$2,500 or less.

This bill is effective on July 1, 1997.

A.B. 68 (Chapter 126)

Assembly Bill 68 authorizes a city to appoint to certain city offices a person who, while a resident of the county, does not reside within the city limits. According to testimony, in some areas it is difficult to find a qualified employee who resides within the actual city limits.

A.B. 74 (Chapter 464)

Assembly Bill 74 authorizes a county or city to convey certain land owned by the county or city to a nonprofit corporation if the corporation demonstrates its intent to construct affordable housing. Before the county or city conveys the land, the governing body must hold a public hearing on the matter. In addition, any agreement to convey land to the nonprofit entity must ensure the affordability of housing constructed on the property and include provisions for reversion to the county or city if the entity fails to construct and maintain affordable housing. Finally, if the county or city receives more than one application to convey the property, A.B. 74 requires that priority be given to a project that will develop affordable housing for the disabled or elderly.

The measure does not authorize the conveyance of land obtained through eminent domain.

A.B. 102 (Chapter 75)

Assembly Bill 102 removes the population requirement for counties and cities authorized to impose administrative assessments relating to the provision of justice and municipal court facilities.

This measure is effective on July 1, 1997.

A.B. 188 (Chapter 374)

Assembly Bill 188 authorizes a county to create an office to coordinate services for veterans. If a county establishes an office, its duties must include assistance to veterans, their spouses and dependents, if they reside in the county; cooperation with Nevada's Commissioner for Veteran Affairs; and dissemination of information concerning available federal and state services to veterans.

This measure is effective July 1, 1997.

A.B. 250 (Chapter 124)

Assembly Bill 250 expands the services that a county may assign to a county surveyor and provides that a salary, or fair and reasonable compensation, be paid for those services. The bill was requested to allow counties the option of appointing a full-time county surveyor.

This measure is effective on July 1, 1997.

A.B. 251 (Chapter 125)

Assembly Bill 251 clarifies that a county is prohibited from exempting employees from its merit personnel system other than those expressly exempted in statute.

A.B. 287 (Chapter 205)

Assembly Bill 287 authorizes a county to adopt, by ordinance, procedures to order a property owner to abate certain nuisances on the property. If adopted, such an ordinance must contain procedures to notify the property owner and to afford an opportunity for a hearing. The measure further stipulates that the board of county

commissioners may require the county to abate the condition on the property and may recover related expenses, provided the owner has not requested a hearing, has not appealed a decision in a hearing, or has had an appeal denied.

This measure is effective on June 26, 1997.

A.B. 296 (Chapter 507)

Assembly Bill 296 revises provisions concerning notice of a proposed ordinance for an unincorporated town. The measure stipulates that notice must be published in a newspaper of general circulation in the county in which the town is located at least 10 days and not more than 20 days before the meeting at which action will be taken on the proposed ordinance.

Assembly Bill 296 does not apply to ordinances adopted before October 1, 1997.

A.B. 328 (Chapter 80)

Assembly Bill 328 requires county and city building departments and public bodies to provide, to the State Board of Professional Engineers and Land Surveyors, written notice if a registered professional engineer or land surveyor submits plans that are substantially incomplete or submits plans for the same project that are rejected at least three times. The bill directs the board to consider such notification and take appropriate action.

A.B. 330 (Chapter 512)

Assembly Bill 330 revises provisions concerning planning and zoning. The measure authorizes local governments to adopt ordinances to grant, without a hearing, minor deviations from land use zoning requirements. The ordinance must require the written consent of any owner of property who would be affected by the minor deviation and must provide for an appeal by the applicant or other aggrieved person.

In addition, A.B. 330 allows local governments to authorize hearing examiners to take final action on variances, abandonments, vacations, special use permits, conditional use permits, and other special exceptions or applications. The bill stipulates that hearing examiners may not take final action on zoning classifications, zoning districts, or amendments to zoning boundaries. Similarly, the measure expands the authority which a local government may grant a planning commission.

Assembly Bill 330 also increases, from 45 to 60 days, the period of time within which a planning commission in counties with a population of less than 40,000 must take certain actions related to the acceptance of parcel maps. The bill further sets forth procedures and time limits for appeals related to certain decisions of the planning commission.

Finally, Assembly Bill 330 authorizes professional land surveyors to request the correction or amendment of parcel maps and similar documents.

A.B. 371 (Chapter 520)

Assembly Bill 371 stipulates that any construction or alteration of a building must be in compliance with the version of the National Electric Code of the National Fire Protection Association most recently adopted by the governing body of the city or county, whichever is applicable. If the governing body does not object to a new edition within 60 days of publication, the new edition shall be deemed approved.

A.B. 455 (Chapter 578)

Assembly Bill 455 urges regional transportation commissions and local governments in Nevada that are considering the placement of a new road within their jurisdictions to notify residents living within 300 feet of any proposed new road. The bill stipulates that such notification may be made by radio, television, newspaper, or other methods at least 10 days before a commission or local government renders a decision regarding the placement of the proposed new road.

A.B. 508 (Chapter 565)

Assembly Bill 508 makes technical corrections governing fees charged by a local government to a public utility. The measure defines the terms "delinquent amount" and "personal wireless service" and revises the definitions of the terms "public utility" and "revenue." In addition, the measure clarifies that fees must be paid in legal tender or another monetary instrument that is payable in legal tender. Assembly Bill 508 further authorizes a public utility to indicate on its customers' bills the amount of the fee imposed by a county or city.

The bill also requires a county or city to provide, at no charge, the address of each public utility customer affected by these fees and provides that the requirement applies to ordinances adopted after July 1, 1995.

Finally, A.B. 508 prohibits the governing body of certain counties and cities from selling telecommunications and community antenna television services to the general public. Such bodies are also prohibited from imposing specified conditions on a telecommunications service franchise.

This measure is effective July 16, 1997.

A.B. 517 (Chapter 413)

Assembly Bill 517 authorizes the governing body of a county or city to adopt an ordinance that provides procedures to abate a chronic nuisance. The measure outlines the procedures that must be included in such an ordinance, authorizes the body to abate the nuisance, and provides that a governing body may determine that the money expended to abate a chronic nuisance is a lien on the property.

The bill specifies that a chronic nuisance exists when three nuisance activities occur in a 30-day period on or near the property or when the property has been the subject of a certain search warrant or is used for illegal drug purposes. The measure also defines the term “nuisance activity” to include criminal actions, the presence of debris or rubble, excessive noise, or any other activity defined by the governing body.

This bill is effective on July 1, 1997.

A.B. 556 (Chapter 346)

Assembly Bill 556 clarifies the law regarding the imposition of taxes on transient lodging. The bill clarifies that cities and counties may adopt their own definition of “transient lodging.” That definition may include hotels, motels, apartments, time-share projects, apartment hotels, vacation trailer parks, campgrounds, parks for recreational vehicles, and similar establishments.

In 1995, the Attorney General issued an opinion stating that the 1 percent statewide room tax could not be imposed on spaces in campgrounds and parks for recreational vehicles. As a result, Clark County suspended its tax on these facilities and the tax in Washoe County became subject to legal challenge. This bill will enable Clark County to restore its room tax on these facilities and will enable Washoe County to continue to tax them.

This measure is effective on July 8, 1997.

Bills Applying to Specific Local Entities

S.B. 38 (Chapter 526)

Senate Bill 38 amends the Las Vegas city charter to allow the city to be divided into as many wards as the city council deems necessary.

S.B. 44 (Chapter 210)

Senate Bill 44 makes various changes to Reno's charter. First, the measure provides that an appointee to a vacant elected position serves until the next general municipal election and authorizes the city to hold a special election to fill a vacant elected position. The bill also revises the relationship between the city council and certain officers who are appointed by the city manager by, among other provisions, reducing the number of appointed positions that must be confirmed by the city council. In addition, S.B. 44 removes the declaration that the city council's action to suspend or remove the city manager is not subject to administrative or judicial review. The measure further authorizes the city clerk to designate a staff member as acting city clerk. Finally, S.B. 44 alters the filing dates for municipal candidates to coincide with the changes made by the 1993 Nevada Legislature to the dates for city elections in Reno.

This bill is effective on June 30, 1997.

S.B. 98 (Chapter 91)

Senate Bill 98 revises the definition of "commissioner township" for the purposes of establishing a commissioner of civil marriages. The bill provides that a marriage commissioner township is defined as a township with a population of 15,000 or more that is located in a county with a population of 100,000 or more.

This measure is effective on May 22, 1997.

S.B. 136 (Chapter 169)

Senate Bill 136 amends the charter of the City of Sparks to allow the city council to increase the number of municipal judges and require the city manager or designated representative to provide written notice and an opportunity for a hearing to a classified employee whose dismissal is being considered. The measure stipulates that an election must be held to determine the judge of a newly created department of the municipal court.

S.B. 198 (Chapter 152)

Senate Bill 198 exempts aviation fuel and leaded racing fuel from the tax of up to 9 cents per gallon that may be imposed on motor fuel by counties that have created a regional transportation commission. The bill also repeals a provision for the distribution of the unrefunded balance of the tax.

This bill is effective on July 1, 1997.

S.B. 208 (Chapter 452)

Senate Bill 208 revises certain provisions relating to nonrestricted gaming licenses and the creation of gaming enterprise districts in counties with a population of 400,000 or more. The measure revises the criteria upon which approval for designation as a gaming enterprise is based for certain proposed locations. If the location of the proposed establishment is not within the Las Vegas Boulevard gaming corridor or the rural Clark County gaming zone, as defined by the bill, and is not within an existing gaming enterprise district, a person may petition the appropriate local government to designate the location a gaming enterprise district under the new criteria.

In addition to proving compliance with the existing requirements for approval of such petitions by clear and convincing evidence, the person must also demonstrate that the property line is at least 500 feet from a developed residential district and at least 1,500 feet from the property line of a school or building used for religious worship. In addition, the petitioner must prove that the proposed establishment will not adversely affect a residential district, school, or building for religious worship whose property line is within 2,500 feet of the property line of the proposed establishment. Senate Bill 208 also requires the petitioner requesting the designation of a location as a gaming enterprise district to provide notice of the hearings to property owners and tenants of mobile home parks within 2,500 feet of the proposed establishment.

Senate Bill 208 requires a three-fourths majority vote of the local governing body to grant a petition designating a location as a gaming enterprise district under the new criteria. An appeal of the decision to grant or deny a petition to a panel of members from the Gaming Policy Committee is authorized. The panel is composed of a member of the Nevada Gaming Commission, a member of the State Gaming Control Board, an enrolled member of a Nevada Indian Tribe, and two representatives of the general public appointed by the Governor. A party may seek judicial review of the decision of the panel.

Senate Bill 208 also stipulates that an establishment with a nonrestricted license that is located within a gaming enterprise district may only expand within the confines of the district. In addition, if such an establishment is not located within a gaming enterprise district, it may not increase the number of games or slot machines it operates beyond the number authorized by local ordinances in effect on December 31, 1996.

Senate Bill 208 provides that certain locations are not required to comply with the new criteria and must petition for designation as gaming enterprise districts under the provisions of existing law. The new criteria do not apply if the location of the proposed establishment is located within the Las Vegas Boulevard gaming corridor or the rural Clark County gaming zone and is not within a gaming enterprise district. The bill authorizes a proposed resort hotel to petition the county to designate its proposed location a gaming enterprise district under the existing criteria if it is located on 25 or more acres in an unincorporated area designated for gaming by the county's master plan for which an application for appropriate zoning is submitted to the county before June 28, 1997.

The new provisions of S.B. 208 do not apply to an establishment that holds a nonrestricted license for a resort hotel on the effective date of the act, or to its adjacent property. In addition, these new provisions do not apply to proposed establishments that were approved by a local governing body before the effective date of this measure, if the property line of the establishments is within a specified area.

With certain exceptions, all designations of locations as gaming enterprise districts expire on the effective date of the act. Senate Bill 208 provides that the designation does not expire if the local government grants all approvals for land use for the proposed establishment by December 31, 1998, and the Nevada Gaming Commission approves a nonrestricted license for the proposed establishment by December 31, 2002. In addition, the expiration of such designations does not apply to locations within the Las Vegas Boulevard gaming corridor, the rural Clark County gaming zone, and certain master planned communities. These provisions do not apply to existing locations in designated gaming enterprise districts if such operations are within specified unincorporated areas of a county and within a certain number of feet from other gaming activity. Further, exceptions are made for certain nonrestricted licensees if located within specified areas.

Also, S.B. 208 provides increased notice to the public of proposed locations for nonrestricted licensees in counties with a population of 400,000 or more. The bill requires local government to publish a map of the gaming enterprise districts within its jurisdiction, which must be made available to the public. The bill also requires that, if a person plans to develop property for the operation of a nonrestricted gaming establishment, he must erect and maintain a sign on the property that provides adequate notice to the public if the property is within a gaming enterprise district and outside the Las Vegas Boulevard gaming corridor.

Finally, the bill requires an individual selling residential property, at least 24 hours prior to signing the sales agreement, to provide the initial purchaser with notice of any surrounding gaming enterprise districts by providing a copy of the map published by local government. The purchaser may waive this waiting period in writing.

This bill is effective on July 16, 1997.

S.B. 249 (Chapter 96)

Senate Bill 249 makes various changes to the charter of Carson City. The measure authorizes Carson City's Board of Supervisors to adopt master plans that provide for orderly physical growth and development that will minimize impairment of the city's natural resources. In addition, the bill authorizes the board to suspend, revoke, or cancel any business license for just cause. The measure also requires that Carson City's municipal court consist of at least two departments and provides a procedure for the addition of a third department. Finally, S.B. 249 substitutes the term "municipal judge" for the archaic term "police judge."

S.B. 315 (Chapter 543)

Senate Bill 315 appropriates \$134,914 for Fiscal Year 1998 and \$143,406 for FY 1999 from the State Highway Fund and \$10,0624 for FY 1998 and \$20,124 for FY 1999 from the State General Fund to the Department of Motor Vehicles and Public Safety for the creation and maintenance of a branch office of the department in Mesquite.

This bill is effective on July 1, 1997.

S.B. 317 (Chapter 358)

Senate Bill 317 revises provisions governing the distribution of fees for gaming licenses in counties whose population is 400,000 or more. The measure stipulates the manner in which the county treasurer must distribute all money received for county gaming licenses. If the license is collected within the boundaries of an incorporated city, the money must be paid into that city's general fund. If the license is collected within the boundaries of an unincorporated town under the control of the board of county commissioners, the bill specifies that the money must be placed into the town's government fund for its general use and benefit. Finally, if the license is collected outside the boundaries of an incorporated city or unincorporated town, the money must be retained by the county treasurer and credited to the county general fund.

Senate Bill 317 also requires the Executive Director of the Department of Taxation to decrease the property tax rate in a county whose population is 400,000 or more based on the amount of money collected for the gaming licenses.

This measure is effective on July 8, 1997.

S.B. 349 (Chapter 359)

Senate Bill 349 specifies that a person employed by the Washoe County Airport Authority to provide police services has the power of a law enforcement officer and therefore must have the appropriate training required in pertinent federal regulations. In addition, the measure provides that such an employee is considered a peace officer for the determination of retirement benefits.

This bill is effective on July 8, 1997.

S.B. 383 (Chapter 657)

Senate Bill 383 establishes the Southern Nevada Strategic Planning Authority, which consists of 21 specified members. The bill directs the authority to identify and evaluate the needs of Clark County relating to its growth, prioritize the objectives and strategies

relating to such growth, and make related recommendations to the 1999 Session of the Nevada Legislature. The measure also specifies other duties and responsibilities of the authority.

The bill directs the authority to submit a report, by June 1, 1998, to the Legislative Counsel Bureau concerning its review of the master and capital improvement plans of the county and city planning agencies in Clark County. By April 1, 1999, the authority is required to submit another report that includes a needs assessment, a strategic plan, an evaluation of the current allocation of resources, and recommended legislation. The bill specifies that the evaluation of resource allocation must be conducted by a subcommittee consisting of the finance directors of Clark County and its cities.

Further, the measure creates and provides for the appointment of the position of facilitator for the authority. The bill outlines the qualifications for the position and authorizes the use of a consultant or consulting firm to fill the position. The facilitator is required to appoint a project coordinator who is responsible for the administration of the authority.

In addition, S.B. 383 establishes a technical committee as an advisory entity for the authority and specifies the members of the committee. The measure directs the authority and this committee to hold their first meeting by September 15, 1997.

Finally, the bill instructs Clark County and certain cities in the county to allocate specified amounts for the costs associated with carrying out the provisions of this act.

This measure is effective on July 17, 1997, and expires by limitation on July 1, 1999.

S.B. 404 (Chapter 318)

Senate Bill 404 expands the existing authorization for a county whose population is over 400,000 to establish and manage a wildlife habitat preservation area. The measure includes all species or subspecies (in addition to wildlife) and authorizes the county to give money for the establishment and management of a species preservation area. The measure also specifies that the board of county commissioners may encourage the preservation of a species, if a committee appointed by the board determines that the species is likely to have a significant impact upon the county's economy and the residents' lifestyles if the species is listed as threatened or endangered.

In addition, S.B. 404 decreases, from \$750 to \$550, the maximum fee per acre that may be imposed by ordinance on new construction for species preservation.

This bill is effective on July 5, 1997.

S.B. 414 (Chapter 379)

Senate Bill 414 revises the statutory provisions relating to water planning and water quality remediation in Washoe County. The bill continues the operation of the Regional Water Planning Commission and the related 1.5 percent water surcharge by eliminating the “sunset” provision that was placed on the original legislation in 1995. The measure also modifies the language associated with the creation and operation of a water quality remediation district.

The bill specifies the procedures for establishing and amending the remediation district boundaries, authorizes an annual fee or an ad valorem tax to recover the costs of remediation, and provides related bonding authority.

In 1995, legislation creating a Regional Water Planning Commission in Washoe County was supported by the county, the Cities of Reno and Sparks, and Sierra Pacific Power Company. Testimony indicated that the commission met at least every second week for more than a year in compiling the first phase of the regional water plan which was presented to the Washoe County legislative delegation earlier this session.

The measure is effective on July 1, 1997.

S.B. 419 (Chapter 320)

Senate Bill 419 requires district courts in counties with a population of 400,000 or more to establish a program of mandatory mediation for child custody and visitation cases. The measure requires that the program provide for impartial mediation of the custody, visitation, and other nonfinancial issues deemed appropriate by the court. The court may exclude cases that involve child abuse or domestic violence. In addition, S.B. 419 requires the court to provide standards for the training and educational requirements of the mediators, prohibit the mediator from reporting any information to the court other than whether the dispute was resolved, and establish a sliding fee schedule.

Finally, S.B. 419 requires that the costs of the program be paid from the county general fund and that a report regarding the program be submitted to each regular legislative session.

S.B. 446 (Chapter 665)

Senate Bill 446 authorizes a county with a population greater than 400,000 to designate two branch offices outside the county seat at which marriage licenses may be issued.

This measure is effective on July 1, 1997.

S.B. 491 (Chapter 561)

Senate Bill 491 directs the Administrator of the Division of State Lands to execute an amended lease with Washoe County exempting certain described real property from any trust imposed by specified statutes and making the property immediately available for use by Washoe County for constructing a county public building complex. The amended lease does not affect the term of the existing lease, which expires on March 21, 2050, unless otherwise directed by the Legislature. Upon expiration of the lease, the property and all improvements thereon revert to the state.

The bill is effective on July 16, 1997.

S.J.R. 16 (File No. 132)

Senate Joint Resolution No. 16 expresses support for the establishment and operation of one or more public shooting ranges and recreational facilities in Clark County.

A.B. 3 (Chapter 481)

Assembly Bill 3 urges Nevada's Department of Transportation and the City of Henderson, in cooperation with other affected local governments, to determine the feasibility of constructing a sound barrier along both sides of U.S. Highway No. 515 in Henderson, between Lake Mead Boulevard and the Boulder Highway. If the project is considered feasible, the bill urges its construction in a timely and cost-effective manner.

This measure is effective on July 1, 1997.

A.B. 69 (Chapter 215)

Assembly Bill 69 amends the charter of the City of North Las Vegas. The measure authorizes the addition of one or more municipal judges and specifies that a municipal judge must be selected at large by the city voters, unless an ordinance establishing an additional department within the municipal court provides otherwise. In addition, the bill reduces, from two years to six months, the residency requirement to run for an elected city office. Finally, A.B. 69 provides that a candidate for mayor, municipal judge, or city council who receives a majority of the votes cast in a primary election is declared elected to that office.

A.B. 111 (Chapter 469)

Assembly Bill 111 appropriates \$100,000 from the State General Fund to Boulder City to assist in the design, construction, and installation of exhibits at the Boulder City Museum.

The bill further appropriates \$200,000 from the State General Fund to the Great Basin College to assist in the completion of the shop and administrative office area of the Ely Center of the Great Basin College. In addition, A.B. 111 appropriates \$250,000 from the State General Fund to the City of Las Vegas for the support of the Mobilized Assistance Shelter for the Homeless. Finally, the measure appropriates \$75,000 from the State General Fund to the State Public Works Board to design a Hi-Tech Learning Center in Pahrump.

This bill is effective on June 30, 1997.

A.B. 126 (Chapter 470)

Assembly Bill 126 allows the boundaries of consolidated library districts to be modified. The measure authorizes a municipal library district to include land that has been annexed by the city. The legislative declaration states that revenue generated in a geographical area should provide for services within that geographical area. In addition, the measure states the intent of the Legislature that any additional revenue to the North Las Vegas Library District should supplement, rather than replace, money that the district receives from other sources.

According to testimony, this bill allows the North Las Vegas Library District to begin receiving property tax revenues from areas previously in Clark County that have been annexed by the City of North Las Vegas. Under the current law, property in the annexed areas are assessed a property tax for library operations and debt service for the Las Vegas/Clark County Library District. This change is estimated to bring the North Las Vegas Library District an additional \$85,000 per year in property taxes for library operations. The delayed effective date will allow for budget adjustments in the next fiscal year by both the county library district and the North Las Vegas Library District.

The measure is effective on July 1, 1998.

A.B. 127 (Chapter 48)

Assembly Bill 127 amends the charter of the City of Henderson. If a person who has made an offer to buy, lease, or exchange real property owned by the city does not, through no fault of the city, complete the transaction, the bill authorizes the city to retain a deposit of up to 5 percent of the total offer to purchase. In addition, the bill repeals the charter provision that authorizes greyhound dog racing.

Assembly Bill 127 is intended to allow the city to recover costs associated with a failed offer to purchase land owned by the city.

This measure is effective on July 1, 1997.

A.B. 173 (Chapter 484)

Assembly Bill 173 amends the provisions concerning certain surcharges on telephone access lines in counties with a population of more than 100,000 but less than 400,000. The measure stipulates that the surcharge money collected from telephone customers by the telephone company or supplier of mobile telephone service must be remitted to the county treasurer in a timely fashion. The county is authorized to establish a schedule of penalties for delinquent payment, which must provide for a grace period of not less than 90 days. The bill limits the penalty to not more than 5 percent of the cumulative amount of surcharges owed by the telephone company or supplier.

The surcharge referred to in A.B. 173 is designated for the improvement of 911 emergency service in the county. Testimony indicated that certain suppliers of telephone service are collecting the surcharge from customers but not remitting the collection to the county.

This measure is effective on July 1, 1997.

A.B. 224 (Chapter 10)

Assembly Bill 224 appropriates \$3.5 million from the State General Fund to the Department of Administration to pay the necessary state and local grant matches of disaster relief funds received from the Federal Emergency Management Agency (FEMA). Eligible projects include repair of infrastructure and public facilities, reimbursement for emergency actions taken during the disaster, and the removal of debris that poses an immediate threat to public health and safety. The measure specifies that this money will be used to pay the entire 25 percent match for FEMA funding received for eligible projects undertaken by the State or nonprofit agencies acting on behalf of the State. The money will also be used to pay one-half of the 25 percent match for funding received by local governments. Each local government receiving a FEMA grant must pay the remaining one-half grant match.

This measure makes the State of Nevada responsible for providing the grant match for federal funds received for emergency measures undertaken during the disaster; debris removal from public and private lands and waterways attributable to the disaster; repairs to state-owned infrastructure; and the administration of the disaster relief program.

President Clinton declared parts of Nevada a disaster area on January 3, 1997. Severe storms, which began on December 20, 1996, and continued through January 17, 1997, resulted in flooding, mud slides, and landslides, which made those areas eligible for disaster relief funds from the FEMA.

This bill is effective on March 28, 1997.

A.B. 225 (Chapter 498)

Assembly Bill 225 appropriates \$44,000 for each year of the 1997-1999 biennium from the State General Fund to the Mental Hygiene and Mental Retardation Division for the position of a psychologist to perform mental health evaluations at the Washoe Detention Center. Distribution of the appropriation is contingent upon Washoe County providing an equal amount of money for the same purpose.

This measure is effective on June 30, 1997.

A.B. 237 (Chapter 16)

Assembly Bill 237 amends the charter of Carson City to allow the imposition of a one-quarter of 1 percent sales tax to acquire or develop open spaces, parks, trails, and recreational facilities. The bill stipulates that the proceeds of the tax, with certain specific exceptions, must be allocated as follows:

- Forty percent for the acquisition, development, construction, equipping, improvement, maintenance, and management of real property for open space;
- Forty percent for the acquisition, development, construction, equipping, and improvement of parks, trails, and recreational facilities; and
- Twenty percent for the operation, maintenance, and management of parks, trails, and recreational facilities.

In addition, A.B. 237 sets forth the requirements for the city's enabling ordinance.

In the 1996 general election, Carson City voters approved a ballot measure to increase the sales and use tax by one-quarter of 1 percent to promote the acquisition and development of open spaces, parks, trails, and recreational facilities.

This measure is effective on April 9, 1997.

A.B. 249 (Chapter 105)

Assembly Bill 249 exempts from taxation the property of Pershing County Kids, Horses, Rodeo, Inc.

This measure is effective on July 1, 1997.

A.B. 265 (Chapter 501)

Assembly Bill 265 appropriates \$350,000 from the State General Fund to the North Las Vegas Library District for the advanced planning through design development of a second public library in North Las Vegas.

This bill is effective on June 30, 1997.

A.B. 301 (Chapter 14)

Assembly Bill 301 authorizes the Elko County Board of Commissioners to enact an ordinance that imposes a tax to construct a county hospital. The bill limits the tax to a four-year collection period and to 1 percent of the gross receipts of any retailer from the sale of all intangible personal property sold at retail, or stored, used, or otherwise consumed, in Elko County. The measure requires the board to contract with the Department of Taxation to perform all functions incident to the administration or operation of the tax in the county.

The bill specifies the procedures for transferring the tax proceeds to the county and the method of appropriation for construction of a hospital. Further, Assembly Bill 301 identifies other means by which the county may obtain money for construction of a hospital. Before the tax may be imposed, the measure requires approval by a majority of the registered voters of Elko County at a special election.

This bill is effective on April 3, 1997.

A.B. 333 (Chapter 513)

Assembly Bill 333 authorizes private companies to install and operate monorails in a county whose population is 400,000 or more. The county and the cities within the county are authorized either to adopt ordinances for granting monorail franchises or to enter into an agreement with a private entity to construct and operate a monorail. The ordinance or agreement must include provisions regarding licensing and zoning, provide for the compatibility of the monorail and its passenger stations with other systems, and provide for a reasonable allocation of the costs of operation and maintenance.

If the state, the county, or one of the cities in the county later acquires a privately built monorail system through the exercise of the power of eminent domain, that entity must continue to provide the same level of service. The former owner retains the right to approve future deletions from the system or changes in its configuration.

The bill also adds monorails to the list of projects that may be undertaken using room tax funds in transportation districts established by cities and counties.

Further, Assembly Bill 333 grants regional transportation commissions the authority to enter into turnkey procurement agreements to select a company to design, build, operate, and maintain a monorail. The commissions may also use a competitive negotiation procurement process to obtain rolling stock for a monorail. Nevada's Department of Transportation is designated as the oversight agency to ensure that any monorail developed by a regional transportation commission complies with federal safety regulations.

The bill is effective on December 1, 1997.

A.B. 350 (Chapter 351)

Assembly Bill 350 makes various changes concerning the Elko Convention and Visitors Authority. The bill limits, to not more than 10 percent of the assessed valuation within its boundaries, the maximum indebtedness of the authority. In addition, the measure authorizes the authority to issue additional bonds, but stipulates that the bonds may not be issued to pay the costs of management, advertising, or promotion. Finally, A.B. 350 deletes certain obsolete provisions concerning the authority.

A.B. 365 (Chapter 519)

Assembly Bill 365 requires the Regional Transportation Commission (RTC) of Clark County and Nevada's Department of Transportation (NDOT) to examine the feasibility of constructing an elevated fixed guideway system of mass transit to provide transportation within Clark County and the municipalities located therein. The measure directs the RTC and NDOT to cooperate with each affected local government entity in such an examination. The bill specifies that the entities must consider the U.S. Highway No. 95 right-of-way, in addition to other routes, as possible fixed guideway system alignments. If the RTC and NDOT determine that an elevated fixed guideway is feasible, A.B. 365 provides that the two agencies shall cooperatively develop financing, determine environmental impacts, and carry out other details of constructing the system.

This measure is effective on July 16, 1997.

A.B. 425 (Chapter 430)

Assembly Bill 425 provides a procedure, in a county with a population of less than 10,000, to declare a public office vacant in certain circumstances. If an incumbent is prevented by sickness from discharging the duties of his office for more than six months, the bill authorizes the district attorney to petition the district court to declare the office vacant. If the incumbent is the district attorney, the Attorney General may petition the district court.

The bill requires the district court to hold a hearing on the matter and to consider the incumbent's medical condition, the degree to which the incumbent is unable to perform his duties, and the extent of any detrimental effect upon the applicable governmental entity.

Assembly Bill 425 does not apply to state officers.

This measure is effective on July 1, 1997.

A.B. 436 (Chapter 572)

Assembly Bill 436 requires the Southern Nevada Water Authority to establish a program for the management of ground water in the Las Vegas Valley Ground Water Basin. The program must provide for the oversight, protection, and stabilization of the ground water supply in the basin. In addition, the measure creates a seven-member advisory committee for the management of ground water appointed by the Board of Directors of the Southern Nevada Water Authority. The bill sets forth the qualifications of the committee members and includes the State Engineer and the Administrator of the Division of Environmental Protection as ex officio members.

Assembly Bill 436 authorizes the committee to advise the Southern Nevada Water Authority regarding ground water management in the basin. In addition, the authority and the committee must hold at least annually a joint workshop to discuss related issues. The measure also stipulates reporting to the Legislature.

Finally, the bill authorizes an annual fee of not more than \$10 for owners of domestic wells and of \$10 per acre-foot for other users of ground water.

This measure is effective on July 16, 1997.

A.B. 616 (Chapter 496)

Assembly Bill 616 imposes an occupancy tax of 1 percent on lodgings in the portion of Douglas County lying within the Tahoe Township. In addition, the bill creates the Tahoe Douglas Visitors' Authority, which consists of one member of the board of county commissioners and four members who represent gaming establishments. The proceeds of the tax must be remitted to the authority and used exclusively for the advertising, promotion, and publicizing of tourism and recreation; and the planning, construction, and operation of a convention center. The measure further stipulates the distribution of the existing occupancy tax, beginning on or after July 2, 1999, at 50 percent to Douglas County and 50 percent to the authority. Each fiscal year thereafter, the bill requires the allocation to the authority to increase by not less than 2 percent and not more than 5 percent, until the amount retained by the authority reaches 65 percent.

A.J.R. 4 (File No 58)

Assembly Joint Resolution No. 4 urges the Postmaster General of the United States Postal Service to consider the historic character of Genoa, Nevada, when planning the construction of the new post office in that town. The resolution further urges the Postmaster General to reduce the planned size of the post office and to place it within the commercial zone.

Local Government Financial Administration

S.B. 28 (Chapter 70)

Senate Bill 28 exempts from the competitive bidding requirements in the Local Government Purchasing Act those supplies, materials, or equipment that are available from the Federal General Services Administration or another government agency.

This measure is effective on July 1, 1997.

S.B. 146 (Chapter 57)

Senate Bill 146 amends the law relating to the distribution of revenues from the supplemental city county relief tax. The bill provides that, for the purpose of determining basic ad valorem revenue, the assessed valuation of a local government includes property that is transferred from private ownership to a trust for an Indian tribe after July 1, 1997.

This measure is effective July 1, 1997.

S.B. 254 (Chapter 660)

Senate Bill 254 provides a mechanism for the Department of Taxation to pool and distribute certain taxes to local governments within each county. The specified taxes are liquor tax, cigarette tax, real property transfer tax, basic city-county relief tax, supplemental city-county relief tax, and the basic motor vehicle privilege tax. The bill also authorizes the director of the Department of Taxation to designate enterprise districts and prohibits such districts from using tax revenue for future bonding purposes.

Most of the sections of this bill are effective on July 17, 1997. The sections that implement and require the use of the new formula are effective on July 1, 1998.

S.B. 290 (Chapter 357)

Senate Bill 290 designates a metropolitan police committee on fiscal affairs as the governing body of a local government for the purpose of issuing medium-term obligations to purchase capital equipment or enter into a lease-purchase agreement for capital equipment for a metropolitan police department. If the committee issues a medium-term obligation for a lease-purchase agreement for capital equipment, the measure clarifies that the fiscal affairs committee is not required to obtain prior approval from the Executive Director of the Department of Taxation.

The measure is effective on July 8, 1997.

S.B. 308 (Chapter 420)

Senate Bill 308 specifies that an invoice sent by a local government must include a notice that a check written for payment must be made out to the name of the local government or to the title of the officer legally required to collect the payment. The bill prohibits such an invoice from indicating that a check should name a person as the payee.

S.B. 353 (Chapter 193)

Senate Bill 353 revises a law that allows counties to use the proceeds of the vehicle privilege tax to purchase property that has been adversely affected by constructing a freeway. The bill allows the proceeds of the tax to be used to purchase property that shares a boundary with a project related to constructing a freeway as well as property that abuts the freeway itself. The measure also allows counties to use up to 1 percent of the proceeds of bonds secured by revenues from the vehicle privilege tax for this purpose.

This bill is effective on June 25, 1997.

S.B. 424 (Chapter 549)

Senate Bill 424 makes changes to a local government's authority to impose fees and taxes on private enterprises. The measure specifies the items that must be included and the process that must be followed by a local government when proposing an ordinance for adoption that imposes a fee or tax on a private enterprise. Further, the measure prohibits a local government from including as gross revenue any tax on fuel or retail sales collected by the business on behalf of some other government agency. Also, the measure describes the process a business proprietor and the assessing agency must follow if the proprietor does not agree with the findings of an audit assessing the amount of revenue derived for purposes of the fee or tax assessment.

The measure is effective on July 1, 1997.

S.B. 455 (Chapter 669)

Senate Bill 455 requires the county treasurer to periodically transmit a copy of the apportionment of all the money he has received as ex officio tax receiver to the governing body of each local government entitled to receive an apportionment of those taxes.

This measure is effective on July 1, 1997.

A.B. 17 (Chapter 398)

Assembly Bill 17 authorizes counties and cities to use revenue from the real property transfer tax to develop affordable housing for families whose income does not exceed 80 percent of the median income of families in the same county. The bill requires that a county or city that uses the revenue in that manner must give priority to the development of affordable housing for the disabled or elderly.

A.B. 65 (Chapter 463)

Assembly Bill 65 removes the requirement that per diem expenses of county officers and employees be approved by the board of county commissioners before payment. Further, the measure requires a county to establish, by ordinance, procedures to reimburse authorized travel and subsistence expenses and to include in its budget an annual estimate of such expenses for each department.

A.B. 150 (Chapter 375)

Assembly Bill 150 authorizes the State of Nevada and local governments to accept credit and debit cards for the payment of taxes, fines, and obligations or to obtain goods and services.

The measure provides that a state agency, with the approval of the State Board of Finance and after review by the State Treasurer, may enter into contracts with issuers of credit or debit cards for such payments. The measure stipulates that, if the issuer charges a fee for the use of the card, the state's contract with the issuer must include a provision requiring the state agency to pay the fee.

In addition, the bill authorizes a local government or a state agency, under specified conditions, to enter into certain contracts for the placement of automated tellers at locations where the agency receives payment of money. The bill also allows a local government or a state agency to impose a reasonable fee for providing the service in a manner that is expeditious or convenient to the customer and provides a mechanism for the agency to collect these fees.

Testimony indicated that A.B. 150 will expand the options available to state and local governments for collecting taxes, fees, fines, and other payments. In other states that have authorized credit and debit card use, state and local governments have found the practice to enhance collections and increase customer service. Any fees, if paid by the governmental agency, are considered a cost of business.

This measure is effective on July 1, 1997.

A.B. 153 (Chapter 324)

Assembly Bill 153 authorizes municipalities to hold special elections to issue or incur general obligations on the first Tuesday after the first Monday in June of odd-numbered years. The bill also removes, for purposes of calling a special election at any time, the word "unexpected" from the definition of an occurrence that precipitates an emergency situation.

This measure is effective on July 5, 1997.

A.B. 201 (Chapter 85)

Assembly Bill 201 makes various changes related to the municipal bond bank. The measure increases, from \$600 million to \$1.8 billion, the amount of state securities that may be issued to acquire municipal securities. In addition, the measure includes the Southern Nevada Water Authority among those entities that are eligible to participate in the municipal bond bank. The measure stipulates that, if a member's water revenues are insufficient to pay its share of bonds issued pursuant to this measure, the amount due must be paid out of the member's general fund. If general funds are insufficient, the member must impose an ad valorem tax.

This measure effective on May 19, 1997.

A.B. 374 (Chapter 521)

Assembly Bill 374 requires the State of Nevada and local governments, before commencing a capital improvement, to prepare and approve a budget that includes funding for the operation and maintenance of the improvement, including personnel. The measure further requires the state and local governments to include in future budgets the cost of maintenance and operation of capital improvements constructed after July 1, 1999, and July 1, 1998, respectively.

This measure is effective on July 1, 1997.

A.B. 454 (Chapter 577)

Assembly Bill 454 stipulates that a municipality's proposal to issue or incur general obligations must be submitted to voters at a general election, or a special election if an emergency is declared. Under current law, a municipality also may submit the proposal at a primary election.

A.B. 501 (Chapter 585)

Assembly Bill 501 makes various changes concerning state and local government investments. The measure authorizes any agency of the state that is authorized to issue securities on behalf of the state to invest the proceeds of bonds, pledged revenues, or taxes in money market mutual funds. The bill stipulates that the money market mutual funds must be registered with the Securities and Exchange Commission, must have a Triple-A rating, and must invest only in securities guaranteed by the Federal Government or its agencies.

Assembly Bill 501 also authorizes certain local governments, under certain circumstances, to invest the proceeds of bonds, pledged revenues, and taxes in money market mutual funds, subject to the same requirements. These local governments are further authorized to invest proceeds in specified Federal investment contracts and Federal obligations. Conditions of the authorization are set forth in the bill.

In addition, this measure stipulates that an additional property tax that is levied with voter approval for support of a metropolitan police department must be levied at a uniform rate in the unincorporated area of the county and each participating city. The bill requires that this uniform requirement be applied to the taxes levied for Fiscal Year 1998 and that a tax levy made before July 1, 1997, be adjusted, if necessary.

Most of this bill is effective on July 16, 1997. The provisions concerning the uniform rate of taxation are effective on June 30, 1997.

A.B. 585 (Chapter 306)

Assembly Bill 585 adds leasehold interests, possessory interests, beneficial interests, and beneficial uses to the definition of the term "property" in provisions concerning the state board and county boards of equalization. For those purposes, the owner is the lessee or user of the property. The measure further authorizes a local government, except a school district, to adjust its budget to reflect an expected decrease in property taxes resulting from delinquent payment of taxes by lessees or users of property. The bill's provisions do not affect the property tax limitation, distribution of revenue among local governments, or determination of the state's or local governments' debt limit.

This measure is effective on July 1, 1997.

A.B. 611 (Chapter 404)

Assembly Bill 611 requires a proposal to amend the Sales and Use Tax Act to be submitted to the registered voters at the general election of 1998. The proclamation and notice to voters must be substantially in the form specified in the bill. The proposed amendment includes in the definition of "seller" the State of Nevada; its unincorporated agencies and instrumentalities; and any county, city, district, or other political subdivision of the state. If the questions is approved, the bill requires state and local governments to collect sales taxes on sales of items purchased for resale to the public.

Portions of the measure are effective on January 1, 1999, if the proposal is approved by the voters at the 1998 general election.

A.B. 648 (Chapter 621)

Assembly Bill 648 prohibits a local government that receives an apportionment from the county treasurer from submitting a claim for interest earned in a prior fiscal year on the money apportioned, unless the claim is based upon an error in the calculation of money apportioned in that prior fiscal year.

This measure is effective on July 1, 1997.

Improvement and Special Districts**S.B. 283 (Chapter 540)**

Senate Bill 283 revises the provisions relating to the establishment of a service district to assess the cost of underground electric facilities. The bill excludes from the definition of "underground service district" any lines or facilities used for transmission of electric energy at nominal voltages in excess of 300,000 volts. In addition, S.B. 283 provides that, among other requirements, a proposed service district must be a reasonably compact area that encompasses areas that will benefit from installing a facility underground. Finally, the bill repeals an exemption for subdivision land where the title remains in the subdivider.

A.B. 144 (Chapter 131)

Assembly Bill 144 stipulates that room tax revenues pledged to a general improvement district in a newly incorporated city in a county with a population of less than 100,000 must continue to be collected and distributed to the district after the incorporation of the city. In addition, the measure authorizes the district to pledge irrevocably the revenues for the repayment or refinancing of certain bonds and obligations if the city consents by resolution.

This measure is effective on June 6, 1997.

A.B. 174 (Chapter 170)

Assembly Bill 174 authorizes a general improvement district to charge a fee for snow removal. In addition, the measure specifies that one of the commissioners of the Nevada Rural Housing Authority is appointed jointly by the Nevada Association of Counties and the Nevada League of Cities instead of by the Governor. The bill also allows the creation of a nonprofit organization in order to utilize federal tax credits.

This measure is effective on June 20, 1997.

A.B. 327 (Chapter 185)

Assembly Bill 327 defines the term “noxious weed,” authorizes the Administrator of Nevada’s Division of Agriculture to control noxious weeds, and changes the procedures for creating weed control districts. Creation of a weed control district may be initiated by a board of county commissioners or a property owner within the proposed district.

The bill also adds the control and eradication of noxious weeds to the list of powers that may be granted to a general improvement district.

A.B. 379 (Chapter 523)

Assembly Bill 379 authorizes municipalities to create local improvement districts to finance the placement underground of certain service facilities that are currently located above ground. The measure defines “service facilities” to mean any works or improvements to provide electric or communication service or service from a community antenna television system.

The municipal governing body may not establish a district without the written approval of any service provider that owns the overhead facilities. The municipality may then, without an election, finance the project.

The measure also concerns the combination of tracts after a special assessment has been levied and divided into installments and before the collection of installments begins. If such tracts are combined, A.B. 379 authorizes the governing body of a municipality to require its treasurer to reapportion the uncollected amounts on the part of the land that exists after the combination. If the reapportionment results in an increase in the assessment, all of the affected property owners must consent in writing. The bill specifies the conditions that must be met for assessments to be combined or reapportioned, or both.

In addition, A.B. 379 requires that refinancing certain bonds be secured by assessments levied against specifically identified tracts of assessable property. This bill also stipulates that any bond issued to refund the outstanding bonds of improvement districts matures within 20 years after the issue date of such a bond.

Further, the measure authorizes the governing body, in connection with the issuance of refunding bonds, to amend the assessment ordinance to change specific terms of the assessments authorized in the ordinance. The bill specifies actions the governing body must take before it is allowed to amend an assessment ordinance to increase the principal and interest of any assessment, the number of years over which unpaid installments are due, or the amount of any unpaid installments.

Finally, this bill requires the governing body to make certain findings before it can issue refunding bonds or amend an assessment ordinance.

This measure is effective on July 16, 1997.

A.B. 570 (Chapter 601)

Assembly Bill 570 provides a procedure for the maintenance of certain improvements in subdivided land, either through a homeowners' association or by a local government through the creation of a maintenance district. The bill stipulates that a developer may, in lieu of creating a homeowners' association, request the governing body to assume the maintenance of landscaping, public lighting, and security walls. The request must be accompanied by a petition signed by a majority of the owners whose property will be assessed for the maintenance. If the governing body determines that it would be desirable to assume the responsibility, it must, by ordinance, create a maintenance district or unit of assessment. The bill's provisions apply prospectively to a development in which all of the affected owners agree in writing to the district or assessment.

Alternatively, A.B. 570 stipulates that, if a developer creates a homeowners' association, the local governing body may require the association to adopt a plan for the maintenance of improvements on the land. If the association fails to maintain the improvements, the bill provides a method for the governing body to compel compliance or assume the maintenance. If the governing body assumes the maintenance, the governing body may assess the owners for the associated costs.

This measure is effective on July 16, 1997.

A.B. 600 (Chapter 634)

Assembly Bill 600 authorizes the creation of a hospital district that encompasses more than one county. The measure requires each board of county commissioners of the affected counties to approve the establishment of the district and provides for the composition of the board of trustees for the multi-county hospital district. The bill prohibits the formation of a multi-county hospital district by petition of a county's landowners. Finally, the measure transfers, from the board of county commissioners to the board of trustees for a hospital district, the authority to determine which patients are eligible for indigent or charitable medical care.

A.B. 601 (Chapter 364)

Assembly Bill 601 revises certain provisions governing elections in an irrigation district. The measure lowers, from 21 to 18, the minimum age for voting in a district, if other qualifications are met. Further, the measure eliminates the requirement that an emergency must exist before the board of directors of an irrigation district may conduct a special election, but retains the requirement that such an election be authorized by the unanimous vote of the board. Finally, the bill clarifies voting by spouses and others who share ownership in land within a district and establishes provisions for voting by a limited-liability company.

A.B. 667 (Chapter 628)

Assembly Bill 667 makes certain technical changes to authorize the creation of a hospital district that encompasses more than one county. The measure specifies that the board of county commissioners of the county in which the hospital is located is responsible for transferring payments of money for the treatment of medically indigent patients. Further, the bill specifies the responsible party for certain actions related to real property.

This measure is effective on July 16, 1997.

NATURAL RESOURCES

S.B. 293 (Chapter 402)

Senate Bill 293 requires the administrator of Nevada's Division of Agriculture to appoint a person to manage certain activities of the division. The bill outlines responsibilities primarily in the areas of policy development, coordination of programs relating to land use planning and general resource management, wild horses and estrays, public information, noxious weeds, and habitat for livestock and wildlife.

The measure specifies that the person appointed pursuant to the bill is entitled to receive a salary of not more than \$50,000 per year and appropriates the sums of \$86,924 for Fiscal Year 1997-1998 and \$79,162 for Fiscal Year 1998-1999 to carry out its provisions.

The measure is effective on July 1, 1997.

Agriculture, Ranching, and Mining

S.B. 11 (Chapter 29)

Senate Bill 11 prohibits the return of a processed carcass of livestock or game animal other than the carcass that was delivered for processing. Businesses that process such carcasses are required to stamp or mark the carcass to ensure that the person who delivered it receives the same meat when processing has been completed. A violation of the bill's provisions is a misdemeanor.

According to testimony, the bill addresses a problem in the law that allows an animal carcass to be treated as a "fungible good," that is, something which may be replaced or exchanged for another item with similar characteristics. In the past, some processors have provided customers with different meat, sometimes of a lower quality than was delivered to them for processing.

S.B. 27 (Chapter 177)

Senate Bill 27 expands the definition of "estrays" to include sheep and other ovine animals and extends to political subdivisions of the state immunity from liability for trespass or other damage caused by an estray. The bill adds state agencies and nonprofit organizations to the entities with which the Division of Agriculture may enter into cooperative agreements for the control of livestock; directs the division to review cooperative agreements annually; and authorizes the division to cancel agreements for noncompliance. The measure makes feeding an estray unlawful, unless the division authorizes it, and requires that a person be given a warning for the first violation.

Senate Bill 27 also authorizes the Division of Agriculture to sell an injured, sick, or otherwise debilitated stray under certain conditions and shortens, from ten days to five working days, the claiming period for an stray.

S.B. 350 (Chapter 640)

Senate Bill 350 creates a program through which a farmer can receive certification as an actual producer of an agricultural product of the soil. The bill further provides that a certified producer who sells products in their natural and unprocessed state directly to a consumer, restaurant, or grocery store may not be charged a fee for a permit, license, or inspection related to state or local health programs or local business license provisions.

This measure is effective on July 17, 1997.

S.B. 440 (Chapter 262)

Senate Bill 440 expands Nevada's program through which mining operations and exploration projects can obtain performance bonds to ensure reclamation of their mine sites. Under existing law, operations that disturb five acres of land or more in a calendar year are eligible to request a bond through the state bond pool. Senate Bill 440 expands this eligibility to include mining operations and exploration projects that disturb less than five acres per year, as required by federal regulation, and operations or projects of any size that are required by a county to post a reclamation performance bond.

The bill also clarifies that the Division of Minerals, which administers the program, may require people who receive bonds through the pool to enter into agreements of indemnity and provide collateral or other security against forfeiture.

The bill is effective on July 3, 1997.

S.B. 465 (Chapter 322)

Senate Bill 465 provides that the minimum special tax from each owner of livestock is \$5 per year.

Testimony indicated that this minimum annual "head tax" will assist the state's program of brand inspection, to the benefit of all livestock producers. Testimony further indicated that the minimum tax rate will improve efficiency for both the taxpayer and the Division of Agriculture.

Since many livestock owners have already paid their taxes for the current year, the measure will not take effect until July 1, 1998.

S.B. 472 (Chapter 683)

Senate Bill 472 establishes a minimum grazing fee for the lease of state lands for livestock grazing. The bill provides that the minimum fee is the greater of a base value statutorily defined as \$1.94 per animal unit month or this base value adjusted annually to reflect the price of beef and the costs of production.

Testimony indicated that adjusting the base value for the price of beef and costs of production moderates the potential for large annual fluctuations in fees, which are experienced in some other types of fee schedules.

This bill is effective on July 1, 1997.

A.B. 49 (Chapter 40)

Assembly Bill 49 authorizes administrative enforcement of state laws and regulations on interstate quarantine of agricultural products. The measure establishes a graduated schedule of maximum administrative fines for the first, second, and subsequent violations, and directs the state quarantine officer to adopt necessary regulations for hearings.

Assembly Bill 49 also authorizes the state quarantine officer to issue an order requiring a violator to take corrective action or to request the district attorney to file a gross misdemeanor complaint against anyone who may have committed flagrant or repeated violations. If a conviction is obtained, the prosecuting attorney and the Division of Agriculture may recover the costs of the proceeding, including investigative costs and attorney's fees.

This measure is effective on May 2, 1997.

A.B. 51 (Chapter 41)

Assembly Bill 51 authorizes administrative enforcement of state laws and regulations concerning plant nurseries and nursery stock. The measure establishes a graduated schedule of maximum administrative fines for the first, second, and subsequent violations.

Assembly Bill 51 also authorizes the Administrator of the Division of Agriculture to issue an order requiring a violator to take corrective action or to request the district attorney to file a misdemeanor complaint against anyone who may have committed flagrant or repeated violations. If a conviction is obtained, the prosecuting attorney and the Division of Agriculture may recover the costs of the proceeding, including investigative costs and attorney's fees.

This measure is effective on May 2, 1997.

A.B. 77 (Chapter 448)

Assembly Bill 77 directs the administrator of the Division of Agriculture to establish a program for the certification of organic agricultural products.

The measure specifies that a person shall not sell or offer to sell an agricultural product with the representation that it is organic with the knowledge that it has not been certified as having been organically produced. The State Board of Agriculture is directed to adopt a schedule of fees for the certification and inspection of producers and handlers of organic products, and the administrator is authorized to impose civil penalties for violation of the measure or related regulations.

The bill creates an advisory council for organic agricultural products and appropriates \$10,000 to pay the initial compensation, per diem allowances, and travel expenses of the council.

The measure is effective on July 16, 1997.

A.B. 405 (Chapter 569)

Assembly Bill 405 authorizes the administrator of the Division of Agriculture to impose administrative fines on retailers or dealers who violate certain disclosure provisions related to the sales of cats and dogs.

The measure also expands required disclosures concerning the breeder, the sire and dam, the medical history, and the examining veterinarian of a cat or dog. Finally, A.B. 405 changes the text of the notice that must be posted in close proximity to the primary enclosure of a dog or cat offered for sale to state that certain information must be provided to the purchaser before the completion of any sale.

A.B. 500 (Chapter 238)

Assembly Bill 500 authorizes the State Board of Sheep Commissioners to enter into a cooperative agreement with a board of county commissioners for administration of the state sheep inspection account or the woolgrowers' state account for control of predatory animals. The agreement must require the county treasurer to provide an annual accounting of revenue and expenditures and account balance to the Chairman of the State Board of Sheep Commissioners, the Director of the Department of Administration, the State Controller, and the Legislative Auditor.

This bill is effective on July 1, 1997.

A.B. 583 (Chapter 345)

Assembly Bill 583 provides that an agricultural association may allow the use of its property for special events in the community. Private property used by such an association for special events must not be construed to have lost its agricultural status.

For agricultural districts comprised of more than one county, A.B. 583 states that the eight directors appointed by the Governor who are residents of the district must also be members of the agricultural association. The measure also authorizes incumbent members of an agricultural district board to submit to the appointing authority a list of nominees for any vacancy on the board.

This measure is effective on July 8, 1997.

A.C.R. 7 (File No. 43)

Assembly Concurrent Resolution No. 7 encourages Nevada's institutions, wholesalers, and retailers to purchase agricultural products grown, produced, packed, processed, or raised in Nevada. The resolution also directs state regulatory agencies to foster the purchase and use of those products.

Environmental Matters Generally**S.B. 251 (Chapter 650)**

Senate Bill 251 specifies the procedures that a local air pollution control agency must follow in establishing fuel standards for mobile sources of air contaminants. The agency is directed to determine the cost effectiveness and technological feasibility of any proposed ordinance or regulation and to conduct public meetings to consult with public and private entities significantly affected by the proposal. The measure also requires that fuel standards for mobile sources be established to achieve air quality standards that protect the public health.

A.B. 355 (Chapter 297)

Assembly Bill 355 authorizes voluntary examinations and disclosures regarding environmental requirements, based on a written agreement with the appropriate regulatory agency. Within specified limits, the bill provides for mitigation of criminal penalties and immunity from administrative and civil penalties for environmental violations that are disclosed voluntarily. The measure also establishes a limited privilege regarding information disclosed voluntarily.

During Nevada's 1995 Legislative Session, two bills on the topic of environmental self-audits were introduced: Assembly Bill 591 and Senate Bill 533. Neither measure was ultimately enacted. As of the beginning of the 1997 Legislative Session, 18 states had enacted environmental self-audit legislation.

Hazardous Materials

S.B. 266 (Chapter 401)

Senate Bill 266 revises statutory provisions governing the state's regulation of highly hazardous substances, also known as the Chemical Accident Prevention Program (CAPP).

The bill specifies that regulated facilities which produce, use, store, or handle highly hazardous substances in amounts equal to or greater than statutory criteria are subject to CAPP requirements. The measure further provides that facilities which handle less than the specified quantities of highly hazardous substances are subject to CAPP provisions if they experience two or more releases within a 12-month period. A facility entering the program because of releases, however, may be exempted from additional CAPP requirements if it carries out plans necessary to abate and respond to identified chemical hazards.

The bill adds titanium tetrachloride to the list of chemicals designated as highly hazardous, makes a number of technical corrections to the list, and includes local health districts among the entities to be consulted when the state's Division of Environmental Protection examines sources of information regarding highly hazardous substances.

Senate Bill 266 also authorizes the State Department of Conservation and Natural Resources to accept a delegation of authority and grant of money for carrying out a program to prevent accidental releases of hazardous substances under the Federal Clean Air Act. The measure authorizes the State Environmental Commission to adopt regulations for that program, including penalty provisions, and directs the Division of Environmental Protection to enforce the program.

Finally, S.B. 266 specifies the authorities under which the Department of Motor Vehicles and Public Safety may require permits or record keeping for motor vehicles used to transport hazardous material.

The provisions in this measure related to the CAPP are effective on July 11, 1997, and the remainder of the bill is effective on October 1, 1997.

S.B. 367 (Chapter 676)

Senate Bill 367 prohibits the use of the materials containing the chemical diisocyanate in a building owned or operated by a public school, a private school, or the University and Community College System of Nevada (UCCSN) if that building is occupied. The provisions apply to substances containing at least one-tenth of 1 percent of a diisocyanate. The bill stipulates that the building must remain unoccupied for at least four hours following the use of the substance or material containing one-tenth of 1 percent of the chemical.

The bill also requires each school to maintain a materials safety data sheet for this and other hazardous chemicals used on the building or grounds of the school and to make those data sheets available to school personnel and to the parents of children attending the school. Further, the bill requires Nevada's Division of Environmental Protection to prepare an informational pamphlet about the dangers associated with diisocyanates and distribute the document to school district boards of trustees, private school administrators, and to the Board of Regents of the UCCSN.

Testimony indicated that diisocyanates are a particularly hazardous family of chemicals. Commonly used in foam roofing materials, these substances can cause lifetime sensitization and severe, life-threatening asthma attacks in susceptible children and adults. Workers using these chemicals are protected by full body environmental suits with separate breathing apparatus, but people who are unprotected in the same building can suffer severe reactions.

The provision concerning the informational pamphlet is effective on July 17, 1997, and the remainder of the bill is effective on October 1, 1997.

Public Lands**S.J.R. 6 (File No. 99)**

Senate Joint Resolution No. 6 expresses the support of the Nevada Legislature for the sale or other transfer of public land managed by the Federal Government in the Las Vegas Valley if the transfer does not adversely affect sparsely populated and rural counties in Nevada. It also expresses the support of the Legislature for the Southern Nevada Public Land Management Act of 1997.

S.J.R. 8 (File No. 57)

Senate Joint Resolution No. 8 urges Nevada's Congressional Delegation to introduce and support legislation to assist providers of telecommunications services to obtain rights-of-way over public land managed by the Federal Government.

The resolution is effective on May 2, 1997.

S.J.R. 11 (File No. 82)

Senate Joint Resolution No. 11 expresses support for the protection of existing rights-of-way over public land and urges the United States Secretary of the Interior to allow them to be identified through an administrative process. The resolution notes that in 1866 Congress granted the right to construct roads over public lands. When the law extending this grant was repealed in 1976, Congress explicitly stated that existing rights-of-way were not terminated.

Testimony indicated that, until recently, the U.S. Bureau of Land Management in Nevada was working with some rural counties to identify valid rights-of-way. On January 22, 1997, the Secretary of the Interior issued a memorandum suspending this activity. The bureau's Nevada office has requested permission from the Secretary to continue its program.

A.B. 369 (Chapter 292)

Assembly Bill 369 requires the administrator of Nevada's Division of State Lands to provide assistance to counties to develop programs that increase local government responsibility for the management of federally controlled lands.

In addition, the bill directs the State Land Use Planning Agency to include the recommendations of the Land Use Planning Advisory Council, the Advisory Board on Natural Resources, and legislative public lands committees with each plan or policy statement submitted to the Governor, the Legislature, or the United States that concerns the acquisition and use of federally managed lands. The measure also directs the Land Use Planning Advisory Council to advise the State Land Use Planning Agency on such plans and policy statements.

This bill is effective on July 1, 1997.

A.B. 452 (Chapter 284)

Assembly Bill 452 changes a number of provisions related to state lands. The measure defines the term "trust lands" and deletes the requirement for State Public Works Board approval of land acquired by the state that will not be used for a building. Further, the bill requires a person to obtain written authorization from the State Land Registrar to use or acquire state land for any purpose and authorizes the registrar to make direct sales of lands to both public agencies and local governments. The bill also requires all sales of lands by the Division of State Lands conform to specific provisions on appraisal, notice, bids, and costs to the state.

Assembly Bill 452 requires the State Land Registrar to examine the propriety and correctness of applications received to lease or purchase lands pursuant to the provisions of the Recreation and Public Purposes Act of 1926, as amended. The bill also authorizes

the State Land Registrar, with the approval of the State Board of Examiners and the Interim Finance Committee, to balance land exchanges with money if the payment is not more than 25 percent of the total value of the lands or interest in land. Finally, the measure makes other technical amendments and repeals certain antiquated provisions.

This measure is effective on July 3, 1997.

A.B. 540 (Chapter 593)

Assembly Bill 540 authorizes the Colorado River Commission to purchase or acquire certain public lands in Southern Nevada from the Federal Government. In addition, the measure repeals obsolete provisions related to the Eldorado Valley Development Law.

This measure is effective on July 16, 1997.

A.J.R. 7 (File No. 42)

Assembly Joint Resolution No. 7 expresses the outrage of the members of the Nevada Legislature over the procedures followed by the United States Bureau of Land Management (BLM) in adopting the final rule on bonding requirements for reclamation of hard-rock mining operations on public lands. The resolution notes that those procedures violated the constitutional guarantee of due process.

The measure also urges the Secretary of the Interior to suspend or withdraw the final rule and include the subject matter in a more comprehensive regulatory review, already in progress.

According to testimony, the Bureau of Land Management adopted this final rule on February 28, 1997, five and one-half years after proposing amended policies. The final rule took effect on March 31, 1997, and contains new policies that were not a part of the proposal of July 11, 1991. The public was not apprised of the substance of the final rule and, therefore, had no opportunity to comment on the new policies.

A.J.R. 8 (File No. 130)

Assembly Joint Resolution No. 8 urges the United States Congress to enact the Southern Nevada Public Land Management Act of 1997. The measure recognizes the rapid growth in southern Nevada, the federal ownership of extensive amounts of land in that area, and the resulting importance of sale of public land to promote orderly development in the Las Vegas Valley. The resolution also expresses the Legislature's understanding that actions will not be taken pursuant to the Act in such a manner as to have an adverse effect on the sparsely populated and rural counties in Nevada.

This resolution is effective on July 5, 1997.

A.J.R. 13 (File No. 122)

Assembly Joint Resolution No. 13 urges agencies of the United States Departments of Agriculture, Defense, Energy, and Interior to monitor and control existing infestations of noxious weeds in Nevada. The resolution also urges those agencies to cooperate with state agencies to eradicate noxious weeds and to educate the managers of public land in Nevada about the potential losses from the proliferation of noxious weeds.

Testimony indicated that Nevada can avoid extensive economic damage by acting promptly to monitor and control noxious weeds. Because a large area of the state consists of land managed by federal agencies, it is vital for those agencies to assist in weed control efforts.

Lake Tahoe and the Tahoe Regional Planning Agency (TRPA)

S.B. 9 (Chapter 72)

Senate Bill 9 provides for the issuance of special license plates for the support of preservation and restoration of the natural environment in the Lake Tahoe Basin. The license plate design will include a depiction of the Lake Tahoe Basin. The plates will be issued after 250 vehicle owners have applied for them.

In addition to the regular registration fee paid by all vehicle owners, the measure requires applicants for these plates to pay a fee of \$35 upon issuance and \$10 for renewal. Applicants for the Lake Tahoe plates will also pay an additional fee of \$25 upon issuance and \$20 upon renewal to finance projects for the preservation and restoration of the natural environment of the Lake Tahoe Basin.

S.B. 24 (Chapter 311)

Senate Bill 24 amends the article of the Tahoe Regional Planning Compact that creates the Tahoe Transportation District. The bill increases the district's ability to function as a public-private partnership by adding representatives of the private sector to the Board of Directors and broadening the district's authority relating to owning, operating, and acquiring public and private transportation systems and facilities. In addition, the measure sets a cap of 1 percent on any sales and use tax imposed in the district and specifies that such a tax must be approved by the voters residing in both the Nevada and California portions of the Tahoe Basin.

Approval of this portion of the Bistate Compact requires enactment of the same language in both Nevada and California. The language in S.B. 24 has been reviewed and found acceptable by the author of the companion measure in California.

S.J.R. 1 (File No. 28)

Senate Joint Resolution No. 1 urges the Tahoe Regional Planning Agency to prepare a detailed plan to extend the existing bicycle pathway completely around Lake Tahoe. Currently, TRPA's master plan for the Loop Bikeway 2000 Project calls for construction of the bikeway, but the details concerning location, agency responsibilities, costs, and sources of revenue are not specified.

The measure also urges the agency to submit the detailed plan to the relevant governmental entities and request that these bodies provide the necessary funding.

S.C.R. 2 (File No. 15)

Senate Concurrent Resolution No. 2 directs the Legislative Commission to appoint a committee composed of three Senators and three Assemblymen to continue the review of the Tahoe Regional Planning Compact and the oversight of the Tahoe Regional Planning Agency (TRPA). Among other provisions, the measure directs the committee to study and review the role and activities of each federal and state agency having authority to regulate activities in the Lake Tahoe Basin and to communicate with members of the California Legislature to achieve the goals of the compact.

During five of the last six sessions of the Nevada Legislature, similar oversight committees were established to review TRPA.

S.C.R. 3 (File No. 25)

Senate Concurrent Resolution No. 3 commends Nevada's Department of Transportation, Douglas County, and private businesses for their efforts to develop a regional drainage system for storm water in Stateline, Nevada. The resolution urges the department to include in its budget estimates of the department's share of the cost of the system.

S.C.R. 4 (File No. 30)

Senate Concurrent Resolution No. 4 urges Nevada's Department of Transportation to allocate money available from the federal Intermodal Surface Transportation Efficiency Act of 1991 for projects at Lake Tahoe. Six specific projects include erosion control, water treatment, drainage, the construction of parking facilities, and landscaping along State Highway Route No. 28 and U.S. Highway 50.

Water

S.B. 227 (Chapter 132)

Senate Bill 227 clarifies that reasonable losses of water may occur at several points within a closed geothermal system without being defined as a consumptive use that is subject to statutory appropriation procedures. A strict reading of the existing exemption for reasonable loss of water within a geothermal system would indicate that the loss may occur only in the reinjection portion of the system. According to testimony, reasonable losses may take place at other points in the system as well.

S.B. 302 (Chapter 477)

Senate Bill 302 establishes mechanisms within the Nevada's Health Division to accept federal grants and participate in the programs authorized under the Federal Safe Drinking Water Act. The bill creates a revolving loan fund to assist public water systems in financing necessary capital improvements. The measure also creates an account for set-aside programs through which federal grants associated with other aspects of the program may be administered.

The bill also provides an additional \$15 million in bonding authority to support the existing state program that provides grants to publicly owned community water systems for capital improvements. Finally, the measure appropriates \$750,000 to the state's Health Division to comply with the federal program and grant requirements.

This measure is effective on June 30, 1997.

S.B. 412 (Chapter 319)

Senate Bill 412 revises provisions governing water conservancy districts. The measure removes the limitation whereby only districts and subdistricts in Washoe County may levy special assessments for projects relating to irrigation, flood control, drainage, safety, and health.

In addition, the bill amends several provisions relating specifically to the Carson Water Subconservancy District and specifies that the affirmative vote of six of the nine members of its Board of Directors is necessary to take action. The measure also authorizes the district to enter into long-term financing arrangements and allows the district to pledge additional sources of revenue for the payment of the general or special obligations. In addition, the bill clarifies that the district can undertake flood control and drainage projects. The measure also specifically allows counties in the district to impose and use the previously authorized ad valorem tax directly rather than create a special district.

This bill is effective on July 1, 1997.

S.B. 414 (Chapter 379)

Senate Bill 414 revises the statutory provisions relating to water planning and water quality remediation in Washoe County. The bill continues the operation of the Regional Water Planning Commission and the related 1.5 percent water surcharge by eliminating the "sunset" provision that was placed on the original legislation in 1995. The measure also modifies the language associated with the creation and operation of a water quality remediation district.

The bill specifies the procedures for establishing and amending the remediation district boundaries, authorizes an annual fee or an ad valorem tax to recover the costs of remediation, and provides related bonding authority.

In 1995, legislation creating a Regional Water Planning Commission in Washoe County was supported by the county, the Cities of Reno and Sparks, and Sierra Pacific Power Company. Testimony indicated that the commission met at least every second week for more than a year in compiling the first phase of the regional water plan which was presented to the Washoe County legislative delegation earlier this session.

The measure is effective on July 1, 1997.

S.J.R. 14 - 68th Session (File No. 148)

Senate Joint Resolution No. 14 of the 68th Legislative Session proposes to amend the *Constitution of the State of Nevada* to authorize the Legislature to provide for the abatement of taxes on property used in a manner that conserves water.

Since this resolution was approved by both the 1995 and the 1997 Legislatures in identical form, it will be submitted to the voters for their approval or disapproval at the 1998 general election.

A.B. 190 (Chapter 488)

Assembly Bill 190 clarifies that funds from the program to aid local governments in the clearance, surveying, and monumenting of navigable rivers may also be used for maintenance and restoration of these waterways. The measure also provides immunity from civil liability to the state and its political subdivisions for damages caused by actions taken under the program.

The bill increases, from \$25,000 to \$250,000, the amount retained in the account for the program and appropriates \$250,000 from the State General Fund to the account. In addition, the measure appropriates a total of \$109,800 for repairs and improvements relating to the South Fork Dam.

The bill is effective on June 30, 1997.

A.B. 436 (Chapter 572)

Assembly Bill 436 requires the Southern Nevada Water Authority to establish a program for the management of ground water in the Las Vegas Valley Ground Water Basin. The program must provide for the oversight, protection, and stabilization of the ground water supply in the basin. In addition, the measure creates a seven-member advisory committee for the management of ground water appointed by the Board of Directors of the Southern Nevada Water Authority. The bill sets forth the qualifications of the committee members and includes the State Engineer and the Administrator of the Division of Environmental Protection as ex officio members.

Assembly Bill 436 authorizes the committee to advise the Southern Nevada Water Authority regarding ground water management in the basin. In addition, the authority and the committee must hold at least annually a joint workshop to discuss related issues. The measure also stipulates reporting to the Legislature.

Finally, the bill authorizes an annual fee of not more than \$10 for owners of domestic wells and of \$10 per acre-foot for other users of ground water.

This measure is effective on July 16, 1997.

A.B. 594 (Chapter 344)

Assembly Bill 594 authorizes a person to work below the high water mark of a navigable river during an emergency without a permit from the State Land Registrar. If practical, the person must notify the State Land Registrar and, upon completion of the work, file an application for a permit. The measure also provides that a permit from the State Land Registrar is not needed for routine maintenance of irrigation diversion structures and regulated outfall structures if the river bed is not disturbed.

For clearing vegetation, debris, or obstructions from a navigable river, or for stabilizing the river bank, A.B. 594 requires a person to file an application with the State Land Registrar and pay the required fees, but a permit is not required unless the registrar gives notice within 14 days. The measure requires such work to protect water quality and the river bed and banks.

For dredging, filling, stabilizing banks with non-natural materials, clearing channels, or constructing irrigation diversions below the high water mark of a navigable river, a person must first secure a permit from the State Land Registrar, who must act on the application within 60 days, or the application is deemed approved.

Finally, A.B. 594 directs the State Environmental Commission to adopt, on or before October 1, 1997, regulations providing a simplified procedure for approving permits related to clearing and maintaining the channel of a navigable river. The regulations must limit the processing time for such a permit to 60 days, unless the Administrator of the Division of

Environmental Protection determines a public hearing is in the public interest and promptly notifies the applicant.

This measure is effective on July 8, 1997.

A.J.R. 20 (File No. 149)

Assembly Joint Resolution No. 20 expresses the strenuous objection of the Legislature to the May 19, 1997, decision of the United States Bureau of Reclamation, which rescinded its approval of water spreading from the Lahontan Reservoir. The resolution also urges the Bureau of Reclamation to give full consideration to the needs and recommendations of the Truckee-Carson Irrigation District in developing criteria for future water spreading.

During periods of high water since 1986, the Truckee-Carson Irrigation District has made precautionary releases of water from the Lahontan Reservoir for beneficial use, without charging the deliveries to persons possessing water rights. This practice, known as "spreading," must be authorized by the Bureau of Reclamation.

In three instances, the district has been required to file a motion in federal court to gain authority to spread water from the reservoir. In the latest instance, the Bureau of Reclamation's rescission of the district's authority to spread water could have caused flooding and certainly wasted water that could have been put to beneficial use.

This resolution is effective on July 9, 1997.

A.C.R. 23 (File No. 97)

Assembly Concurrent Resolution No. 23 urges the Las Vegas Valley Water District to maintain the current schedule of rates for water usage in a mobile home park until such time as master meters are converted to individual residential meters, which measure actual consumption by each park resident.

A.C.R. 26 (File No. 70)

Assembly Concurrent Resolution No. 26 expresses the Legislature's support for the continuing development of local water agencies' rate structures and incentive programs based on conservation. The measure encourages local water agencies to implement management and pricing methods that emphasize the importance of water as an essential resource while maintaining flexibility and fairness in the fees charged for water use. This resolution further encourages such agencies to develop and implement incentive programs for the conservation of water that will allow all residents, particularly senior citizens and residents on low or fixed incomes, to reduce the cost of water service through conservation practices.

Wildlife

S.B. 211 (Chapter 537)

Senate Bill 211 places the Commission for the Preservation of Wild Horses in the State Department of Conservation and Natural Resources. The measure also provides that the executive director of the commission is appointed by, and serves at the pleasure of, the director of the department.

The bill further specifies that a written protest, petition for judicial review, or appeal may not be filed on behalf of the commission unless it is submitted to the Attorney General for review and comment and approved by the director of the department. Copies of the filing must also be furnished to each member of the commission as soon as practical, and the matter must be reviewed by the commission at its next meeting.

Finally, the measure clarifies the duties of the commission and appropriates \$75,000 per year during the next biennium to support a wildlife biologist position and provide supplemental in-state travel for the commission and staff.

This bill is effective on July 1, 1997.

S.B. 398 (Chapter 548)

Senate Bill 398 requires any regulation of the Board of Wildlife Commissioners relating to the closure of a season to be based on scientific data concerning the management of wildlife. The Division of Wildlife must collect or develop the data upon which the regulations are based.

This measure is effective on July 16, 1997.

S.B. 404 (Chapter 318)

Senate Bill 404 expands the existing authorization for a county whose population is over 400,000 to establish and manage a wildlife habitat preservation area. The measure includes all species or subspecies (in addition to wildlife) and authorizes the county to give money for the establishment and management of a species preservation area. The measure also specifies that the board of county commissioners may encourage the preservation of a species, if a committee appointed by the board determines that the species is likely to have a significant impact upon the county's economy and the residents' lifestyles if the species is listed as threatened or endangered.

In addition, S.B. 404 decreases, from \$750 to \$550, the maximum fee per acre that may be imposed by ordinance on new construction for species preservation.

This bill is effective on July 5, 1997.

S.C.R. 36 (File No. 67)

Senate Concurrent Resolution No. 36 adjusts the amount of money previously allocated to Nevada's Division of Wildlife from the issuance of general obligation bonds authorized in 1989. Initially, expenditure of the money was authorized by the Interim Finance Committee for purposes related to the acquisition of certain fish or wildlife habitats, public access to such habitats by the acquisition of property, or the identification and protection of sensitive species and ecosystems. The resolution adjusts the allocated amounts by increasing by \$100,000 the sum of money authorized for the acquisition of real or personal property at the Howard Ranch in Elko County, increasing by \$71,360 the sum of money authorized for expenses incurred by the Division of Wildlife in carrying out the bond program, and reducing by \$171,360 the sum of money remaining from the repayment of the loan by Clark County.

A.B. 47 (Chapter 223)

Assembly Bill 47 modifies the statutes relating to wildlife and big game tags. The bill reduces, from \$50 to \$25, the fee for a resident mountain lion tag. The measure also allows up to 18 percent of the money received from big game tag drawings associated with the "Partnership in Wildlife" to be used to reimburse the Division of Wildlife for the cost of managing wildlife and specified administrative fees. Finally, the bill allows the Board of Wildlife Commissioners to adopt regulations that authorize a refund of all or a portion of a fee collected from any person for big game tags.

A.B. 54 (Chapter 288)

Assembly Bill 54 revises provisions concerning the system of wildlife demerits for certain hunting, fishing, and trapping convictions. The measure clarifies that the demerit system does not apply to wildlife violations related to taxidermy, sale of live bait, shooting preserves, certain violations resulting in injury or death, artificial water bodies, and wasting game or poaching. The bill also adds violations of the Federal Lacey Act, which prohibits the transport of illegal game across a state line, to the violations for which a person may earn demerits. Finally, A.B. 54 expands the acceptable documentation for completion of a hunter's training course.

This measure is effective on July 5, 1997.

A.B. 180 (Chapter 121)

Assembly Bill 180 excludes from the demerit system for wildlife violations those permits that authorize the development of artificial bodies of water.

Testimony indicated that the demerit system for wildlife violations in Chapter 501 of the *Nevada Revised Statutes* applies to fishing, hunting, and trapping licenses issued by the Division of Wildlife. Assembly Bill 180 clarifies that artificial pond permits issued by the division are not affected by the demerit system.

This measure is effective on June 5, 1997.

A.B. 470 (Chapter 392)

Assembly Bill 470 directs the Board of Wildlife Commissioners to adopt regulations covering issuance of special incentive elk tags to owners, lessees, and managers of private land actually used by elk. The regulations must establish the application and review process, require the payment of usual fees, and establish criteria for issuance of the tags. In addition, the bill specifies that the regulations must make the tags applicable to both sexes of elk, prohibit applications for the tags by persons who have applied for or received compensation under the separate program for damage to private land caused by elk, and allow landowners to qualify as a group. Finally, these regulations must also ensure that issuance of special incentive tags does not reduce the number of bull elk tags issued statewide and must provide that the landowner may use the tag personally or sell it.

To qualify for special incentive elk tags, the bill requires a landowner whose property blocks reasonable access to adjacent public lands to provide such access to elk hunting parties during the elk season.

Assembly Bill 470 also requires that regulations be adopted to provide payment of money or other compensation for necessary labor and materials in the existing program to prevent or mitigate damage caused by elk to property and crops.

In addition, the bill authorizes the commission to establish a similar special incentive deer tag program for private property owners who either open their property to hunting and wildlife viewing or enter into a cooperative agreement to improve the deer or other wildlife habitat on their land.

This measure is effective on July 1, 1997.

A.B. 573 (Chapter 305)

Assembly Bill 573 authorizes the Board of Wildlife Commissioners to accept sealed bids for, or sell at auction, not more than five wild turkey tags each year.

Testimony indicated that the Division of Wildlife has successfully established wild turkeys at various locations in Nevada, and enactment of the measure would facilitate fund-raising efforts of wildlife groups.

This measure is effective on July 5, 1997.

A.B. 619 (Chapter 610)

Assembly Bill 619 creates the revolving account for the management of estray horses in the Virginia Range in northwestern Nevada. The account is administered by the state's Division of Agriculture, and the bill provides that all proceeds from the sale of estray horses from the Virginia Range and any gifts, grants, donations, or other money received by the division for management of these horses must be credited to the revolving account.

The measure also appropriates \$10,000 from the State General Fund to the account for use during the 1997-1999 biennium.

The bill is effective on June 30, 1997.

PUBLIC ASSISTANCE

Unemployment

S.B. 125 (Chapter 84)

Senate Bill 125 clarifies that the term “product” used in the unemployment security provisions relating to direct sellers includes an intangible service as well as a tangible good. In addition, the bill exempts certain direct sellers from the mandatory provisions regarding industrial insurance.

According to testimony, the exemption in the unemployment statutes for direct sellers was patterned after federal law. The Internal Revenue Service (IRS) interpreted the term “product” in the federal statute to exclude intangible services. Nevada’s Employment Security Division (ESD) adopted the same interpretation of the provision in state law. After several court decisions held that an intangible service is a “product,” the IRS changed its interpretation. Senate Bill 125 clarifies the definition of “product” and conforms state law to the interpretation now used under the federal statute.

In addition, S.B. 125 authorizes an exemption from mandatory workers’ compensation coverage for certain direct sellers, such as individuals who sell Tupperware, Avon, Shaklee, and similar products. Testimony indicated that these individuals generally work for themselves out of their own homes and have small operations.

This bill is effective on May 15, 1997.

A.B. 279 (Chapter 505)

Assembly Bill 279 provides that, if a claimant for unemployment insurance benefits leaves an employer to take other employment and then leaves or is discharged from the latter employer, unemployment insurance benefits paid to the claimant may not be charged against the record for experience rating of the former employer.

Testimony indicated that when an employee leaves one employer to work for another employer, the former employer has no control over the circumstances under which that employee is discharged from the subsequent employer. Proponents argued that, if a former employee leaves or is discharged from a subsequent employer, it is more equitable to amortize the cost of benefits over all employers than to charge the record for experience rating of a previous employer.

Welfare

S.B. 474 (Chapter 442)

Senate Bill 474 prohibits the state's Welfare Division from entering into any managed care contract for pharmaceutical services for welfare recipients unless the contract is reviewed and approved by the Nevada Legislature's Committee on Health Care. The committee will review cost and access issues concerning such agreements. The measure also provides for the reimbursement of drug costs without prior authorization if the drug has been approved for use by the Food and Drug Administration and appropriately prescribed by the recipient's physician. The bill exempts contracts for managed care that include only recipients of the state's Temporary Assistance for Needy Families (TANF) and Children's Health Assurance Program (CHAP). This portion of the measure sunsets October 1, 1999.

The measure also requires the Nevada Legislature's Committee on Health Care to establish a date for the implementation of an electronic online prescription claims system. If needed, such a system may also be made available to managed care organizations with contracts to serve welfare recipients.

According to testimony, the online prescription claims system provides immediate eligibility information and assists in preventing fraud. The system also helps pharmacists identify any potential drug interaction problems.

This bill is effective on July 16, 1997.

A.B. 401 (Chapter 489)

Assembly Bill 401 makes various changes regarding the administration of public welfare and the enforcement of child support. The measure establishes this act as the Nevada Personal Responsibility and Self-Sufficiency Act of 1997.

Assembly Bill 401 enacts the Temporary Assistance for Needy Families (TANF) program and the Program for Child Care and Development within the Welfare Division of the Department of Human Resources. The bill specifies conditions of eligibility, requires an assessment of certain skills, establishes criteria for a personal responsibility plan, and provides an agreement of cooperation for applicants and beneficiaries. Further, the measure identifies exemption and hardship criteria for applicants and enumerates sanctions for failure to cooperate with certain provisions of the TANF program.

The bill contains provisions authorizing an emergency diversion program for individuals in danger of entering the welfare system, encouraging a mentoring program for pregnant teens, and providing for client screening for potential mental health and substance abuse problems. In addition, A.B. 401 specifies that, in accordance with federal requirements, any person fraudulently receiving benefits in more than one state shall be terminated from

the program for 10 years. The Welfare Division is required to study the possibility of changing the second period of eligibility from two years to one year, within the federally mandated five-year lifetime limit. In addition, the agency must collect data concerning the number of cases and the costs associated with children born into a household receiving welfare benefits. Further, the bill requires the Department of Employment, Training and Rehabilitation to use job development coordinators to work with public and private sector employers to create jobs.

The measure limits TANF benefits to 24 months of assistance before requiring a 12-month break in the receipt of benefits. The bill also provides for a program of transitional assistance and specifies treatment in cases where a recipient is a victim of domestic violence.

The bill also makes changes concerning the State Welfare Board. The measure changes the function of the board from one that adopts regulations to one that has advisory authority. The measure provides the Administrator of the Welfare Division with the authority to draft regulations. The administrator must make quarterly reports to the Legislature's Interim Finance Committee concerning any regulations proposed or adopted in association with this program.

Assembly Bill 401 also revises the Welfare Division's powers and duties regarding the determination of paternity and the establishment, modification, and enforcement of child support orders. The bill changes the division's authority and responsibility by:

- Creating a new procedure for the division to make periodic adjustments to child support orders based upon changes in the cost of living;
- Creating new procedures for child support enforcement that allow the division to obtain information about responsible parents from financial institutions, seize the financial assets of parents whose payments are in arrears, and require responsible parents to pay additional amounts to satisfy arrearages;
- Broadening the division's authority to obtain information from a variety of public and private sources for purposes of child support enforcement; and
- Requiring the division to order, under certain circumstances, blood tests or tests for genetic identification for the determination of paternity.

Assembly Bill 401 also revises the procedures for the establishment of paternity and the establishment, modification, and enforcement of child support orders through hearings conducted by court-appointed masters. The bill expands the authority of masters and makes various procedural changes regarding such masters.

Furthermore, this measure revises the procedure for withholding income in enforcing child support and expands the sources of income from which child support payments may be withheld. In addition, the bill changes the procedure for the assignment of income to pay

child support. The measure also requires that certain information be included in orders for the payment of child support and provides for the imposition and enforcement of liens on the real and personal property of persons responsible for paying child support.

Assembly Bill 401 changes the provisions concerning the establishment of paternity and includes a new presumption of paternity based upon the results of tests for genetic identification. The bill also expands the admissibility of evidence relating to paternity, repeals the law that allows a person to demand a jury in a paternity trial, and establishes requirements for including in a birth certificate the name of a person who voluntarily acknowledges paternity.

Further, Assembly Bill 401 requires that Social Security numbers be included in certain documents relating to birth, marriage, divorce, child support, and death.

The bill requires the Employment Security Division to establish and administer a state directory of newly hired employees. Employers must report certain information to the directory regarding their newly hired employees and the division is required to provide information from the directory to certain federal and state agencies, including the Welfare Division. The bill requires the Welfare Division to provide the information to the National Directory of New Hires and compare this information with the state case registry for the enforcement of child support.

Assembly Bill 401 adopts, effective January 1, 1998, the Uniform Interstate Family Support Act (UIFSA), which establishes a new procedure for a Nevada court to enforce a child support order entered in another state and for courts in other states to enforce such orders that are entered in Nevada. The UIFSA replaces the Revised Uniform Reciprocal Enforcement of Support Act (RURESA).

The measure specifies that funding received by the state from the TANF block grant must be appropriated by the Legislature.

The major purpose of Assembly Bill 401 is to carry out the requirements of the Federal Personal Responsibility and Work Opportunity Act of 1996, *Public Law 104-193*. This federal welfare reform law represents the first major overhaul of the nation's welfare system in more than 30 years.

A.B. 460 (Chapter 394)

Assembly Bill 460 requires certain state agencies to enter into an interlocal agreement to provide job placement services to employers and welfare recipients. The Department of Employment, Training and Rehabilitation and the Department of Human Resources are directed to enter into an interlocal agreement that takes into consideration recommendations of the Governor's Workforce Development Board. The agreement must ensure that there is no duplication of services between the departments.

Further, the bill identifies the provisions of the interlocal agreement, requires that the agreement be in place on or before October 31, 1997, and mandates that a plan be developed to encourage employers to employ welfare recipients. In addition, the agreement must contain provisions to encourage recipients to expand their future opportunities for employment through continuing their education. Finally, the measure permits the Department of Human Resources to accept private contributions and specifies the guidelines for spending money in the required account.

Testimony indicated that the bill is expected to reduce duplication in programs and make more efficient use of existing dollars. Employers are asked to identify their needs so training of welfare recipients can be done specifically to fill these jobs.

The bill is effective on July 1, 1997, and expires by limitation on July 1, 1999.

A.C.R. 25 (File No. 127)

Assembly Concurrent Resolution No. 25 encourages all agencies involved in funding and regulating employment and training to make certain efforts to customize employment services for Nevadans. Further, the measure addresses accessibility to jobs and employment and training for those eligible for such services. Finally, the resolution stresses the importance of easing the bureaucratic burden imposed on employers who want to work with these training programs and directs the State to make efforts to rectify this burden.

Testimony indicated that the Department of Employment, Training and Rehabilitation (DETR) in Nevada is discussing with the United States Department of Labor a waiver from certain requirements imposed by federally funded employment training programs. Such a waiver would grant enhanced flexibility to DETR in working with the state's Department of Human Resources as it attempts to meet the requirements of welfare reform. This resolution is expected to assist DETR in obtaining such a waiver because it demonstrates Nevada's support for increased flexibility in programs administered by DETR.

Medicaid

S.B. 209 (Chapter 454)

Senate Bill 209 requires the Medicaid program to pay for hospice care services provided by a licensed hospice facility.

A.B. 13 (Chapter 340)

Assembly Bill 13 requires the Department of Human Resources to contract only with a health maintenance organization that has negotiated in good faith with a federally qualified health center, the University Medical Center of Southern Nevada, and the University of Nevada School of Medicine to provide Medicaid managed care. The measure also requires the department to cooperate with the School of Medicine during the development and implementation of the managed care program to assist in the provision of an adequate patient base for its medical residency program. Further, the School of Medicine is authorized to establish a nonprofit organization to support its role in the managed care program. Finally, the bill makes consistent the reference to Medicaid throughout the *Nevada Revised Statutes*.

This measure is effective on July 1, 1997.

A.B. 183 (Chapter 486)

Assembly Bill 183 creates the fund for institutional care of the medically indigent in the State Treasury, and it requires the State Plan for Medicaid to pay the nonfederal share of expenditures for the medical, administrative, and transaction costs of certain Medicaid-eligible people. Money in the fund may be used only for a county that is unable to make a payment required by an interlocal agreement between the Department of Human Resources and the county for expenses incurred by a Medicaid recipient who is in a hospital, facility for intermediate care, or facility for skilled nursing for more than 30 days. Further, the measure describes the administration and authority of the fund, including the methodology for collecting payment from the fund.

The measure appropriates \$128,520 for Fiscal Year 1997-1998 and \$1,008,540 for Fiscal Year 1998-1999 to the Medicaid Budget Account for the fund. Finally, the State Controller is authorized to transfer \$300,000 from the Intergovernmental Transfer Account to this new fund.

Provisions increasing a Medicaid recipient's net countable income per month, from 155 percent of the supplemental security income benefit rate to 156 percent of the rate, are effective on January 1, 1999. The remainder of the measure is effective on June 30, 1997.

A.B. 274 (Chapter 174)

Assembly Bill 274 broadens the scope of Medicaid fraud by defining a "statement or representation" as a report, claim, certification, acknowledgment, or ratification of financial information, enrollment claims, demographic statistics, encounter data, health services available or rendered, qualifications of persons rendering health care or ancillary services, or any combination of these. Also, the measure expands the definition of "provider" to include a private insurance carrier, health care cooperative or alliance, health maintenance

organization, insurer, organization, entity, association, affiliation, or person who contracts to provide goods or services that are reimbursed by, or are a required benefit of, the plan.

The measure establishes penalties and requires restitution by persons who commit Medicaid fraud. A person who, with the intent to defraud, commits an offense that constitutes Medicaid fraud shall be punished for a category D felony if the amount of the claim or the value of the goods or services obtained or sought to be obtained was \$250 or greater. If the offense is less than \$250, the person shall be punished for a misdemeanor. If multiple offenses are committed, the bill allows the crimes to be aggregated when determining punishment.

Finally, a provider who submits a false claim, statement, or representation is liable for each occurrence for an amount not less than \$5,000.

PUBLIC OFFICERS AND EMPLOYEES
(See also: State Employees and Elections)

S.B. 36 (Chapter 376)

Senate Bill 36 requires the Public Employees' Retirement System to conduct a study of the pension plan for the justices of the Supreme Court and the district court judges to determine the feasibility of funding the plan on an actuarial reserve basis. The measure outlines the scope of the study and requires that a report of the findings and any recommended legislation be delivered to the Interim Retirement Committee of the Legislature by December 1, 1998. Finally, S.B. 36 authorizes the expenditure of \$22,000 from the public employees' retirement fund to carry out the study.

This measure is effective on July 8, 1997.

S.B. 57 (Chapter 33)

Senate Bill 57 invalidates any lien that is filed or claimed against a public officer or employee and based on the person's job performance or nonperformance, unless such filing is authorized by a specific statute or judicial ruling.

This measure is effective on April 30, 1997.

S.B. 214 (Chapter 666)

Senate Bill 214 makes various changes to the provisions concerning ethics in government. The bill clarifies provisions concerning the personal use of governmental supplies or property by a public officer or employee. The bill also clarifies when a legislator may or may not vote on a matter that may constitute a conflict of interest and provides a process for a legislator to file a written disclosure statement with the director of the Legislative Counsel Bureau.

In addition, the bill requires that certain requests for investigation by the Commission on Ethics include a signed statement that the requester has provided true information, did not submit the allegation in bad faith, and understands that penalties may be imposed if the commission determines that the allegation was false or vexatious. The measure also establishes a standard of "just and sufficient cause" for the commission to decide when to pursue an allegation and prohibits the commission from initiating proceedings based solely on an anonymous complaint. The bill further provides for the confidentiality of proceedings during that period of time when the commission is considering whether there is just and sufficient cause to render an opinion concerning the conduct of a public officer or employee.

The bill also allows the collection of attorneys' fees and actual costs incurred by a person against whom a false or vexatious allegation was made. Finally, the measure clarifies the reporting of gifts; includes, in the definition of the term "household," a person who lived in a candidate's or public officer's home for six months or more; and provides civil penalties for failing to file financial disclosure statements in a timely manner.

This measure is effective on July 17, 1997.

S.B. 216 (Chapter 154)

Senate Bill 216 raises the maximum annual increases in benefits paid to retired public employees. The maximum annual increase for the years between the 12th anniversary of employees' retirement and the 14th anniversary is raised from 3.5 percent to 4 percent. For the years following the 14th anniversary, the maximum annual increase is raised from 3.5 percent to 5 percent.

This measure is effective on July 1, 1997.

S.B. 264 (Chapter 160)

Senate Bill 264 increases the penalty for crimes involving the intimidation, assault, or battery of certain public employees and persons who operate a vehicle as part of a public mass transportation system. The measure adds persons who perform compensated services under a contract with state and local agencies to the definition of public employee for the crime of intimidating governmental employees. The penalty for threatening or intimidating these individuals is increased for a second or subsequent offense involving force or threatened force from a category C felony to a category B felony, punishable by imprisonment in the state prison for two to ten years. A fine of \$10,000 may also be imposed.

Senate Bill 264 also specifies that transit operators are included in the enhanced penalties provided under existing law for the assault or battery of officers or school employees.

A.B. 65 (Chapter 463)

Assembly Bill 65 removes the requirement that per diem expenses of county officers and employees be approved by the board of county commissioners before payment. Further, the measure requires a county to establish, by ordinance, procedures to reimburse authorized travel and subsistence expenses and to include in its budget an annual estimate of such expenses for each department.

A.B. 251 (Chapter 125)

Assembly Bill 251 clarifies that a county is prohibited from exempting employees from its merit personnel system other than those expressly exempted in statute.

A.B. 408 (Chapter 110)

Assembly Bill 408 makes various changes to the statutes governing the Public Employees' Retirement System. These changes are intended to bring Nevada's law into compliance with federal requirements and to eliminate obsolete language. Among other provisions, the bill authorizes the establishment of a fund for the payment of accrued benefits for certain members of the system.

This measure is effective on July 1, 1997.

A.B. 425 (Chapter 430)

Assembly Bill 425 provides a procedure, in a county with a population of less than 10,000, to declare a public office vacant in certain circumstances. If an incumbent is prevented by sickness from discharging the duties of his office for more than six months, the bill authorizes the district attorney to petition the district court to declare the office vacant. If the incumbent is the district attorney, the Attorney General may petition the district court.

The bill requires the district court to hold a hearing on the matter and to consider the incumbent's medical condition, the degree to which the incumbent is unable to perform his duties, and the extent of any detrimental effect upon the applicable governmental entity.

Assembly Bill 425 does not apply to state officers.

This measure is effective on July 1, 1997.

A.B. 665 (Chapter 627)

Assembly Bill 665 increases the salaries of certain public employees. This measure authorizes a 3 percent increase in the salaries of unclassified state employees and classified and professional employees in the University and Community College System, which is effective on July 1, 1997. An additional 3 percent increase for these employees is effective on July 1, 1998.

Assembly Bill 665 provides additional salary increases on the pay schedule for classified employees for certain classes of data processing employees, medical employees, law enforcement officers, and parole and probation officers.

This measure is effective on July 1, 1997.

A.C.R. 15 (File No. 76)

Assembly Concurrent Resolution No. 15 directs the Public Employees' Retirement Board to conduct a comprehensive study to develop a rational and equitable method to determine service credit and average compensation for public employees. The method proposed must maintain the fiscal integrity and actuarial soundness of the Public Employees' Retirement System. The measure requires the board to report periodically to the Legislative Interim Retirement Committee on the study's progress and to submit a report of its findings and recommendations to the 1999 Legislature.

A.C.R. 47 (File No. 101)

Assembly Concurrent Resolution No. 47 commends the Retired Public Employees of Nevada for their contributions as volunteers and for their previous years of dedicated service as public employees working in this state.

PUBLIC RECORDS AND OPEN MEETING LAW

S.B. 61 (Chapter 28)

Senate Bill 61 authorizes the Department of Motor Vehicles and Public Safety (DMV&PS) to release personal information from drivers' license and vehicle registration files to public administrators and public guardians who are investigating the financial status of proposed wards and intestate decedents or conducting investigations to determine whether there is a qualified person to act as the guardian of a proposed ward or administrator of the estate of a deceased person.

Testimony indicated that, without information from the files of the DMV&PS, it is sometimes difficult for these officials to identify vehicles belonging to decedents or locate family members who might act as a guardian for a ward or an administrator for an estate.

This bill is effective on April 22, 1997.

S.B. 88 (Chapter 56)

Senate Bill 88 authorizes the chief executive officer of a Nevada law enforcement agency to issue a subpoena for the name and address of a person listed in the customer records of a public utility. The subpoena must contain a statement that it is being issued to further a criminal or civil investigation.

According to testimony, federal statutes allow a public utility to release the name and address of a customer pursuant to an administrative subpoena. Current Nevada law authorizes a public utility to release the requested information upon receipt of a written request from the chief executive officer of a Nevada law enforcement agency. This bill conforms Nevada law to the federal requirements.

This measure is effective on May 2, 1997.

S.B. 128 (Chapter 313)

Senate Bill 128 makes various changes regarding permits to carry concealed firearms. This measure provides that all information contained in a permit application is confidential. An exception is provided to allow a law enforcement agency to release the records of the applicant or permittee for the purpose of conducting an investigation or prosecution. Senate Bill 128 specifies that statistical data, including the number of permits applied for or issued by a sheriff, may be released to any person.

Senate Bill 128 also authorizes an applicant to complete a course in firearm safety that is approved by any sheriff in the state. The sheriff must not approve a course that does not meet the standards established by the Nevada Sheriffs and Chiefs Association.

Testimony indicated that sheriffs in some counties are not accepting the certificates from firearm safety courses approved by sheriffs in other Nevada counties. Senate Bill 128 was requested to ensure that permittees who move to another county are not required to take another firearm safety course because the sheriff in the new county of residence has not approved the course originally taken by the permittee.

The confidentiality provisions of S.B. 128 were requested following the release of Attorney General Opinion No. 97-06 on February 11, 1997, which concludes that, under existing law, concealed firearm permits are subject to disclosure as public records.

The provisions concerning confidential and statistical information are effective on July 5, 1997.

S.B. 168 (Chapter 532)

Senate Bill 168 requires public schools to comply with federal law governing the release of information from student records. In addition, the measure applies the parental authorization requirements specified in federal law when certain information is elicited from students in state education programs. The measure also provides that the bill does not impair the rights, obligations, or prohibitions specified in Nevada's statutes concerning child abuse and neglect.

Under current practice, the parallel provision in federal statutes concerning personal information applies only to federally funded programs. Federal law provides the procedures for the request, review, change, release, and notice of rights concerning pupil education records. The federal law also requires public schools to obtain the written consent of a pupil's parent or guardian before any survey, analysis, or evaluation is administered that reveals certain personal information. Senate Bill 168 extends this provision to all public school programs.

The bill is effective on July 1, 1997.

S.B. 417 (Chapter 259)

Senate Bill 417 revises the fees for services and copies of records that the State Registrar shall charge. The measure creates two new categories for records that may be requested from the State Registrar to include paternity records other than hospital-based paternity records and data files that require specific changes in computer programming.

A.B. 124 (Chapter 21)

Assembly Bill 124 stipulates that Nevada's open meeting law requirements apply to the annual meeting of state and local governments that collect fees, taxes, and information. Further, the bill requires the Department of Taxation to report annually to the Legislature any recommendations for legislation resulting from the meeting.

A.B. 214 (Chapter 497)

Assembly Bill 214 stipulates that, effective October 1, 1997, a governmental entity shall not refuse to provide a copy of a public record in a readily available medium.

The bill also makes various changes, which are effective July 1, 1999, concerning charges for public records. The measure authorizes a governmental entity to charge a fee for copies of records, not exceeding the actual cost of the copy, unless a specific statute or regulation provides a different fee. In addition, the measure requires the entity to prepare, maintain, and post a list of its fees or where they may be obtained. The bill also allows a governmental entity to recover the cost of extraordinary use of personnel or resources related to a request for a copy of a public record.

In addition, Assembly Bill 214 allows a fee, based upon reasonable costs, for the provision of information from a geographic information system. For transcripts of administrative proceedings, the measure requires the governmental entity to charge the fee per page established by its contract with the court reporter and to remit that fee to the court reporter.

Finally, the measure directs the Department of Administration, in cooperation with various state and local entities and organizations, to study the fiscal effect of the bill during the 1997-1998 interim period.

Section 2 of this bill is effective on July 1, 1999, and all other sections are effective on October 1, 1997.

A.B. 215 (Chapter 141)

Assembly Bill 215 authorizes the Department of Motor Vehicles and Public Safety (DMV&PS) to release personal information from drivers' license and vehicle registration files for purposes relating to research and the production of statistical reports. The bill stipulates that this information may only be used or sold for use in bulk distribution of surveys, marketing material, or solicitations. Before any information is released, the DMV&PS must create regulations to carry out the new provisions of the measure. Finally, the bill allows a person to prohibit the release of his personal records that are maintained by the department.

The bill also authorizes the DMV&PS to release personal information from drivers' license or registration files to agents of lienholders if they present written release. Currently, the law requires that these agents, usually repossessioners, file a notarized release by the lienholder. Finally, the bill allows the DMV&PS to release personal information to insurers upon the presentation of only a license plate number. Currently, only law enforcement agencies can gain access to this information in this way.

This measure is effective on June 11, 1997.

PUBLIC SAFETY

Public Health and Safety

S.B. 361 (Chapter 656)

Senate Bill 361 establishes a state disaster identification team within the Division of Emergency Management and provides that the chief of the division may assign people with expertise in various fields to the team and activate the members during an officially proclaimed state emergency.

The bill directs the team to assist local authorities to recover, identify, and process deceased victims during such an emergency. The measure further directs the team, within two hours after notification of a state of emergency, to begin to identify the need for medical and health services to establish temporary facilities to be used as a morgue, identify deceased victims, and process and dispose of the remains of deceased victims. The measure also provides the team with access to criminal and missing persons information during a state of emergency.

In addition, the bill appropriates \$90,000 to carry out its provisions during the 1997-1999 biennium and specifies an effective date of July 1, 1997.

Police and Fire Protection

S.B. 39 (Chapter 527)

Senate Bill 39 authorizes the governing body of a county or city to establish a review board composed of residents to review the internal investigations of, or refer matters for investigation to, the employers of peace officers, constables, or school police officers. The bill requires review board members to complete specified training in law enforcement, but such members must not be currently employed as a peace officer, school police officer, constable, or deputy constable. In an area where a metropolitan police department has been formed, the measure authorizes the involved political subdivisions to establish jointly a review board.

In counties or cities with a population of 100,000 or more, the bill stipulates that the review board must consist of 25 members and meet in panels of five to carry out its duties. In counties or cities with a population less than 100,000, the review board consists of 12 members and meets in panels of three. The measure allows the local governing body to determine the times and places the board will meet and specifies certain actions a board may take.

Senate Bill 39 provides for appeal of a recommendation made by a review board. A local ordinance establishing procedures for appeal may include, if both parties agree, mediation, conciliation, or review by another panel of randomly selected members of the review board.

If the appeal is heard by another panel, the determination of the second panel is final and binding.

S.B. 62 (Chapter 13)

Senate Bill 62 authorizes the Capitol Police to remove abandoned vehicles from public property in its jurisdiction.

This bill is effective on July 1, 1997.

S.B. 88 (Chapter 56)

Senate Bill 88 authorizes the chief executive officer of a Nevada law enforcement agency to issue a subpoena for the name and address of a person listed in the customer records of a public utility. The subpoena must contain a statement that it is being issued to further a criminal or civil investigation.

According to testimony, federal statutes allow a public utility to release the name and address of a customer pursuant to an administrative subpoena. Current Nevada law authorizes a public utility to release the requested information upon receipt of a written request from the chief executive officer of a Nevada law enforcement agency. This bill conforms Nevada law to the federal requirements.

This measure is effective on May 2, 1997.

S.B. 349 (Chapter 359)

Senate Bill 349 specifies that a person employed by the Washoe County Airport Authority to provide police services has the power of a law enforcement officer and therefore must have the appropriate training required in pertinent federal regulations. In addition, the measure provides that such an employee is considered a peace officer for the determination of retirement benefits.

This bill is effective on July 8, 1997.

S.B. 485 (Chapter 668)

Senate Bill 485 provides a process by which an implied agreement may be entered into by a law enforcement agency that requires the assistance of another law enforcement agency, if the two agencies do not have an interlocal or cooperative agreement already established.

This measure is effective on July 17, 1997.

A.B. 7 (Chapter 32)

Assembly Bill 7 authorizes local law enforcement agencies to use volunteers to issue citations for violations of laws or local ordinances concerning handicapped parking. The law enforcement agency is required to establish minimum qualifications for volunteers and provide appropriate training. Volunteers are deemed employees of the local government for the purpose of providing industrial insurance coverage. The measure specifies that law enforcement agencies are not liable for negligent acts of such volunteers, unless such acts affirmatively cause harm.

A.B. 15 (Chapter 458)

Assembly Bill 15 exempts peace officers, firemen, emergency medical technicians, and employees of pedestrian malls who ride bicycles while on duty from complying with state laws and local ordinances governing the operation of bicycles. These persons do not have to obey such laws if they are pursuing a suspected offender, responding to an emergency call, or otherwise carrying out their duties. These persons are not protected from the consequences of riding their bicycles with disregard for the safety of others.

A.B. 184 (Chapter 487)

Assembly Bill 184 authorizes the establishment of a program by an employer in which a police officer or fireman who suffers a catastrophe resulting in temporary total disability may elect payment of his normal salary rather than workers' compensation benefits. "Police officers" are defined as those covered under heart-lung workers' compensation provisions. A "catastrophe" is defined as an illness or accident arising out of, or in the course of, employment, which is life threatening or will require convalescence in excess of 30 days.

If an employer elects to establish such a program, an eligible employee may collect normal salary for not more than one year and accrue sick leave, annual leave, and retirement benefits. Further, the program may allow a police officer or fireman to return to light-duty employment modified according to his physical restrictions or limitations. Finally, the measure applies to self-employed insurers as well as state employers of police officers and firemen.

A.B. 319 (Chapter 510)

Assembly Bill 319 authorizes state agencies to contract with independent contractors of security services if the capitol police are unable to provide such services. The measure stipulates that the independent contractor must either be licensed as a private patrolman or employed by a licensed private patrolman and must meet certain physical, training, and skills requirements.

According to testimony, certain state agencies currently employ independent security guards who do not meet the qualifications set forth in the bill.

This measure is effective on July 1, 1997.

A.B. 589 (Chapter 385)

Assembly Bill 589 provides for the design and issuance of special license plates that recognize employment or retirement as a professional firefighter. The bill directs the Department of Motor Vehicles and Public Safety to design and issue the plates after 250 vehicle owners have applied for them. The measure also requires an applicant for the license plates to pay, in addition to other registration fees, an initial application fee of \$35 and an annual renewal fee of \$10.

A.B. 608 (Chapter 383)

Assembly Bill 608 stipulates that an employee of a metropolitan police department may represent himself or choose his own representative in any proceeding conducted by the department's civil service board.

Firearms and Weapons

S.B. 128 (Chapter 313)

Senate Bill 128 makes various changes regarding permits to carry concealed firearms. This measure provides that all information contained in a permit application is confidential. An exception is provided to allow a law enforcement agency to release the records of the applicant or permittee for the purpose of conducting an investigation or prosecution. Senate Bill 128 specifies that statistical data, including the number of permits applied for or issued by a sheriff, may be released to any person.

Senate Bill 128 also authorizes an applicant to complete a course in firearm safety that is approved by any sheriff in the state. The sheriff must not approve a course that does not meet the standards established by the Nevada Sheriffs and Chiefs Association.

Testimony indicated that sheriffs in some counties are not accepting the certificates from firearm safety courses approved by sheriffs in other Nevada counties. Senate Bill 128 was requested to ensure that permittees who move to another county are not required to take another firearm safety course because the sheriff in the new county of residence has not approved the course originally taken by the permittee.

The confidentiality provisions of S.B. 128 were requested following the release of Attorney General Opinion No. 97-06 on February 11, 1997, which concludes that, under existing law, concealed firearm permits are subject to disclosure as public records.

The confidential and statistical information provisions are effective on July 5, 1997.

S.B. 296 (Chapter 282)

Senate Bill 296 provides that a shooting range does not constitute a nuisance for any noise attributable to the establishment if it is in compliance with the provisions of all applicable statutes, ordinances, and regulations concerning noise as they exist on October 1, 1997. If a shooting range begins operation after that date, the bill requires the shooting range to comply with applicable provisions as they exist at that time. In addition, the measure clarifies that a shooting range is not subject to state or local noise control laws that are adopted or amended after the shooting range begins operation. A shooting range is defined as an area designed and used for sport shooting or archery.

S.J.R. 16 (File No. 132)

Senate Joint Resolution No. 16 expresses support for the establishment and operation of one or more public shooting ranges and recreational facilities in Clark County.

A.B. 141 (Chapter 26)

Assembly Bill 141 exempts, from the prohibition against carrying a concealed firearm into a public building, a prosecuting attorney of an agency or political subdivision of the United States or Nevada who has a concealed firearm permit.

This measure is effective on July 1, 1997.

A.B. 412 (Chapter 229)

Assembly Bill 412 authorizes a private person who is transferring a firearm to request that the Central Repository for Nevada Records of Criminal History perform a background check on the party interested in acquiring the firearm. The central repository is allowed to charge a reasonable fee for providing this background check. The measure also provides civil immunity for persons who fail to request a background check prior to the transferring of a firearm.

Testimony indicated that background checks are performed for federally licensed gun dealers, but there is no mechanism for private parties who are transferring firearms

to access the central repository. The bill is intended to address this existing loophole and provide protection to such private parties.

PUBLIC UTILITIES

S.B. 88 (Chapter 56)

Senate Bill 88 authorizes the chief executive officer of a Nevada law enforcement agency to issue a subpoena for the name and address of a person listed in the customer records of a public utility. The subpoena must contain a statement that it is being issued to further a criminal or civil investigation.

According to testimony, federal statutes allow a public utility to release the name and address of a customer pursuant to an administrative subpoena. Current Nevada law authorizes a public utility to release the requested information upon receipt of a written request from the chief executive officer of a Nevada law enforcement agency. This bill conforms Nevada law to the federal requirements.

This measure is effective on May 2, 1997.

S.B. 291 (Chapter 350)

Senate Bill 291 authorizes the Public Service Commission of Nevada to enter into an agreement with the United States Secretary of Transportation to participate in enforcement of federal safety regulations for railroad equipment and facilities. The bill also requires the commission to take necessary action to ensure the safety of railroads in this state and to adopt regulations to carry out the provisions of the bill. Finally, the measure requires the commission to review, study, and evaluate its existing railroad safety regulations, compare them to federal law and similar provisions in other states, and then to adopt regulations that incorporate appropriate provisions from these other bodies of law. The commission must submit a report to the Legislature on or before December 31, 1998, indicating the actions the commission has taken pursuant to the bill.

This measure is effective on July 8, 1997.

S.J.R. 8 (File No. 57)

Senate Joint Resolution No. 8 urges Nevada's Congressional Delegation to introduce and support legislation to assist providers of telecommunications services to obtain rights-of-way over public land managed by the Federal Government.

The resolution is effective on May 2, 1997.

A.B. 345 (Chapter 419)

Assembly Bill 345 establishes funding guidelines for the railway safety program operated by the Public Service Commission of Nevada (PSCN). The measure requires the PSCN

to levy and collect an annual assessment on railroads to assist in funding the program. The bill requires the railroad assessment to be equal to the costs incurred by the PSCN that are not offset by fees paid to the commission as a result of activities at certain facilities in Nevada for the disposal of hazardous materials. The measure further stipulates that the annual assessment must not be more than one cent per ton of cargo transported by the railroads into, out of, or through Nevada during the immediately preceding calendar year. The bill also establishes an annual assessment of each railroad and creates a penalty for any delinquency of the assessment. In addition, the bill authorizes the PSCN to expend certain sums not appropriated from the State General Fund or the state highway fund. Finally, A.B. 345 makes certain provisions for the collection of an assessment in the event a railroad sells or transfers its certificate of public convenience and necessity or sells substantially all of its assets.

The measure is effective on July 1, 1997.

A.B. 508 (Chapter 565)

Assembly Bill 508 makes technical corrections governing fees charged by a local government to a public utility. The measure defines the terms "delinquent amount" and "personal wireless service" and revises the definitions of the terms "public utility" and "revenue." In addition, the measure clarifies that fees must be paid in legal tender or another monetary instrument that is payable in legal tender. Assembly Bill 508 further authorizes a public utility to indicate on its customers' bills the amount of the fee imposed by a county or city.

The bill also requires a county or city to provide, at no charge, the address of each public utility customer affected by these fees and provides that the requirement applies to ordinances adopted after July 1, 1995.

Finally, A.B. 508 prohibits the governing body of certain counties and cities from selling telecommunications and community antenna television services to the general public. Such bodies are also prohibited from imposing specified conditions on a telecommunications service franchise.

This measure is effective July 16, 1997.

A.B. 581 (Chapter 604)

Assembly Bill 581 requires prior authorization by the Public Service Commission of Nevada for certain transactions relating to public utilities. The bill stipulates that any person who merges with, acquires, or otherwise obtains control of a public utility in this state or an entity with a controlling interest in a utility, must first submit an application to the commission and receive authorization. The measure provides that an unauthorized merger or other such transaction is not valid. In addition, A.B. 581 requires the commission

to consider the effect of the proposed transaction and stipulates that, if the commission does not issue a determination within 180 days, the transaction is deemed to be approved.

This measure is effective on July 16, 1997.

Energy and Conservation

S.B. 255 (Chapter 218)

Senate Bill 255 provides for net metering for residential electric utility customers who install solar or wind generators. "Net metering" is defined as the difference between the electricity supplied by the utility and the electricity generated by a customer-generator and fed back to the utility. The bill limits a net metering system to a capacity of 10 kilowatts or less and requires the system to be located on the customer-generator's premises. A utility is required to make available an energy meter that is capable of registering the flow of electricity in two directions. In addition, S.B. 255 requires a system to comply with certain national safety and quality standards. Finally, provisions concerning billing are included for electricity generated by a system and fed back to the utility that either exceeds or does not exceed the electricity supplied by the utility to the customer-generator during the billing period.

The measure is effective on July 1, 1997.

S.B. 256 (Chapter 630)

Senate Bill 256 revises the exemption from property tax provided for property that is used as a facility for the production of electrical energy from solar energy. The measure specifies that personal property used in this manner may not receive an exemption for more than 10 consecutive years. Likewise, the bill provides that real property used for this purpose may not receive an exemption for more than 20 consecutive years.

The measure further clarifies that an exemption granted before July 1, 1997, to a business that actively uses solar energy converted into electricity continues until the expiration of the period for which the exemption was granted or until the business discontinues operation in Nevada, whichever occurs first.

The bill is effective on July 1, 1997.

Regulation

A.B. 71 (Chapter 189)

Assembly Bill 71 removes telephone and telegraph buildings from the definition of “utility facility” for purposes of the Utility Environmental Protection Act.

Under existing law, the Public Service Commission of Nevada reviews minor construction projects for the telecommunications industry. According to testimony, the commission has never denied approval for such projects. The measure is intended to alleviate the regulatory burden on the telecommunications industry and the workload of the commission’s staff, so that more attention may be given to larger projects.

This measure is effective on July 1, 1997.

A.B. 72 (Chapter 8)

Assembly Bill 72 replaces the State Environmental Commission with the Division of Environmental Protection as the entity charged with reviewing applications for the construction of utility facilities. Testimony indicated that the Division of Environmental Protection already reviews all applications because the commission does not meet often enough nor does it have sufficient resources to carry out the function; this measure codifies the current practice.

This measure is effective on July 1, 1997.

A.B. 366 (Chapter 482)

Assembly Bill 366 authorizes the Public Service Commission of Nevada to reorganize itself into sections, alter its organization, and reassign responsibilities of the sections as the commission deems necessary. No later than January 1, 1999, the PUC must establish a plan to reorganize itself. The bill also changes the name of the commission to the Public Utilities Commission (PUC) and reduces the number of commissioners from five to three.

The measure provides that consumers may begin obtaining electric generation, aggregation, and any other potentially competitive service from an alternative seller not later than December 31, 1999, unless the PUC determines that a different date is necessary to protect the public interest. The PUC may phase in different services on different dates in different geographic areas. The PUC shall determine whether a service is potentially competitive and whether or not there is effective competition for a potentially competitive service. For potentially competitive services that do not have effective competition, the PUC shall adopt regulations establishing methods for determining prices

as well as terms and conditions for that service. Such regulations must be repealed once effective competition for that service develops.

Assembly Bill 366 prohibits a vertically integrated electric utility from providing a potentially competitive service except through an affiliate in certain instances. The bill also provides that alternative sellers must be licensed by the PUC. The PUC is required to monitor the marketplace and prevent activities inconsistent with the provisions of this bill.

The bill requires an electric distribution utility to continue to provide all noncompetitive services within its territory unless the PUC authorizes another entity to do so. The bill also provides that electric rates for residential service must not exceed the rates charged for that service on July 1, 1997, and the limitation remains in effect until two years after the PUC repeals the regulations establishing the pricing for that service. The measure authorizes the PUC to approve an increase in residential rates in certain circumstances.

In addition, A.B. 366 establishes a mechanism to calculate and recover stranded costs of vertically integrated utilities. The measure also requires the PUC to establish procedures to prevent "slamming" and to adopt uniform standards for information disclosure by sellers of potentially competitive services to ensure that consumers have accurate, reliable information upon which to make an informed decision. Further, the PUC must carry out an educational program pursuant to a contract with an independent person and is authorized to spend up to \$500,000 from its reserve account for this purpose.

Assembly Bill 366 includes certain provisions relating to the Colorado River Commission and the Southern Nevada Water Authority. The bill also requires the PUC to develop regular forecasts of electric energy and to establish equitable obligations for customers and suppliers to ensure capacity is available. The measure requires the PUC to establish a renewable portfolio energy standard with a gradually increasing percentage of electricity coming from renewable energy sources.

The PUC is required to make quarterly reports to the Legislature, assessing developments in the electric industry in this state. The bill also requires certain reports from the Department of Taxation to be submitted to the Legislature. The PUC must also adopt regulations concerning certain telecommunication services in rural areas. In addition, the bill makes certain changes to the Utility Environmental Protection Act and deferred energy cost accounting for utilities.

Assembly Bill 366 also creates the Transportation Services Authority (TSA), to consist of three members appointed by the Governor to four-year terms. The measure transfers certain PUC authority over surface transportation to the TSA.

Further, the bill creates the Bureau of Consumer Protection within the Office of the Attorney General. The bureau is headed by the Consumer's Advocate.

The bill also makes certain changes in the number of service stations that a refiner may directly operate in this state. On or after July 1, 1997, a refiner shall not directly operate

a service station that was leased on or before that date. On or after July 1, 1997, a refiner may operate additional company service stations in this state on a phased-in schedule. The schedule allows a refiner to operate two new company stations in 1997, four in 1998, four in 1999, and five in 2000. After a refiner operates 30 service stations in this state with his own employees or through a subsidiary or commissioned agent, the refiner may only directly operate additional service stations in this state if, during the year in which new service stations are added, he leases at least one additional service station to a lessee dealer for every two directly operated service stations added.

Certain portions of the bill are effective on July 16, 1997. Other provisions of the measure are effective on July 1, 1997, and October 1, 1997.

RESOLUTIONS

Senate Joint Resolutions

S.J.R. 1 (File No. 28)

Senate Joint Resolution No. 1 urges the Tahoe Regional Planning Agency to prepare a detailed plan to extend the existing bicycle pathway completely around Lake Tahoe. Currently, TRPA's master plan for the Loop Bikeway 2000 Project calls for construction of the bikeway, but the details concerning location, agency responsibilities, costs, and sources of revenue are not specified.

The measure also urges the agency to submit the detailed plan to the relevant governmental entities and request that these bodies provide the necessary funding.

S.J.R. 6 (File No. 99)

Senate Joint Resolution No. 6 expresses the support of the Nevada Legislature for the sale or other transfer of public land managed by the Federal Government in the Las Vegas Valley if the transfer does not adversely affect sparsely populated and rural counties in Nevada. It also expresses the support of the Legislature for the Southern Nevada Public Land Management Act of 1997.

S.J.R. 8 (File No. 57)

Senate Joint Resolution No. 8 urges Nevada's Congressional Delegation to introduce and support legislation to assist providers of telecommunications services to obtain rights-of-way over public land managed by the Federal Government.

The resolution is effective on May 2, 1997.

S.J.R. 11 (File No. 82)

Senate Joint Resolution No. 11 expresses support for the protection of existing rights-of-way over public land and urges the United States Secretary of the Interior to allow them to be identified through an administrative process. The resolution notes that in 1866 Congress granted the right to construct roads over public lands. When the law extending this grant was repealed in 1976, Congress explicitly stated that existing rights-of-way were not terminated.

Testimony indicated that, until recently, the U.S. Bureau of Land Management in Nevada was working with some rural counties to identify valid rights-of-way. On January 22, 1997, the Secretary of the Interior issued a memorandum suspending this activity. The bureau's Nevada office has requested permission from the Secretary to continue its program.

S.J.R. 12 (File No. 129)

Senate Joint Resolution No. 12 proposes to amend the *Constitution of the State of Nevada* to allow the investment of state money for purposes of stimulating economic development. The measure describes the benefits of ensuring business expansion in the state and further describes the restrictions in Nevada's constitution for investing in certain economic growth programs. The resolution advocates changing the constitution by allowing for the specific enactment of legislation to invest in projects for economic diversification or development and specifies the methods that will be used to make decisions regarding projects for investment.

If enacted in identical form by the 1999 Legislature, this proposal will be submitted to voters for final approval or disapproval at the general election in the year 2000.

S.J.R. 13 (File No. 126)

Senate Joint Resolution No. 13 urges Congress to provide funds for the construction of a bridge with four traffic lanes to bypass the existing highway over Hoover Dam.

S.J.R. 14 (File No. 106)

Senate Joint Resolution No. 14 proposes to amend the *Constitution of the State of Nevada* to create an intermediate court of appeals between the district courts and Nevada's Supreme Court.

The resolution specifies that the court of appeals must consist of three or more judges as provided by law. This measure provides for the election and staggered terms of office of the initial appellate court judges. After the initial terms, the judges would be elected at the general election and serve six-year terms. The resolution requires the Legislature to establish the jurisdiction of the court of appeals and provide for the review, where appropriate, of appeals decided by the appellate court.

If this resolution is approved in identical form by the 1999 Legislature, it will be submitted to the voters for final approval or disapproval at the general election of the year 2000.

S.J.R. 15 (File No. 46)

Senate Joint Resolution No. 15 expresses support for the participants of the Presidents' Summit for America's Future. The resolution further urges all Nevadans to volunteer their time and pledge their resources to make the project a success.

S.J.R. 16 (File No. 132)

Senate Joint Resolution No. 16 expresses support for the establishment and operation of one or more public shooting ranges and recreational facilities in Clark County.

S.J.R. 18 (File No. 123)

Senate Joint Resolution No. 18 urges Congress to enact comprehensive legislation reforming statutes and operation of the Federal Food and Drug Administration (FDA) to ensure that health care products, therapies, and cures can be brought to the market as quickly as possible while preserving the safety of all Americans.

Testimony indicated that the average time to develop and market a product that must complete the FDA review process, such as a new medicine, is 15.3 years. During the 1960s, the average length of time was 8.1 years.

Senate Concurrent Resolutions**S.C.R. 1 (File No. 7)**

Senate Concurrent Resolution No. 1 commemorates Dr. Martin Luther King Jr. In addition, the measure commends the members of the Dr. Martin Luther King Jr. Committee of Las Vegas and the Northern Nevada Black Cultural Awareness Society for their statewide activities, which have kept alive Dr. King's vision.

S.C.R. 2 (File No. 15)

Senate Concurrent Resolution No. 2 directs the Legislative Commission to appoint a committee composed of three Senators and three Assemblymen to continue the review of the Tahoe Regional Planning Compact and the oversight of the Tahoe Regional Planning Agency (TRPA). Among other provisions, the measure directs the committee to study and review the role and activities of each federal and state agency having authority to regulate activities in the Lake Tahoe Basin and to communicate with members of the California Legislature to achieve the goals of the compact.

During five of the last six sessions of the Nevada Legislature, similar oversight committees were established to review TRPA.

S.C.R. 3 (File No. 25)

Senate Concurrent Resolution No. 3 commends Nevada's Department of Transportation, Douglas County, and private businesses for their efforts to develop a regional drainage system for storm water in Stateline, Nevada. The resolution urges the department to include in its budget estimates of the department's share of the cost of the system.

S.C.R. 4 (File No. 30)

Senate Concurrent Resolution No. 4 urges Nevada's Department of Transportation to allocate money available from the federal Intermodal Surface Transportation Efficiency Act of 1991 for projects at Lake Tahoe. Six specific projects include erosion control, water treatment, drainage, the construction of parking facilities, and landscaping along State Highway Route No. 28 and U.S. Highway 50.

S.C.R. 6 (File No. 10)

Senate Concurrent Resolution No. 6 recognizes the significant contributions made by African Americans throughout Nevada's history. From the early settlement of the Utah Territory to today, African Americans have played an important role in the cultural, economic, and political development of Nevada. This resolution designates February as African American History Month.

S.C.R. 8 (File No. 87)

Senate Concurrent Resolution No. 8 urges school district boards of trustees to establish one or more community advisory boards to provide advice for any purpose relating to the public schools within the community.

S.C.R. 9 (File No. 86)

Senate Concurrent Resolution No. 9 urges school districts to make full use of existing formal and informal agreements to share equipment, facilities, personnel, and resources. The measure notes that geographical distances tend to isolate some of the state's remote schools and school districts from needed personnel and services. While recognizing existing cooperative arrangements, the resolution calls for continued coordination of capital construction projects among bordering districts, especially in areas where population clusters make such cooperation feasible.

S.C.R. 10 (File No. 141)

Senate Concurrent Resolution No. 10 directs the Legislative Commission to appoint an interim subcommittee to study fees, fines, forfeitures, and administrative assessments imposed and collected by the courts of the State of Nevada. Among other issues, the study must analyze the differing purposes for the imposition, collection, and expenditure of money from these sources. In addition, the study must analyze the proper use and characterization of the terms “fees,” “fines,” “forfeitures,” and “administrative assessments” and determine whether all such money is actually collected. Finally, the measure requires the Legislative Commission to submit a report of its findings and recommended legislation to the 1999 Legislature.

S.C.R. 11 (File No. 12)

Senate Concurrent Resolution No. 11 congratulates the Proctor R. Hug High School Marching Band and Dance Team for its participation in the Inaugural Parade for the President of the United States. This measure commends the group for becoming the first northern Nevada band to receive such a prestigious invitation.

S.C.R. 12 (File No. 13)

Senate Concurrent Resolution No. 12 commends the Nevada Taxpayers Association for 75 years of service to the State of Nevada by its provision of quality information on tax and fiscal policy to the members of the Legislature and to the citizens of Nevada. The resolution further salutes the Nevada Taxpayers Association for its professionalism and commitment to statewide fiscal responsibility.

S.C.R. 13 (File No. 14)

Senate Concurrent Resolution No. 13 commemorates the 100th anniversary of the National Parent-Teacher Association (PTA). The resolution commends the 7 million national members and the 30,000 members in Nevada for providing important links among parents and educators, parents and government, and parents and the legal system.

S.C.R. 14 (File No. 16)

Senate Concurrent Resolution No. 14 designates March 6, 1997, as “Arts Day in Nevada.” The resolution commends the Nevada Alliance for the Arts for its dedication to the advancement of responsible public arts in the State of Nevada.

S.C.R. 16 (File No. 17)

Senate Concurrent Resolution No. 16 honors Stan and Jan Berenstain for their achievements in the area of illustration and literature for children and for the creation of the Berenstain Bear family.

S.C.R. 17 (File No. 18)

Senate Concurrent Resolution No. 17 designates March 13, 1997, as Kiwanis Day.

S.C.R. 18 (File No. 19)

Senate Concurrent Resolution No. 18 congratulates Dr. Sherwood F. Rowland for being named the recipient of the 1997 Nevada Medal awarded by the Desert Research Institute. The resolution also commends Nevada Bell for its sponsorship of the medal.

S.C.R. 19 (File No. 20)

Senate Concurrent Resolution No. 19 urges residents of Nevada to observe and participate in the events celebrating 100 years of filmmaking in this state throughout the year, culminating in the First Annual International Film Festival to be held in Las Vegas in March 1998.

S.C.R. 20 (File No. 21)

Senate Concurrent Resolution No. 20 urges residents of Nevada to observe and participate in the celebration of 100 years of boxing in this state throughout the year. The resolution declares 1997 as Nevada's Centennial Year of Championship Gloved Competitions to honor boxing for its contribution to the economic development of Nevada.

S.C.R. 21 (File No. 142)

Senate Concurrent Resolution No. 23 urges the Department of Motor Vehicles and Public Safety to conduct a study of the feasibility of separating the Peace Officers' Standards and Training Committee from that department, and other related matters. Further, the department is directed to submit a report of its findings and any recommendations for legislation to the Director of the Legislative Counsel Bureau, no later than October 1, 1998, for distribution to the members of the 1999 Legislature.

S.C.R. 22 (File No. 23)

Senate Concurrent Resolution No. 22 commends the fire fighters who fought the Belli Ranch fire for their bravery and heroic efforts. The resolution further expresses the Nevada Legislature's appreciation to those agencies who were instrumental in extinguishing the fire.

S.C.R. 23 (File No. 26)

Senate Concurrent Resolution No. 23 memorializes former Nevada legislator and journalist Walter Cox. Mr. Cox was a member of the Nevada Gaming Commission, the Nevada Planning Commission, and the Yerington City Council. In addition, Mr. Cox was president of the Nevada State Press Association and served as a lobbyist on its behalf.

S.C.R. 24 (File No. 29)

Senate Concurrent Resolution No. 24 designates April 3, 1997, as Nevada REALTORS® Day and commends the REALTORS® of Nevada for their support and involvement in the legislative process.

S.C.R. 25 (File No. 31)

Senate Concurrent Resolution No. 25 memorializes United States District Court Judge Roger D. Foley. Judge Foley served as Clark County District Attorney and Attorney General of the State of Nevada before his appointment to the United States District Court by President John F. Kennedy in 1962.

S.C.R. 27 (File No. 40)

Senate Concurrent Resolution No. 27 designates April 17, 1997, as Library Day in Nevada. The measure recognizes the importance of public, school, special, and university libraries to the growth and development of Nevada residents.

S.C.R. 28 (File No. 49)

Senate Concurrent Resolution No. 28 designates April 24, 1997, as "Collector Car Day," signifying a statewide celebration of the automobile. This measure also commends those Nevadans who participate in car clubs and automotive organizations.

S.C.R. 29 (File No. 50)

Senate Concurrent Resolution No. 29 commemorates the 50th Anniversary of the United States Air Force. The resolution recognizes those individuals who have served in this branch of the military and their contributions to the defense of our nation. In addition, the measure recognizes those Nevada residents who have served, and who continue to serve, in the ranks of the United States Air Force, including the National Guard and the National Guard Reserve.

S.C.R. 30 (File No. 55)

Senate Concurrent Resolution No. 30 congratulates the Mineral County High School girls' basketball team for winning the 1997 3A State Championship.

S.C.R. 31 (File No. 56)

Senate Concurrent Resolution No. 31 congratulates the Bishop Gorman High School boys' basketball team for winning the 4A State Championship.

S.C.R. 33 (File No. 59)

Senate Concurrent Resolution No. 33 celebrates the spirit of the Las Vegas international marathon. The resolution further expresses appreciation to those who sponsor, organize, and participate in this annual event.

S.C.R. 34 (File No. 60)

Senate Concurrent Resolution No. 34 commends Sue Wagner for a lifetime of public service dedicated to Nevada and her management of the Legislative Intern Program.

Sue Wagner served in both the Assembly and the Senate during her 16 years in the Nevada Legislature. Among other accomplishments, she was the Vice Chairman of the Legislative Commission in 1987 and 1988; Senate Assistant Minority Floor Leader in 1983; and voted the Outstanding National Republican Legislator of 1988. In addition, Sue Wagner was the first woman to be elected Lieutenant Governor of Nevada and served as President of the Senate in the 1991 and 1993 Legislative Sessions. Ms. Wagner was recently appointed as a member of the Nevada Gaming Commission.

S.C.R. 36 (File No. 67)

Senate Concurrent Resolution No. 36 adjusts the amount of money previously allocated to Nevada's Division of Wildlife from the issuance of general obligation bonds authorized in 1989. Initially, expenditure of the money was authorized by the Interim Finance Committee for purposes related to the acquisition of certain fish or wildlife habitats, public access to such habitats by the acquisition of property, or the identification and protection of sensitive species and ecosystems. The resolution adjusts the allocated amounts by increasing by \$100,000 the sum of money authorized for the acquisition of real or personal property at the Howard Ranch in Elko County, increasing by \$71,360 the sum of money authorized for expenses incurred by the Division of Wildlife in carrying out the bond program, and reducing by \$171,360 the sum of money remaining from the repayment of the loan by Clark County.

S.C.R. 37 (File No. 71)

Senate Concurrent Resolution No. 37 commends the people of the Province of Taiwan of the Republic of China for their continued participation in the sister-state relationship with the State of Nevada. This resolution also welcomes to the Nevada Legislature the delegation from the Taipei Economic and Cultural Office in San Francisco.

S.C.R. 38 (File No. 72)

Senate Concurrent Resolution No. 38 supports the Unibex Global Corporation in its effort to bring economic diversification and growth through international investment opportunities to the State of Nevada. The resolution further extends wishes for continued success to the Unibex Global Corporation.

S.C.R. 39 (File No. 107)

Senate Concurrent Resolution No. 39 urges the Department of Personnel to establish internship programs that are designed to attract business graduates of Nevada's universities. The measure also encourages other state agencies to cooperate with the department to make such programs successful.

S.C.R. 40 (File No. 74)

Senate Concurrent Resolution No. 40 extends the congratulations of the Nevada Legislature to Robert N. Broadbent as this year's recipient of the Distinguished Community Service Award by the Anti-Defamation League. The resolution commends Mr. Broadbent for 35 years of public service to his country and the State of Nevada. The measure chronicles Mr. Broadbent's public service as an elected official, noting that

he served as the first Mayor of Boulder City and as a 13-year member of the Clark County Board of County Commissioners. The resolution also highlights the service of Robert Broadbent as the Commissioner of Reclamation for the Federal Bureau of Reclamation and as the Assistant Secretary of Water and Science during the Administration of President Ronald Reagan.

S.C.R. 41 (File No. 75)

Senate Concurrent Resolution No. 41 congratulates Jerome D. Mack for being selected as this year's recipient of the Lifetime Achievement Award by the Anti-Defamation League and for his years of service to his country and the State of Nevada. Among other achievements, Jerome Mack served on the Advisory Council of the Small Business Administration and founded the University of California at Los Angeles (UCLA) Neuro-Psychiatric Hospital and Institute. Presently, Jerome Mack is a partner of the Thomas and Mack Company and serves as a trustee of the University of Nevada, Las Vegas, and UCLA.

S.C.R. 42 (File No. 73)

Senate Concurrent Resolution No. 42 memorializes Dr. Joseph D. Wilkin, long-time country physician in Lincoln County.

S.C.R. 43 (File No. 79)

Senate Concurrent Resolution No. 43 memorializes James W. Long, long-time Carson City resident.

S.C.R. 44 (File No. 80)

Senate Concurrent Resolution No. 44 memorializes Jacob D. Bingham, former Clark County Commissioner.

S.C.R. 45 (File No. 81)

Senate Concurrent Resolution No. 45 expresses gratitude for many years of devoted public service by Paul J. Christensen.

S.C.R. 46 (File No. 145)

Senate Concurrent Resolution No. 46 urges the Board of Regents of the University of Nevada to study the projected need for teachers in the state's public school system and report its findings to the 1999 Legislative Session. The resolution recommends that the study include an evaluation of the number of teachers that will be required in Nevada's public schools over the next decade, the ability of the University and Community College System of Nevada to accommodate an increase in students seeking to become teachers, and the advisability and estimated costs of expanding teacher training programs and required physical facilities.

According to testimony, the State of Nevada is the fastest growing state in the nation and is experiencing a phenomenal increase in enrollments in the public school system. The Clark County School District alone enrolls the equivalent of one classroom of children every day or the equivalent of one elementary school every month. In the 1996-1997 school year, the school districts in this state hired an additional 1,800 new classroom teachers. Of that 1,800, only about 550 had recently graduated from the colleges of education at the University of Nevada, Reno, or the University of Nevada, Las Vegas. As a result, school districts in this state must hire an increasing number of teachers from out of state to fill the necessary teaching positions.

S.C.R. 48 (File No. 90)

Senate Concurrent Resolution No. 48 memorializes Orville C. Schultz Sr., long-time Washoe County resident.

S.C.R. 49 (File No. 94)

Senate Concurrent Resolution No. 49 memorializes journalist Tyrus R. "Ty" Cobb. Mr. Cobb, who passed away on May 25, 1997, was a third-generation Nevadan who served as managing editor of the *Nevada State Journal*, later the *Reno Gazette-Journal*, from 1960 until 1975.

S.C.R. 50 (File No. 98)

Senate Concurrent Resolution No. 50 congratulates all persons involved with the success of the University of Nevada, Las Vegas, on its 40th anniversary. This measure also expresses the Legislature's support and encouragement for the educational opportunities provided by the university and its pride in the alumni who have become productive members of society.

S.C.R. 51 (File No. 104)

Senate Concurrent Resolution No. 51 memorializes Marjorie Guild Russell, former Nevada first lady. The measure recognizes Marjorie Guild Russell's role as first lady of the State of Nevada and her many contributions to the Nevada State Museum.

S.C.R. 52 (File No. 102)

Senate Concurrent Resolution No. 52 commends the accomplishments of Frank D. Meyers, Dean of the College of Education at the University of Nevada, Reno, upon his retirement. Dean Meyers has served on numerous national education boards and committees and has been an active leader in Nevada education policy matters.

S.C.R. 53 (File No. 143)

Senate Concurrent Resolution No. 53 directs the Legislative Commission to appoint an interim committee to study the construction and maintenance of highways. During the 1993-1994 interim, an interim study was conducted concerning the financing of the construction and maintenance of highways and roads in Nevada. Since that time, there has been a growing need to continue studying this component of the state's infrastructure. The resolution requires the Legislative Commission to submit a report of its findings and recommended legislation to the 1999 Legislature.

S.C.R. 55 (File No. 108)

Senate Concurrent Resolution No. 55 commends the administration and staff of the C.C. Meneley Elementary School for being selected a National Blue Ribbon School.

S.C.R. 56 (File No. 109)

Senate Concurrent Resolution No. 56 commends the administration and staff of the Gene Scarselli Elementary School for being selected a National Blue Ribbon School.

S.C.R. 57 (File No. 110)

Senate Concurrent Resolution No. 57 commends the administration, staff, and faculty of the Cyril Wengert Elementary School for being selected a National Blue Ribbon School.

S.C.R. 58 (File No. 113)

Senate Concurrent Resolution No. 58 memorializes John Mowbray, former Chief Justice of the Nevada Supreme Court. Mr. Mowbray was appointed to the Nevada Supreme Court, where he served as a Justice and Chief Justice for 25 years. In addition, Mr. Mowbray assisted in establishing the state's public defender system, the Bishop Gorman High School in Las Vegas, and the Home of the Good Shepherd for wayward young women.

S.C.R. 59 (File No. 120)

Senate Concurrent Resolution No. 59 memorializes Frederick H. Dressler. A Douglas County native, Mr. Dressler is often referred to as one of the founding fathers of the Carson Valley. Among other accomplishments, Mr. Dressler received the "Distinguished Nevadan" award from the University of Nevada, Reno, and was named Carson Valley's "Man of the Year."

S.C.R. 60 (File No. 146)

Senate Concurrent Resolution No. 60 directs the Legislative Commission to appoint an interim committee to study the feasibility of adopting a program of outpatient civil commitment for persons who are mentally ill. Among other issues, the study must review the types and rates of success of various programs of outpatient civil commitment for mentally ill residents in other states. Further, the study must evaluate the expected benefits of such programs in Nevada. Finally, the measure requires the Legislative Commission to submit a report of its findings and recommended legislation to the 1999 Legislature.

S.C.R. 61 (File No. 138)

Senate Concurrent Resolution No. 61 memorializes Joseph and Mary Blasco, long-time residents of Las Vegas, and recognizes their many civic achievements, contributions, and services to the citizens of the State of Nevada.

S.C.R. 62 (File No. 137)

Senate Concurrent Resolution No. 62 commends the State Industrial Insurance System and the Division of Industrial Relations of the Department of Business and Industry for the reduction of industrial injuries. The measure recognizes the efforts of employees, which have resulted in a 40 percent decline in the percentage of workers' compensation claims since the creation of the workplace safety and health initiatives in 1992.

S.C.R. 63 (File No. 139)

Senate Concurrent Resolution No. 63 requests the Governor to return Senate Bill 137 of the 1997 Session for further legislative consideration.

Senate Joint Resolutions - 68th Session

S.J.R. 3 - 68th Session (File No. 147)

Senate Joint Resolution No. 3 proposes to amend the *Constitution of the State of Nevada* to change the first day of a regular biennial legislative session from the third Monday in January to the first Monday in February and to limit the length of each such session to no more than 120 calendar days. In addition, the measure requires the Governor to submit the proposed executive budget to the Legislature not later than 14 days before the start of each regular session.

Senate Joint Resolution No. 3 was approved in identical form by both the 1995 and 1997 Nevada Legislatures. Accordingly, this proposal will be submitted to the voters for their approval or disapproval at the general election of 1998.

S.J.R. 14 - 68th Session (File No. 148)

Senate Joint Resolution No. 14 of the 68th Legislative Session proposes to amend the *Constitution of the State of Nevada* to authorize the Legislature to provide for the abatement of taxes on property used in a manner that conserves water.

Since this resolution was approved by both the 1995 and the 1997 Legislatures in identical form, it will be submitted to the voters for their approval or disapproval at the 1998 general election.

Assembly Joint Resolutions

A.J.R. 2 (File No. 37)

Assembly Joint Resolution No. 2 urges the United States Congress to support federal legislation that would facilitate development of affordable housing. The measure specifically urges adoption of an amendment to the Federal Recreation and Public Purposes Act that would include affordable housing as a public purpose for which governmental bodies and nonprofit corporations may acquire public lands. In addition, the resolution urges passage of congressional legislation that would allow the sale of public

lands to local governments and to nonprofit corporations at a price less than the fair market value so that affordable housing may be developed.

A.J.R. 4 (File No 58)

Assembly Joint Resolution No. 4 urges the Postmaster General of the United States Postal Service to consider the historic character of Genoa, Nevada, when planning the construction of the new post office in that town. The resolution further urges the Postmaster General to reduce the planned size of the post office and to place it within the commercial zone.

A.J.R. 5 (File No. 150)

Assembly Joint Resolution No. 5 proposes to amend the *Constitution of the State of Nevada* to provide for annual regular sessions of the Nevada Legislature. The measure replaces biennial sessions of unlimited length with annual sessions of no more than 120 calendar days in odd-numbered years, and no more than 45 calendar days in even-numbered years. Further, the measure requires regular sessions to commence on the first Monday of March in each year. In addition, the amendment requires the Governor to provide the Legislature with the proposed executive budget in odd-numbered years, and any proposed appropriations or budget revisions in even-numbered years, not later than 30 days before the session convenes.

The resolution also limits any special session of the Legislature to 20 calendar days and permits the Legislature to petition the Governor to call a special session. Such a petition must set forth the topics for consideration in the special session and must be signed by at least two-thirds of the members elected to each house. The measure also requires that an initiative petition that proposes a new statute or an amendment to an existing statute be circulated not earlier than one year before the convening of the regular session to which it is submitted.

Finally, A.J.R. 5 requires the sample ballot explanation of this constitutional amendment to include a statement that the measure allows legislators to receive compensation for each calendar day of service, up to the constitutional maximum of 60 days for each regular, annual session.

If approved in identical form by the 1999 Nevada Legislature, this proposal will be submitted to the voters for final approval or disapproval at the general election of the year 2000.

A.J.R. 7 (File No. 42)

Assembly Joint Resolution No. 7 expresses the outrage of the members of the Nevada Legislature over the procedures followed by the United States Bureau of Land Management (BLM) in adopting the final rule on bonding requirements for reclamation of hard-rock mining operations on public lands. The resolution notes that those procedures violated the constitutional guarantee of due process.

The measure also urges the Secretary of the Interior to suspend or withdraw the final rule and include the subject matter in a more comprehensive regulatory review, already in progress.

According to testimony, the Bureau of Land Management adopted this final rule on February 28, 1997, five and one-half years after proposing amended policies. The final rule took effect on March 31, 1997, and contains new policies that were not a part of the proposal of July 11, 1991. The public was not apprised of the substance of the final rule and, therefore, had no opportunity to comment on the new policies.

A.J.R. 8 (File No. 130)

Assembly Joint Resolution No. 8 urges the United States Congress to enact the Southern Nevada Public Land Management Act of 1997. The measure recognizes the rapid growth in southern Nevada, the federal ownership of extensive amounts of land in that area, and the resulting importance of sale of public land to promote orderly development in the Las Vegas Valley. The resolution also expresses the Legislature's understanding that actions will not be taken pursuant to the Act in such a manner as to have an adverse effect on the sparsely populated and rural counties in Nevada.

This resolution is effective on July 5, 1997.

A.J.R. 10 (File No. 131)

Assembly Joint Resolution No. 10 urges the Uniform Law Commissioners to adopt an amendment to the Uniform Child Custody Jurisdiction Act and urges Congress to amend the Parental Kidnapping Prevention Act, to provide that the threat or occurrence of domestic violence against a parent or guardian of a child is grounds for a court to exercise emergency jurisdiction over child custody; and establish an order of priority, with emergency jurisdiction having the highest priority, for the exercise of jurisdiction over child custody matters.

A.J.R. 11 (File No. 100)

Assembly Joint Resolution No. 11 urges the United States Congress, in considering reauthorization of the Intermodal Surface Transportation Efficiency Act of 1991, to maintain the course set by dedicated funding for transportation enhancement projects.

A.J.R. 12 (File No. 133)

Assembly Joint Resolution No. 12 recognizes the importance of professional rodeos in Nevada and urges Congress to enact legislation patterned after the "Rodeo Freedom Act of 1995." That proposal was jointly sponsored by United States Senators Richard Bryan and Harry Reid, but was not approved. The resolution notes that proposed federal restrictions on the sponsors, programs, and advertising connected with rodeo events would have a negative economic impact on Nevada and other western states. Further, the resolution urges Nevada's Congressional Delegation to continue to bring this issue before Congress.

A.J.R. 13 (File No. 122)

Assembly Joint Resolution No. 13 urges agencies of the United States Departments of Agriculture, Defense, Energy, and Interior to monitor and control existing infestations of noxious weeds in Nevada. The resolution also urges those agencies to cooperate with state agencies to eradicate noxious weeds and to educate the managers of public land in Nevada about the potential losses from the proliferation of noxious weeds.

Testimony indicated that Nevada can avoid extensive economic damage by acting promptly to monitor and control noxious weeds. Because a large area of the state consists of land managed by federal agencies, it is vital for those agencies to assist in weed control efforts.

A.J.R. 16 (File No. 91)

Assembly Joint Resolution No. 16 supports the efforts of the Nevada Test Site Development Corporation to sponsor economic development projects at the Nevada Test Site that will promote economic diversification and new employment opportunities. The resolution further supports the proposal of Kistler Aerospace to use the Nevada Test Site for licensed aerospace vehicle operations, which will generate employment in highly technological positions and place the state in the forefront of a new era in space exploration.

A.J.R. 17 (File No. 153)

Assembly Joint Resolution No. 17 proposes to amend the *Constitution of the State of Nevada* to require that the Governor and Lieutenant Governor be affiliated with the same political party and elected jointly at the general election.

If approved in identical form by the 1999 Nevada Legislature, this proposal will be submitted to the voters for final approval or disapproval at the general election of the year 2000.

A.J.R. 20 (File No. 149)

Assembly Joint Resolution No. 20 expresses the strenuous objection of the Legislature to the May 19, 1997, decision of the United States Bureau of Reclamation, which rescinded its approval of water spreading from the Lahontan Reservoir. The resolution also urges the Bureau of Reclamation to give full consideration to the needs and recommendations of the Truckee-Carson Irrigation District in developing criteria for future water spreading.

During periods of high water since 1986, the Truckee-Carson Irrigation District has made precautionary releases of water from the Lahontan Reservoir for beneficial use, without charging the deliveries to persons possessing water rights. This practice, known as "spreading," must be authorized by the Bureau of Reclamation.

In three instances, the district has been required to file a motion in federal court to gain authority to spread water from the reservoir. In the latest instance, the Bureau of Reclamation's rescission of the district's authority to spread water could have caused flooding and certainly wasted water that could have been put to beneficial use.

This resolution is effective on July 9, 1997.

Assembly Concurrent Resolutions

A.C.R. 1 (File No. 8)

Assembly Concurrent Resolution No. 1 adopts the Joint Rules of the Senate and Assembly for the 1997 Legislative Session.

A.C.R. 5 (File No. 47)

Assembly Concurrent Resolution No. 5 designates October as Nevada's month for children with special needs. The resolution recognizes the contribution of these children to the state and the importance of their families. Finally, the resolution illustrates the benefits of programs that serve children with special needs.

A.C.R. 7 (File No. 43)

Assembly Concurrent Resolution No. 7 encourages Nevada's institutions, wholesalers, and retailers to purchase agricultural products grown, produced, packed, processed, or raised in Nevada. The resolution also directs state regulatory agencies to foster the purchase and use of those products.

A.C.R. 9 (File No. 24)

Assembly Concurrent Resolution No. 9 declares April 16, 1997, as E Clampus Vitus Day at the Nevada Legislature. The resolution praises and commends the Honorable and Ancient Order of E Clampus Vitus for its contributions to others and recognizes the group of Clampers, Clampatrious, Vituscans, and Frolicking Friars who continue to serve and protect the residents of the Silver State.

A.C.R. 10 (File No. 68)

Assembly Concurrent Resolution No. 10 expresses support for the goals of Nevada's Comprehensive School Health Program. These goals include providing families with the support needed to raise healthy and educated children, ensuring that all children will begin school healthy and ready to learn, providing a healthy and safe learning environment in all Nevada schools, and enabling all children to become contributing members of society capable of adapting to a changing world.

A.C.R. 11 (File No. 96)

Assembly Concurrent Resolution No. 11 memorializes Chester S. "Chet" Christensen, who passed away on March 2, 1997. He served over 16 years in the Nevada Assembly and was its Speaker for the 1959 and 1961 Regular Sessions. The resolution also notes his service as the Mayor of the City of Sparks.

A.C.R. 14 (File No. 39)

Assembly Concurrent Resolution No. 14 designates April 13 through April 19, 1997, as Victims' Rights Week. This resolution commends all of the organizations in Nevada that provide services to the victims of crime, particularly the northern Nevada victims' rights organization VICTORY.

A.C.R. 15 (File No. 76)

Assembly Concurrent Resolution No. 15 directs the Public Employees' Retirement Board to conduct a comprehensive study to develop a rational and equitable method to determine service credit and average compensation for public employees. The method proposed must maintain the fiscal integrity and actuarial soundness of the Public Employees' Retirement System. The measure requires the board to report periodically to the Legislative Interim Retirement Committee on the study's progress and to submit a report of its findings and recommendations to the 1999 Legislature.

A.C.R. 16 (File No. 41)

Assembly Concurrent Resolution No. 16 designates April as Child Abuse Prevention Month in Nevada in recognition of the importance of the family and the Legislature's commitment to the safety and well-being of all children. This measure encourages Nevada residents to display a blue ribbon on clothing or automobiles to increase public awareness and promote the prevention of child abuse and neglect.

A.C.R. 17 (File No. 48)

Assembly Concurrent Resolution No. 17 commends the participants of the 1997 Annual Commemorative Re-Run celebrating the 137th anniversary of the Pony Express. The resolution further congratulates the 123 riders from Nevada who helped make this event a success.

A.C.R. 18 (File No. 51)

Assembly Concurrent Resolution No. 18 grants five days of administrative leave to employees of the 69th Session of the Nevada Legislature. The measure specifies the staff that are granted such leave and recognizes their contributions to the Nevada Legislature. Employees eligible for such leave must be employed on the last day of the 1997 Legislative Session.

A.C.R. 20 (File No. 52)

Assembly Concurrent Resolution No. 20 designates April 28, 1997, as Workers' Memorial Day in Nevada. The resolution recognizes workers who have been injured, diseased, or killed on the job and renews the state's commitment to prevent such tragedies in the future. Further, the measure identifies the day as the anniversary of the Occupational Safety and Health Act, and describes the incidence of injury, disease, and death in the United States.

A.C.R. 21 (File No. 54)

Assembly Concurrent Resolution No. 21 declares the month of April as Workplace Good Health and Fitness Month in Nevada. The resolution discusses the benefits of exercise on one's health and on society in the form of reduced costs for health care. In addition, the measure identifies the benefits to employers of healthy employees. Finally, the measure encourages all Nevadans to participate in programs of regular exercise and physical activity for healthier lives and for improved performance and satisfaction in their employment.

A.C.R. 22 (File No. 62)

Assembly Concurrent Resolution No. 22 recognizes May 8, 1997, as Yom Hashoah, a Day of Remembrance for Victims of the Holocaust. This resolution also honors and commends Irene Gut Opdyke, author and humanitarian, for her bravery during the Holocaust.

A.C.R. 23 (File No. 97)

Assembly Concurrent Resolution No. 23 urges the Las Vegas Valley Water District to maintain the current schedule of rates for water usage in a mobile home park until such time as master meters are converted to individual residential meters, which measure actual consumption by each park resident.

A.C.R. 24 (File No. 66)

Assembly Concurrent Resolution No. 24 memorializes Senator Keith Ashworth, a long-time Nevada legislator. Senator Ashworth was a native Nevadan and served in both the Assembly and Senate during his 18 years in the Legislature. Among other leadership posts, Keith Ashworth served as Speaker of the Assembly in the 1973 and 1975 Sessions, President Pro Tempore of the Senate in 1983, and chairman of various standing committees in the Senate.

A.C.R. 25 (File No. 127)

Assembly Concurrent Resolution No. 25 encourages all agencies involved in funding and regulating employment and training to make certain efforts to customize employment services for Nevadans. Further, the measure addresses accessibility to jobs and employment and training for those eligible for such services. Finally, the resolution stresses the importance of easing the bureaucratic burden imposed on employers who want to work with these training programs and directs the State to make efforts to rectify this burden.

Testimony indicated that the Department of Employment, Training and Rehabilitation (DETR) in Nevada is discussing with the United States Department of Labor a waiver from certain requirements imposed by federally funded employment training programs. Such a waiver would grant enhanced flexibility to DETR in working with the state's Department of Human Resources as it attempts to meet the requirements of welfare reform. This resolution is expected to assist DETR in obtaining such a waiver because it demonstrates Nevada's support for increased flexibility in programs administered by DETR.

A.C.R. 26 (File No. 70)

Assembly Concurrent Resolution No. 26 expresses the Legislature's support for the continuing development of local water agencies' rate structures and incentive programs based on conservation. The measure encourages local water agencies to implement management and pricing methods that emphasize the importance of water as an essential resource while maintaining flexibility and fairness in the fees charged for water use. This resolution further encourages such agencies to develop and implement incentive programs for the conservation of water that will allow all residents, particularly senior citizens and residents on low or fixed incomes, to reduce the cost of water service through conservation practices.

A.C.R. 27 (File No. 69)

Assembly Concurrent Resolution No. 27 memorializes Frank Gibson, former Sparks resident. The measure recognizes Mr. Gibson's contribution to preserving the history of the City of Sparks.

A.C.R. 28 (File No. 151)

Assembly Concurrent Resolution No. 28 directs the Legislative Committee on Health Care to study three additional topics during the 1997-1998 interim period and report its findings and recommendations for legislation to the 1999 Legislature. The topics identified for special study are the availability and affordability of health care insurance in Nevada, the

long-term health care needs of Nevada's population, and the availability of long-term care insurance in Nevada.

A.C.R. 29 (File No. 77)

Assembly Concurrent Resolution No. 29 memorializes former Nevada Governor Grant Sawyer. The measure honors the many important advances achieved for the state by Governor Sawyer and recognizes the inspiration Grant Sawyer's commitment and accomplishments provided to all Nevadans.

A.C.R. 30 (File No. 78)

Assembly Concurrent Resolution No. 30 memorializes former pioneer rancher and Assemblywoman Josie Alma Woods and extends the Legislature's belated condolences to her family and friends.

A.C.R. 32 (File No. 140)

Assembly Concurrent Resolution No. 32 directs the Legislative Commission to appoint an interim subcommittee to study the family court system in Nevada. The study must involve an evaluation of the organization, operation, and jurisdiction of family courts, including factors such as caseloads, staff resources, public access to court records, and the resolution of disputes in family law matters. The resolution also requires the Legislative Commission to submit a report of its findings and recommended legislation to the 1999 Legislature.

A.C.R. 34 (File No. 83)

Assembly Concurrent Resolution No. 34 commemorates the 100th birthday of the town of Searchlight. The resolution further encourages Nevada residents to participate in the 100th birthday celebration scheduled for October 3 and 4 of 1998.

A.C.R. 35 (File No. 84)

Assembly Concurrent Resolution No. 35 memorializes Cyril O. Bastian, former Speaker of the Nevada Assembly, and the measure extends condolences to the family and friends of former Speaker Bastian.

A.C.R. 36 (File No. 93)

Assembly Concurrent Resolution No. 36 expresses the Legislature's support for state and local agencies that endeavor to reduce the incidence of pregnancies among young women in Nevada. The measure also encourages youth, parents, communities, state, and local agencies to support and assist local community action teams in their efforts to prevent teenage pregnancy.

A.C.R. 39 (File No. 85)

Assembly Concurrent Resolution No. 39 designates June 5, 1997, as "Baby Your Baby Day," in recognition of the "Baby Your Baby Program," which promotes early and continuous prenatal care. The resolution also recognizes this program as being an excellent example of public and private sector partnership.

A.C.R. 40 (File No. 89)

Assembly Concurrent Resolution No. 40 commends Luke Smith and Tim Blenkiron for their victories at the 1997 NCAA Division I tennis championships.

A.C.R. 41 (File No. 88)

Assembly Concurrent Resolution No. 41 commends Dr. James K. Gentry for five years of dedicated service to the University of Nevada, Reno, as the Dean of the Donald W. Reynolds School of Journalism and Center for Advanced Media Studies. The measure extends the Legislature's best wishes to Dr. Gentry as he continues his career as Dean of the William Allen White School of Journalism and Mass Communications at the University of Kansas.

A.C.R. 42 (File No. 92)

Assembly Concurrent Resolution No. 42 commends Wayne Moore for his heroic effort to save the life of Robert Bugajski. The resolution further commends Mr. Moore for his dedication to the youth of northern Nevada and for his continued efforts to excel in his profession as a teacher.

A.C.R. 43 (File No. 124)

Assembly Concurrent Resolution No. 43 encourages nonprofit organizations and governmental agencies who have volunteers that regularly render services to children to establish programs to protect children from sexual molestation. The resolution describes the number of substantiated cases of sexual molestation in Nevada in 1995 and further describes the situation such organizations face when using volunteers with children. Finally, the measure outlines the recommendations for an informational program that nonprofit organizations and governmental agencies may use for volunteers.

A.C.R. 44 (File No. 156)

Assembly Concurrent Resolution No. 44 directs the Legislative Commission to appoint an interim committee to study student discipline and special education programs in Nevada's public schools. Among other issues, the study must review current disciplinary measures and the response by public schools to criminal activities by students on school grounds. Further, the study must review and evaluate special education programs and needs in Nevada, including the diagnosis and placement of pupils with disabilities or other special needs. The measure requires the committee to consist of three Senators and three Assembly members and authorizes the appointment of a nonvoting technical advisory board to assist the committee in its study. Finally, the measure requires the Legislative Commission to submit a report of its findings and recommended legislation to the 1999 Legislature.

A.C.R. 45 (File No. 128)

Assembly Concurrent Resolution No. 45 urges the board of trustees of each county school district in cooperation with pupils, parents, teachers, school administrators, and local law enforcement agencies to develop and adopt policies for disciplining pupils enrolled in public schools within the district. The measure encourages school districts to enforce and apply such policies consistently in each public school in the district. The resolution further urges that school districts review and consider the policy for pupil discipline adopted by the Nye County School District.

A.C.R. 46 (File No. 103)

Assembly Concurrent Resolution No. 46 acknowledges the 782nd anniversary of the Magna Carta on June 15, 1997.

A.C.R. 47 (File No. 101)

Assembly Concurrent Resolution No. 47 commends the Retired Public Employees of Nevada for their contributions as volunteers and for their previous years of dedicated service as public employees working in this state.

A.C.R. 49 (File No. 111)

Assembly Concurrent Resolution No. 49 commends the coordinators and students who participated in the Odyssey of the Mind World Finals Competition.

A.C.R. 50 (File No. 115)

Assembly Concurrent Resolution No. 50 urges the Clark County School District to name a school after former legislator Marvin M. Sedway, who fought to make education a top priority in government.

A.C.R. 51 (File No. 116)

Assembly Concurrent Resolution No. 51 memorializes Washoe County Sheriff's Deputy Franklin Jay Minnie Sr. Mr. Minnie was dedicated to law enforcement and served as a lieutenant for the Nye County Sheriff's Office, a corrections officer for the Nevada Department of Prisons, and most recently worked for the Washoe County Sheriff's Office.

A.C.R. 52 (File No. 117)

Assembly Concurrent Resolution No. 52 commends Marianne Vallin for her academic and athletic achievements as a student at the University of Nevada, Las Vegas. Ms. Vallin recently received national recognition as the recipient of the Gladys Heldman Award for successfully balancing athletics and academics.

A.C.R. 53 (File No. 118)

Assembly Concurrent Resolution No. 53 memorializes former Clark County educator and coach Angelo Collis. The measure recognizes the contributions made by coach Collis to athletic programs in Clark County.

A.C.R. 54 (File No. 119)

Assembly Concurrent Resolution No. 54 recognizes and commends the contributions of the many Nevadans who help legal immigrants become United States citizens. The measure acknowledges the contributions made by legal immigrants to the state and country and urges all Nevadans to welcome legal immigrants to the state and to provide opportunities for them to learn English and attend naturalization classes.

A.C.R. 55 (File No. 125)

Assembly Concurrent Resolution No. 55 commends Ruth Albright Stringer, retired Clark County teacher, for her devotion and contributions to her family, the community, the educational system, and the numerous organizations of which she was a part. The measure also commends Ruth Albright Stringer for serving as a role model for countless students and teachers.

A.C.R. 56 (File No. 135)

Assembly Concurrent Resolution No. 56 limits the number of requests for the drafting of legislative measures that may be submitted to the Legislative Counsel during the 1997-1998 interim period. The measure prescribes the limits for requests from all senators and assemblymen, including those who served in the 1997 Session and those who are elected at the 1998 general election. Limits are also established for the chairmen of standing committees and legislative leaders, including those who served in 1997 and those designated for such positions after the 1998 general election.

In addition, the measure limits requests for the drafting of legislative measures that are submitted by the chairmen of the Legislative Commission and Interim Finance Committee, interim study committees of the Legislature, the Board of Regents of the University of Nevada, agencies of the executive branch, Nevada's constitutional officers, and the judicial branch.

The resolution directs the Legislative Counsel to take all actions necessary to complete 1,000 bill drafts before the first day of the 1999 Session and prohibits a requester from changing a request's subject matter after it has been submitted for drafting.

A.C.R. 57 (File No. 152)

Assembly Concurrent Resolution No. 57 directs the Legislative Commission to appoint an interim committee to study the juvenile justice system in the State of Nevada. Among other issues, the study must include the uniformity and cost of the administration of the juvenile justice system among the counties of this state, the use of alternatives to traditional methods of adjudication of children alleged to be delinquent or in need of supervision,

and the facilities for the confinement and detention of children who are delinquent. Assembly Concurrent Resolution No. 57 requires the Legislative Commission to submit a report of its findings and recommended legislation to the 1999 Legislature.

A.C.R. 58 (File No. 157)

Assembly Concurrent Resolution No. 58 thanks the members of the clergy for the religious services provided during legislative floor sessions and directs the State Controller to pay each member \$35 for each day of service during the 1997 Session.

A.C.R. 59 (File No. 158)

Assembly Concurrent Resolution No. 59 commends Donald L. Bailey Sr., Chief of the State Printing Division, and the members of his staff for their dedication and exceptional work during the 1997 Legislative Session.

Assembly Joint Resolutions - 68th Session

A.J.R. 13 - 68th Session (File No. 34)

Assembly Joint Resolution No. 13 of the 68th Session proposes to amend the *Constitution of the State of Nevada* to provide for the resolution of conflicts between amendments to the *Constitution* and the statutes that are enacted by the voters. The proposal specifically addresses conflicting amendments appearing on the statewide ballot at the same time. In general, if two or more measures addressing the same matter are approved by the voters at the same election, provisions that contradict in substance are decided in favor of the measure receiving the largest favorable vote.

Testimony indicated that it is possible to have more than one initiative petition on the same topic at the same statewide election. In addition, similar matters can be referred to the voters by the Legislature.

Currently, Article 16, Section 1, subsection 2 of the *Constitution of the State of Nevada* provides for the resolution of conflicts if two or more amendments to the *Constitution* proposed by the Legislature appear on the same general election ballot. If two or more are approved by the voters, all go into effect if there is no contradiction in substance. If two or more are approved by the voters and contradict in substance, the amendment receiving the largest favorable vote becomes part of the *Constitution*.

No similar constitutional provisions exist for resolving conflicts between proposed amendments to the *Constitution* or statutes submitted by initiative, nor do they exist for conflicts between legislative proposals and initiative proposals. The provisions of A.J.R. 13 remedy these constitutional flaws.

Since this measure was approved in identical form by both the 1995 and 1997 Legislatures, it will be placed on the ballot for voter consideration at the 1998 general election.

A.J.R. 14 - 68th Session (File No. 155)

Assembly Joint Resolution No. 14 of the 68th Session proposes to amend the *Constitution of the State of Nevada* by removing the Lieutenant Governor as President of the Nevada Senate and providing that the legislator serving as President of the Senate is next in succession to the office of Governor after the Lieutenant Governor. The measure also abolishes the additional expense allowance of \$2 per day paid during session to the President of the Senate and Speaker of the Assembly.

Proponents of the bill testified that the duties and role of the Lieutenant Governor in the Senate are contrary to the "separation of powers" principle because the Lieutenant Governor presides over the Senate and is permitted to vote in the event of a tie. Removal of the Lieutenant Governor as President of the Senate would allow that body to select one of its members as President. Testimony also indicated that the additional allowance provided to the presiding officers of the Senate and Assembly causes complications with regard to federal income tax provisions.

Since this resolution was approved in identical form by both the 1995 and 1997 Nevada Legislatures, the proposal will be submitted to the voters for their approval or disapproval at the general election of 1998.

A.J.R. 17 - 68th Session (File No. 36)

Assembly Joint Resolution No. 17 of the 68th Session proposes to amend the *Constitution of the State of Nevada* to authorize the Legislature to designate places outside the county seat where a district court may conduct business.

Since this resolution was approved in identical form by both the 1995 and 1997 Legislatures, it will be placed on the ballot for voter consideration at the 1998 general election.

A.J.R. 33 - 68th Session (File No. 35)

Assembly Joint Resolution No. 33 of the 68th Session proposes to amend the *Constitution of the State of Nevada* by redistributing some of the powers associated with the Commission on Judicial Discipline. The proposal requires the Legislature to establish the grounds for judicial discipline and the Supreme Court to adopt rules governing appeals of commission decisions and a Code of Judicial Conduct. Finally, the resolution directs the commission to adopt rules of procedure for the conduct of its hearings and other activities deemed necessary.

Since this resolution was approved in identical form by both the 1995 and 1997 Legislatures, it will be placed on the ballot for voter consideration at the 1998 general election.

STATE GOVERNMENT

S.B. 148 (Chapter 531)

Senate Bill 148 authorizes Nevada's Department of Human Resources and the State Department of Education to issue subpoenas to compel witnesses to attend an administrative hearing conducted pursuant to the federal Individuals with Disabilities Education Act. The district court in the county in which the hearing is being held is authorized to enforce the subpoena.

In addition, the measure requires that an order or subpoena for certain information state the purpose for which it is issued. The bill also prohibits the Director of the Department of Human Resources from collecting, maintaining, or publishing the details of specified hospital contracts.

This measure is effective on July 16, 1997.

S.B. 153 (Chapter 83)

Senate Bill 153 requires that a document submitted for filing in the Office of the Secretary of State related to the registration of a trademark, trade name, or service mark, and written in a language other than English, may only be filed if it is accompanied by a verified translation into English. In addition, the bill requires that a specimen accompanying a registration application must meet certain criteria. Furthermore, S.B. 153 provides that, if the date of first use contained in the application is indefinite when a mark is registered, the certificate of registration must designate the latest date that can be inferred from the application.

This measure is effective on May 15, 1997.

S.B. 158 (Chapter 222)

Senate Bill 158 requires that state and local government entities leasing an area that offers a service to the public provide for a toilet facility that is accessible to disabled persons. The toilet facility must be located within the leased area or within the common area of a leased complex. The measure addresses the process for filing complaints and specifies that the Office of the Attorney General is responsible for enforcing the provisions of the bill. Senate Bill 158 applies only to facilities leased after October 1, 1997.

S.B. 201 (Chapter 648)

Senate Bill 201 appropriates \$24,474,063 from the State General Fund and \$5,626,238 from the State Highway Fund to the Department of Administration for the implementation of the technology improvement plan for state government. The appropriation authority

expires June 30, 1999. The bill also provides that, beginning July 1, 1999, the Department of Information Services shall repay the State General Fund in annual installments the cost of installing a private branch exchange system. Each installment must be equal to 10 percent of the total cost of the installed system.

The measure is effective on June 30, 1997.

S.B. 489 (Chapter 560)

Senate Bill 489 requires the Aging Services Division of the Department of Human Resources to establish the Nevada Silver Haired Legislative Forum to identify and act upon issues of importance to aging persons. The 21-member forum is appointed by the Governor. The bill specifies criteria for appointment to the forum and tenure of terms. The measure also outlines the organization and responsibilities of the forum. Forum members are entitled to per diem allowance and travel reimbursement. In addition, the bill requires the Aging Services Division to pay the expenses of the forum within the limits of legislative appropriations and any gifts, grants, or donations received by the forum. The division is authorized to adopt regulations necessary to carry out the provisions of the bill.

The bill appropriates \$5,000 from the State General Fund to the division for the per diem allowance and travel expenses of the forum. Each member is limited to receiving up to one day of per diem allowance and travel expenses from the appropriation. The appropriation authority expires on June 30, 1999.

The measure is effective on July 1, 1997.

A.B. 115 (Chapter 290)

Assembly Bill 115 repeals a requirement that the Division of Industrial Relations, Department of Business and Industry, use a seal to authenticate its proceedings and orders.

A.B. 125 (Chapter 181)

Assembly Bill 125 makes various changes concerning state purchasing. The measure deletes certain record keeping requirements. In addition, the bill stipulates that regulations establishing standards for purchase of new equipment, which are required to be adopted by the Purchasing Division, must be adopted on or before January 1, 1998.

The provision concerning adoption of regulations is effective on June 25, 1997.

A.B. 213 (Chapter 188)

Assembly Bill 213 makes various changes concerning state purchasing. The bill raises, from \$10,000 to \$25,000, the threshold at which the Purchasing Division must employ a formal bid process to award contracts. In addition, the measure allows the division, when determining the lowest responsible bidder, to consider the cost of repair and maintenance of articles to be supplied by a vendor. If the vendor submitting the lowest bid is not awarded a contract, the division is required to explain the decision in writing to that vendor. Further, A.B. 213 requires that an unsuccessful bid be appealed to the Purchasing Division, rather than the using agency, and removes a requirement that the successful bidder may participate in the hearing only after filing an intent to participate.

A.B. 362 (Chapter 74)

Assembly Bill 362 requires the Governor to proclaim annually April 6 as Tartan Day in Nevada. This day commemorates the contributions that Scots and Scots-Americans have made to the history and development of the United States and Nevada.

The measure requires the Governor's proclamation to call upon news media, educators, and state officers to publicize to Nevada's residents the importance of Scots and Scots-Americans to the state and the country.

This measure is effective on May 15, 1997.

A.B. 367 (Chapter 368)

Assembly Bill 367 repeals a redundant provision concerning advertisements for repairs to state buildings. According to testimony, the requirements contained in the repealed provision are already found in state purchasing statutes.

This measure is effective on July 8, 1997.

A.B. 386 (Chapter 249)

Assembly Bill 386 authorizes court clerks to accept criminal complaints or information filed electronically, provided that the electronic documents contain an image of the prosecuting attorney's signature. The clerk must acknowledge receipt of the complaint by an electronic time stamp and electronically return the complaint to the prosecuting attorney. In addition, A.B. 386 authorizes the electronic filing of certain documents relating to children in need of supervision or in need of protection.

In addition, this measure allows public agencies, under certain circumstances, to use and accept electronic symbols as a substitute for handwritten or facsimile signatures.

Electronic symbols must be unique to the person's signature, verifiable, and linked to data in such a manner that the signature is invalidated if the data is altered.

Further, this bill requires the Secretary of State to adopt regulations regarding the use and verification of electronic symbols. The measure allows the Secretary of State to license businesses for verification purposes and charge fees for such licensure.

A.B. 396 (Chapter 202)

Assembly Bill 396 requires the Secretary of State to include an advisory question concerning Nevada Day on the statewide ballot at the 1998 general election. The advisory question must ask the voters whether the Nevada Legislature should declare the last Friday in October as the legal holiday to observe Nevada Day, thereby establishing a three-day weekend during which the Nevada Day Parade in Carson City would be held on the Saturday immediately following the last Friday in October. The measure stipulates that the results of the advisory question are not binding upon the Legislature or its individual members.

Nevada Day, a legal state holiday since 1939, celebrates Nevada's admission to the Union as the 36th state on October 31, 1864. State law currently specifies that this legal holiday is October 31, unless that date falls on a Saturday or Sunday. The legal holiday is observed on the preceding Friday when October 31 occurs on a Saturday and on the following Monday when that date falls on a Sunday.

A.B. 437 (Chapter 573)

Assembly Bill 437 makes various changes to the provisions governing the duties of the Secretary of State. This measure requires that documents filed with the Secretary of State must be processed within the time frames established by the office. The filing fees must be refunded for documents that are not processed within the specified time. Assembly Bill 437 also creates a petty cash account of \$500. In addition, the measure revises certain fees charged by the Secretary of State.

Assembly Bill 437 authorizes the Secretary of State to replace corrected pages for documents filed with the office in lieu of requiring a customer to resubmit the entire document. The bill also revises the requirements for the filing of annual lists that update certain identifying information for business entities, such as names and locations. The bill provides that these lists are only required to be filed when changes have occurred.

According to testimony, the funds for the money back guarantee program are already budgeted and are drawn from the special services account within the Secretary of State's office. Testimony also indicated that the other provisions of the bill are designed to streamline the procedures of the Secretary of State's office and facilitate the filing procedures for the public.

Certain provisions of this measure are effective on July 1, 1997, while others are effective on October 1, 1997. The provision requiring a refund if a document is not processed within the prescribed time expires by limitation on July 1, 1999.

A.B. 513 (Chapter 302)

Assembly Bill 513 provides that the Department of Taxation may not accept a claim for Senior Citizen's Property Tax Assistance that is submitted after July 1. The bill also requires the department to pay those claims by September 30.

This bill is effective on July 1, 1997.

A.B. 524 (Chapter 587)

Assembly Bill 524 requires the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau to jointly develop criteria for a business plan for use by state agencies. State agencies seeking expansion of statutory authority, funding for new programs, or certain substantive program enhancements would be required to submit a business plan in conjunction with the proposed budget request beginning in the 1999-2001 biennium. The bill specifies that the criteria for business plans must be submitted to the Interim Finance Committee by February 1, 1998. Highway construction and other public works projects are exempted from the requirements of the measure.

A.B. 547 (Chapter 598)

Assembly Bill 547 requires the State Public Works Board to adopt regulations to establish criteria and procedures for determining the qualifications of bidders on public works projects. The measure further requires the board to use the criteria and procedures in awarding state contracts. The criteria to be used include an evaluation of the financial ability of the applicant, the performance history of the applicant in Nevada, any prior breaches of contract, and any prior disqualifications as a bidder on state projects. The bill sets forth an appellate procedure for a person whose application for qualification is denied.

Finally, the bill requires subcontractors who perform more than \$50,000 in work to post a bond.

This measure is effective on July 16, 1997, for purposes of adopting regulations, and on October 1, 1997, for all other purposes.

A.B. 560 (Chapter 332)

Assembly Bill 560 increases the salaries of Nevada's constitutional officers. Effective after the first Monday in January 1999, the Governor's salary is increased from \$77,500 to \$90,000; the Lieutenant Governor, from \$20,000 to \$50,000; the Secretary of State, State Treasurer, and State Controller, from \$62,500 to \$80,000; and the Attorney General, from \$85,000 to \$110,000.

Administrative Rules and Procedures

S.B. 448 (Chapter 310)

Senate Bill 448 authorizes the State Board of Health to adopt regulations establishing the length of time that health care and other records of a medical laboratory must be retained. The regulations must be consistent with applicable federal regulations. The bill also authorizes the board to require an out of state laboratory to be licensed in Nevada under certain conditions.

A.B. 49 (Chapter 40)

Assembly Bill 49 authorizes administrative enforcement of state laws and regulations on interstate quarantine of agricultural products. The measure establishes a graduated schedule of maximum administrative fines for the first, second, and subsequent violations, and directs the state quarantine officer to adopt necessary regulations for hearings.

Assembly Bill 49 also authorizes the state quarantine officer to issue an order requiring a violator to take corrective action or to request the district attorney to file a gross misdemeanor complaint against anyone who may have committed flagrant or repeated violations. If a conviction is obtained, the prosecuting attorney and the Division of Agriculture may recover the costs of the proceeding, including investigative costs and attorney's fees.

This measure is effective on May 2, 1997.

A.B. 51 (Chapter 41)

Assembly Bill 51 authorizes administrative enforcement of state laws and regulations concerning plant nurseries and nursery stock. The measure establishes a graduated schedule of maximum administrative fines for the first, second, and subsequent violations.

Assembly Bill 51 also authorizes the Administrator of the Division of Agriculture to issue an order requiring a violator to take corrective action or to request the district attorney to

file a misdemeanor complaint against anyone who may have committed flagrant or repeated violations. If a conviction is obtained, the prosecuting attorney and the Division of Agriculture may recover the costs of the proceeding, including investigative costs and attorney's fees.

This measure is effective on May 2, 1997.

A.B. 52 (Chapter 42)

Assembly Bill 52 authorizes administrative enforcement of state laws and regulations concerning weights and measures. The measure establishes a graduated schedule of maximum administrative fines for the first, second, and subsequent violations.

Assembly Bill 52 also authorizes the State Sealer of Weights and Measures to issue an order requiring a violator to take corrective action or to request the district attorney to file a misdemeanor complaint against anyone who may have committed flagrant or repeated violations. If a conviction is obtained, the prosecuting attorney and the Division of Agriculture may recover the costs of the proceeding, including investigative costs and attorney's fees.

This measure is effective on May 2, 1997.

A.B. 113 (Chapter 103)

Assembly Bill 113 transfers, from district attorneys to the Office of the Attorney General, the duty to enforce claims for wages, commissions, or other demands of a person financially unable to employ counsel. The bill makes the reporting of such claims by the Labor Commissioner discretionary rather than mandatory. The measure clarifies that district attorneys retain the requirement to prosecute criminal violations of laws reported to them by the Labor Commissioner.

In addition, A.B. 113 gives to legal counsel under contract with the Labor Commissioner and the Deputy Labor Commissioner, if the deputy is admitted to practice law in this state, powers of the Attorney General to prosecute such claims. The measure also allows the Attorney General to determine if a claim is valid and enforceable and removes sanctions against a district attorney for failure or refusal to prosecute such a claim.

Finally, A.B. 113 extends to the Deputy Labor Commissioner, the Attorney General, and legal counsel under contract with the Labor Commissioner, the authority to prosecute violations of general provisions of Nevada law relating to compensation, wages, and hours.

This measure is effective on July 1, 1997.

A.B. 120 (Chapter 127)

Assembly Bill 120 authorizes the Legislature to reject certain proposed administrative regulations. Under current law, the Legislative Commission reviews proposed regulations and may object to, but not reject, them if they are determined to exceed the agency's statutory authority or do not carry out legislative intent. This bill removes the provision that allows a regulation to become effective over the objection of the commission. Instead, the measure establishes a procedure for the resubmission of regulations to the commission. If the agency refuses to revise the proposed regulation, the commission is authorized to postpone the filing of the regulation until it is approved or rejected by the Legislature in the next regular session.

The measure also establishes a similar procedure for the legislative approval or rejection of agency-generated forms that do not conform to the appropriate statutory authority.

Assembly Bill 120 is substantially similar to Assembly Bill 214 of the 1997 Session, which was vetoed by the Governor. At the 1996 general election, Nevada voters approved a constitutional amendment that specifically authorizes legislative review.

This bill is effective on July 1, 1997.

A.B. 122 (Chapter 97)

Assembly Bill 122 amends various provisions of Nevada's Administrative Procedure Act. The measure requires each state agency to review its regulations at least once every ten years and to report to the Legislature any recommendations for amendment or repeal of those regulations. Assembly Bill 122 further stipulates that the notice to act upon a regulation must include a description of the regulation's relation to federal law. In addition, the bill requires a state agency to hold a public workshop to solicit ideas before holding the public hearing required for a proposed regulation. Finally, the measure requires the Attorney General to develop guidelines for drafting regulations.

A.B. 123 (Chapter 397)

Assembly Bill 123 requires the Legislative Counsel to prepare and publish a register of permanent administrative regulations adopted by agencies of the state. The register must include the proposed and adopted text of each regulation, any revisions thereto, pertinent public notices, the required informational statement, and the effective date. Further, the bill requires the Legislative Counsel to publish the register not less than 10 times per year and lists the entities that must receive and maintain copies of the register, including each county library in the state. The measure also requires the Legislative Counsel to provide free public access on the Internet to the information contained in the register.

Assembly Bill 123 permits, but does not require, the Legislative Counsel to use the services of the State Printing Division in publishing the register. Finally, the bill requires the *Nevada Administrative Code* to contain the citation of authority under which each permanent regulation was adopted by a state agency.

A.B. 355 (Chapter 297)

Assembly Bill 355 authorizes voluntary examinations and disclosures regarding environmental requirements, based on a written agreement with the appropriate regulatory agency. Within specified limits, the bill provides for mitigation of criminal penalties and immunity from administrative and civil penalties for environmental violations that are disclosed voluntarily. The measure also establishes a limited privilege regarding information disclosed voluntarily.

During Nevada's 1995 Legislative Session, two bills on the topic of environmental self-audits were introduced: Assembly Bill 591 and Senate Bill 533. Neither measure was ultimately enacted. As of the beginning of the 1997 Legislative Session, 18 states had enacted environmental self-audit legislation.

Organization

S.B. 35 (Chapter 643)

Senate Bill 35 provides that members of the economic forum are entitled to receive, for each meeting of the forum, \$80 for one day of preparation for the meeting and \$80 for each day or part of a day during which the meeting lasts.

The measure is effective February 1, 1998.

S.B. 48 (Chapter 9)

Senate Bill 48 removes the words "and micrographics" from every statutory reference to the State Printing and Micrographics Division.

This measure is effective on March 25, 1997.

S.B. 50 (Chapter 635)

Senate Bill 50 changes the name of the State Council on the Arts to the State Arts Council. The measure also changes the name of the State Librarian to the State Library and Archives Administrator and revises the educational requirements and experience specified

for this position. Further, the bill increases the salary of members of the State Historical Records Advisory Board to \$80 per day. The measure also provides for staggered terms for the members of the State Council on Libraries and Literacy and makes this council advisory to the Division of State Library and Archives. In addition, S.B. 50 makes the Commission for Cultural Affairs advisory to the Department of Museums, Library and Arts, and provides for an additional member to the commission. Finally, the measure authorizes the Commission for Cultural Affairs to use interest from the fund for the preservation and promotion of cultural resources to pay for administrative expenses.

S.B. 53 (Chapter 312)

Senate Bill 53 changes the name of the Bureau of Services to the Blind to the Bureau of Services to the Blind and Visually Impaired.

The bureau currently provides services to blind persons and to those who are visually impaired. The agency requested the name change to clear up any confusion concerning the categories of individuals eligible to receive services from the bureau.

This bill is effective on July 5, 1997.

S.B. 147 (Chapter 31)

Senate Bill 147 transfers, from the Labor Commissioner to the Commissioner of the Local Government Employee-Management Relations Board, the responsibility to provide a list of potential mediators if parties to a negotiation cannot agree on a mediator.

This measure is effective on April 26, 1997.

S.B. 211 (Chapter 537)

Senate Bill 211 places the Commission for the Preservation of Wild Horses in the State Department of Conservation and Natural Resources. The measure also provides that the executive director of the commission is appointed by, and serves at the pleasure of, the director of the department.

The bill further specifies that a written protest, petition for judicial review, or appeal may not be filed on behalf of the commission unless it is submitted to the Attorney General for review and comment and approved by the director of the department. Copies of the filing must also be furnished to each member of the commission as soon as practical, and the matter must be reviewed by the commission at its next meeting.

Finally, the measure clarifies the duties of the commission and appropriates \$75,000 per year during the next biennium to support a wildlife biologist position and provide supplemental in-state travel for the commission and staff.

This bill is effective on July 1, 1997.

S.B. 344 (Chapter 182)

Senate Bill 344 revises certain requirements for the filing of service of process with the Secretary of State. The bill moves the location for service of process for actions against the State from the Office of the Secretary of State to the Office of the Attorney General. In addition, this measure requires that service of process accepted by the Secretary of State for a Nevada business entity that has not appointed a resident agent must include a citation to the statute authorizing such service of process and a fee of \$10.

Finally, S.B. 344 eliminates the requirement that the Secretary of State accept service of process for any business entity in the United States in an action to recover certain damages.

S.B. 459 (Chapter 321)

Senate Bill 459 transfers the responsibility for maintaining the state hygienic laboratory from the Health Division of the Department of Human Resources to the University of Nevada School of Medicine. The bill also extends the existing appropriations for the operation of the laboratory.

The sections that extend the appropriations are effective on June 29, 1997. The remainder of the measure is effective on July 1, 1997.

S.B. 463 (Chapter 424)

Senate Bill 463 transfers the Office of Science, Engineering and Technology from the Office of the Governor to the University and Community College System of Nevada. The bill requires the Governor to appoint the director of the office and specifies factors to be considered when making the appointment. In addition, S.B. 463 requires that the director serve as the state science, engineering and technology advisor to the Governor, Legislature, and various agencies of state government, and to businesses and industries in Nevada.

This bill is effective on July 1, 1997.

A.B. 55 (Chapter 197)

Assembly Bill 55 removes the provision that would abolish the Office of Financial Management, Training and Controls in Nevada's Department of Administration on July 1, 1997.

This measure is effective on June 26, 1997.

A.B. 422 (Chapter 171)

Assembly Bill 422 increases, from seven to eight, the membership of the Advisory Committee for the Uniform Program for Reporting Crimes to include a representative from the Office of Court Administrator.

This measure is effective on June 23, 1997.

A.B. 661 (Chapter 624)

Assembly Bill 661 changes the name of the Department of Information Services to the Department of Information Technology. The measure also consolidates the department's five divisions into two divisions and creates three units within the divisions. Finally, A.B. 661 transfers certain duties from the Information Technology Advisory Board to the department and the director of the department.

This measure is effective on July 1, 1997.

A.B. 662 (Chapter 618)

Assembly Bill 662 transfers the Commission on Substance Abuse Education, Prevention, Enforcement and Treatment, from the Department of Employment, Training and Rehabilitation to the Department of Motor Vehicles and Public Safety.

This measure is effective on July 1, 1997.

A.J.R. 17 (File No. 153)

Assembly Joint Resolution No. 17 proposes to amend the *Constitution of the State of Nevada* to require that the Governor and Lieutenant Governor be affiliated with the same political party and elected jointly at the general election.

If approved in identical form by the 1999 Nevada Legislature, this proposal will be submitted to the voters for final approval or disapproval at the general election of the year 2000.

A.J.R. 14 - 68th Session (File No. 155)

Assembly Joint Resolution No. 14 of the 68th Session proposes to amend the *Constitution of the State of Nevada* by removing the Lieutenant Governor as President of the Nevada Senate and providing that the legislator serving as President of the Senate is next in succession to the office of Governor after the Lieutenant Governor. The measure also abolishes the additional expense allowance of \$2 per day paid during session to the President of the Senate and Speaker of the Assembly.

Proponents of the bill testified that the duties and role of the Lieutenant Governor in the Senate are contrary to the "separation of powers" principle because the Lieutenant Governor presides over the Senate and is permitted to vote in the event of a tie. Removal of the Lieutenant Governor as President of the Senate would allow that body to select one of its members as President. Testimony also indicated that the additional allowance provided to the presiding officers of the Senate and Assembly causes complications with regard to federal income tax provisions.

Since this resolution was approved in identical form by both the 1995 and 1997 Nevada Legislatures, the proposal will be submitted to the voters for their approval or disapproval at the general election of 1998.

State Employees

S.B. 492 (Chapter 441)

Senate Bill 492 establishes the amount to be paid by the state for group insurance for state employees. The state will pay \$247.34 per month for Fiscal Year (FY) 1997-1998 and \$264.51 for FY 1998-1999. For retired state employees, the state will pay \$139.35 per month for FY 1997-1998 and \$149.02 for FY 1998-1999.

This measure is effective on July 1, 1997.

S.B. 493 (Chapter 562)

Senate Bill 493 establishes the maximum allowed salaries for employees in unclassified service of the state. The bill increases the majority of salaries by approximately 3 percent, effective July 1, 1997, and by an additional 3 percent on July 1, 1998. Senate Bill 493 authorizes greater increases for certain unclassified positions including the chairman and member of the State Board of Parole Commissioners and certain staff of the State Gaming

Control Board and the Department of Information Services. In addition, the bill authorizes a 10 percent increase for certain unclassified medical positions.

This measure is effective on July 1, 1997.

S.B. 496 (Chapter 564)

Senate Bill 496 establishes maximum salaries for certain employees in the unclassified service of the state. The positions include the office manager for the Governor, senior computer forensic technician in the Office of the Attorney General, Assistant Director of the State Department of Conservation and Natural Resources and the Chairman of the Board of Parole Commissioners.

The bill is effective on July 1, 1997.

A.B. 61 (Chapter 289)

Assembly Bill 61 amends the statutes governing the oral examination given to applicants for classified state positions. Under current law, no more than one-third of the panel members administering the examination may be from the department in which the position is available. This measure allows, in cases of emergency, the panel's membership to be comprised of more than one-third from certain larger departments.

In addition, the bill increases, from 30 days to 2 years, the length of time the records of an examination must be kept.

This measure is effective on July 1, 1997.

A.B. 62 (Chapter 190)

Assembly Bill 62 revises provisions concerning certain leaves of absence for state employees. The bill stipulates that Nevada's parental leave provisions are effective only if the Federal Family and Medical Leave Act of 1993, or a subsequent law, ceases to provide for leaves of absence of at least 12 weeks.

The 1993 Nevada Legislature authorized unpaid leaves of absence for state employees who are the natural parents of children under six months old or who have recently adopted a child. The United States Congress subsequently enacted the Family and Medical Leave Act, which is substantially similar to the state law, although various provisions are more generous. Since state workers are covered under the federal law, Assembly Bill 62 is intended to eliminate potential confusion and conflict.

This bill is effective on June 25, 1997.

A.B. 63 (Chapter 11)

Assembly Bill 63 requires that the retired member of the Committee for Deferred Compensation of State Employees be paid \$80 a day for attending committee meetings and performing certain duties. All other members of the committee receive their normal salaries from either state agencies or the university system.

A.B. 82 (Chapter 465)

Assembly Bill 82 authorizes the State Treasurer to employ, in the unclassified service of the state, a Deputy of Operations, a Deputy of Investments, a Deputy of Cash Management, and an Assistant to the State Treasurer. The measure eliminates the position of Deputy Cashier.

In addition, A.B. 82 authorizes the Attorney General to employ, in the unclassified service of the state, an Administrative Assistant.

A.B. 154 (Chapter 128)

Assembly Bill 154 extends, from once every two years to once every five years, the minimum period within which the Committee on Deferred Compensation for State Employees must solicit proposals from qualified plan providers. According to testimony, lengthening the time period for providers will increase the number of bids and reduce costs.

This measure is effective on June 6, 1997.

A.B. 319 (Chapter 510)

Assembly Bill 319 authorizes state agencies to contract with independent contractors of security services if the capitol police are unable to provide such services. The measure stipulates that the independent contractor must either be licensed as a private patrolman or employed by a licensed private patrolman and must meet certain physical, training, and skills requirements.

According to testimony, certain state agencies currently employ independent security guards who do not meet the qualifications set forth in the bill.

This measure is effective on July 1, 1997.

A.B. 510 (Chapter 335)

Assembly Bill 510 increases the per diem for state employees from \$64 to \$69 for in-state travel. The bill also increases the per diem for out-of-state travel from \$26 to \$27, in addition to a reasonable room rate. Finally, A.B. 510 authorizes the State Board of Examiners to establish a higher room rate to reimburse employees required to travel on weekends to serve the public.

This measure is effective on July 1, 1997.

State Financial Administration (See also: Appropriations)

S.B. 42 (Chapter 30)

Senate Bill 42 authorizes the State Controller to provide, by regulation, for the use of electronic symbols to substitute for an authorized officer's signature on a document required by the Controller pursuant to the State Accounting Procedures Law.

S.B. 90 (Chapter 82)

Senate Bill 90 creates a revolving account in the sum of \$7,500 for the Consumer Affairs Division of the Department of Business and Industry. The account is for certain expenses related to undercover investigations of deceptive trade practices.

The measure is effective on July 1, 1997.

S.B. 151 (Chapter 444)

Senate Bill 151 clarifies that an advertisement for a bid may include a notice that the Chief of the Purchasing Division is authorized to consider a bid for an alternative item, provided the specifications for the alternative item meet or exceed the specifications listed in the bid; the alternative item will cost less; and the chief determines that the purchase of the alternative item is in the best interest of the state.

S.B. 164 (Chapter 66)

Senate Bill 164 eliminates references to "trust fund" and substitutes the phrase "special revenue fund" in the statutes concerning various public funds.

This measure is effective on May 12, 1997.

S.B. 218 (Chapter 538)

Senate Bill 218 creates the disaster relief fund, through which grants and loans may be made to state agencies and local governments for specified expenses incurred because of a disaster. This fund is a special revenue fund administered by the Legislature's Interim Finance Committee.

The measure also establishes within the disaster relief fund an emergency assistance account that is administered by the State Emergency Response Commission. Money from this account may be used to provide supplemental emergency assistance to state agencies and local governments that are severely and adversely affected by a natural or technological emergency or disaster and to pay actual expenses incurred by the commission for administration during an emergency or disaster. The bill further authorizes any uncommitted balance remaining in the account at the end of a fiscal year to be allocated to purchase equipment or supplies for emergency management or to provide training for emergency management personnel.

Finally, the bill appropriates \$4 million from the State General Fund to the disaster relief fund, effective on June 30, 1997, and the remainder of the measure is effective on July 16, 1997.

S.B. 229 (Chapter 651)

Senate Bill 229 authorizes an executive department to enter into a contract for equipment that extends beyond the 1997-1999 biennium and thereby constitutes a debt of the state. The total amount of all such contracts that will not be paid during the biennium may not exceed \$19,234,000. Provision is made for funding such debt. The Chief of the Budget Division of the Department of Administration must approve all such contracts, but may not refuse to approve a contract unless the amount of the contract would exceed the specified debt limit.

This bill is effective on July 1, 1997.

S.B. 230 (Chapter 239)

Senate Bill 230 requires that fees received by the Real Estate Division of the Department of Business and Industry for examinations must be retained by the division to pay the costs of administering the examinations. Senate Bill 230 also appropriates \$13,607 from the State General Fund to the Real Estate Division for the costs related to administration of examinations.

Portions of this bill are effective June 30, 1997, and the remainder is effective July 1, 1997.

S.B. 271 (Chapter 687)

Senate Bill 271 establishes the Nevada higher education tuition trust fund within the state treasury. The trust fund will allow the cost of tuition to be paid in advance of enrollment at an institution of higher education. The bill provides for payment of tuition at institutions within the University and Community College System of Nevada; any other accredited college or university in Nevada; and an accredited community college, college, or university in another state. Payments to an out-of-state school may not exceed the in-state rates. In addition, the bill allows public and private employers to remit payments toward a prepaid tuition contract through payroll deductions.

Senate Bill 271 requires the State Treasurer to administer the fund. The measure also creates a five-member board of trustees comprised of the State Treasurer, the Director of the Department of Administration, the Chancellor of the University and Community College System of Nevada, and two members appointed by the Governor. The bill directs the board of trustees to develop a program for the prepayment of tuition at a guaranteed rate that will be established based on an annual actuarial study. The bill specifies the contents of the prepaid tuition contract and provides for the termination of such contracts and refunding of payments. The bill also sets guidelines for the investment of the fund's assets.

This measure is effective on October 1, 1997, and expires by limitation on July 1, 2001.

S.B. 302 (Chapter 477)

Senate Bill 302 establishes mechanisms within the Nevada's Health Division to accept federal grants and participate in the programs authorized under the Federal Safe Drinking Water Act. The bill creates a revolving loan fund to assist public water systems in financing necessary capital improvements. The measure also creates an account for set-aside programs through which federal grants associated with other aspects of the program may be administered.

The bill also provides an additional \$15 million in bonding authority to support the existing state program that provides grants to publicly owned community water systems for capital improvements. Finally, the measure appropriates \$750,000 to the state's Health Division to comply with the federal program and grant requirements.

This measure is effective on June 30, 1997.

S.B. 335 (Chapter 200)

Senate Bill 335 expands, from five to ten years, the time in which certain bonds for highway construction must mature.

Nevada's Department of Transportation (NDOT) requested this legislation to allow expedited completion of several large road construction projects. Testimony indicated that extending bond maturity dates to ten years still provides a conservative payback period but significantly increases the department's highway construction ability.

S.B. 348 (Chapter 194)

Senate Bill 348 authorizes the director of the Department of Business and Industry to issue revenue bonds for industrial development for projects that promote the social welfare of Nevada residents.

This bill is effective on June 25, 1997.

S.B. 363 (Chapter 639)

Senate Bill 363 increases, from \$20,000 to \$35,000, the threshold for requiring performance and payment bonds from contractors on certain public works projects. The measure also prohibits the specification for bids for a public works project to require a bidder to reveal certain trade secrets. The measure stipulates that certain information and documents may be requested to evaluate claims for costs or determine the price of additional work, but such information is declared confidential.

This bill is effective on July 17, 1997.

S.B. 405 (Chapter 267)

Senate Bill 405 specifies that each state agency must deposit in the fund for insurance premiums the amounts charged by the Risk Management Division for self-insured claims and administrative expenses. In addition, all money received from insurance claims for damage or loss of state property, except money received under first-party coverage, must be deposited in the fund for insurance premiums.

This measure is effective on July 1, 1997.

S.B. 460 (Chapter 557)

Senate Bill 460 makes various changes concerning the financial administration of the state. The bill increases the threshold, from \$2,000 to \$20,000, for revisions in work programs that must be submitted for approval by the Interim Finance Committee. Senate Bill 460 also raises, from \$50,000 to \$100,000, the level of review for new grants by the Interim Finance Committee.

Further, this measure streamlines the process surrounding the preparation of the executive budget by modifying certain dates and provides for the continuation of this process by revising certain sunset provisions from 1995 legislation. Finally, S.B. 460 provides that the governor's budget proposals are confidential until the *Executive Budget* is introduced in the Legislature.

The sections of this bill that delete the 1995 sunset provisions are effective on June 30, 1997, and the remaining sections are effective on July 1, 1997.

S.B. 468 (Chapter 558)

Senate Bill 468 allows school districts to apply to the State Treasurer for a guarantee agreement in which money in the state permanent school fund is used to guarantee payment of the debt service on bonds issued by the school district. The amount of the guarantee may not exceed \$25 million. The bill specifies the duties of the State Treasurer regarding such agreements. The measure also specifies the contents of the guarantee agreement. The bill provides that any debt service payment made by the treasurer from the state permanent school fund constitutes a loan to the district. The measure further specifies the terms of repayment for such loans.

The bill is effective on July 16, 1997.

S.B. 473 (Chapter 354)

Senate Bill 473 makes various changes to the provisions concerning state financial administration. The measure requires the State Board of Finance to approve the State Treasurer's policies concerning the investment of money in the local government pooled investment fund. In addition, the bill clarifies the types of obligations of the United States that must secure certain money deposited by the State Treasurer.

The measure also authorizes the State Treasurer to organize and facilitate certain statewide pooled financing programs. Further, S.B. 473 prohibits the State Treasurer, except in specified circumstances, to draw a warrant for less than \$25. Finally, the bill addresses travel advances for public officers and employees and authorizes a commission that has issued or proposes to issue state securities to enter into an agreement for an exchange of payments based on interest rates.

This measure is effective on July 1, 1997.

S.B. 486 (Chapter 247)

Senate Bill 486 authorizes the expenditures, for Fiscal Years 1998 and 1999, by various state agencies of money not appropriated from the State General Fund or the

State Highway Fund. In addition, the measure authorizes expenditures from the State General Fund for the State Gaming Control Board. The measure also provides for expenditure, by the University and Community College System of Nevada, of revenue from student registration fees and the system's endowment fund.

The Director of the Budget Division of the Department of Administration is authorized to assess each professional or licensing board for its proportional share of total salary and operating costs for the division employee responsible for monitoring the budget-related activities of these boards. Further, the measure requires the director to annually prepare a statewide cost allocation plan for indirect costs of various state agencies.

Also, the bill specifies the amount of money to be collected from each county for the services provided by the State Public Defender; requires the State Treasurer to allocate the appropriate share of the motor vehicle fuel tax equally between the Division of Wildlife and the Division of State Parks in the State Department of Conservation and Natural Resources; requires approval from the Interim Finance Committee to transfer certain funds from the Nevada Medicaid budget to the program for Elder Protective Services; and makes other authorizations related to the Public Service Commission of Nevada, the Division of Forestry, and the Agency for Nuclear Projects.

Finally, the measure requires the State Industrial Insurance System to report to the Interim Finance Committee a detailed plan for marketing and advertising before it may obligate any expenditures for such activities.

Some portions of the bill are effective on June 30, 1997, and others are effective on July 1, 1997.

S.J.R. 12 (File No. 129)

Senate Joint Resolution No. 12 proposes to amend the *Constitution of the State of Nevada* to allow the investment of state money for purposes of stimulating economic development. The measure describes the benefits of ensuring business expansion in the state and further describes the restrictions in Nevada's constitution for investing in certain economic growth programs. The resolution advocates changing the constitution by allowing for the specific enactment of legislation to invest in projects for economic diversification or development and specifies the methods that will be used to make decisions regarding projects for investment.

If enacted in identical form by the 1999 Legislature, this proposal will be submitted to voters for final approval or disapproval at the general election of the year 2000.

A.B. 150 (Chapter 375)

Assembly Bill 150 authorizes the State of Nevada and local governments to accept credit and debit cards for the payment of taxes, fines, and obligations or to obtain goods and services.

The measure provides that a state agency, with the approval of the State Board of Finance and after review by the State Treasurer, may enter into contracts with issuers of credit or debit cards for such payments. The measure stipulates that, if the issuer charges a fee for the use of the card, the state's contract with the issuer must include a provision requiring the state agency to pay the fee.

In addition, the bill authorizes a local government or a state agency, under specified conditions, to enter into certain contracts for the placement of automated tellers at locations where the agency receives payment of money. The bill also allows a local government or a state agency to impose a reasonable fee for providing the service in a manner that is expeditious or convenient to the customer and provides a mechanism for the agency to collect these fees.

Testimony indicated that A.B. 150 will expand the options available to state and local governments for collecting taxes, fees, fines, and other payments. In other states that have authorized credit and debit card use, state and local governments have found the practice to enhance collections and increase customer service. Any fees, if paid by the governmental agency, are considered a cost of business.

This measure is effective on July 1, 1997.

A.B. 201 (Chapter 85)

Assembly Bill 201 makes various changes related to the municipal bond bank. The measure increases, from \$600 million to \$1.8 billion, the amount of state securities that may be issued to acquire municipal securities. In addition, the measure includes the Southern Nevada Water Authority among those entities that are eligible to participate in the municipal bond bank. The measure stipulates that, if a member's water revenues are insufficient to pay its share of bonds issued pursuant to this measure, the amount due must be paid out of the member's general fund. If general funds are insufficient, the member must impose an ad valorem tax.

This measure is effective on May 19, 1997.

A.B. 374 (Chapter 521)

Assembly Bill 374 requires the State of Nevada and local governments, before commencing a capital improvement, to prepare and approve a budget that includes funding

for the operation and maintenance of the improvement, including personnel. The measure further requires the state and local governments to include in future budgets the cost of maintenance and operation of capital improvements constructed after July 1, 1999, and July 1, 1998, respectively.

This measure is effective on July 1, 1997.

A.B. 407 (Chapter 349)

Assembly Bill 407 makes various changes concerning state purchasing. The measure requires a state agency to provide, to Nevada's Purchasing Division, a list of all forfeited personal property that was received by the agency. In addition, the bill changes the procedures for sale of surplus property and allows the division to refurbish surplus property, upon a determination that the refurbishment will increase the property's value when sold.

Finally, Assembly Bill 407 revises certain terms related to state purchasing and repeals obsolete and redundant provisions.

This measure is effective on July 8, 1997.

A.B. 409 (Chapter 348)

Assembly Bill 409 revises provisions governing approval of certain state contracts. The measure increases, from \$2,000 to \$5,000 and, if necessary to protect life or property, from \$5,000 to \$25,000, the amount of a contract that the State Board of Examiners may authorize its clerk to approve.

In addition, the bill allows the board of examiners to authorize the clerk to approve contracts entered into by the State Gaming Control Board for the purposes of investigating an applicant or holder of a gaming license.

This measure is effective on July 8, 1997.

A.B. 446 (Chapter 163)

Assembly Bill 446 authorizes a temporary advance from the State General Fund for the payment of authorized expenses of the Nevada Equal Rights Commission. The Director of the Department of Employment, Training and Rehabilitation must determine that current claims exceed the amount of money available because revenue from billed services has not been collected or money from federal grants has been delayed. The bill specifies that an advance from the State General Fund is limited to 25 percent of the revenue expected

to be received in the current fiscal year from any source other than legislative appropriation.

The measure is effective on June 17, 1997.

A.B. 453 (Chapter 576)

Assembly Bill 453 authorizes adjustments in apportionments of state financial aid made to school districts from the Distributive School Account (DSA) in certain circumstances if a contractor on federal property refuses to pay certain taxes. The bill provides that the State Department of Education, with the approval of the Board of Examiners and the Interim Finance Committee, may adjust a school district's DSA apportionments if the Department of Taxation and the county assessor certify that the school district will not receive the 75-cent property tax on any property that is owned by the Federal Government and subject to the possessory use tax because the users refuse to pay the tax and the tax is delinquent.

Assembly Bill 453 requires the school district, if the tax is eventually paid, to repay the DSA. Finally, A.B. 453 provides that a school district is eligible for the increased apportionments if the delinquent tax amounts to at least 5 percent of the proceeds the school district expected from the 75-cent portion of the property tax designated for school operations.

This measure is effective on July 16, 1997.

A.B. 501 (Chapter 585)

Assembly Bill 501 makes various changes concerning state and local government investments. The measure authorizes any agency of the state that is authorized to issue securities on behalf of the state to invest the proceeds of bonds, pledged revenues, or taxes in money market mutual funds. The bill stipulates that the money market mutual funds must be registered with the Securities and Exchange Commission, must have a Triple-A rating, and must invest only in securities guaranteed by the Federal Government or its agencies.

Assembly Bill 501 also authorizes certain local governments, under certain circumstances, to invest the proceeds of bonds, pledged revenues, and taxes in money market mutual funds, subject to the same requirements. These local governments are further authorized to invest proceeds in specified Federal investment contracts and Federal obligations. Conditions of the authorization are set forth in the bill.

In addition, this measure stipulates that an additional property tax that is levied with voter approval for support of a metropolitan police department must be levied at a uniform rate in the unincorporated area of the county and each participating city. The bill requires that

this uniform requirement be applied to the taxes levied for Fiscal Year 1998 and that a tax levy made before July 1, 1997, be adjusted, if necessary.

Most of this bill is effective on July 16, 1997. The provisions concerning the uniform rate of taxation are effective on June 30, 1997.

A.B. 576 (Chapter 602)

Assembly Bill 576 allows an agency of the state that is authorized to issue bonds or securities on behalf of the state to delegate certain related responsibilities to the State Treasurer. Those responsibilities include signing a contract to purchase bonds or accepting a binding bid for bonds. The delegated authority is subject to the agency's requirements with respect to interest rate, bond price, amount of principal, rates of maturation, and conditions of redemption. The bill stipulates that any other related requirements and final terms entered into by the Treasurer are subject to the approval of the agency that has delegated the authority.

Assembly Bill 576 also transfers, from the State Board of Examiners to the State Board of Finance, specified duties related to the issuance of state obligations. Finally, the measure repeals certain provisions related to the issuance of bonds.

A.B. 585 (Chapter 306)

Assembly Bill 585 adds leasehold interests, possessory interests, beneficial interests, and beneficial uses to the definition of the term "property" in provisions concerning the state board and county boards of equalization. For those purposes, the owner is the lessee or user of the property. The measure further authorizes a local government, except a school district, to adjust its budget to reflect an expected decrease in property taxes resulting from delinquent payment of taxes by lessees or users of property. The bill's provisions do not affect the property tax limitation, distribution of revenue among local governments, or determination of the state's or local governments' debt limit.

This measure is effective on July 1, 1997.

A.B. 607 (Chapter 609)

Assembly Bill 607 revises provisions concerning certain revolving accounts used by the Division of Child and Family Services of the Department of Human Resources for its foster care program. The measure consolidates two gift accounts into one central Nevada Children's Gift Account and authorizes credit of interest and income earned on the money in the account.

Further, the measure creates the Placement Prevention Revolving Account in the amount of \$25,000. This fund may be used to pay the claims of recipients of goods or services from the division as well as vendors providing goods or services to those recipients. Finally, the measure sets forth the process for using money in this account.

The measure is effective on July 1, 1997.

A.B. 611 (Chapter 404)

Assembly Bill 611 requires a proposal to amend the Sales and Use Tax Act to be submitted to the registered voters at the general election of 1998. The proclamation and notice to voters must be substantially in the form specified in the bill. The proposed amendment includes in the definition of "seller" the State of Nevada; its unincorporated agencies and instrumentalities; and any county, city, district, or other political subdivision of the state. If the questions is approved, the bill requires state and local governments to collect sales taxes on sales of items purchased for resale to the public.

Portions of the measure are effective on January 1, 1999, if the proposal is approved by the voters at the 1998 general election.

A.B. 619 (Chapter 610)

Assembly Bill 619 creates the revolving account for the management of estray horses in the Virginia Range in northwestern Nevada. The account is administered by the state's Division of Agriculture, and the bill provides that all proceeds from the sale of estray horses from the Virginia Range and any gifts, grants, donations, or other money received by the division for management of these horses must be credited to the revolving account.

The measure also appropriates \$10,000 from the State General Fund to the account for use during the 1997-1999 biennium.

The bill is effective on June 30, 1997.

A.B. 650 (Chapter 622)

Assembly Bill 650 requires the inclusion of the project number in an advertisement for a bid for a public works project and in any submitted bid. The measure further requires the public body to use that number in reporting the bid award to the Labor Commissioner.

This measure is effective on July 1, 1997.

A.B. 652 (Chapter 623)

Assembly Bill 652 provides that gifts of money received by the Commissioner for Veteran Affairs for use at a veterans' cemetery may only be used in the manner designated by the donor. Such donations must be accounted for separately in the State General Fund. The interest and income earned on the money in the account must be credited to the account and any money remaining at the end of a fiscal year must be carried over to the next fiscal year.

This measure is effective on July 1, 1997.

A.B. 663 (Chapter 625)

Assembly Bill 663 authorizes an appeals officer of the Hearings Division of the Department of Administration to order an attorney or a representative of a party who causes a continuance or delay of a scheduled hearing without good cause to pay any costs incurred for court reporters and interpreters. This bill also provides that these costs may not be recovered from an injured worker or other party to a dispute.

A.B. 669 (Chapter 629)

Assembly Bill 669 authorizes the Board of Regents of the University of Nevada to issue up to \$55 million in general obligation bonds to finance the improvement, refurnishing, and renovation of certain buildings and facilities at the University of Nevada, Reno, and the Thomas and Mack Center and Sam Boyd Stadium at the University of Nevada, Las Vegas. The sale of such bonds and the use of proceeds from the sale must be consistent with the provisions of the State Securities Law. The bill authorizes up to \$22 million for projects at the University of Nevada, Reno, and up to \$33 million at the University of Nevada, Las Vegas.

The bill is effective on July 1, 1997.

TAXATION

S.B. 115 (Chapter 220)

Senate Bill 115 adds a third priority for the allocation of money received by the Bureau of Alcohol and Drug Abuse from the liquor tax. In addition to requiring that the money be used in areas with a shortage of treatment personnel and to provide civil protective custody, the measure requires that the money be directed toward the prevention of alcohol and drug abuse programs.

The measure is effective on June 30, 1997.

S.B. 146 (Chapter 57)

Senate Bill 146 amends the law relating to the distribution of revenues from the supplemental city county relief tax. The bill provides that, for the purpose of determining basic ad valorem revenue, the assessed valuation of a local government includes property that is transferred from private ownership to a trust for an Indian tribe after July 1, 1997.

This measure is effective July 1, 1997.

S.B. 198 (Chapter 152)

Senate Bill 198 exempts aviation fuel and leaded racing fuel from the tax of up to 9 cents per gallon that may be imposed on motor fuel by counties that have created a regional transportation commission. The bill also repeals a provision for the distribution of the unrefunded balance of the tax.

This bill is effective on July 1, 1997.

S.B. 223 (Chapter 155)

Senate Bill 223 reduces the state tax on aviation fuel from 10.5 cents per gallon to 2 cents per gallon, and authorizes the counties to impose a tax of up to 8 cents on aviation fuel. The bill also exempts leaded racing fuel from the state and county motor fuel tax.

S.B. 246 (Chapter 138)

Senate Bill 246 amends the law relating to the payment of the insurance premium tax. In 1995, the Legislature temporarily repealed a provision requiring insurers to prepay the tax. That temporary repeal was scheduled to expire on January 1, 1998. This bill makes

the repeal permanent. Senate Bill 246 also changes the dates by which insurers must file annual reports and make quarterly tax payments.

S.B. 253 (Chapter 661)

Senate Bill 253 creates a legislative committee to study the distribution among local governments of revenue from state and local taxes. The bill specifies that the committee consists of eight members: four from the Senate appointed by the Senate Majority Leader and four from the Assembly appointed by the Assembly Speaker. Each of the members must have served on a standing committee on government affairs or taxation during the preceding legislative session.

The measure requires the committee to consult with an advisory committee consisting of the Executive Director of the Department of Taxation and ten members who represent specified entities and the various geographical areas of the state. Among other provisions, the measure requires the Legislative Counsel Bureau to assist the committee in its research, investigations, and review, and directs the committee to recommend to the Legislature any appropriate legislation.

The measure also requires the committee to appoint a subcommittee to study the cost to Nevada's counties and cities of maintaining highways, roads and streets, and the maintenance practices of these local governments. Further, the bill authorizes the committee to contract with one or more consultants to obtain technical advice concerning this study. The cost of the study must be determined by the Director of the Legislative Counsel Bureau, but may not exceed \$250,000. The Executive Director of the Department of Taxation must withhold a portion of the proceeds of the additional, state-imposed excise tax on motor vehicle fuel from each of the counties and cities, in proportion to the amount that would have been allocated. The measure requires the committee to submit a report of its findings and recommendations concerning this study to the Legislature no later than November 1, 1998.

Senate Bill 253 represents a continuation of the study of the distribution of tax revenue among local governments, which began last interim under the provisions of Senate Concurrent Resolution No. 40 of the 1995 Session.

This measure is effective on July 1, 1997, and expires by limitation on July 1, 2001.

S.B. 254 (Chapter 660)

Senate Bill 254 provides a mechanism for the Department of Taxation to pool and distribute certain taxes to local governments within each county. The specified taxes are liquor tax, cigarette tax, real property transfer tax, basic city-county relief tax, supplemental city-county relief tax, and the basic motor vehicle privilege tax. The bill also authorizes the

director of the Department of Taxation to designate enterprise districts and prohibits such districts from using tax revenue for future bonding purposes.

Most of the sections of this bill are effective on July 17, 1997. The sections that implement and require the use of the new formula are effective on July 1, 1998.

S.B. 353 (Chapter 193)

Senate Bill 353 revises a law that allows counties to use the proceeds of the vehicle privilege tax to purchase property that has been adversely affected by constructing a freeway. The bill allows the proceeds of the tax to be used to purchase property that shares a boundary with a project related to constructing a freeway as well as property that abuts the freeway itself. The measure also allows counties to use up to 1 percent of the proceeds of bonds secured by revenues from the vehicle privilege tax for this purpose.

This bill is effective on June 25, 1997.

S.B. 375 (Chapter 547)

Senate Bill 375 makes various changes regarding the Nevada Tax Commission. First, the measure requires the Department of Taxation to submit its budget for acceptance by Nevada Tax Commission. Second, the bill clarifies when a decision of the commission is final for the purposes of judicial review and which parties may seek such judicial review.

In addition, S.B. 375 requires the commission to promulgate regulations that provide for notice to each county of any appealed decision that the commission determines is likely to affect the revenue of the county or other local government. The bill also requires the commission to enumerate and explain the rights of a taxpayer who has been selected for an audit in each notice that is sent to a taxpayer of a pending audit.

Finally, the measure changes, from 1.5 percent to 1 percent, the interest rate penalty effective July 1, 1999. The remainder of the measure is effective on July 1, 1997.

S.B. 450 (Chapter 664)

Senate Bill 450 reduces the amount of the state business tax for a business that provides child care assistance to employees whose monthly income is 150 percent or less of the federally designated poverty level. The measure authorizes the business tax credit if free child care or a voucher system is provided to the employee by the business, but the credit may not exceed 50 percent of the business's total tax liability.

An employer is immune from civil liability for damages that arise from or are related to the child care provided if the damages are caused by an act or omission that constitutes simple

negligence. Finally, an on-site child care facility of a business may be granted an exception to the requirement of outdoor play space if an equal amount of indoor space is made available.

This measure is effective on January 1, 1998.

S.B. 452 (Chapter 366)

Senate Bill 452 defines water-based hydrocarbon fuel and adds it to the category of special fuels and revises tax rates for special fuels.

According to testimony, the new tax rates for special fuels are based on the amount of energy yielded by each fuel expressed in British Thermal Units (BTUs). To obtain the new rates, the BTU rating for each fuel is divided by the BTU rating for diesel. The resulting ratio is multiplied by the tax rate for diesel (currently 27 cents per gallon).

This bill is effective on July 1, 1997.

S.B. 455 (Chapter 669)

Senate Bill 455 requires the county treasurer to periodically transmit a copy of the apportionment of all the money he has received as ex officio tax receiver to the governing body of each local government entitled to receive an apportionment of those taxes.

This measure is effective on July 1, 1997.

S.B. 465 (Chapter 322)

Senate Bill 465 provides that the minimum special tax from each owner of livestock is \$5 per year.

Testimony indicated that this minimum annual "head tax" will assist the state's program of brand inspection, to the benefit of all livestock producers. Testimony further indicated that the minimum tax rate will improve efficiency for both the taxpayer and the Division of Agriculture.

Since many livestock owners have already paid their taxes for the current year, the measure will not take effect until July 1, 1998.

A.B. 17 (Chapter 398)

Assembly Bill 17 authorizes counties and cities to use revenue from the real property transfer tax to develop affordable housing for families whose income does not exceed 80 percent of the median income of families in the same county. The bill requires that a county or city that uses the revenue in that manner must give priority to the development of affordable housing for the disabled or elderly.

A.B. 144 (Chapter 131)

Assembly Bill 144 stipulates that room tax revenues pledged to a general improvement district in a newly incorporated city in a county with a population of less than 100,000 must continue to be collected and distributed to the district after the incorporation of the city. In addition, the measure authorizes the district to pledge irrevocably the revenues for the repayment or refinancing of certain bonds and obligations if the city consents by resolution.

This measure is effective on June 6, 1997.

A.B. 198 (Chapter 491)

Assembly Bill 198 increases the population limit to 40,000 and fewer residents for school districts authorized to request the imposition of a residential construction tax. The amount of the tax also is increased to \$1,600 per residential unit, apartment unit, or mobile home lot.

Under previous law, a residential construction tax could only be levied in counties with populations of under 35,000, and only up to \$1,000 per house or apartment. The 35,000 population limit excludes Carson City, Clark and Washoe Counties from the law. The change adjusts the population cap to allow for the projected population increase for Elko County at the next decennial census.

A.B. 204 (Chapter 492)

Assembly Bill 204 creates the committee to study the feasibility of consolidating the collection of state taxes and fees within the Department of Taxation and the Department of Motor Vehicles. The bill requires the executive director of the Department of Taxation, the director of the Department of Administration, the State Treasurer, the director of the Department of Motor Vehicles and Public Safety, and the director of the Department of Transportation to serve as ex officio members of the committee. Necessary staff must be provided by the executive director of the Department of Taxation.

Assembly Bill 204 specifies that the areas that must be reviewed and evaluated by the committee including the existing methods for tax collection and auditing, the effectiveness

of electronic transfers of money for the payment and collection of taxes and fees, and the impact of consolidating the collection of state taxes and fees within the Department of Taxation and the Department of Motor Vehicles.

Finally, A.B. 204 requires the committee to submit reports to the Legislative Commission and to the Legislative Counsel Bureau prior to the 70th Session of the Nevada Legislature.

A.B. 301 (Chapter 14)

Assembly Bill 301 authorizes the Elko County Board of Commissioners to enact an ordinance that imposes a tax to construct a county hospital. The bill limits the tax to a four-year collection period and to 1 percent of the gross receipts of any retailer from the sale of all intangible personal property sold at retail, or stored, used, or otherwise consumed, in Elko County. The measure requires the board to contract with the Department of Taxation to perform all functions incident to the administration or operation of the tax in the county.

The bill specifies the procedures for transferring the tax proceeds to the county and the method of appropriation for construction of a hospital. Further, Assembly Bill 301 identifies other means by which the county may obtain money for construction of a hospital. Before the tax may be imposed, the measure requires approval by a majority of the registered voters of Elko County at a special election.

This bill is effective on April 3, 1997.

A.B. 353 (Chapter 516)

Assembly Bill 353 relates to the financing of new construction, design, maintenance, and repair of school facilities. The bill revises provisions governing the review of plans for facilities and authorizes school districts to enter lease agreements with the option to purchase school facilities. The measure also requires the school boards in Clark and Washoe Counties to establish oversight panels for school facilities and prescribes the membership and duties of these panels.

In addition, the bill adds 1 percent to the room tax and 60 cents for each \$500 of value to the real estate transfer tax in Clark County with the additional revenue being used for school construction. The measure also provides that school district boards of trustees may, with voter approval, continue to issue general obligation bonds to maintain the current bond fund for the next ten years at a level that will not result in an increase in the existing property tax levy. Such an approach allows the district to accumulate school construction funds without raising or lowering the property tax levy and without holding an election for each issuance of the bonds.

Finally, the measure creates a state planning commission for the new construction, design, maintenance, and repair of school facilities and prescribes the membership and duties of the commission. It also appropriates \$300,000 to the commission for evaluation of existing school facilities and commission operating expenses. The commission expires by limitation on June 30, 1999.

Certain portions of this measure are effective on July 16, 1997. Others are effective on August 1, 1997; October 1, 1997; July 1, 1999; and July 1, 2008.

The portions concerning maintenance of the bond fund for the 10-year period expire by limitation on June 30, 2008.

A.B. 388 (Chapter 228)

Assembly Bill 388 transfers the responsibility for the collection of the rental car fee from the Department of Motor Vehicles and Public Safety to the Department of Taxation. The bill gives the Department of Taxation the authority to assess and collect this tax in the same manner as other taxes.

In 1993, the Legislature imposed a 6 percent fee on short-term rentals of passenger cars. The proceeds of this fee, amounting to about \$7 million a year, are deposited in the State General Fund. The Department of Motor Vehicles and Public Safety was given responsibility for collecting this fee although it usually only collects fees and taxes that are deposited in the State Highway Fund. Thus, this bill places that responsibility with the Department of Taxation, which collects other general fund revenues.

This measure is effective on July 1, 1997.

A.B. 482 (Chapter 582)

Assembly Bill 482 authorizes certain persons who are exempt from the tax imposed on special fuel to operate a motor vehicle on the highway in this state using special fuel if the fuel has been dyed.

This bill is effective July 16, 1997.

A.B. 556 (Chapter 346)

Assembly Bill 556 clarifies the law regarding the imposition of taxes on transient lodging. The bill clarifies that cities and counties may adopt their own definition of "transient lodging." That definition may include hotels, motels, apartments, time-share projects, apartment hotels, vacation trailer parks, campgrounds, parks for recreational vehicles, and similar establishments.

In 1995, the Attorney General issued an opinion stating that the 1 percent statewide room tax could not be imposed on spaces in campgrounds and parks for recreational vehicles. As a result, Clark County suspended its tax on these facilities and the tax in Washoe County became subject to legal challenge. This bill will enable Clark County to restore its room tax on these facilities and will enable Washoe County to continue to tax them.

This measure is effective on July 8, 1997.

A.B. 613 (Chapter 406)

Assembly Bill 613 requires a county clerk to enter a judgment on a delinquent taxpayer immediately after the clerk has received an application for summary judgment and a certificate of delinquency from the Department of Taxation. The bill also clarifies that interest must be paid on the amount of unpaid taxes discovered through a deficiency determination and imposes a 10 percent penalty on the amount of delinquent taxes when the taxpayer fails to file a return. Finally, the bill clarifies several statutory provisions by inserting references to the taxes and fees collected by the department.

Section 6 of this measure is effective on July 1, 1999, and all other sections are effective on July 1, 1997.

A.B. 616 (Chapter 496)

Assembly Bill 616 imposes an occupancy tax of 1 percent on lodgings in the portion of Douglas County lying within the Tahoe Township. In addition, the bill creates the Tahoe Douglas Visitors' Authority, which consists of one member of the board of county commissioners and four members who represent gaming establishments. The proceeds of the tax must be remitted to the authority and used exclusively for the advertising, promotion, and publicizing of tourism and recreation; and the planning, construction, and operation of a convention center. The measure further stipulates the distribution of the existing occupancy tax, beginning on or after July 2, 1999, at 50 percent to Douglas County and 50 percent to the authority. Each fiscal year thereafter, the bill requires the allocation to the authority to increase by not less than 2 percent and not more than 5 percent, until the amount retained by the authority reaches 65 percent.

Property Tax

S.B. 233 (Chapter 662)

Senate Bill 233 revises provisions governing certain abatements, exemptions, and deferrals of taxes. The measure states that the legislative intent of the bill is to further the

state plan for economic development and diversification by encouraging certain types of industry to locate or expand their businesses within the state. The bill authorizes the Commission on Economic Development to grant an abatement of 50 percent of the personal property taxes of certain new and expanding businesses for a period of 10 years. Senate Bill 233 requires a local government whose tax base may be adversely impacted to agree to the abatement before it is granted by the commission.

Senate Bill 233 also sets forth a list of criteria and standards that must be met before an abatement is granted, including payment by the business of an average wage that is at least 125 percent of the statewide average industrial wage, establishment of a health insurance plan for the worker with optional insurance coverage for dependents, and creation of an employee benefits package as determined by the commission.

Senate Bill 233 further requires a new business in counties with a population of 100,000 or more to create a minimum of 100 new jobs by its fourth quarter of operation and make at least a \$50 million capital investment in personal property to be eligible. Expanding businesses in these counties must create 20 new jobs if the business has at least 100 employees in the state and make a minimum capital investment in personal property of \$10 million. Senate Bill 233 also establishes a minimum number of new jobs that must be created and personal property investment requirements for counties with a population of less than 100,000.

Finally, the measure requires a business that fails to comply with the established criteria or to remain in operation in the state for at least 10 years to repay, with interest, all of the abated personal property taxes. Finally, S.B. 233 requires the Department of Taxation to audit each business granted an abatement to ensure compliance with the provisions of the bill.

This measure is effective on July 17, 1997, for the purpose of adopting regulations, and on July 1, 1997, for all other purposes.

S.B. 256 (Chapter 630)

Senate Bill 256 revises the exemption from property tax provided for property that is used as a facility for the production of electrical energy from solar energy. The measure specifies that personal property used in this manner may not receive an exemption for more than 10 consecutive years. Likewise, the bill provides that real property used for this purpose may not receive an exemption for more than 20 consecutive years.

The measure further clarifies that an exemption granted before July 1, 1997, to a business that actively uses solar energy converted into electricity continues until the expiration of the period for which the exemption was granted or until the business discontinues operation in Nevada, whichever occurs first.

The bill is effective on July 1, 1997.

S.B. 317 (Chapter 358)

Senate Bill 317 revises provisions governing the distribution of fees for gaming licenses in counties whose population is 400,000 or more. The measure stipulates the manner in which the county treasurer must distribute all money received for county gaming licenses. If the license is collected within the boundaries of an incorporated city, the money must be paid into that city's general fund. If the license is collected within the boundaries of an unincorporated town under the control of the board of county commissioners, the bill specifies that the money must be placed into the town's government fund for its general use and benefit. Finally, if the license is collected outside the boundaries of an incorporated city or unincorporated town, the money must be retained by the county treasurer and credited to the county general fund.

Senate Bill 317 also requires the Executive Director of the Department of Taxation to decrease the property tax rate in a county whose population is 400,000 or more based on the amount of money collected for the gaming licenses.

This measure is effective on July 8, 1997.

S.B. 364 (Chapter 209)

Senate Bill 364 clarifies provisions regarding a property owner's right to appeal an assessment that he believes is inequitable. The bill clarifies that the property owner may separate the value of his land and improvements for purposes of comparing it to another property that is identical and is in a similar location. Senate Bill 364 also clarifies that the board of equalization may either reduce the value of the property that is the subject of the appeal or increase the value of the property to which it is being compared in order to equalize the assessment. Finally, the bill requires that, for residential property, the appellant must compare his house to another house in the same subdivision, if possible.

This measure is effective on July 1, 1997.

S.B. 365 (Chapter 673)

Senate Bill 365 revises the provisions governing assistance for property taxes provided to certain older citizens. For low-income senior citizens, this measure increases, from \$19,100 to \$21,500, the maximum household income that qualifies for such assistance. The bill also revises the percent of the claimant's accrued property tax that may be refunded. Finally, S.B. 365 requires that the income ranges be adjusted in the future based upon the Consumer Price Index.

This measure is effective on July 1, 1999.

S.B. 403 (Chapter 685)

Senate Bill 403 allows a person who owns a single-family dwelling, its appurtenances and land, free and clear of all encumbrances except any unpaid assessment for a public improvement, to apply to the county assessor to establish allodial title to the dwelling. The assessor may charge a processing fee and must transmit the application to the State Treasurer. The treasurer must determine the amount of money needed to establish allodial title using a tax rate of \$5 for each \$100 of assessed valuation. The amount must be calculated so that the money paid plus interest will be adequate to pay for all future tax liability of the property for a period equal to the life expectancy of the youngest titleholder of the property. Payment may be made in a lump sum or in installments of not more than 10 years duration. Upon payment, the treasurer shall issue a certificate of allodial title to the homeowner.

Allodial title is valid as long as the homeowner continues to own the residence, unless the homeowner chooses to relinquish the title. Under specified conditions, the title may be transferred to the heir of the titleholder. Property for which allodial title has been established is exempt from execution for certain debts and judgments. The bill creates the allodial title trust fund administered by the treasurer. The treasurer shall expend the funds to make the payments of property tax on behalf of the properties for which allodial title has been established under certain conditions.

Certain portions of the bill are effective on July 17, 1997, and other provisions are effective on July 1, 1998.

S.B. 423 (Chapter 317)

Assembly Bill 423 provides a property tax exemption for computers and related equipment that are donated to a nonprofit organization for distribution to schools. The exemption is credited against the donor's personal property tax assessment for the following year.

This bill is effective on July 1, 1997, and expires by limitation on June 30, 2003.

S.J.R. 14 - 68th Session (File No. 148)

Senate Joint Resolution No. 14 of the 68th Legislative Session proposes to amend the *Constitution of the State of Nevada* to authorize the Legislature to provide for the abatement of taxes on property used in a manner that conserves water.

Since this resolution was approved by both the 1995 and the 1997 Legislatures in identical form, it will be submitted to the voters for their approval or disapproval at the 1998 general election.

A.B. 249 (Chapter 105)

Assembly Bill 249 exempts from taxation the property of Pershing County Kids, Horses, Rodeo, Inc.

This measure is effective on July 1, 1997.

A.B. 476 (Chapter 389)

Assembly Bill 476 provides that the real and personal property of an apprenticeship program owned by a local or state apprenticeship committee is exempt from taxation if the program is operated by an organization that is qualified as a tax-exempt entity pursuant to 26 *United States Code* (U.S.C.) Section 501(c)(3) or Section 501(c)(5) and also is registered and approved by the State Apprenticeship Council. The exemption does not apply to property that is used for a purpose other than that of the apprenticeship program and for which a rent or other valuable consideration is received for its use, unless the rent or other valuable consideration is paid or given by an organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. Section 501(c)(3).

This bill is effective on July 1, 1997, and expires by limitation on July 1, 2007.

A.B. 536 (Chapter 592)

Assembly Bill 536 exempts fine art for public display from the personal property tax. The bill requires an individual seeking such an exemption to file an affidavit containing certain information with the county assessor. In addition, the measure defines fine art for public display.

The bill is effective on July 1, 1997.

A.B. 585 (Chapter 306)

Assembly Bill 585 adds leasehold interests, possessory interests, beneficial interests, and beneficial uses to the definition of the term "property" in provisions concerning the state board and county boards of equalization. For those purposes, the owner is the lessee or user of the property. The measure further authorizes a local government, except a school district, to adjust its budget to reflect an expected decrease in property taxes resulting from delinquent payment of taxes by lessees or users of property. The bill's provisions do not affect the property tax limitation, distribution of revenue among local governments, or determination of the state's or local governments' debt limit.

This measure is effective on July 1, 1997.

A.B. 644 (Chapter 446)

Assembly Bill 644 revises and clarifies statutory provisions regarding property taxes and county assessors. Although most of the changes in the bill are technical corrections and clarifications, several substantive changes are made. The measure allows assessors to waive penalties and interest on the payment of delinquent taxes. Previously, these waivers could be granted only by the Department of Taxation. The bill allows assessors, at the request of the taxpayer, to keep proprietary information confidential. Previously, all records of the assessor were open to the public. The bill also allows the Tax Commission to exempt personal property from taxation if the cost of collecting the tax would exceed the amount of the taxes. The bill allows individuals who are not certified as assessors to collect data for appraisals under the supervision of a certified appraiser; requires local building departments to furnish copies of building permits to county assessors upon request; and eliminates a requirement that a taxpayer who is delinquent in paying property taxes on a mobile home pay the year's taxes in full.

Sales and Use Tax**S.B. 24 (Chapter 311)**

Senate Bill 24 amends the article of the Tahoe Regional Planning Compact that creates the Tahoe Transportation District. The bill increases the district's ability to function as a public-private partnership by adding representatives of the private sector to the Board of Directors and broadening the district's authority relating to owning, operating, and acquiring public and private transportation systems and facilities. In addition, the measure sets a cap of 1 percent on any sales and use tax imposed in the district and specifies that such a tax must be approved by the voters residing in both the Nevada and California portions of the Tahoe Basin.

Approval of this portion of the Bistate Compact requires enactment of the same language in both Nevada and California. The language in S.B. 24 has been reviewed and found acceptable by the author of the companion measure in California.

S.B. 232 (Chapter 95)

Senate Bill 232 clarifies that the exemption from sales and use taxes for the sale of tangible personal property that is to be shipped outside the state includes the sale of a motor vehicle to a nonresident, if a special movement permit for the vehicle has been issued by the Department of Motor Vehicles and Public Safety.

This measure is effective on May 22, 1997.

S.B. 245 (Chapter 176)

Senate Bill 245 reduces, from 1 percent of collections to one-half of one percent of collections, the amount of money retained by the state as compensation for the cost of collecting sales taxes for local governments.

In Nevada, local sales taxes, such as the Local School Support Tax and the City-County Relief Tax, are collected by the Department of Taxation and remitted to local governments. The state retains a portion of these collections as compensation for the costs of collection. To balance the state budget in 1993, the Legislature increased the amount retained by the state from one-half of one percent to 1 percent. This bill reverses that action and is consistent with information from the Department of Taxation that shows the department's costs at about one-half of one percent of collections. When the bill goes into effect, about \$8 million more per year will be returned to local governments and school districts. The net effect on state revenues will be a decrease of about \$4 million because the increase in local school revenues will be offset by a reduction in appropriations to the distributive school account.

This bill is effective on July 1, 1999.

S.B. 494 (Chapter 439)

Senate Bill 494 amends Assembly Bill 291 of this legislative session to enable the creation of a district in downtown Reno in which would be imposed the 1 percent room tax authorized by A.B. 291.

Assembly Bill 291 authorizes a room tax of 1 percent in Washoe County to be used for railroad grade separation projects. The bill does not create a district for the imposition of that tax, however; thus, the tax, if enacted, would be imposed countywide.

Testimony indicated that the intent of the legislation was to limit the room tax to the City of Reno. Accordingly, S.B. 494 repeals the pertinent sections of A.B. 291 and replaces them with the same sections amended to enable the City of Reno to impose the tax and to create a district contiguous with the downtown Reno redevelopment area.

This measure is effective on July 16, 1997.

A.B. 237 (Chapter 16)

Assembly Bill 237 amends the charter of Carson City to allow the imposition of a one-quarter of 1 percent sales tax to acquire or develop open spaces, parks, trails, and recreational facilities. The bill stipulates that the proceeds of the tax, with certain specific exceptions, must be allocated as follows:

- Forty percent for the acquisition, development, construction, equipping, improvement, maintenance, and management of real property for open space;

- Forty percent for the acquisition, development, construction, equipping, and improvement of parks, trails, and recreational facilities; and
- Twenty percent for the operation, maintenance, and management of parks, trails, and recreational facilities.

In addition, A.B. 237 sets forth the requirements for the city's enabling ordinance.

In the 1996 general election, Carson City voters approved a ballot measure to increase the sales and use tax by one-quarter of 1 percent to promote the acquisition and development of open spaces, parks, trails, and recreational facilities.

This measure is effective on April 9, 1997.

A.B. 291 (Chapter 506)

Assembly Bill 291 authorizes the board of county commissioners in each county to impose, by ordinance, a sales tax to be used to finance infrastructure projects. In all counties except a county with a population of more than 100,000 but less than 400,000, the increase, if enacted, must be no more than one-quarter of 1 percent. In counties with a population of more than 100,000 but less than 400,000, the increase may be no more than one-eighth of 1 percent. An ordinance to impose or make other changes to the tax must be approved by a two-thirds majority of the board at a public hearing for which notice was given at least two weeks in advance. Certain other procedures to impose the tax and the uses for which the tax revenues may be expended vary according to the population of a county.

Counties With a Population of 400,000 or More

In a county with a population of 400,000 or more in which a water authority exists, revenues from the tax must be used for water and wastewater facilities. Cities and towns that are not served by the water authority must be allocated a share of the tax revenues based upon assessed valuation. The bill requires such a county to report annually to the Legislature or Interim Finance Committee concerning the collection, distribution, and use of tax revenues. Finally, the measure requires the board to review the necessity for the tax within ten years. In addition, the bill stipulates that the tax must be discontinued by June 30, 2025, or when the revenues exclusive of penalties or interest have reached \$2.3 billion, whichever comes first.

Assembly Bill 291 also authorizes a city that owns a municipal water system, in a county with a population of 400,000 or more, to impose an excise tax on customers of the water system. The city must levy varying rates for different classes of customers, subject to the limitation of one-quarter of 1 percent for residential classes and 5 percent for commercial or other classes. The excise tax must be reviewed every ten years.

In addition, A.B. 291 requires a legislative performance audit of the Southern Nevada Water Authority and stipulates that the authority must, upon the request of the Legislative Auditor, pay the costs of the audit, up to \$120,000, to the Audit Division of the Legislative Counsel Bureau

Counties With a Population of Less Than 400,000

In any county with a population less than 400,000, the tax may not be imposed until a plan for the expenditure of revenues has been approved by the board after a public hearing. On or before the date a plan expires, the board must determine the necessity to continue imposition of the tax, but no changes may be made that impair associated bonds or obligations.

In a county with a population of 100,000 or more, but less than 400,000, revenues must be used for flood control facilities, public safety facilities, or any combination of those uses. Furthermore, in such a county in which a regional planning commission exists, the commission must review and rank the projects proposed to be funded by the tax before the county commission may impose the tax.

In addition to the sales tax increase for infrastructure, the bill authorizes a county with a population of 100,000 or more but less than 400,000 to impose a 1 percent room tax to finance grade separation projects. This provision was further amended by Senate Bill 494 to clarify that the 1 percent room tax authorized by A.B. 291 would be imposed only in the City of Reno's downtown redevelopment area, not countywide.

Finally, in a county with a population of less than 100,000, revenues must be used for water or wastewater facilities; flood control facilities; solid waste disposal facilities; the construction or renovation of schools; or a combination of those projects.

This measure is effective on July 16, 1997.

A.B. 520 (Chapter 264)

Assembly Bill 520 clarifies that sellers of retail appliances must pay sales tax on the retail value of those items unless they are sold as part of a contract for the construction or refurbishment of real property.

Under existing law, retailers who hold a contractor's license can advertise to sell large appliances without sales tax if the sale is made pursuant to a contract that includes installation. The contractor is able to satisfy the tax obligation by paying a use tax on the value of the appliance, and the installation charge is exempt from taxation.

This bill is effective on July 3, 1997.

A.B. 535 (Chapter 304)

Assembly Bill 535 amends the law that allows a retailer a credit against his sales tax liability for uncollected debts. The bill provides that this credit is allowed only if the retailer can claim a deduction for the bad debt on his federal income tax return.

This bill is effective on July 1, 1997.

A.B. 611 (Chapter 404)

Assembly Bill 611 requires a proposal to amend the Sales and Use Tax Act to be submitted to the registered voters at the general election of 1998. The proclamation and notice to voters must be substantially in the form specified in the bill. The proposed amendment includes in the definition of "seller" the State of Nevada; its unincorporated agencies and instrumentalities; and any county, city, district, or other political subdivision of the state. If the questions is approved, the bill requires state and local governments to collect sales taxes on sales of items purchased for resale to the public.

Portions of the measure are effective on January 1, 1999, if the proposal is approved by the voters at the 1998 general election.

TRANSPORTATION

S.B. 137 (Chapter 530)

Senate Bill 137 revises the penalties for exceeding the posted speed limit during daylight hours in counties with fewer than 100,000 inhabitants. The bill provides a fine of \$25 for a driver who exceeds a posted speed limit of 60 or 65 miles per hour by not more than 10 miles per hour or a posted speed limit of 70 miles per hour by not more than 5 miles per hour. The violation is not reported as a demerit on the driver's record. Insurers may not increase the driver's premium or refuse to renew the policy because of the infraction.

In 1974, in response to an energy crisis (the Arab oil embargo), the Federal Government adopted a national maximum speed limit of 55 miles per hour (mph). The 1981 Legislature enacted legislation that provided that a driver who violated the national maximum speed limit, but did not exceed 70 mph, was guilty of unnecessary waste of a resource in short supply. The penalty for this violation was a \$5 fine and a \$10 administrative assessment, but the infraction was not included on the driver's record as a moving traffic violation. Also, such a violation was not charged against the driver in the demerit system established by the Department of Motor Vehicles and Public Safety (NRS 483.473), and an insurance company could not raise the driver's rates for the infraction (NRS 690B.027). These provisions expired automatically when Congress repealed the national maximum speed limit (see Assembly Bill 601, Chapter 306, *Statutes of Nevada 1987*, pp. 657-658).

The measure provides a similar reduced penalty for certain violations of the posted speed limit.

S.B. 291 (Chapter 350)

Senate Bill 291 authorizes the Public Service Commission of Nevada to enter into an agreement with the United States Secretary of Transportation to participate in enforcement of federal safety regulations for railroad equipment and facilities. The bill also requires the commission to take necessary action to ensure the safety of railroads in this state and to adopt regulations to carry out the provisions of the bill. Finally, the measure requires the commission to review, study, and evaluate its existing railroad safety regulations, compare them to federal law and similar provisions in other states, and then to adopt regulations that incorporate appropriate provisions from these other bodies of law. The commission must submit a report to the Legislature on or before December 31, 1998, indicating the actions the commission has taken pursuant to the bill.

This measure is effective on July 8, 1997.

S.B. 335 (Chapter 200)

Senate Bill 335 expands, from five to ten years, the time in which certain bonds for highway construction must mature.

Nevada's Department of Transportation (NDOT) requested this legislation to allow expedited completion of several large road construction projects. Testimony indicated that extending bond maturity dates to ten years still provides a conservative payback period but significantly increases the department's highway construction ability.

S.C.R. 53 (File No. 143)

Senate Concurrent Resolution No. 53 directs the Legislative Commission to appoint an interim committee to study the construction and maintenance of highways. During the 1993-1994 interim, an interim study was conducted concerning the financing of the construction and maintenance of highways and roads in Nevada. Since that time, there has been a growing need to continue studying this component of the state's infrastructure. The resolution requires the Legislative Commission to submit a report of its findings and recommended legislation to the 1999 Legislature.

A.B. 130 (Chapter 49)

Assembly Bill 130 requires vehicle dealers to designate, with the Department of Motor Vehicles and Public Safety (DMV&PS), their principal place of business within each county where the dealer conducts business. The bill also permits the DMV&PS to create regulations governing the submission of documents by the dealer should a change in the name or location of the dealer's business occur. In addition, the measure increases the availability and expands the retention of records kept by vehicle dealers and brokers. Finally, the bill establishes a three-business-day time frame during which dealer and broker records may be prepared for inspection by the DMV&PS.

A.B. 318 (Chapter 509)

Assembly Bill 318 increases, from 168 inches to 192 inches, the maximum allowable width of a mobile or manufactured home that may be moved on certain highways in Nevada. This maximum width includes any appendages and roof eaves. The measure further requires Nevada's Department of Transportation to adopt regulations concerning standards for transporting mobile or manufactured homes not exceeding the maximum in width.

Assembly Bill 318 addresses the growing manufactured housing industry and the need to transport larger homes over Nevada's highways. Testimony indicated that this measure is comparable to width requirements in the State of California.

A.B. 365 (Chapter 519)

Assembly Bill 365 requires the Regional Transportation Commission (RTC) of Clark County and Nevada's Department of Transportation (NDOT) to examine the feasibility of

constructing an elevated fixed guideway system of mass transit to provide transportation within Clark County and the municipalities located therein. The measure directs the RTC and NDOT to cooperate with each affected local government entity in such an examination. The bill specifies that the entities must consider the U.S. Highway No. 95 right-of-way, in addition to other routes, as possible fixed guideway system alignments. If the RTC and NDOT determine that an elevated fixed guideway is feasible, A.B. 365 provides that the two agencies shall cooperatively develop financing, determine environmental impacts, and carry out other details of constructing the system.

This measure is effective on July 16, 1997.

A.B. 415 (Chapter 571)

Assembly Bill 415 requires a driver who is involved in an accident in which property is damaged but no one is injured to move his vehicle to the side of the highway if it is obstructing traffic. If a police officer finds a disabled vehicle that is interfering with the normal flow of traffic, the officer must see to its immediate removal.

Under current law, drivers who are involved in accidents must stop their vehicles immediately and wait for a policeman or highway patrolman to respond. Otherwise, they may be charged with leaving the scene of an accident. On congested highways, a damaged vehicle that is left on the road may seriously interfere with traffic movement. In fact, as other vehicles slow to avoid the wreck, more accidents may occur.

A.B. 444 (Chapter 242)

Assembly Bill 444 changes, from 20,000 to 30,000, the maximum number of miles on the odometer of a vehicle that is acquired for use as a taxicab.

Testimony indicated that vehicles manufactured in recent years are of higher quality and durability. In addition, witnesses noted that A.B. 444 allows taxicab companies to maximize the use of their existing fleets and acquire safe and durable vehicles that are often still covered by a manufacturer's warranty.

A.B. 455 (Chapter 578)

Assembly Bill 455 urges regional transportation commissions and local governments in Nevada that are considering the placement of a new road within their jurisdictions to notify residents living within 300 feet of any proposed new road. The bill stipulates that such notification may be made by radio, television, newspaper, or other methods at least 10 days before a commission or local government renders a decision regarding the placement of the proposed new road.

A.B. 456 (Chapter 416)

Assembly Bill 456 establishes an additional penalty for a violation of a speed limit in an area designated as a temporary traffic control zone for construction, maintenance, or repair of a highway when highway workers are present. This measure provides that a person convicted of such a violation shall be punished by imprisonment or by a fine, or both, for a term or an amount equal to, and in addition to, the penalty imposed by the court for the primary offense. The bill limits this additional penalty to a fine of not more than \$1,000, a term of imprisonment of not more than six months, or not more than 120 hours of community service.

Furthermore, the measure requires the erection of a sign, before the beginning of a temporary traffic control zone, which states that a double penalty will be imposed for a violation of the speed limit within the zone. This bill also mandates the erection of signs marking the beginning and end of a temporary traffic control zone.

A.B. 623 (Chapter 611)

Assembly Bill 623 allows school bus drivers to report observed violations of traffic laws pertaining to school buses. The bill requires the report to be signed by the driver and contain a description of the violation, which includes identifying information regarding the involved vehicle. The measure directs the superintendent of the respective school district to receive the report and send a copy to the Department of Motor Vehicles and Public Safety. The department must mail a warning notice to the last known registered owner of the vehicle whose driver committed the violation.

The measure also increases penalties for traffic violations involving a school bus. The bill provides that a first offense is subject to a fine ranging from \$250 to \$500. Second-time offenders may, in addition to the fine, have their driver's licenses suspended for six months. For a third or subsequent offense, the bill imposes a fine not to exceed \$1,000 and authorizes the suspension of a driver's license for one year.

A.J.R. 11 (File No. 100)

Assembly Joint Resolution No. 11 urges the United States Congress, in considering reauthorization of the Intermodal Surface Transportation Efficiency Act of 1991, to maintain the course set by dedicated funding for transportation enhancement projects.

Drivers' Licenses and Vehicle Registration

S.B. 9 (Chapter 72)

Senate Bill 9 provides for the issuance of special license plates for the support of preservation and restoration of the natural environment in the Lake Tahoe Basin. The license plate design will include a depiction of the Lake Tahoe Basin. The plates will be issued after 250 vehicle owners have applied for them.

In addition to the regular registration fee paid by all vehicle owners, the measure requires applicants for these plates to pay a fee of \$35 upon issuance and \$10 for renewal. Applicants for the Lake Tahoe plates will also pay an additional fee of \$25 upon issuance and \$20 upon renewal to finance projects for the preservation and restoration of the natural environment of the Lake Tahoe Basin.

S.B. 61 (Chapter 28)

Senate Bill 61 authorizes the Department of Motor Vehicles and Public Safety (DMV&PS) to release personal information from drivers' license and vehicle registration files to public administrators and public guardians who are investigating the financial status of proposed wards and intestate decedents or conducting investigations to determine whether there is a qualified person to act as the guardian of a proposed ward or administrator of the estate of a deceased person.

Testimony indicated that, without information from the files of the DMV&PS, it is sometimes difficult for these officials to identify vehicles belonging to decedents or locate family members who might act as a guardian for a ward or an administrator for an estate.

This bill is effective on April 22, 1997.

S.B. 63 (Chapter 54)

Senate Bill 63 authorizes the Department of Motor Vehicles and Public Safety (DMV&PS) to issue a temporary driver's license without a photograph to a licensee who is absent from the state and requests a renewal or duplicate license. The measure requires the licensee to surrender the temporary license and obtain a license with a photograph within ten days after returning to Nevada for a period of 14 days or more. The bill also provides that, if a licensee is cited for his failure to obtain a permanent license within the required time frame, he may not be convicted if he acquires a license with a photograph and presents it in court or in the office of the arresting officer.

The DMV&PS currently issues temporary drivers' licenses without photographs to Nevadans whose licenses expire or are lost while they are absent from the state. Existing law does not explicitly authorize this practice.

Testimony indicated that, when a request for a temporary license is received, the department checks records in other states to ensure that the applicant has not had his license removed for a traffic violation. As a rule, holders of temporary licenses typically surrender them to the department upon returning to Nevada because a driver's license without a photograph is of limited value as identification.

This measure is effective on May 2, 1997.

S.B. 66 (Chapter 69)

Senate Bill 66 deletes the requirement that applicants for the renewal of a registration for a motor vehicle sign a statement declaring that they have and will maintain the required liability insurance coverage. The bill requires the Department of Motor Vehicles and Public Safety to place a printed notice of insurance requirements on each registration application form.

According to testimony, each year about 16,000 applicants neglect to sign the declaration of insurance coverage on their mail-in registration forms. This omission requires the department's staff to make follow-up contacts with the applicants, resulting in additional postage costs of approximately \$4,000 per year and a waste of staff time.

The department contends that the requirement for the signed declaration was enacted before the institution of other measures for verifying insurance coverage and is now superfluous.

The bill is effective on May 12, 1997.

S.B. 124 (Chapter 24)

This bill authorizes the Department of Motor Vehicles and Public Safety to waive the license examination for a person who holds a commercial driver's license issued by another state.

During the 1995 Session, the Legislature authorized the department to waive the license examination for certain applicants for a noncommercial driver's license who were licensed in another state and had a clean driving record. Senate Bill 124 allows the department to extend the same waiver to holders of a commercial driver's license.

S.B. 355 (Chapter 328)

Senate Bill 355 clarifies the provisions regarding fees for commercial drivers' licenses. The bill does not change the fees but allows the Department of Motor Vehicles and Public Safety to remove a restriction from a commercial driver's license without requiring that the driver undergo a skills test.

In addition, the bill includes provisions regarding drivers' licenses for foreign exchange students, international instructors, international students, and out-of-state students. A foreign exchange student is defined as a student from outside the United States who attends school in Nevada for one year then returns home. For the purpose of obtaining a driver's license, a foreign exchange student is not considered a resident of Nevada.

The measure authorizes international students and instructors to declare themselves to be residents of Nevada for the limited purpose of obtaining a Nevada driver's license or identification card and paying a fee established by the Department of Motor Vehicles and Public Safety. These licenses expire in one year but may be renewed each year for up to three years.

The bill also clarifies that the term of "out-of-state student" applies only to students who return home during the summer months. Out-of-state students are not considered residents of Nevada for purposes of obtaining a driver's license.

S.B. 366 (Chapter 178)

Senate Bill 366 eliminates the requirement that the Department of Motor Vehicles and Public Safety collect unpaid parking fines before renewing the registration of a motor vehicle. Instead, the bill provides that the owner of the vehicle must pay the fines to the local authority that imposed them, then present a receipt to the department. The measure eliminates certain administrative fees but authorizes the department to collect from the local governments a fee for processing notices of nonpayment. The bill directs the department to establish the fee and specifies that the proceeds be used to defray the costs of administering the collection program.

This measure is effective on June 25, 1997.

S.B. 430 (Chapter 551)

Senate Bill 430 revises the fees for registering passenger cars. Instead of the current flat fee of \$33 per car, the fee will vary with the number and type of cars that the owner registers. The proposed fee would be \$33 each for the first four stock passenger cars the owner registers. The bill establishes a fee of \$16.50 each for the fifth and sixth vehicle, \$12 each for the seventh and eighth vehicle, and \$8 for each vehicle after the eighth. From January 1, 1998, until January 1, 2001, the reduced fees will apply only to vehicles that are

licensed as "horseless carriages," "old timers," "street rods," "classic rods," and "classic vehicles." After January 1, 2001, the reduced fees will apply to other vehicles as well. To receive this special registration fee, the owner must present to the Department of Motor Vehicles and Public Safety the registrations of all cars that he owns. The new schedule of registration fees does not apply to vehicles in fleets.

Senate Bill 430 also directs the State Environmental Commission, beginning on July 1, 1997, to exempt from emission standards those restored cars that are registered with the special license plates designated as "old timer," "street rod," "classic rod," or "classic vehicle."

Further, the bill provides that, beginning on January 1, 2001, when the registration on a vehicle is canceled, the department must refund the unused portion of the privilege taxes and registration fees that the owner has paid. Currently, the owner may obtain a credit toward the fees and taxes that must be paid to register another vehicle, but may not obtain a refund.

Proponents of the measure argue that hobbyists who own a large number of vehicles usually drive those vehicles only a limited number of miles each year. Often they are restored and driven only to auto shows.

S.B. 457 (Chapter 438)

Senate Bill 457 requires the Department of Motor Vehicles and Public Safety, in cooperation with the Nevada Commission on Sports, to design and issue special license plates for hall of fame athletes. The plates must contain the words "Hall of Fame." Athletes that have been inducted into the national hall of fame for their sport or into a hall of fame established by a community college or university in Nevada are eligible for the plates. The measure specifies that applicants must pay, in addition to all other applicable registration fees, an initial fee of \$35 and an annual renewal fee of \$10.

S.B. 469 (Chapter 422)

Senate Bill 469 requires the director of the Department of Motor Vehicles and Public Safety to design and issue a new license plate. The director must approve the design by January 1, 2000, and must begin issuing the new plates on January 1, 2001.

The new plates will not be issued to those who now have collegiate license plates, veteran's plates, Purple Heart plates, Congressional Medal of Honor plates, 125th anniversary plates, or blue plates (those issued before January 1, 1982) without the permission of the vehicle owner. If the holders of the blue plates wish to have those plates refurbished, the department will do so, starting on January 1, 2001. The vehicle owner must pay a refurbishing fee equal to the cost of the work. While the blue plates are being refurbished, the department will issue a temporary permit to the vehicle owner.

Proponents of this measure testified that issuing new license plates will make it easier to enforce registration laws and increase revenues from registration fees and vehicle privilege taxes. Blue plates are cherished by long-time Nevada residents, but some of these plates have faded and become difficult to read.

This bill is effective July 1, 1997.

A.B. 32 (Chapter 87)

Assembly Bill 32 provides for the design and issuance of special license plates that indicate affiliation with the Grand Lodge of Free and Accepted Masons of the State of Nevada. The measure allows sister jurisdictions or organizations recognized by the Grand Lodge to also apply for and receive the special license plate. The bill requires that applicants for these special license plates pay an initial fee of \$35, when first applying to receive the plates, and an annual renewal fee of \$20. The plates will be designed, prepared, and issued after 250 vehicle owners have applied for them. Finally, the bill stipulates that this provision will expire if, on October 1, 2001, fewer than 250 applications have been received.

A.B. 131 (Chapter 104)

Assembly Bill 131 revises provisions governing the sales and leases of new and used motor vehicles. The bill requires a dealer who sells a new, used, or rebuilt vehicle to collect the title fee from the buyer and remit that fee to the Department of Motor Vehicles and Public Safety (DMV&PS). In addition, the measure reduces, from 20 to 10 days, the time period in which the buyer of a new motor vehicle must register that vehicle after purchase. The bill also provides an additional ten days for the buyer or lessee to operate a motor vehicle while obtaining the necessary financing and documentation to finalize the purchase or lease of the vehicle.

Testimony indicated that the processing of titles will be expedited by automobile dealers collecting the title fee and remitting it to the department as required in the bill. In addition, this measure establishes consistent time frames in which new, used, and leased motor vehicles are required to be registered after purchase or lease.

This measure is effective on July 1, 1997.

A.B. 134 (Chapter 76)

Assembly Bill 134 revises provisions governing certain occupational licenses issued by the Department of Motor Vehicles and Public Safety (DMV&PS). The bill allows the DMV&PS to request an authorization for the disclosure of financial records from certain holders and applicants of occupational licenses who have engaged in financial misconduct.

The measure also allows the department to use the information obtained to determine the suitability of the applicant or licensee for initial or continued licensure. The bill requires that the information obtained from the requested financial records be used only by those employees of the department who are authorized to issue occupational licenses. Finally, the bill changes the renewal dates for certain occupational licenses from December 31 of each year to April 30 of each year.

Occupational license holders affected by the measure include automobile dealers, brokers, manufacturers, and wreckers, and operators of salvage pools and automobile body shops. Testimony indicated that the change in renewal dates will disperse the work load for the department.

A.B. 176 (Chapter 226)

Assembly Bill 176 requires the suspension of a child's driver's license if the child is found guilty of using, possessing, selling, or distributing a controlled substance, or purchasing, consuming, or possessing an alcoholic beverage. The measure requires the length of such suspension to be at least 90 days but no more than two years.

The bill also stipulates that such a violation must not be considered by an insurance company for the purpose of rating or underwriting motor vehicle insurance policies. Such a violation must not prevent the child from receiving a restricted driver's license issued for the purposes of traveling to and from work and school, or to obtain certain regularly scheduled medical care. In addition, the measure establishes a minimum 90-day suspension of the child's driver's license if the child is found guilty of placing graffiti on or destroying public or private property.

Assembly Bill 176 also requires the Commission on Substance Abuse Education, Prevention, Enforcement and Treatment to disseminate information regarding the suspension of driving privileges of children found guilty of unlawfully purchasing, using, or possessing alcohol or drugs. Finally, the bill directs the Department of Motor Vehicles and Public Safety to establish testing and other requirements for the reinstatement of the child's suspended driver's license.

This measure is effective on July 1, 1997.

A.B. 215 (Chapter 141)

Assembly Bill 215 authorizes the Department of Motor Vehicles and Public Safety (DMV&PS) to release personal information from drivers' license and vehicle registration files for purposes relating to research and the production of statistical reports. The bill stipulates that this information may only be used or sold for use in bulk distribution of surveys, marketing material, or solicitations. Before any information is released, the DMV&PS must create regulations to carry out the new provisions of the measure. Finally,

the bill allows a person to prohibit the release of his personal records that are maintained by the department.

The bill also authorizes the DMV&PS to release personal information from drivers' license or registration files to agents of lienholders if they present written release. Currently, the law requires that these agents, usually repossessioners, file a notarized release by the lienholder. Finally, the bill allows the DMV&PS to release personal information to insurers upon the presentation of only a license plate number. Currently, only law enforcement agencies can gain access to this information in this way.

This measure is effective on June 11, 1997.

A.B. 404 (Chapter 431)

Assembly Bill 404 requires a person under the age of 18 to complete a course in driver education and accrue 50 hours of driving experience before receiving a driver's license. The measure stipulates that only 50 hours of behind-the-wheel experience is required if a driver education course is not offered in a county with a population less than 35,000 or in a city and town with a population less than 25,000.

The measure prohibits private driving schools from offering driver instruction to those under the age of 15 and limits driver education in high schools to those who are sophomores, juniors, or seniors. The bill further requires that courses offered in private driving schools comply with the standards established by Nevada's State Board of Education. Driver education courses offered in both private driving schools and in public schools must include instruction relating to motor vehicle insurance and the effect of alcohol and drugs on a driver's operation of a motor vehicle. The bill also permits the Department of Motor Vehicles and Public Safety (DMV&PS) to accept gifts and grants to assist children in financial need to receive driver education.

Assembly Bill 404 also establishes a misdemeanor penalty for any person who operates a motor vehicle during a time he is in violation of a curfew law. The measure also stipulates that a pupil attending a public school in a county with a population less than 35,000 or in a city or town with a population less than 25,000 may receive a restricted driver's license when the school district does not provide transportation to and from school. The measure further requires the DMV&PS to create regulations setting forth the eligibility requirements for pupils wishing to obtain a restricted driver's license in such instances.

The provisions of A.B. 404 pertaining to driver education requirements and instruction, as well as restricted drivers' licenses, are effective on October 1, 1998, if the Governor proclaims that the total amount of gifts and grants received by the DMV&PS for financial assistance is \$10,000 or more. The provisions requiring the creation of regulations by the DMV&PS and the limitation of driving during curfew hours are effective on July 16, 1997.

A.B. 442 (Chapter 395)

Assembly Bill 442 deletes the \$5 fee assessed by the Department of Motor Vehicles and Public Safety (DMV&PS) to a person who changes the address on his driver's license. The bill also declares that every resident over ten years of age who does not possess a Nevada driver's license, an out-of-state driver's license, or an identification card issued by another state is entitled to receive an identification card. The measure further requires an applicant for a Nevada identification card to surrender any out-of-state driver's license or identification card he possesses at the time of application.

Officials from the DMV&PS testified that over 30 percent of addresses in the department's data files are inaccurate. Further testimony indicated that the elimination of the fee to make an address change may encourage drivers who change their addresses to make the appropriate correction with the department.

A.B. 443 (Chapter 234)

Assembly Bill 443 requires the Department of Motor Vehicles and Public Safety (DMV&PS), on or after January 1, 1998, to issue or renew drivers' licenses bearing numbers that are not based on the Social Security number of the card holder. The measure also stipulates that the department shall, at the request of a license holder, convert the number on any existing driver's license to a unique number that is not based on the licensee's Social Security number. This service shall be offered free of charge.

Assembly Bill 443 responds to increasing concerns regarding the use of the Social Security number as a basis for the driver's license number. Testimony indicated that in recent years, people have been able to decode the driver's license number and determine the Social Security number of the card holder. Testimony further indicated that the measure does not preclude a person from requesting and receiving his Social Security number on the driver's license, if desired.

A.B. 451 (Chapter 575)

Assembly Bill 451 provides for the design and issuance of special license plates expressing support for public schools. The measure requires an applicant for the license plate to pay an initial application fee of \$35 and an annual renewal fee of \$10. Supplementary to these and all other applicable fees, the applicant must pay an additional \$25 upon initial issuance and \$20 upon each renewal. The bill provides that proceeds from the additional fees must be administered by the State Department of Education. The measure further provides that these proceeds must be distributed to school districts who apply for them for the purposes of financing projects to support public schools. The bill directs the Department of Motor Vehicles and Public Safety to design and issue the plates after 250 vehicle owners have applied for them.

A.B. 529 (Chapter 590)

Assembly Bill 529 provides for the design and issuance of special license plates that encourage the donation of human organs. The bill directs the Department of Motor Vehicles and Public Safety to design and issue the plates after 250 vehicle owners have applied for them. The measure also requires an applicant for the license plates to pay an initial application fee of \$35 and an annual renewal fee of \$10.

Testimony from representatives of the Nevada Donor Network indicated that these special license plates are not intended to serve as a fund-raiser, but rather as a means to raise public awareness of human organ donation.

A.B. 542 (Chapter 595)

Assembly Bill 542 authorizes the Department of Motor Vehicles and Public Safety (DMV&PS) to issue identification cards to seasonal residents of the State of Nevada. The measure requires the department to place a designation on such identification cards that the cardholder is a seasonal resident and holds a valid driver's license from another state or jurisdiction. The bill also requires an applicant for a seasonal identification card to indicate on the application that his legal address is not in this state. The measure further directs the DMV&PS to establish, by regulation, a definition for the term "seasonal resident" as used in Chapters 482 and 483 of the *Nevada Revised Statutes*. The bill also deletes the fee assessed by the department to those who change their address on an identification card and stipulates that the number on the card must not be based on the cardholder's Social Security number. Finally, A.B. 542 specifies that an identification card issued to a seasonal resident remains valid so long as the cardholder does not become licensed in Nevada to drive a motor vehicle.

This measure is effective on July 1, 1997.

A.B. 552 (Chapter 599)

Assembly Bill 552 establishes, unless otherwise provided, an initial issuance fee of \$35 and an annual renewal fee of \$10 for every special license plate authorized under Nevada law. The measure adjusts the fees to establish consistency in payments made to the Department of Motor Vehicles and Public Safety (DMV&PS). In addition, the bill specifies the department shall not issue special license plates unless it receives, within four years, at least 250 applications. Finally, the measure deletes the initial and renewal fees assessed to those who apply for, and receive, special license plates indicating status as a Purple Heart recipient.

Assembly Bill 552 was introduced in response to the need to establish consistent fees for holders and applicants of special license plates. Testimony indicated that there are many

special license plates that have not garnered the required 250 applications needed for issuance.

The provisions of this measure establishing a four-year time frame for certain special license plates before issuance are effective on July 1, 1997.

A.B. 589 (Chapter 385)

Assembly Bill 589 provides for the design and issuance of special license plates that recognize employment or retirement as a professional firefighter. The bill directs the Department of Motor Vehicles and Public Safety to design and issue the plates after 250 vehicle owners have applied for them. The measure also requires an applicant for the license plates to pay, in addition to other registration fees, an initial application fee of \$35 and an annual renewal fee of \$10.

A.B. 590 (Chapter 607)

Assembly Bill 590 provides for the design and issuance of special license plates that indicate combined support for the Juvenile Diabetes Foundation International and the Sickle Cell Disease Association of America. The bill directs the Department of Motor Vehicles and Public Safety to design and issue the plates after 250 vehicle owners have applied for them. The measure also requires an applicant for the license plates to pay an initial application fee of \$35 and an annual renewal fee of \$10. In addition to these and all other applicable registration fees, the applicant must pay \$20 upon initial issuance and \$20 upon each renewal. The bill provides that proceeds from the additional fees must be distributed by the Health Division of Nevada's Department of Human Resources to the Juvenile Diabetes Foundation International or to the Sickle Cell Disease Association of America, as indicated by the applicant.

Driving Under the Influence

S.B. 65 (Chapter 71)

Senate Bill 65 revises the procedure for the evaluation of a person convicted of driving under the influence of intoxicating liquor or a controlled substance (DUI) to determine whether the offender is an abuser of alcohol or drugs. The bill authorizes an offender who resides more than 30 miles from an evaluation center to be evaluated by a qualified person outside a center. Offenders who reside in another state may be evaluated by a qualified person in their state of residence. The measure also removes the requirement that the court collect the fee for evaluation of the offender. Instead, the offender is responsible for paying the fee and ensuring that the results of the evaluation are reported to the court.

Testimony indicated that it is sometimes difficult for a DUI offender in a rural area or another state to travel to an established evaluation center, particularly if his driver's license has been suspended.

S.B. 426 (Chapter 680)

Senate Bill 426 amends the laws relating to driving under the influence of alcohol. The measure provides that the time during which an offender is in prison for causing death or substantial bodily harm while driving under the influence of alcohol is not to be counted as part of the three-year period for which his license is revoked.

The bill also amends the laws relating to the use of ignition interlock devices. The measure provides that an offender who has a device installed at the beginning of the mandatory revocation period is eligible for a restricted license after one-half of that period has expired. The bill also amends the technical specifications for ignition interlock devices by requiring that they be designed to detect alcohol in concentrations of as little as 0.02 grams per 210 liters of breath. Currently, the standard is 0.05 grams or more.

Finally, this measure provides a term of imprisonment, or a term of residential confinement and a fine, as a penalty for tampering with an interlock device.

A.B. 96 (Chapter 466)

Assembly Bill 96 makes various changes concerning participation in substance abuse treatment by persons found guilty of driving under the influence of intoxicating liquor or a controlled substance (DUI). The bill requires the court to place an offender convicted of a DUI for the first time in an approved treatment program, if the offender applies and meets specified qualification requirements. The measure provides that the offender must pay for the treatment to the extent possible or participate in a program that receives federal or state money to offset the remainder of the cost. If the court grants the application for treatment, the bill requires the court to suspend the sentence and provide lesser penalties on the condition that treatment is successfully completed. The bill clarifies that the conviction will remain a part of the defendant's criminal record, regardless of the treatment outcome.

For second time DUI offenders, the measure allows, but does not require, the court to grant an application for treatment, even if the offender meets specified qualification requirements. If the court grants the treatment application, the bill applies the same provisions regarding treatment cost and suspended sentence requirements as for first-time DUI offenders.

Testimony indicated that current provisions allowing a person to petition the court to undergo treatment prior to sentencing were not utilized fully or uniformly throughout the state. In particular, witnesses reported that offenders in rural areas were less likely

to undergo treatment prior to sentencing than those in urban areas. Accordingly, this bill intends to amend the statutes to require the court to allow treatment for first-time DUI offenders found eligible. In addition, testimony stressed the importance of receiving treatment after the first misdemeanor offense, rather than receiving it in prison after a felony DUI conviction.

A.B. 241 (Chapter 79)

Assembly Bill 241 makes a prior conviction for driving under the influence of intoxicating liquor or controlled substance (DUI), from any jurisdiction, a factor in determining eligibility for participation in alcohol and drug treatment programs. The measure also prohibits persons convicted of specified DUI-related crimes within the last seven years from applying to the court to participate in such treatment programs. Existing law does not include out-of-state DUI convictions as a factor in determining alcohol and drug treatment eligibility.

A.B. 243 (Chapter 144)

Assembly Bill 243 clarifies that the laws pertaining to driving motor vehicles under the influence of intoxicating liquor or a controlled substance (DUI) can be enforced on restricted or controlled property that is publicly accessed. Such property includes gated communities, parking structures, places of business, government buildings, apartments, and mobile home parks.

The measure further authorizes the use of a blood test if a police officer has reasonable grounds to believe that the driver of the vehicle or operator of the vessel caused death or substantial bodily harm to another person. The test also may be applied to a person who, within the last seven years, has been convicted of a driving or boating under the influence related offense in Nevada or any other jurisdiction.

In addition, A.B. 243 conforms boating under the influence laws to the existing DUI provisions for motor vehicles.

A.B. 584 (Chapter 605)

Assembly Bill 584 provides for an administrative suspension of a driver's license or permit for a person less than 21 years of age who is found to be driving with a blood alcohol level between 0.02 percent and 0.10 percent. The measure requires the suspension to be 90 days in length. Further, the bill conforms driving under the influence of intoxicating liquor or controlled substance (DUI) laws for minors to the existing DUI provisions for adults. This measure makes these laws uniform by including implied consent to preliminary and evidentiary testing provisions. In addition, the bill requires an officer to make a reasonable attempt to notify a parent or guardian of a person less than 18 years of age who submitted to an evidentiary test.

The National Highway System Designation Act of 1995 stipulated that 5 percent of Fiscal Year 1999 federal highway funds will be withheld from any state that does not have a “zero tolerance” law for underage drinking and driving enacted by October 1, 1998. Testimony indicated that Nevada would lose over \$5 million in such funds if this measure were not enacted.

Motor Vehicles and Motor Carriers

S.B. 58 (Chapter 644)

Senate Bill 58 prohibits motor vehicle manufacturers from terminating or refusing to approve a transfer of a franchise for a dealership, or refusing to honor the right of succession set forth in a franchise agreement because the dealer has, before October 1, 1997, established an additional franchise to sell or service another line or make of new vehicles. The measure further stipulates that it is an unfair practice for any manufacturer or distributor of motor vehicles to unreasonably withhold approval of an additional franchise for an existing dealership if the dealer submits a written request for the additional franchise, complies with the current franchise agreement, and obtains the approval of the manufacturer, distributor, or factory branch of the existing dealership. The bill requires that the written approval or denial of the additional franchise must be provided to the dealer within 90 days after receipt of the request.

Testimony indicated that approximately 60 percent of all motor vehicle dealers in Nevada sell more than one line of motor vehicle. This practice is known in the trade as “dualing.” Some manufacturers have attempted to limit dualing, requiring dealers to concentrate on a single line of vehicle or to sell only those lines that the manufacturer believes are compatible. Testimony further noted that this limitation can cause significant hardship for many dealers, particularly those in rural areas or small towns where the sale of a single line of vehicles will not support a dealer’s operations. This measure is intended to prevent manufacturers from placing unreasonable restrictions on their dealers.

S.B. 64 (Chapter 55)

Senate Bill 64 amends the law regarding the maximum length of combinations of vehicles that may be operated on the highways without a special permit. The bill increases, from 48 feet to 53 feet, the maximum length of a trailer that may be operated as part of a combination of a truck tractor and a single trailer. This bill also allows combinations consisting of a single full-mounted vehicle and up to three saddle-mounted vehicles, provided the combination does not exceed 75 feet in length.

This measure brings Nevada’s statutes into conformity with federal law and current practice.

S.B. 129 (Chapter 211)

Senate Bill 129 requires motorists to exercise due care to avoid collisions with pedestrians and bicyclists and to sound their horns, when necessary, to avoid a collision. The bill also requires motorists to exercise proper caution upon observing a pedestrian on or near a street or highway or a school crossing zone or other crosswalk.

The language for this measure is based upon the *Uniform Motor Vehicle Code*, which has been adopted in several states. Testimony affirmed a need to supplement existing traffic laws with general rules that impose an explicit duty to act with due care. The enactment of this bill may make it easier to prosecute motorists who fail to act with due care but have not violated any other specific traffic law.

S.B. 232 (Chapter 95)

Senate Bill 232 clarifies that the exemption from sales and use taxes for the sale of tangible personal property that is to be shipped outside the state includes the sale of a motor vehicle to a nonresident, if a special movement permit for the vehicle has been issued by the Department of Motor Vehicles and Public Safety.

This measure is effective on May 22, 1997.

S.B. 242 (Chapter 539)

Senate Bill 242 prohibits the removal of property from a pawnbroker's place of business unless it is redeemed by the owner or seized pursuant to a search warrant. The bill also increases, from 8 to 10 percent per month, the amount a pawnbroker may charge as interest. In addition, the bill requires a junk dealer or secondhand dealer to be licensed as a pawnbroker before allowing a customer to repurchase property. The bill also prohibits junk dealers and secondhand dealers from buying a motor vehicle and then selling the motor vehicle back to the same person. Finally, S.B. 242 allows a secondhand dealer who purchases a motor vehicle to remove the vehicle from the place where the transaction occurred and relocate it to a storage place. Once the vehicle is moved to the place of storage, it cannot be removed for a specified period of time.

S.B. 341 (Chapter 429)

Senate Bill 341 provides uniform requirements for signs posted at the places of business of motor vehicle dealers, vehicle brokers, automobile wreckers, operators of salvage pools, and operators of body shops. The measure requires such businesses to post their licenses issued by the Department of Motor Vehicles and Public Safety (DMV&PS) in a conspicuous place that is clearly visible to the general public in each business location. The bill further requires dealers, brokers, salvage pools, and body shops to post signs containing the

names of their businesses at each place of business. Finally, the measure stipulates that signs must be legible from the center of the nearest street or roadway, and the letters on such signs must be at least eight inches high and formed by lines at least one inch wide.

S.B. 443 (Chapter 681)

Senate Bill 443 directs the Department of Motor Vehicles and Public Safety to create a lesser requirement regarding liability insurance or other surety required of a common carrier, contract motor carrier, fully regulated carrier, private carrier, or operator of a tow car. The lesser requirement applies to vehicles with a manufacturers' gross vehicle weight rating of less than 26,000 pounds.

S.B. 444 (Chapter 436)

Senate Bill 444 amends the law regarding regulated carriers of passengers and household goods. When a regulated carrier advertises its services, it is required to provide the publisher of the advertising with the name, address, and telephone number of the person who places the advertisement. The publisher is required to disclose that information to the Public Service Commission of Nevada if it is readily available.

The bill further specifies that, if a carrier fails to include his certificate number in its advertisements, as currently required by law, the Public Service Commission may petition a court to issue an order enjoining the carrier from advertising and disconnecting the carrier's telephone.

S.B. 451 (Chapter 555)

Senate Bill 451 authorizes the Public Service Commission of Nevada (PSCN) to regulate rates for towing services performed without the prior consent of the owner of the motor vehicle or a person authorized by the owner to operate a motor vehicle. In addition, the bill stipulates that operators of tow cars must obtain a certificate of public convenience and necessity from the commission. The measure requires the commission to investigate any complaint with regard to rates, tolls, or charges made against a tow car operator who conducts nonconsensual tows. The bill further requires the PSCN to issue a notice of hearing if an operator of a tow car files an application for, or requests a transfer of, a certificate of public convenience and necessity. The bill requires tow car operators whose rates are considered excessive by the court to refund the excess or overpayment to the commission which, in turn, refunds the money to the affected customers.

Senate Bill 451 stipulates that the PSCN shall not regulate the geographical area in which the towing services are provided, the types of towing services provided, or the rates and charges assessed for towing services provided with the prior consent of the owner of the vehicle. The measure also permits and establishes requirements for the transfer of

a certificate of public convenience and necessity under certain conditions. The bill adds to the definition of "contract motor carrier" a person who engages in the transport of household goods for compensation. The measure further stipulates that the PSCN must adopt regulations permitting two or more operators of tow cars to enter into agreements relating to rate schedules for nonconsensual towing. The bill states that tow operators who operate without the consent of the vehicle owner must furnish reasonable service, facilities, and rates. Senate Bill 451 requires such tow operators to file with the commission rate schedules and tariffs.

This measure is effective on July 1, 1997.

A.B. 101 (Chapter 43)

Assembly Bill 101 provides an additional penalty for the operation of vehicles in violation of weight penalties during the designated frost period. This measure requires operators of vehicles violating weight requirement from February 1 through May 1, to pay a fine that is double the amount specified for violations during other months.

A.B. 133 (Chapter 143)

Assembly Bill 133 makes various changes to provisions governing the licensing and registration of motor vehicles and motor carriers. The bill allows the Department of Motor Vehicles and Public Safety (DMV&PS) to require remittance by cashier's check, money order, or cash of customers whose previous payments to the department were dishonored. The measure also authorizes the DMV&PS to waive the payment of certain fees and penalties of a person who fails to pay them. This waiver occurs if the department determines that a person's failure to pay was a result of circumstances beyond his control. In addition, the measure permits the department to enter into payment agreements with those who owe delinquent fees or taxes.

Assembly Bill 133 also allows the DMV&PS to issue a temporary operator's permit to a resident owner of a vehicle that is leased to a motor carrier if the owner operates the vehicle. Finally, the bill allows the DMV&PS to revoke or refuse to issue a certificate of ownership or registration and license plates to those motor carriers who violate provisions of Chapters 366 and 706 of the *Nevada Revised Statutes*. Prior to revocation, however, the measure requires that written notice be sent to the licensee ordering him to appear before the department to demonstrate why such revocation should not occur.

A.B. 178 (Chapter 485)

Assembly Bill 178 amends the law regarding the sale of used motor vehicles. The bill requires used vehicle dealers to inspect the engine and drive train of vehicles that have

been driven 75,000 miles or more before selling those vehicles. The dealer must disclose to the purchaser in writing all known defects.

If customers have filed at least three unresolved complaints against the dealer in the last 12 months, the dealer is obliged to provide an express written warranty on any vehicle he sells that has been driven 75,000 miles or more. This warranty must provide that the dealer will promptly correct any defects in the engine or drive train.

The duration of the warranty is determined by the number of miles the vehicle has been driven before it is sold. For example, vehicles that have been driven 75,000 to 80,000 miles must be covered for 30 days or 1,000 miles. Vehicles that have been driven a greater number of miles must be warranted for shorter periods, as specified in the bill. The warranty period is tolled during any period in which the operation of the vehicle is inoperable and is in the dealer's possession for repair.

The bill provides a procedure for handling customer complaints regarding vehicles that have been driven 75,000 miles or more. These complaints may be filed with the Department of Motor Vehicles and Public Safety, and the department must investigate the complaint and determine whether it is justified. If it is justified, the department must recommend to the dealer the actions that should be taken to resolve the complaint. The department must keep a record of all complaints and whether they have been resolved. If the dealer has violated the provisions of this bill on more than three occasions and failed to resolve those violations, the department may fine the dealer up to \$2,500 for each additional violation.

A.B. 472 (Chapter 390)

Assembly Bill 472 requires operators of garages that repair motor vehicles for the general public, beginning on January 1, 1998, to register with the Department of Motor Vehicles and Public Safety and pay a fee of \$25.

The bill also requires the Division of Consumer Affairs in the Department of Business and Industry to establish a toll-free telephone number and a program to inform consumers of the rights they have when dealing with a garage. Garages are required to post this telephone number in a conspicuous place. The division and the department must cooperate in protecting consumers.

Assembly Bill 472 also creates the Advisory Board on the Repair of Motor Vehicles, consisting of 12 members representing motor vehicle dealers; operators of garages, emission control stations, service stations, and body shops; the Division of Consumer Affairs and the Department of Motor Vehicles and Public Safety; the general public; and two legislators, representing the Senate and the Assembly. The costs of the board's operations are to be paid from the proceeds of the \$25 registration fee. The board must advise the department and the division and submit a report, including its

recommendations, to the 1999 Nevada Legislature. The provisions regarding the board expire on July 1, 1999.

For the purpose of appointing members of the board, the bill is effective July 11, 1997. For other purposes, the measure is effective on July 1, 1997.

A.B. 494 (Chapter 388)

Assembly Bill 494 makes it unlawful for a motor vehicle dealer, with the intent to defraud, to obtain a duplicate certificate of ownership for any vehicle in which he grants a security interest to secure a present or future debt, obligation, or liability. The bill provides that the offense is subject to the penalties that apply to obtaining money or property by false pretenses. In addition, the measure stipulates that a court may order any person who obtains a duplicate certificate of ownership, with the intent to defraud, to pay restitution.

A.B. 496 (Chapter 584)

Assembly Bill 496 makes various changes regarding the salvage of motor vehicles. The bill authorizes certain salvage pool operators to issue identification cards to their employees. Salvage pool operators who are authorized to issue such identification cards must have been licensed as operators for two years, include a secure building within their facilities, and may not have issued a check to the Department of Motor Vehicles and Public Safety (DMV&PS) that was returned for insufficient funds.

In addition, the bill requires salvage pool operators who issue identification cards to file a \$10,000 bond with the department. The measure further requires salvage pool operators who issue identification cards to maintain records and information relating to each automobile wrecker, dealer, or rebuilder who is issued such cards. Assembly Bill 496 stipulates that an identification card issued by a salvage pool operator permits the card holder to bid for the purchase of vehicles from a salvage pool operator. Finally, the measure authorizes the DMV&PS to issue a certificate of dismantling to a licensed automobile wrecker or dismantler, a salvage pool operator, or a dealer of new or used vehicles.

A.B. 545 (Chapter 596)

Assembly Bill 545 provides that a motor carrier of passengers that operates a vehicle in passenger service without a certificate of public convenience and necessity issued by the PSCN is guilty of a misdemeanor. The bill allows these vehicles to be towed.

This measure is effective on July 16, 1997.

A.B. 546 (Chapter 597)

Assembly Bill 546 requires a short-term lessor of motor vehicles to designate with the Department of Motor Vehicles and Public Safety (DMV&PS) each branch location of the business in addition to his principal place of business. The bill further requires a short-term lessor to provide certain information concerning each branch to the DMV&PS on forms provided by the department. Finally, the bill stipulates that a short-term lessor pay to the DMV&PS a one-time fee of \$125 and an annual fee of \$50 for each branch operated pursuant to the dealer license issued by the department.

Testimony from representatives of the rental car industry indicated that this legislation was requested to ease the licensure procedure required of short-term lessors who operate branch offices in airports, hotels, casinos, and other locations in this state. Current Nevada law requires short-term lessors to obtain a license to operate each business location. Testimony further indicated that A.B. 546 permits the listing of each branch or satellite location on one license while still requiring the mandated fees for each branch.

A.B. 633 (Chapter 409)

Assembly Bill 633 reduces, from 90 to 45 days, the time in which a motor vehicle valued at more than \$500 must be reclaimed before the owner of a garage or automobile wrecker may satisfy his lien for the cost of towing and storing the vehicle. The measure further stipulates that, if the amount of the lien is \$1,000 or less, it is considered a first lien, and if the amount of the lien is more than \$1,000, it is considered a second lien.

Transportation Fees and Taxes**S.B. 3 (Chapter 658)**

Senate Bill 3 directs the Board of Directors of Nevada's Department of Transportation to use money set aside for transportation activities pursuant to the Federal Intermodal Surface Transportation Efficiency Act of 1991 to finance the costs of carrying out the North Shore Beautification and Water Quality Project.

The bill describes the project as that portion of State Highway Route No. 28 from the state line to Reservoir Drive in the northern portion of the Lake Tahoe Basin and outlines its elements as providing benches, landscaping, sidewalks, street lamps, and vegetation along the highway; controlling erosion and treating runoff from the highway; and reducing the amount of area covered by commercial signs and modernizing the remaining signs along the highway.

This bill is effective on July 1, 1997.

S.B. 198 (Chapter 152)

Senate Bill 198 exempts aviation fuel and leaded racing fuel from the tax of up to 9 cents per gallon that may be imposed on motor fuel by counties that have created a regional transportation commission. The bill also repeals a provision for the distribution of the unrefunded balance of the tax.

This bill is effective on July 1, 1997.

S.B. 223 (Chapter 155)

Senate Bill 223 reduces the state tax on aviation fuel from 10.5 cents per gallon to 2 cents per gallon, and authorizes the counties to impose a tax of up to 8 cents on aviation fuel. The bill also exempts leaded racing fuel from the state and county motor fuel tax.

S.B. 434 (Chapter 684)

Senate Bill 434 makes various changes relating to the tax on special fuel. This measure prescribes the method by which special fuel dealers, as defined by the bill, must collect the tax on special fuels. Senate Bill 434 also provides for alternate forms of payment for the tax, the collection of delinquent taxes, the examination of certain books and records, bond requirements, and other administrative matters dealing with the reporting and collection of the tax.

A.B. 482 (Chapter 582)

Assembly Bill 482 authorizes certain persons who are exempt from the tax imposed on special fuel to operate a motor vehicle on the highway in this state using special fuel if the fuel has been dyed.

This bill is effective July 16, 1997.

A.B. 525 (Chapter 588)

Assembly Bill 525 allows counties with fewer than 35,000 inhabitants to use the revenue from the county motor fuel tax for the maintenance and repair, as well as the construction and improvement, of roads. The bill also defines the purposes for which cities and counties may use state motor fuel tax revenues that are distributed to them. To aid in this distribution, cities and counties are required to submit annually to the Department of Transportation a list of roads and streets that they maintain. This list must include the beginning and ending points of those roads and streets and their mileage. In addition, the bill defines more precisely the types of projects for which counties may use revenues from the county option sales tax for mass transit and the construction of roads.

Finally, the bill authorizes the state to increase its excise taxes on fuel by the full amount of any decrease in the federal excise taxes. Previously, the amount of this state "pick-up" was limited to 4 cents per gallon.

Assembly Bill 525 was introduced in response to the growing need for the maintenance and repair of local roads. Testimony indicated that rural areas in Nevada need additional funding for road maintenance and repair because long stretches of roadway are in disrepair. Further testimony indicated that insufficient funding is currently available for the necessary maintenance and repair of these roads.

This measure is effective on July 1, 1997.

A.B. 641 (Chapter 619)

Assembly Bill 641 reduces the fees charged for issuing forms for certifying compliance with emission control regulations. The fee for issuing a set of 25 forms is reduced from \$150 to \$125, and the fee for each form issued to a fleet station is reduced from \$6 to \$5. The bill adjusts a provision regarding grants to pollution control agencies in noncompliance areas to ensure that they continue to receive \$1 per form in spite of the fee reduction.

This bill is effective on January 1, 1998.

VARIOUS OTHER BILLS

S.B. 13 (Chapter 341)

Senate Bill 13 provides that a person who transmits certain items of electronic mail is liable to the recipient for civil damages under specified circumstances. The bill provides that a person who transmits an item of electronic mail that includes an advertisement is liable for civil damages unless the person has a preexisting business or personal relationship with the recipient or the recipient has expressly consented to receive the mail. The bill also makes exceptions for advertisements that are easily identifiable as promotional or contain a statement verifying its purpose. In these cases, the bill requires the promotional materials or advertisement to include identifying information and procedures for declining such mail.

In addition to attorney's fees and costs, the recipient may recover actual damages or damages of \$10 per item of electronic mail received, whichever is greater. The bill authorizes the recipient to apply to the court for an order enjoining the person from transmitting any other items of electronic mail that include an advertisement.

The measure also provides immunity under certain circumstances for persons who provide users with access to a network and the transmission of electronic mail. Finally, S.B. 13 states that the provisions do not apply if the electronic mail is obtained by a recipient voluntarily through certain means.

This measure is effective on July 1, 1998.

S.B. 247 (Chapter 273)

Senate Bill 247 stipulates that any provision in a rental agreement for storage facilities that limits the liability of an owner, lessor, operator, manager, or employee of the facility is not enforceable unless it is printed in a prominent manner to distinguish the provision from the remainder of the contract. In addition, the bill requires such agreement to contain a statement, also printed in a prominent manner, that advises the occupant about insurance options for personal property stored in the facility. The measure also specifies that such a provision must be enforceable under the laws of the state.

S.B. 274 (Chapter 179)

Senate Bill 274 increases, from \$0.50 to \$1, the fee that a promoter must pay to the Nevada Athletic Commission for each admission ticket sold to a live professional boxing event. In addition, the measure expands the imposition of this fee to live wrestling events. For such events that generate less than \$500,000 in gross admission receipts, the measure allows, but does not require, the executive director of the commission to impose a lesser fee of \$0.50 for each ticket sold.

The bill is effective on June 25, 1997.

S.B. 310 (Chapter 541)

Senate Bill 310 requires the sterilization of pets that are adopted from humane societies, animal shelters, and other related organizations.

The bill specifies that such an agency may not release a pet that is four months old or older unless it is sterilized. A pet that is less than four months old may be released if the new owner provides a deposit and enters into an agreement to have the pet sterilized by a specific date. The bill provides that a new owner who does not comply with such an agreement is subject to forfeiture of the deposit, a penalty of not less than three times the amount of the deposit, payment of court costs incurred in an action to enforce the agreement, and return of the animal.

The bill also specifies the conditions under which sterilization is not required and the manner in which a new owner may verify that a pet has been sterilized.

S.B. 401 (Chapter 278)

Senate Bill 401 requires a manufacturer of an assistive device, such as a wheelchair, hearing aid, or Braille printer to provide an express warranty for such a device. The warranty does not take effect until the consumer takes possession of the assistive device and must extend for at least one year. If the manufacturer does not provide an express warranty to the consumer at the time of sale or lease, the assistive device is deemed to be covered by the express warranty of the manufacturer.

Senate Bill 401 also provides that the manufacturer or dealer must, within 30 days, either replace the assistive device or refund the purchase price plus all taxes and finance charges, less a reasonable allowance for use, if the device does not conform to the warranty and cannot be made to conform after a reasonable number of repairs. A reasonable number of repairs are presumed to have been made if the manufacturer or dealer has tried to correct the same nonconformity three or more times within the warranty period or if the assistive device has been unavailable to the consumer for a cumulative total of 30 days or more while under warranty.

In addition, the bill provides that the manufacturer must pay the consumer up to \$30 a day if the device is not repaired within ten working days or if the malfunction has been the subject of repairs two or more times. The bill also provides for an award to a consumer in a civil action of double damages plus costs and attorney's fees if a manufacturer or dealer violates the act.

S.B. 464 (Chapter 423)

Senate Bill 464 revises certain provisions relating to products made from tobacco other than cigarettes. The bill provides that any person who engages in the business of

a wholesale dealer or retail dealer for tobacco related products, other than cigarettes, must first obtain a license from the Department of Taxation. The measure authorizes the department to develop regulations relating to the licensing of the wholesale and retail dealers.

Senate Bill 464 also requires these dealers to submit monthly reports to the department which contain a list of purchased products and copies of invoices for purchases of tobacco products from dealers who are not licensed in Nevada. These invoices must include the identity of the wholesale or retail dealer, the date of purchase, and the quantity and wholesale price of the product. Fines may be imposed on dealers who fail to submit the required reports.

Finally, Senate Bill 464 exempts, from the state sales tax for tobacco products, tobacco products displayed in conventions by dealers who are not licensed in Nevada.

This measure is effective on December 31, 1997.

S.B. 488 (Chapter 381)

Senate Bill 488 revises certain provisions relating to a contest or exhibition of unarmed combat. The measure expands the situations in which the Nevada Athletic Commission may suspend or revoke the license of or discipline a contestant, promoter, ring official, or participant, to include actions involving bad faith, dishonest competition, and conduct that is detrimental to the contest or exhibition. The measure also authorizes the commission to impose a monetary penalty of up to 100 percent of the share of the purse to which the person is entitled for conduct relating to the contest or exhibition. This penalty may be imposed in addition to any other disciplinary action, including revocation or suspension of a license. Senate Bill 488 requires that 80 percent of the penalty must be deposited into a state fund for abused and neglected children and domestic violence services.

This measure is effective on July 11, 1997.

A.B. 393 (Chapter 51)

Assembly Bill 393 changes the name of Nevada Indian Day to Native American Day. Further, the measure recognizes the many contributions of Native Americans to the economic and cultural heritage of all residents of the United States.

This measure is effective on May 2, 1997.

A.B. 417 (Chapter 165)

Assembly Bill 417 requires the Governor of the State of Nevada to proclaim annually that the week beginning with Mother's Day is Osteoporosis Prevention and Awareness Week in Nevada. The measure further requires that the proclamation call upon news media, educators, health care providers, and appropriate governmental officers to provide information regarding the early diagnosis and treatment of osteoporosis and to emphasize prevention of the disease.

The bill is effective on June 20, 1997.

VETERANS

S.B. 327 (Chapter 545)

Senate Bill 327 makes various changes to the provisions concerning veterans' affairs. The measure changes, from commissioner to executive director, the title of the state's primary veterans' services officer. The deputy commissioner becomes the deputy executive director. The bill also transfers their offices from the Department of Motor Vehicles and Public Safety to the Office of the Military.

In addition, S.B. 327 requires the state's first veterans' home to be in southern Nevada, and the second, in northern Nevada. The bill specifies the use of certain funds in the veterans' home account and authorizes the acceptance of gifts and grants toward the home.

The measure also increases, from seven to nine, the number of members on the veterans' advisory commission and changes the entity's name to the Nevada Veterans' Services Commission. The additional members consist of one Senator and one member of the Assembly, who are appointed by legislative leadership. The bill requires the commission to meet between four and six times each year, alternating between northern and southern Nevada.

Further, the bill directs the executive director to employ a cemetery superintendent to operate and maintain each veterans' cemetery in Nevada. The measure also requires the establishment of a separate budget account for specific donations toward the cemeteries.

This measure is effective on July 1, 1997.

S.B. 478 (Chapter 667)

Senate Bill 478 revises the circumstances under which the Nevada Commissioner for Veterans Affairs may act as a guardian of the estate of certain veterans. The measure deletes provisions restricting guardianship to persons whose estate is valued at less than \$2,500 in personal property or \$3,500 in real property. The measure allows the commissioner to act as a guardian for an insane or incompetent veteran, or the minor child of a deceased veteran, without regard to the value of the estate.

Under existing law, the commissioner cannot act as a guardian unless the value of the individual's estate is extremely low, which eliminates this service for all but certain indigent veterans.

A.B. 188 (Chapter 374)

Assembly Bill 188 authorizes a county to create an office to coordinate services for veterans. If a county establishes an office, its duties must include assistance to veterans,

their spouses and dependents, if they reside in the county; cooperation with Nevada's Commissioner for Veteran Affairs; and dissemination of information concerning available federal and state services to veterans.

This measure is effective July 1, 1997.

A.B. 652 (Chapter 623)

Assembly Bill 652 provides that gifts of money received by the Commissioner for Veteran Affairs for use at a veterans' cemetery may only be used in the manner designated by the donor. Such donations must be accounted for separately in the State General Fund. The interest and income earned on the money in the account must be credited to the account and any money remaining at the end of a fiscal year must be carried over to the next fiscal year.

This measure is effective on July 1, 1997.

VETOED BILLS

Three bills were vetoed by the Governor. The veto of one measure, Senate Bill 127, was sustained by the 1997 Legislature and receives no further consideration. The remaining two bills, vetoed after adjournment *sine die*, will be returned to the 1999 Legislature for reconsideration and determination of whether to override or sustain the veto. An override requires a two-thirds majority of the members of each house.

The Governor's veto messages, which outline his rationale for rejecting the measures, are available in the Research Library of the Legislative Counsel Bureau.

S.B. 127 (Vetoed)

Senate Bill 127 specifies that the five "sportsmen" members of the Board of Wildlife Commissioners must be appointed from nominations submitted by the County Advisory Boards to Manage Wildlife.

A.B. 512 (Vetoed)

Assembly Bill 512 specifies requirements for contracts for the construction of residential pools or spas, including a soil analysis in certain circumstances. The bill places certain conditions on payment arrangements. In addition, upon completion of each stage or phase of construction and prior to requesting payment for the next stage or phase, the contractor is required to provide the owner with an affidavit signed by the subcontractor or supplier attesting that full payment has been made to the subcontractor or supplier for the previous stage or phase of construction. The affidavit constitutes a rebuttable presumption of full payment to the subcontractor or supplier in any lien enforcement action against the homeowner. The bill specifies actions of contractors that are subject to disciplinary action by the State Contractors' Board.

Further, A.B. 512 prohibits a contractor from requiring a cash deposit or down payment that exceeds \$1,000 or 10 percent, whichever is less, of the contract price for a pool or spa. If the construction of a pool or spa is phased, staged, or sequential, the bill establishes a maximum schedule of payments for each stage or phase.

A.B. 596 (Vetoed)

Assembly Bill 596 creates the Incline Village School District, which is comprised of the portion of Washoe County that is within the Tahoe Basin. The bill provides for separate accounting in the county school district fund and stipulates that its share of that fund must be proportionate to the average daily attendance of pupils as compared with the county as a whole. Similar provisions apply to the county school district buildings and sites fund. Assembly Bill 596 also amends various statutes to incorporate the new district in provisions relating to school districts generally.

VETOED BILLS (continued)

Further, this measure prohibits the impairment of outstanding obligations of the Washoe County School District.

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SENATE STANDING COMMITTEES

Sixty-Ninth Session, 1997

(The Chairman is named first and the Vice Chairman is named second on each committee.)

COMMERCE AND LABOR

Townsend, O'Connell, Augustine, Rhoads, Neal, Shaffer, Schneider.

FINANCE

Raggio, Rawson, Jacobsen, O'Donnell, Coffin, Mathews, Regan.

GOVERNMENT AFFAIRS

O'Connell, Raggio, Porter, O'Donnell, Shaffer, Titus, Schneider.

HUMAN RESOURCES AND FACILITIES

Rawson, Augustine, Townsend, Washington, Neal, Mathews, Wiener.

JUDICIARY

James, Porter, McGinness, Washington, Adler, Titus, Wiener.

LEGISLATIVE AFFAIRS AND OPERATIONS

Augustine, James, Raggio, Rawson, Titus, Mathews, Schneider.

NATURAL RESOURCES

Rhoads, Jacobsen, McGinness, James, Coffin, Adler, Regan.

TAXATION

McGinness, Rhoads, Townsend, O'Connell, Coffin, Regan, Adler.

TRANSPORTATION

O'Donnell, Washington, Jacobsen, Porter, Neal, Shaffer, Wiener.

PRESIDENT PRO TEMPORE

Lawrence E. Jacobsen.

ASSISTANT MAJORITY WHIP

Maurice E. Washington.

MAJORITY FLOOR LEADER

William J. Raggio.

MINORITY FLOOR LEADER

Alice Costandina (Dina) Titus.

ASSISTANT MAJORITY FLOOR LEADER

Raymond D. Rawson.

ASSISTANT MINORITY FLOOR LEADER

Ernest (Ernie) E. Adler.

MAJORITY WHIP

Jon C. Porter.

MINORITY WHIP

Michael A. Schneider.

ASSEMBLY STANDING COMMITTEES

Sixty-Ninth Session, 1997

(The Chairman is named first, the Vice Chairman is named second, and then members are listed alphabetically by majority and minority party.)

COMMERCE

Perkins, Buckley, Arberry, Evans, Giunchigliani, Herrera, Segerblom, Amodei, Braunlin, Close, Humke.

EDUCATION

Williams, Chowning, Collins, de Braga, Koivisto, Manendo, Ohrenschall, Cegavske, Gustavson, Hickey, Von Tobel.

ELECTIONS, PROCEDURES, AND ETHICS

Giunchigliani, Herrera, Dini, Perkins, Price, Berman, Close, Lambert, Marvel.

GOVERNMENT AFFAIRS

Bache, Neighbors, de Braga, Freeman, Lee, Mortenson, Parks, Williams, Amodei, Braunlin, Ernaut, Hickey, Lambert, Tiffany.

HEALTH AND HUMAN SERVICES

Freeman, Manendo, Buckley, Herrera, Krenzer, Williams, Amodei, Berman, Hickey, Von Tobel.

INFRASTRUCTURE

Goldwater, Freeman, Bache, Lee, Parks, Neighbors, Berman, Braunlin, Ernaut, Lambert, Tiffany.

JUDICIARY

Anderson, Buckley, Collins, Herrera, Koivisto, Manendo, Ohrenschall, Perkins, Segerblom, Berman, Carpenter, Gustavson, Nolan, Sandoval.

LABOR AND MANAGEMENT

Krenzer, Parks, Anderson, Goldwater, Koivisto, Carpenter, Ernaut, Hettrick, Nolan.

NATURAL RESOURCES, AGRICULTURE, AND MINING

de Braga, Ohrenschall, Bache, Lee, Mortenson, Neighbors, Segerblom, Braunlin, Carpenter, Humke, Sandoval.

TAXATION

Price, Neighbors, Arberry, Goldwater, Manendo, Mortenson, Ernaut, Lambert, Marvel, Sandoval, Tiffany.

TRANSPORTATION

Chowning, Collins, Anderson, Ohrenschall, Parks, Amodei, Cegavske, Gustavson, Nolan.

WAYS AND MEANS

Arberry, Evans, Chowning, Dini, Giunchigliani, Goldwater, Krenzer, Price, Cegavske, Close, Hettrick, Humke, Marvel, Von Tobel.

SPEAKER

Joseph E. Dini, Jr.

MAJORITY WHIP

Wendell P. Williams.

SPEAKER PRO TEMPORE

Jan Evans.

MINORITY FLOOR LEADER

Lynn C. Hettrick.

MAJORITY FLOOR LEADER

Richard D. Perkins.

ASSISTANT MINORITY FLOOR LEADER

Peter G. Ernaut.

ASSISTANT MAJORITY FLOOR LEADER

Barbara Buckley.

MINORITY WHIP

Deanna Braunlin.