

NEVADA LEGISLATURE

SEVENTY-FIRST SESSION
2001

SEVENTEENTH SPECIAL SESSION
JUNE 14-15, 2001

SUMMARY OF LEGISLATION



PREPARED BY
RESEARCH DIVISION
LEGISLATIVE COUNSEL BUREAU

INTRODUCTION

The 2001 Regular Session of the Nevada Legislature considered 1,262 bills—674 from the Assembly and 588 from the Senate. Of this total, 608 bills were approved. The Governor signed 604 bills and vetoed 4 bills. During the 17th Special Session, 26 bills were introduced. Of these, 23 bills were enacted into state law.

The *Summary of Legislation* reviews each of the bills and concurrent and joint resolutions, including the vetoed bills, passed by the 2001 Regular and the 17th Special Sessions. These summaries do not constitute legal analyses and are not intended for use by the legal community in place of the actual statutes.

Unless otherwise noted, the measures passed during the 2001 Regular and the 17th Special Legislative Sessions are effective on October 1, 2001.

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. Furthermore, numerous measures required inclusion in more than one chapter of this document. In some cases, the summary of a bill has been shortened to reflect only material relevant to a specific chapter; therefore, for a complete description of a measure, it may be necessary to review all referenced listings.

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 titled *Nevada Legislative Appropriations Report*, prepared by the Fiscal Analysis Division of the Legislative Counsel Bureau.

Please see the “Numerical Index” for a complete list of enacted and vetoed legislation or consult the “Table of Contents” and “Subject Index” for reference to legislation enacted within selected major or specific topic areas. For a comprehensive index to all legislative measures considered, please consult the *Index and Tables* for the 71st Legislative Session and the 17th Special Session.

Research Division
Legislative Counsel Bureau
August 2001

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APPROPRIATIONS AND AUTHORIZATIONS

A.B. 183 (Chapter 118)

Assembly Bill 183 appropriates \$73,100 from the State General Fund to the Legislative Fund for the cost of reproducing volumes of *Nevada Reports* and *Statutes of Nevada* that are in short supply or out of print.

This measure is effective on May 22, 2001.

A.B. 187 (Chapter 423)

Assembly Bill 187 appropriates \$700,000 from the State General Fund to the Legislative Fund for additional equipment and software for information systems for the Legislative Counsel Bureau and the Nevada Legislature. Further, the bill provides that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This bill is effective on June 6, 2001.

A.B. 189 (Chapter 424)

Assembly Bill 189 appropriates \$715,700 from the State General Fund to the Legislative Fund for certain maintenance and rehabilitation projects on the Legislative Building. These projects include: (1) rebuilding the west entry to the Legislative Building to remove the roof over the first floor and enclose the entry; (2) maintaining and repairing the exterior surface of the Legislative Building; (3) replacing the heating, ventilation, and air-conditioning system in the Sedway Office Building; and (4) resurfacing the floor of the main level of the parking garage. In addition, the bill provides that any remaining balance of the appropriation must not be committed for expenditure after completion of these projects and reverts to the State General Fund as soon as all payments of money committed have been made.

This bill is effective on June 6, 2001.

A.B. 209 (Chapter 533)

Assembly Bill 209 appropriates \$4 million from the State General Fund to the Welfare Division of the Department of Human Resources for energy bill assistance for low-income Nevadans. Any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This bill is effective on June 12, 2001.

A.B. 234 (Chapter 537)

Assembly Bill 234 makes certain supplemental appropriations to the Department of Motor Vehicles and the Department of Public Safety as follows: (1) \$2,493 for an unanticipated stale payroll claim of the Division of Parole and Probation; (2) \$830,000 for an unanticipated shortfall in the money budgeted for new positions in Field Services; (3) \$230,000 for an unanticipated shortfall in money budgeted for new positions in Central Services; and (4) \$6,500 to the State Board of Parole Commissioners for a shortfall in salaries.

Further, the measure makes the following additional supplemental appropriations from the State Highway Fund: (1) \$62,000 to the Division of Compliance Enforcement for a shortfall caused by an increase in fingerprint expenses and by the payment of terminal leave; and (2) \$15,000 to the Hearings Office for a shortfall caused by the payment of terminal leave.

This measure is effective on June 13, 2001.

A.B. 235 (Chapter 380)

Assembly Bill 235 makes a supplemental appropriation of \$3,215 from the State General Fund to the Department of Business and Industry for an unanticipated shortfall in the money previously budgeted for meeting expenses and salaries for personnel in the Nevada Athletic Commission.

This measure is effective on June 5, 2001.

A.B. 236 (Chapter 29)

Assembly Bill 236 appropriates \$31,015.09 from the State Highway Fund to the Department of Motor Vehicles and Public Safety for the funding of shortfalls resulting from the 1998 reclassification of personnel. The measure further provides that funds not committed for expenditure by June 30, 2001, will revert to the State Highway Fund.

This bill is effective on May 8, 2001.

A.B. 237 (Chapter 194)

Assembly Bill 237 makes a supplemental appropriation of \$109,918 from the State General Fund to the District Judges' Salaries and Judicial Pensions Fund for a shortfall in the money budgeted for retirement benefits for district judges and widows.

This measure is effective on May 29, 2001.

A.B. 273 (Chapter 382)

Assembly Bill 273 appropriates \$4,900 from the State General Fund to the State Department of Agriculture for deposit in the Revolving Account for Agriculture Working Capital created by *Nevada Revised Statutes* 561.335. The bill appropriates an additional \$13,848 from the State General Fund to the State Department of Agriculture to be distributed as follows: (1) \$7,045 for a shortfall in the amount budgeted for terminal annual leave expenses of the State Predatory Animal and Rodent Committee; and (2) \$6,803 for a shortfall in the budget for Agriculture Administration to pay certain retirement contributions that were due from the Department of during the fiscal year ending June 30, 2000, but were not paid during that period.

This bill is effective on June 5, 2001.

A.B. 503 (Chapter 438)

Assembly Bill 503 appropriates \$15,867 from the State General Fund to the Department of Business and Industry for the replacement of certain computers in the Office of the Labor Commissioner. In addition, A.B. 503 provides that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This bill is effective on June 6, 2001.

A.B. 504 (Chapter 539)

Assembly Bill 504 appropriates \$80,000 from the State General Fund to the State Department of Conservation and Natural Resources for Nevada's share for carrying out the Truckee River Operating Agreement. The bill specifies that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This bill is effective on June 13, 2001.

A.B. 505 (Chapter 485)

Assembly Bill 505 appropriates \$329,107 from the State General Fund to the State Department of Conservation and Natural Resources for the replacement of equipment for the Division of State Parks. Any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

A.B. 506 (Chapter 439)

Assembly Bill 506 appropriates \$593,928 from the State General Fund to the State Department of Conservation and Natural Resources for maintenance projects at state parks. In addition, A.B. 506 specifies that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This measure is effective on June 6, 2001.

A.B. 507 (Chapter 427)

Assembly Bill 507 appropriates \$193,323 from the State General Fund to the State Department of Conservation and Natural Resources for a radio connection between the Nevada State Park System and the Department of Public Safety. The measure specifies that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This bill is effective on June 6, 2001.

A.B. 508 (Chapter 486)

Assembly Bill 508 appropriates \$169,411 from the State General Fund to the State Department of Conservation and Natural Resources for new and replacement equipment for the Division of Water Resources. The measure also specifies that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

Further, A.B. 508 appropriates \$100,000 from the State General Fund to the Account for the Channel Clearance, Maintenance, Restoration, Surveying and Monumenting Program created by *Nevada Revised Statutes* 532.230.

This measure is effective on June 8, 2001.

A.B. 510 (Chapter 487)

Assembly Bill 510 appropriates \$36,975 from the State General Fund to the State Department of Conservation and Natural Resources for the purchase of equipment for the suppression of forest fires. Any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This bill is effective on June 8, 2001.

A.B. 511 (Chapter 540)

Assembly Bill 511 appropriates \$200,000 from the State General Fund to the Tahoe Regional Planning Agency (TRPA) for threshold research. In addition, the bill requires the TRPA to: (1) submit a quarterly report to the Interim Finance Committee (IFC) regarding the nature and

progress of the research; and (2) upon completion of its research, submit a final report to the IFC. The measure also specifies that any balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This measure is effective on June 13, 2001.

A.B. 513 (Chapter 541)

Assembly Bill 513 makes an appropriation of \$800,000 from the State General Fund to Nevada's Department of Human Resources for the development of four long-term plans concerning the health care needs of Nevadans. The appropriation is divided into four parts for the development of various strategic plans relating to the health care needs of residents of this state, as follows: (1) an appropriation of \$100,000 is granted to the Department for a plan to ensure the availability and accessibility of services that meet the basic needs of senior citizens and support their ability to lead independent and active lives; (2) a second allocation in the amount of \$150,000 is authorized for a plan to ensure a continuum of health care services in rural areas of Nevada; (3) a total of \$150,000 is allocated for development of a plan to further the provision of and ensure the availability of services to persons with disabilities; and (4) the fourth portion of the appropriation in the amount of \$400,000 is provided for a plan to develop and implement a methodology for the establishment and periodic adjustment of rates paid by the State of Nevada for contracted health and human services. Such a methodology must reflect the required costs of those services and establish consistent and competitive reimbursement rates that will attract providers to ensure the effective delivery of such services.

In addition, the bill requires the Department to enter into contracts and conduct public hearings throughout the State of Nevada during the course of developing each of the four long-term strategic plans. Any remaining balance of the appropriation must not be committed for expenditure after June 30, 2003.

This measure is effective on June 13, 2001.

A.B. 514 (Chapter 440)

Assembly Bill 514 makes an appropriation of \$500,000 from the State General Fund to the Interim Finance Committee (IFC) for allocation to the Department of Human Resources for the costs of developing and converting to an electronic application process for the Nevada Check Up program and Medicaid assistance. Any request for funds must be made by the Department of Human Resources to the IFC, and any remaining balance of the appropriation that is not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This measure is effective on June 6, 2001.

A.B. 515 (Chapter 542)

Assembly Bill 515 appropriates \$1,000,000 from the State General Fund to the Department of Human Resources for assistance in the operation of human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) clinics in Reno and Las Vegas and directs that the appropriation be divided equally for expenditure between the northern and southern regions of the state. The bill further specifies that any unused or uncommitted balance from one region may be transferred by the Department for use in the other region. In addition, A.B. 515 directs that the money be used for capital projects, including without limitation facilities, equipment, fixtures, and furnishings related to health care treatment. Finally, the measure provides that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This measure is effective on June 13, 2001.

A.B. 516 (Chapter 441)

Assembly Bill 516 appropriates \$2,090,840 from the State General Fund to the Department of Human Resources for the Medicaid Management Information System. In addition, the measure provides that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This measure is effective on June 6, 2001.

A.B. 517 (Chapter 428)

Assembly Bill 517 appropriates \$117,244 from the State General Fund to the Department of Human Resources for furnishings and equipment for the Division of Child and Family Services. Further, the bill provides that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This bill is effective on June 6, 2001.

A.B. 519 (Chapter 488)

Assembly Bill 519 appropriates \$2,175,000 from the State General Fund to the Department of Taxation and directs that these funds be allocated as follows: (1) \$1,300,000 for implementation of Phase II of the Business Process Re-Engineering Project; (2) \$800,000 for development of a document scanning and imaging system; and (3) \$75,000 for enhancement of the Local Government Financial Reporting System. Any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This bill is effective on June 8, 2001.

A.B. 520 (Chapter 543)

Assembly Bill 520 appropriates the sum of \$75,000 from the State General Fund to the Department of Administration for distribution of a grant of money to the Governor's Advisory Council on Education Relating to the Holocaust as created by *Nevada Revised Statutes* 233G.020. The money must be used to carry out the duties of the Council and continue its educational program. Upon accepting these funds, the Governor's Advisory Council on Education Relating to the Holocaust agrees to: (1) prepare and transmit a report to the Interim Finance Committee on or before December 15, 2002, that describes each expenditure made from the money appropriated that was received by the Council through December 1, 2002; and (2) upon request of the Legislative Commission, make available to the Legislative Auditor any information that the Auditor deems necessary to conduct an audit of the use of the money appropriated. Finally, the bill provides that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This measure is effective on June 13, 2001.

A.B. 521 (Chapter 489)

Assembly Bill 521 appropriates \$325,000 from the State General Fund to the Governor. The bill notes that these funds must be granted by the Governor to the Nevada Commission for National and Community Service for use as matching money, thus enabling the Commission to obtain additional federal funding so that it may continue its programs dedicated to promoting citizen volunteerism. The measure specifies that upon acceptance of these funds, the Commission agrees to: (1) prepare and transmit to the Legislature's Interim Finance Committee, on or before December 15, 2002, a report describing each expenditure made from the grant funds from the date on which the money is received by the Commission through December 1, 2002; and (2) upon request of the Legislative Commission, to make available to the Legislative Auditor its books, accounts, claims, reports, vouchers, or other records of information that the Legislative Auditor deems necessary to conduct any audit. Further, A.B. 521 provides that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This measure is effective on June 8, 2001.

A.B. 522 (Chapter 544)

Assembly Bill 522 appropriates \$220,400 from the State General Fund to the Buildings and Grounds Division of the Department of Administration for minor remodeling of the Grant Sawyer State Office Building in Las Vegas and moving expenses of various agencies to and from the building. The measure also provides that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This bill is effective on June 13, 2001.

A.B. 523 (Chapter 442)

Assembly Bill 523 appropriates from the State General Fund for the purchase of motor vehicles: (1) \$1,749,874 to the Motor Pool Division of the Department of Administration; and (2) \$274,012 to the Investigation Division of the Department of Public Safety. The measure specifies that any remaining balance of either of these appropriations not committed for expenditure by June 30, 2003, reverts to the State General Fund.

In addition, A.B. 523 appropriates \$22,341 from the State Highway Fund to the Investigation Division of the Department of Public Safety for the purchase of a motor vehicle. The bill also provides that any remaining balance of this appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This measure is effective on June 6, 2001.

A.B. 524 (Chapter 429)

Assembly Bill 524 appropriates \$4,641,986 from the State General Fund to the Department of Information Technology for Phase IIA of the digital microwave upgrade. The measure also provides that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This measure is effective on June 6, 2001.

A.B. 525 (Chapter 443)

Assembly Bill 525 appropriates \$395,028 from the State General Fund to the Nevada Supreme Court for security system upgrades, a system-wide Web site and communications infrastructure, and new and replacement equipment. The measure further provides that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This measure is effective on June 6, 2001.

A.B. 526 (Chapter 444)

Assembly Bill 526 appropriates \$454,173 from the State General Fund to the Department of Taxation for the purchase of new and replacement equipment. The bill also provides that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This measure is effective on June 6, 2001.

A.B. 527 (Chapter 430)

Assembly Bill 527 appropriates \$747,823 from the State General Fund to the Legislative Fund for new and replacement equipment and various maintenance projects for the Legislative Counsel Bureau. Further, the bill provides that any remaining balance of the expenditure not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This bill is effective on June 6, 2001.

A.B. 529 (Chapter 431)

Assembly Bill 529 appropriates \$236,490 from the State General Fund to the Department of Human Resources for software and computer equipment for the Nevada rural health communications system. In addition, the measure specifies that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This measure is effective on June 6, 2001.

A.B. 530 (Chapter 545)

Assembly Bill 530 appropriates from the State General Fund to the Department of Human Resources: (1) \$54,572 for the Welfare Division's telephone system; and (2) \$13,315 for costs relating to the fingerprinting of Welfare Division employees. Further, the bill provides that any remaining balance of the appropriations not committed for expenditure by June 30, 2003, revert to the State General Fund.

This bill is effective on June 13, 2001.

A.B. 531 (Chapter 432)

Assembly Bill 531 appropriates \$73,144 from the State General Fund to the Department of Human Resources for a vehicle, furnishings, and equipment for the Nevada Youth Training Center within the Division of Child and Family Services. The bill also provides that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This measure is effective on June 6, 2001.

A.B. 532 (Chapter 433)

Assembly Bill 532 appropriates \$72,892 from the State General Fund to the Department of Human Resources for a vehicle, office equipment, and remodeling for the Northern Nevada Child and Adolescent Services. The measure also provides that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This measure is effective on June 6, 2001.

A.B. 533 (Chapter 434)

Assembly Bill 533 appropriates \$15,150 from the State General Fund to the Department of Business and Industry for the replacement of computers in the Consumer Affairs Division. The bill also specifies that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This bill is effective on June 6, 2001.

A.B. 587 (Chapter 23)

Assembly Bill 587 appropriates \$2.5 million from the State General Fund to the State Claims Account created by *Nevada Revised Statutes* 353.097 to restore and increase the balance in the account to approximately \$2.5 million.

This bill is effective on May 27, 2001.

A.B. 588 (Chapter 491)

Assembly Bill 588 appropriates \$160,000 from the State General Fund to the Emergency Account created by *Nevada Revised Statutes* 353.263, to restore the balance in the account.

This measure is effective on June 8, 2001.

A.B. 596 (Chapter 492)

Assembly Bill 596 appropriates \$13,380 from the State General Fund to the Department of Public Safety for computer upgrades at the Division of Parole and Probation. The bill specifies that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This measure is effective on June 8, 2001.

A.B. 597 (Chapter 493)

Assembly Bill 597 appropriates \$431,046 from the State General Fund to the Department of Public Safety for the Division of Parole and Probation and directs that these funds be distributed as follows: (1) \$306,748 for computer hardware and software; (2) \$62,149 for telecommunications costs for Fiscal Year (FY) 2001-2002; and (3) an additional \$62,149 for telecommunications costs for FY 2002-2003. The measure also sets forth the time frames within which these funds may be committed for expenditure and provides for the reversion to the State General Fund of any funds not so committed within these specified time constraints.

This measure has various effective dates. The provisions of the bill that make an appropriation for the purchase of computer hardware and software provision are effective on June 8, 2001. The section of the bill pertaining to the appropriation of funds for telecommunications costs for FY 2001-2002 is effective on July 1, 2001; and the portion of the measure that appropriates funds for telecommunications costs for FY 2002-2003 is effective on July 1, 2002.

A.B. 598 (Chapter 435)

Assembly Bill 598 appropriates \$250,000 from the State General Fund to the Department of Human Resources for an enhanced health clinic for the Jan Evans Juvenile Justice Center. In addition, the bill specifies that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This measure is effective on June 6, 2001.

A.B. 605 (Chapter 312)

Assembly Bill 605 authorizes the Chief of the Purchasing Division to withdraw up to \$150,000 each year from the State Purchasing Fund for the cost of providing methods for purchasing or leasing by the use of forms in electronic format through a computer system or network or through the Internet. The Chief may not withdraw money if the withdrawal would reduce the balance of the State Purchasing Fund below \$500,000. In addition, the maximum balance of the State Purchasing Fund is permanently reduced by the amount the Chief withdraws.

Finally, A.B. 605 limits the amount of a temporary transfer from the State General Fund to the State Purchasing Fund if the Chief has withdrawn money for the purposes previously described.

This bill is effective on May 31, 2001.

A.B. 609 (Chapter 247)

Assembly Bill 609 amends Section 2 of Chapter 510, *Statutes of Nevada 1999*, to extend, from June 30 to December 31, 2001, the authorized period of expenditure of money appropriated to the Department of Motor Vehicles and Public Safety for the purchase of modular furniture for its remodeled office in Carson City. Any remaining balance of the appropriation reverts to the State Highway Fund as soon as all payments of money committed have been made.

This bill is effective on May 30, 2001.

A.B. 658 (Chapter 495)

Assembly Bill 658 appropriates \$11,820,380 from the State General Fund and \$2,664,000 from the State Highway Fund to the Budget Division of the Department of Administration for continuation of the development and implementation of the Integrated Financial System. Any remaining balance of these appropriations not committed for expenditure by June 30, 2003, reverts to the originating fund.

This measure is effective on June 8, 2001.

A.B. 662 (Chapter 249)

Assembly Bill 662 revises provisions relating to the authorization for expenditure of money in the Heil Trust Fund for wild horses. The measure deletes the requirement that the principal of the Heil Trust Fund may be reduced to less than \$900,000 if the money is needed for an emergency. The provision allowing the Fund to fall below \$900,000, if approved by the Legislature or its Interim Finance Committee, remains in effect. Only reference to emergencies is deleted.

This bill is effective on May 30, 2001.

A.B. 671 (Chapter 569)

Assembly Bill 671 appropriates approximately \$91.8 million and \$99.7 million in Fiscal Years (FYs) 2001-2002 and 2002-2003, respectively, for continued support of the class-size reduction program. The measure specifies that the funds will pay the salaries and benefits for teachers hired to reduce pupil-teacher ratios for at least 1,866 teachers in the first year of the biennium and 1,949 teachers in the second year. Allocation of funds remains based upon the number of teachers needed in each district to reach the ratios of 16 to 1 in first and second grades and 19 to 1 in third grade. Money will be distributed by the same method utilized in the past to ensure that the school districts with the greatest needs for class-size reduction teachers receive adequate funding.

The measure continues the flexibility previously allowed for the use of funding for first through third grades to carry out alternative programs for reducing the ratio of pupils per teacher, or to implement remedial programs that have been found to be effective in improving

pupil achievement. To use the funds in this manner, school districts are required to: (1) receive approval of their written plan from the Superintendent of Public Instruction; (2) evaluate the effectiveness of their program; and (3) ensure that the combined ratio of pupils per teacher in the aggregate of Grades Kindergarten (K) through 3 does not exceed the combined ratio in those grades during the 1998-1999 school year. The bill also authorizes the continuation of the demonstration project for the Elko County School District to reduce pupil-teacher ratios to 22 to 1 in Grades K through 6 in an effort to eliminate team teaching. The District is required to complete an evaluation and report back to the 2003 Legislature.

The appropriation for FY 2002-2003 is effective on July 1, 2002; the remaining provisions of the bill are effective on July 1, 2001.

A.B. 672 (Chapter 570)

Assembly Bill 672 is the General Appropriations Act to support Nevada state government during the 2001-2003 biennium. The bill 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 672 appropriates over \$2.4 billion, including approximately \$1.17 billion for Fiscal Year (FY) 2001-2002 and \$1.23 billion for FY 2002-2003.

Except for an appropriation of \$1.7 million from the State General Fund to the Legislative Fund that is effective on June 13, 2001, this measure is effective on July 1, 2001.

A.B. 673 (Chapter 571)

Assembly Bill 673 concerns salaries for state employees. The measure establishes the maximum salaries for state employees in the unclassified service and certain state employees in the classified medical service and makes appropriations to allow state agencies to fund these salary levels. In addition, the bill makes appropriations to provide state employees with a salary increase of approximately 4 percent in each year of the 2001-2003 biennium. The bill appropriates money to fund the cost of one additional step in the state's employee compensation schedule for classified employees. Assembly Bill 673 appropriates \$39.9 million in State General Fund money for Fiscal Year (FY) 2001-2002 and \$65.4 million for FY 2002-003. The measure also appropriates \$10.5 million in State Highway Fund money for FY 2002 and \$15.3 million for FY 2003.

The legislation also provides for: (1) a credential-related pay increase for State Gaming Control Board employees; (2) pay increases for classified and professional employees of the University and Community College System of Nevada; (3) for conditional purposes, pay increases for certain engineers and correctional officers; and (4) certain pay increases for adult and youth parole and probation personnel.

Finally, the measure contains the "trigger" mechanism for potential salary increases in FY 2002-2003 for teachers and other school district education personnel. An amount that is approximately 1 percent for such an increase is to be transferred to the Distributive School

Account for contingent appropriations should unappropriated state revenues exceed projections by \$154 million. Should these revenues exceed \$194 million, the amount transferred would be sufficient for an increase of approximately 2 percent.

This measure is effective on July 1, 2001.

S.B. 1 (Chapter 1)

Senate Bill 1 appropriates \$10 million from the State General Fund to the Legislative Fund. The appropriation funds a portion of the cost of conducting the 2001 Legislative Session.

This bill is effective on February 8, 2001.

S.B. 84 (Chapter 549)

Senate Bill 84 appropriates \$2,265,979 from the State Highway Fund to the State Board of Examiners and \$35,406 from the State General Fund to the State Board of Examiners, to increase the level of compensation of all uniformed highway patrol positions by one grade.

This measure is effective on July 1, 2001.

S.B. 143 (Chapter 553)

Senate Bill 143 makes the following appropriations from the State General Fund for continuation of programs of treatment for the abuse of alcohol or controlled substances: (1) \$350,000 to the court administrator of the Second Judicial District; and (2) \$700,000 to the court administrator of the Eighth Judicial District. The measure requires that the money appropriated to the Second and Eighth Judicial Districts be used to supplement and not supplant or cause to be reduced any other source of funding for the existing treatment programs established pursuant to *Nevada Revised Statutes* 453.580. In addition, S.B. 143 appropriates \$300,000 to the Administrative Office of the Courts for the establishment of programs of treatment for the abuse of alcohol or controlled substances in the First, Third, and Ninth Judicial Districts. The bill also specifies that any remaining balance of these appropriations not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This measure is effective on June 13, 2001.

S.B. 144 (Chapter 196)

Senate Bill 144 revises the provision relating to payment of certain transitional expenses for the Governor-Elect. The bill requires the Department of Administration to include as a separate item in its budget, for each fiscal year in which a Governor is to be elected, a reasonable amount to pay transitional expenses of the Governor-Elect for clerical and research assistance. Further, the bill directs that upon submission of one or more claims by the Governor-Elect for

necessary expenses for such clerical and research assistance, the State Controller shall, within the limits of legislative appropriation, draw his warrant for the payment of such expenses. These provisions do not apply if the incumbent Governor is reelected.

S.B. 199 (Chapter 14)

Senate Bill 199 appropriates from the State General Fund to the Legislative Fund the sum of \$1,025,000 for the purchase by the Legislative Counsel Bureau of the Capitol Apartments located at 201 East Sixth Street in Carson City, Nevada. Further, the measure appropriates an additional \$553,1000 for light renovation of the property by the Legislative Counsel Bureau. This acquisition was recommended by the Committee to Consult With the Director of the Legislative Counsel Bureau to enhance the legislative buildings and grounds portion of the Capitol Complex in Carson City.

This measure is effective on April 10, 2001.

S.B. 247 (Chapter 450)

Senate Bill 247 appropriates from the State General Fund to the Department of Human Resources: (1) the sum of \$2,743,867 for an unanticipated shortfall in money budgeted for expenses relating to group homes, foster care, Medicare, and subsidized adoptions at the Division of Child and Family Services; and (2) the sum of \$435,950 for unanticipated additional utility expenses for the new hospital and for the cost of medications at the Nevada Mental Health Institute.

In addition, S.B. 247 appropriates \$350,0000 from the State General Fund to the Division of Mental Health and Developmental Services of the Department of Human Resources for repairs to the Southern Nevada Adult Mental Health Services. The measure also directs that any remaining balance of this appropriation not committed for expenditure by June 30, 2002, reverts to the State General Fund.

This bill is effective on June 6, 2001.

S.B. 248 (Chapter 86)

Senate Bill 248 makes a supplemental appropriation of \$35,791 from the State General Fund to the Department of Cultural Affairs for unanticipated additional utility costs, personnel costs, and purchasing assessments charged by the Purchasing Division of the Department of Administration.

This measure is effective on May 17, 2001.

S.B. 249 (Chapter 197)

Senate Bill 249 appropriates \$220,786 from the State General Fund to the Secretary of State for an unanticipated shortfall in the money budgeted for salaries and costs for information services.

This measure is effective on May 29, 2001.

S.B. 250 (Chapter 198)

Senate Bill 250 makes a supplemental appropriation of \$40,181 from the State General Fund to the State Department of Conservation and Natural Resources for unanticipated shortfalls in its budget. The bill directs that these funds be disbursed as follows: (1) the sum of \$21,689 for an unanticipated shortfall in the money budgeted for retirement and other personnel expenses in the Director's office; and (2) \$18,492 for an unanticipated shortfall in money budgeted for the Division of Water Resources for expenses related to the United States Geological Survey river and stream gauging, ground water measurement, and the South Fork Dam monitoring programs.

This bill is effective on May 29, 2001.

S.B. 251 (Chapter 199)

Senate Bill 251 makes a supplemental appropriation of \$38,890 from the State General Fund to the State Department of Education for a shortfall in money budgeted for contractual obligations for the *TerraNova* tests.

This measure is effective on May 29, 2001.

S.B. 321 (Chapter 463)

Senate Bill 321 requires the State Controller to transfer, as soon as practicable after June 30, 2001, the sum of \$500,000 from the Intergovernmental Transfer Account in the State General Fund to the Fund for Institutional Care of the Medically Indigent created by *Nevada Revised Statutes* 428.470. Further, the bill provides that the money transferred may be used to provide assistance to a county for payment required by an interlocal agreement that became due during Fiscal Year 2000-2001.

This bill is effective on July 1, 2001.

S.B. 427 (Chapter 574)

Senate Bill 427 makes appropriations for educational technology and signing bonuses for teachers. The measure appropriates \$9,950,000 from the State General Fund to the State Department of Education for educational technology. The bill requires the Department to distribute the money for use by the Commission on Educational Technology to provide grant

money to local school districts for: (1) the acquisition of the minimal level of educational technology that includes a networked computer in each classroom (\$1,250,000 each year of the biennium); (2) the repair, replacement, or upgrade of computer hardware and software (\$2,500,000 each year of the biennium); (3) hardware, software, and contracting services for educational technology technical support (\$625,000 each year of the biennium); (4) pilot programs that demonstrate best practices for the use of educational technology to improve the academic achievement of pupils (\$150,000 in each year of the biennium); (5) the continuation and expansion of distance learning satellite service (\$400,000); and (6) the continuation and expansion of educational technology for school libraries (\$500,000).

In order to receive a grant of money for educational technology, a school district must complete and submit applicable forms, including a plan for how the requested funds for educational technology will be used to improve the instruction and academic achievement of pupils. Determination of the amount of money distributed to each school district is based upon the needs and wealth of the school district relative to other school districts in Nevada.

The bill also appropriates \$50,000 for use by the Legislative Bureau of Education Accountability and Program Evaluation to hire a qualified, independent consultant to conduct an evaluation of the effectiveness of educational technology in improving the academic achievement of pupils, identify issues relating to the implementation of educational technology, and identify best practices with technology for improving student achievement.

The bill also appropriates \$10 million from the State General Fund to the State Department of Education to provide signing bonuses to teachers who are newly hired by school districts for the 2001-2002 school year and the 2002-2003 school year. In order to receive a signing bonus, a teacher must teach in a school district in Nevada for at least 30 days. A teacher who teaches for a school district in Nevada before the effective date of this act and who subsequently transfers to another school district in this state is not eligible to receive a signing bonus. In addition, a teacher may not receive more than one signing bonus. The amount of a bonus paid to each teacher may not exceed \$2,000 in Fiscal Year (FY) 2001-2002 or \$2,500 in FY 2002-2003.

This measure is effective on June 13, 2001.

S.B. 428 (Chapter 497)

Senate Bill 428 appropriates \$200,000 from the State General Fund to the Department of Cultural Affairs for expenses relating to the continued operation of the southern Nevada office of the Nevada Humanities Committee. Upon accepting these funds, the Nevada Humanities Committee agrees to: (1) prepare and transmit a report to the Interim Finance Committee on or before December 15, 2002, that describes each expenditure made from the money appropriated that was received by the Nevada Humanities Committee through December 1, 2002; and (2) upon the request of the Legislative Commission, make available to the Legislative Auditor any information that the Legislative Auditor deems necessary to conduct an

audit of the use of the money appropriated. Finally, the bill specifies that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This measure is effective on June 8, 2001.

S.B. 431 (Chapter 466)

Senate Bill 431 appropriates \$1,241,690 from the State General Fund to the Department of Cultural Affairs for grants for library collections and equipment requirements. The measure specifies that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This bill is effective on June 6, 2001.

S.B. 432 (Chapter 467)

Senate Bill 432 appropriates \$137,518 from the State General Fund to the Department of Cultural Affairs for the purchase of computer software and equipment. The measure specifies that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This bill is effective on June 6, 2001.

S.B. 433 (Chapter 498)

Senate Bill 433 makes the following appropriations from the State General Fund to the Department of Cultural Affairs: (1) \$39,797 for the purchase of equipment; (2) \$44,225 to carry out the statewide monument program for Fiscal Year (FY) 2001-2002; and (3) an additional \$41,906 to carry out the statewide monument program for FY 2002-2003. The bill also sets forth the time frames within which these funds may be committed for expenditure and provides for the reversion to the State General Fund of any funds not so committed within the specified time constraints.

This bill contains two effective dates. The portion of the bill concerning an appropriation for the purchase of equipment is effective on June 8, 2001. The provisions of the measure pertaining to the appropriation of funds necessary to carry out the statewide monument program are effective on July 1, 2001.

S.B. 435 (Chapter 468)

Senate Bill 435 appropriates \$439,828 from the State General Fund to the Division of Mental Health and Developmental Services of the Department of Human Resources for new and replacement equipment, maintenance, and new and replacement computer hardware and software at the Nevada Mental Health Institute. The measure further provides that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This bill is effective on June 6, 2001.

S.B. 436 (Chapter 469)

Senate Bill 436 appropriates \$33,391 from the State General Fund to the Department of Human Resources for new and replacement equipment, operating expenses, and new and replacement computer hardware and software for the Rural Regional Center of the Division of Mental Health and Developmental Services. The bill directs that the appropriation be distributed as follows: (1) \$24,503 for new and replacement equipment; (2) \$4,444 for operating expenses for Fiscal Year (FY) 2001-2002; (3) \$4,444 for operating expenses for FY 2002-2003. In addition, S.B. 436 provides that any remaining balance of any of these appropriations not committed for expenditure by June 30, 2003, reverts to the State General Fund.

Senate Bill 436 has various effective dates. The section of the bill that provides an appropriation for new and replacement equipment is effective on June 6, 2001; the operating expense appropriation is effective on July 1, 2001; and the provisions requiring the reversion to the State General Fund of uncommitted balances of any of these appropriations is effective on July 1, 2002.

S.B. 437 (Chapter 470)

Senate Bill 437 appropriates \$450,000 from the State General Fund to the National Judicial College to assist in securing public and private grants and other funding for support during the 2001-2003 biennium. The bill also specifies that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This bill is effective on June 6, 2001.

S.B. 438 (Chapter 471)

Senate Bill 438 appropriates \$250,000 from the State General Fund to the Louis W. McHardy National College of Juvenile and Family Justice to assist in securing public and private grants and other funding for support during the 2001-2003 biennium. The bill requires that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This measure is effective on June 6, 2001.

S.B. 439 (Chapter 472)

Senate Bill 439 appropriates \$160,581 from the State General Fund to the Division of Mental Health and Developmental Services of the Department of Human Resources for new and replacement equipment and computer hardware and software at the Desert Regional Center. In addition, S.B. 439 specifies that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This bill is effective on June 6, 2001.

S.B. 440 (Chapter 473)

Senate Bill 440 appropriates \$120,512 from the State General Fund to the Division of Mental Health and Developmental Services of the Department of Human Resources for new and replacement equipment and computer hardware and software at the Sierra Regional Center. In addition, the bill specifies that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This bill is effective on June 6, 2001.

S.B. 441 (Chapter 474)

Senate Bill 441 appropriates \$163,524 from the State General Fund to the Department of Human Resources for new and replacement equipment and computer hardware and software at the rural clinics and directs that it be distributed as follows: (1) \$154,644 for equipment; (2) \$4,440 for operating expenses for Fiscal Year (FY) 2001-2002; and (3) an additional \$4,440 for operating expenses for FY 2002-2003. The measure also sets forth the time frames within which these funds may be committed for expenditure and provides for the reversion to the State General Fund of any funds not so committed within the specified periods of time.

The bill has various effective dates. The section of the bill that provides an appropriation for new and replacement equipment is effective on June 6, 2001; the operating expense appropriation for FY 2001-2002 is effective on July 1, 2001; and the appropriation for operating expenses for FY 2002-2003 is effective on July 1, 2002.

S.B. 442 (Chapter 499)

Senate Bill 442 makes appropriations from the State General Fund to the Department of Corrections as follows: (1) \$1,034,239 for various replacement equipment at certain facilities; (2) \$948 for the lease of a dishwasher at the Pioche Conservation Camp for Fiscal Year (FY) 2001-2002; and (3) an additional \$948 for the ongoing lease of a dishwasher at the Pioche Conservation Camp for FY 2002-2003. The bill also sets forth the time frames within which these funds may be committed for expenditure and provides for the reversion to the State General Fund of any moneys not committed within these specified time constraints.

The portion of the bill concerning an appropriation for the purchase of replacement equipment is effective on June 8, 2001, and the provisions of the measure pertaining to the dishwasher lease at the Pioche Conservation Camp are effective on July 1, 2001.

S.B. 444 (Chapter 500)

Senate Bill 444 appropriates \$32,622 from the State General Fund to the Department of Public Safety for security upgrades and operating expenses at various offices of the Division of Parole and Probation. The measure directs that the appropriation be distributed as follows: (1) \$25,182 for remodeling costs and an alarm system; (2) \$3,720 for operating expenses for Fiscal Year (FY) 2001-2002; and (3) an additional \$3,720 for operating expenses for FY 2002-2003. The bill also sets forth the time frames within which these funds may be committed for expenditure and provides for the reversion to the State General Fund of any monies not committed within these specified time constraints.

This bill contains various effective dates. The section pertaining to the appropriation for security upgrades and operating expenses is effective on June 8, 2001; the portion concerning operating expenses for FY 2001-2002 is effective on July 1, 2001; and the provision regarding operating expenses for FY 2002-2003 is effective on July 1, 2002.

S.B. 446 (Chapter 501)

Senate Bill 446 appropriates \$78,735 from the State General Fund to the Department of Human Resources for new and replacement equipment and computer hardware and software for the Division of Mental Health and Developmental Services. The bill also provides that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This measure is effective on June 8, 2001.

S.B. 448 (Chapter 475)

Senate Bill 448 makes an appropriation of \$500,000 from the State General Fund to the State Department of Conservation and Natural Resources for unspecified improvement projects within the state park system. The measure further extends the period within which previous appropriations must be expended and revises the list of projects for which these funds may be used.

This measure is effective on June 6, 2001.

S.B. 449 (Chapter 502)

Senate Bill 449 appropriates from the State General Fund to the State Department of Conservation and Natural Resources the sum of \$401,693 for replacement equipment for the Division of Forestry. The bill also provides that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This measure is effective on June 8, 2001.

S.B. 450 (Chapter 476)

Senate Bill 450 appropriates \$202,440 from the State General Fund to the State Department of Agriculture for the purchase of vehicles and new equipment. The bill further provides that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This bill is effective on June 6, 2001.

S.B. 455 (Chapter 477)

Senate Bill 455 appropriates \$92,100 from the State General Fund to the Department of Human Resources for new and replacement equipment and hardware and software at the Lake's Crossing Center for the Mentally Disordered Offender. The bill further provides that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This measure is effective on June 6, 2001.

S.B. 456 (Chapter 478)

Senate Bill 456 appropriates \$148,150 from the State General Fund to the Division of Child and Family Services of the Department of Human Resources for new and replacement equipment at the Southern Nevada Child and Adolescent Services Juvenile Treatment Facility. The bill specifies that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This measure is effective on June 6, 2001.

S.B. 457 (Chapter 479)

Senate Bill 457 appropriates \$40,000 from the State General Fund to the Department of Cultural Affairs for a conservation laboratory. The measure specifies that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund. In addition, S.B. 457 amends Section 2 of Chapter 613, *Statutes of Nevada 1999*, by extending the reversion date for a prior appropriation made to the Department.

This measure is effective on June 6, 2001.

S.B. 458 (Chapter 555)

Senate Bill 458 appropriates \$34,000,000 from the State General Fund to the State Department of Education for a cost-of-living bonus of approximately 3 percent for all public employees in local school districts. The measure specifies that any remaining balance of the appropriation not committed for expenditure by June 30, 2002, reverts to the State General Fund.

This bill is effective on June 13, 2001.

S.B. 461 (Chapter 480)

Senate Bill 461 appropriates \$2,523,863 from the State General Fund to the University and Community College System of Nevada for new and replacement equipment and associated software in the computing center. The bill also specifies that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This measure is effective on June 6, 2001.

S.B. 462 (Chapter 503)

Senate Bill 462 appropriates \$5,000 from the State General Fund to the Nevada Silver Haired Legislative Forum. Upon accepting these funds, the Nevada Silver Haired Legislative Forum agrees to: (1) prepare and transmit a report to the Interim Finance Committee on or before December 15, 2002, that describes each expenditure made from the money appropriated that was received by the Forum through December 1, 2002; and (2) upon request of the Legislative Commission, make available to the Legislative Auditor any information that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated. Finally, the bill specifies that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This bill is effective on June 8, 2001.

S.B. 463 (Chapter 504)

Senate Bill 463 makes appropriations from the State General Fund to the Department of Corrections as follows: (1) \$334,376 for maintenance projects at certain facilities; (2) \$10,129 for ongoing expenses for the various budget accounts of the Department for Fiscal Year (FY) 2001-2002; and (3) an additional \$10,129 for ongoing expenses for FY 2002-2003. The bill also sets forth the time frames within which these funds may be committed for expenditure and provides for the reversion to the State General Fund of any money not committed within the specified time constraints.

The portion of the bill concerning an appropriation for maintenance projects is effective on June 8, 2001, and the provisions of the measure pertaining to ongoing expenses for FYs 2001-2002 and 2002-2003 are effective on July 1, 2001.

S.B. 464 (Chapter 505)

Senate Bill 464 appropriates \$467,617 from the State General Fund to the Office of the Secretary of State for various enabling technology projects, promotional materials for the Commercial Recordings Division, and new and replacement equipment. The bill also provides that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This measure is effective on June 8, 2001.

S.B. 465 (Chapter 556)

Senate Bill 465 authorizes the State Board of Examiners to establish the maximum balance for the Adjudication Emergency Account. The measure also provides that any money in the account in excess of this maximum balance must be deposited in the State General Fund. Further, if the balance of the account is less than the amount set forth by the State Board of Examiners, the State Engineer may request an allocation from the Contingency Fund. Finally, S.B. 465 appropriates \$10,000 from the State General Fund to the Adjudication Emergency Account to restore the account's balance.

This measure is effective on June 13, 2001.

S.B. 477 (Chapter 506)

Senate Bill 477 appropriates \$500,000 from the State General Fund to the Department of Employment, Training and Rehabilitation for the Independent Living State Client Services Program for assistive devices to help disabled persons maintain an independent living environment. The bill further provides that any remaining balance of the appropriation not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This bill is effective on June 8, 2001.

S.B. 491 (Chapter 576)

Senate Bill 491 appropriates \$200,000 from the State General Fund to Opportunity Village Foundation for the revitalization of thrift stores operated by the Foundation. In addition, the bill appropriates \$50,000 from the State General Fund to the Washoe Association for Retarded Citizens for creation of a pilot program to develop supportive employment and reimbursement models to assist clients in their efforts to find and maintain meaningful, productive employment. Upon acceptance of these appropriations, Opportunity Village Foundation and the Washoe Association for Retarded Citizens each agree to: (1) prepare and transmit a report to the Interim Finance Committee on or before December 15, 2002, that describes each expenditure made from the money appropriated that was received by the Foundation and the Association, respectively, through December 1, 2002; and (2) upon request of the Legislative Commission, make available to the Legislative Auditor any information that the Auditor deems necessary to conduct an audit of the use of the money appropriated. Finally, the bill specifies that any remaining balance of these appropriations not committed for expenditure by June 30, 2003, reverts to the State General Fund.

This measure is effective on June 13, 2001.

S.B. 494 (Chapter 521)

Senate Bill 494 creates the Nevada Protection Account in the State General Fund. The measure appropriates \$4,000,000 from the State General Fund to this account and requires that the money be used to protect the State of Nevada and its residents through funding of activities to prevent the location of a federal nuclear waste repository at Yucca Mountain.

In addition, the bill provides for the administration of the account by the Governor and authorizes him to: (1) apply for and accept any gift, donation, bequest, grant, or other source of money for deposit in the account; and (2) expend any money received to fund activities to prevent the location of a federal nuclear waste repository at Yucca Mountain. Further, S.B. 494 directs that the interest and income earned on the money in the Nevada Protection Account be credited to the account. The bill also specifies that money in the Nevada Protection Account must remain in the account and does not revert to the State General Fund at the end of any fiscal year.

This measure is effective on June 8, 2001.

S.B. 496 (Chapter 577)

Senate Bill 496 authorizes the Board of Regents of the University and Community College System of Nevada to finance the construction, acquisition, and improvement of buildings for student housing and dining at the Great Basin College, including equipment, furnishings, and other appurtenances. The Board is authorized to issue bonds and other securities in an amount

not to exceed \$3,000,000. Issuance of bonds and securities may not take place later than five years after the passage of S.B. 496 and may consist of special obligations of the University as defined in the bill.

This measure is effective on June 13, 2001.

S.B. 497 (Chapter 558)

Senate Bill 497 directs the State Board of Finance, at the request of the University and Community College System of Nevada, to issue general obligation bonds or a combination of general obligation bonds and other state securities, in an amount of not more than \$8,500,000. The purpose of the issuance is acquisition of facilities at the Reno Town Mall or other similar facilities for the Truckee Meadows Community College. The measure sets forth the specific requirements of the amount and timing of the bonds and payment procedures to complete the acquisition.

This measure is effective on June 13, 2001.

S.B. 498 (Chapter 522)

Senate Bill 498 amends Senate Bill 236 of the 70th Legislative Session (Chapter 511, *Statutes of Nevada 1999*), which appropriated \$1 million to the Lincoln County School District for the construction of a new elementary school. The measure revises the use by allowing the appropriation also to be used for the construction and furnishing of a high school. Finally, S.B. 498 changes the reversion date of the appropriation to the State General Fund from June 30, 2001, to June 30, 2002.

This bill is effective on June 8, 2001.

S.B. 517 (Chapter 114)

Senate Bill 517 appropriates \$3 million from the State General Fund to the Reserve for Statutory Contingency Account, created by *Nevada Revised Statutes* 353.264, to restore and increase the balance in the account to approximately \$3 million.

This measure is effective on May 22, 2001.

S.B. 581 (Chapter 528)

Senate Bill 581 supplements an appropriation made by the Legislature in 1999 by appropriating \$6,000 from the State General Fund to the Western Interstate Commission for Higher Education for a projected shortfall in the personnel services category.

This bill is effective on June 8, 2001.

S.B. 585 (Chapter 565)

Senate Bill 585 appropriates \$1,039,555,173 over the biennium from the State General Fund to the State Distributive School Account (DSA) to increase the statewide average basic support per pupil from the current weighted average rate of \$3,804 to \$3,897 for Fiscal Year (FY) 2001-2002, and further increase the rate to \$3,991 per pupil for FY 2002-2003. This calculation is based upon a projected student enrollment growth of 4.86 percent in the first year and 4.68 percent in the second year. The number of special education units is increased from the current level of 2,291 to 2,362 in the first year of the biennium and to 2,474 in the second year. The unit costs are \$29,977 and \$30,576, respectively, for those fiscal years. Forty discretionary units are reserved for allocation by the State Board of Education each year to address school district shortfalls, and charter schools may apply to the State Department of Education for the reserved units. In addition to the 40 discretionary units, the measure adds 5.24 units and 5.47 units for FYs 2002 and 2003, respectively, for gifted and talented pupils to participate in the "Star Gate" program. Additional funding of \$30.3 million is appropriated for adult education programs.

The bill also appropriates: (1) \$13.5 million over the biennium to support remedial education programs; (2) over \$10 million during the biennium for professional development centers to train teachers to teach to higher academic standards; (3) \$8.87 million for the Nevada Early Literacy Intervention Program to train kindergarten through Grade 3 teachers to teach fundamental reading skills; and (4) \$240,000 to contract for evaluations of the professional development and early literacy programs. The bill increases funding for the early childhood education program from \$500,000 per year last biennium to \$3.5 million per year for competitive grants to school districts and community-based organizations for early childhood education programs. Funding is continued at \$500,000 for the School to Careers Program for FY 2001-2002.

Senate Bill 585 establishes a base level of \$50,000 per school district from the DSA for special student counseling services. The measure also continues the class-size reduction program within the DSA and provides that expenditures be tracked in a separate category. The bill also requires Nevada school districts to coordinate federal, state, and local funds with state education reform efforts.

Finally, the bill authorizes \$298 million of other revenues to be received and expended for the state support of public education for the 2001-2003 biennium. These other revenue sources include an annual tax on slot machines, sales tax collected on out-of-state sales, interest earned on the State Permanent School Fund, revenue from mineral leases on federal land, and estate tax collections.

The section of the bill pertaining to estate tax receipts for class-size reduction and the resulting transfer from the Fund for School Improvement into the DSA is effective on June 13, 2001. The remaining portions of the measure are effective on July 1, 2001.

S.B. 586 (Chapter 586)

Senate Bill 586 authorizes state agencies to collect and expend certain sums of money other than money from the State General Fund or the State Highway Fund. The sources of these authorized expenditures include federal funds, gifts, grants, interagency transfers, service fees, and other funds. The bill authorizes expenditures of \$2.6 billion in Fiscal Year (FY) 2001-2002 and approximately \$2.7 billion in FY 2002-2003.

Most of the provisions of this measure are effective on July 1, 2001.

S.B. 587 (Chapter 562)

Senate Bill 587 appropriates \$13 million from the State General Fund to the Interim Finance Committee (IFC) to provide allocations to school districts for unexpected expenses related to providing health care. The bill directs the State Board of Examiners to adopt policies, procedures, and criteria for the review of requests for funding. These policies, procedures, and criteria must be submitted to the IFC for its approval and subsequent transmittal to the State Department of Education. Requests for funds must be jointly reviewed by the State Department of Education, the Budget Division of the Department of Administration, and the Fiscal Analysis Division of the Legislative Counsel Bureau. A recommendation shall be submitted to the State Board of Examiners, which shall then make a recommendation to the IFC. The IFC may approve all or a portion of a request. The allocations may not be used for teachers' salaries.

This bill is effective on June 13, 2001.

See also Senate Bill 1 (Chapter 10), Senate Bill 9 (Chapter 19), and Senate Bill 13 (Chapter 22) of the 17th Special Session.

CAPITAL IMPROVEMENTS AND PUBLIC WORKS

A.B. 155 (Chapter 94)

Assembly Bill 155 revises provisions governing the substitution of a subcontractor who is named in a bid for a public works project. The bill provides that an authorized representative of an awarding authority can approve the substitution of a subcontractor on a public works project. In addition, the bill provides that a substitution must be approved if the named subcontractor fails or refuses to execute the contract that was offered to him with the same general terms that all other subcontractors on the project were offered.

A.B. 428 (Chapter 397)

Assembly Bill 428 requires the State Public Works Board to obtain approval from the Legislature, or from the Interim Finance Committee when the Legislature is not in session, for any change in the scope of the design or construction of a project that was authorized by the Legislature. The Board must adopt criteria by regulation for determining when a change in scope requires such approval.

In addition, the measure requires the State Public Works Board to specify in any contract with a design professional, the period in which the design professional may prepare and submit to the Board a change order that he has authorized.

Assembly Bill 428 also provides that the Governor may appoint a person to replace an appointed member of the State Public Works Board who fails to attend three successive meetings; requires at least one of the Board's appointed members to have a comprehensive knowledge of the principles of administration; and requires at least one of the appointed members to have a working knowledge of the principles of engineering or architecture. Further, the bill provides that the members of the Board shall elect both a chair and a vice chair, and that the Board must meet at least once a quarter.

Finally, this measure authorizes the State Public Works Board to employ a contractor, with the approval of the Legislature or of the Interim Finance Committee if the Legislature is not in session, to assist it in developing or reviewing designs, plans, specifications, and cost estimates in order to make sure that plans are complete and constructible.

This measure is effective for its main purposes on July 1, 2001.

A.B. 461 (Chapter 401)

Assembly Bill 461 directs the State Public Works Board to adopt criteria, by regulation, for the qualification of bidders on public works projects. The only factors that the Board may consider when adopting the criteria are: (1) the financial ability of the bidder; (2) the principal personnel of the bidder; (3) whether the bidder has breached a contract; (4) whether the bidder has been disqualified for violating prevailing wage laws or not being properly licensed; and (5) performance history on recent similar contracts.

In addition, A.B. 461 requires each local government that sponsors or finances public works to adopt criteria for the qualification of bidders and hold at least one public hearing on the matter. Construction trade associations and labor unions representing building trades in this state must specifically be notified.

The measure further provides that the State Public Works Board or a local government may qualify a bidder for a single project or for a period of one or two years. The bill also allows the governing body of a local government that has not adopted criteria for the qualification of bidders to accept certain bids on a public works contract.

This measure is effective on July 1, 2001.

A.B. 549 (Chapter 131)

Assembly Bill 549 addresses grants for capital improvements to publicly owned water systems. The measure raises the limit on the amount of general obligation bonds the State of Nevada may issue for this program from \$50 million to \$69 million.

This bill is effective on July 1, 2001.

S.B. 61 (Chapter 410)

Senate Bill 61 makes various changes to provisions regarding the use of design-build teams on public works projects. The bill authorizes the use of a design-build method of contracting for certain public works projects by all state agencies and units of local government. In addition, the bill augments the types of projects that are eligible to employ the design-build method, which include: (1) new construction; (2) parks; (3) water and sewage treatment plant facilities; and (4) other designated fixed works projects.

Under the provisions of the bill, state or local governments are required to include the fair market value or the actual cost of all materials, supplies, labor, and equipment when estimating the design-build project cost.

To expedite the competitive bidding process, the measure shortens notice, advertisement, and finalist selection requirements for design-build projects. Senate Bill 61 also clarifies the specifications used in selecting a finalist and allows for consideration of the responsiveness of the proposal. Further, the bill assigns a relative weight of 5 percent for a local bidder's

preference, and 30 percent for the cost of design and construction of the project, for finalist selection purposes. However, the public body is not required to assign the relative weights if a federal statute or regulation precludes federal assistance or reduces the amount of assistance because of the bidder's preference.

Lastly, the bill removes the expiration date for the design-build provisions.

The bill is effective for its primary purposes on July 1, 2001.

S.B. 63 (Chapter 448)

Senate Bill 63 makes various changes to provisions relating to the bidding on and awarding of contracts for public works projects. The bill authorizes public bodies and local governments to award contracts to specialty contractors for public works projects that consist mainly of specialty work and are not part of a larger project. In the event that a specialty contractor is awarded a contract and the project requires work outside the scope of the specialty contractor's license, that work must be performed by an appropriate subcontractor.

In addition, this measure directs the State Contractors' Board to issue certificates of eligibility for bidder's preference to licensed specialty contractors. To qualify, the specialty contractor must submit an affidavit from a certified public accountant stating that he has paid applicable sales and use taxes and governmental service taxes, on his own behalf, for the preceding 60-month period. Alternatively, the specialty contractor must show that he acquired, by purchase, inheritance, gift, or transfer, an operating construction firm that previously held a specialty contractor's license and a bidder's preference certificate. Finally, S.B. 63 revises the definitions of the terms "specialty contractor" and "prime contractor" and adds a definition of "general contractor."

The bill is effective for its main purposes on July 1, 2001.

S.B. 255 (Chapter 279)

Senate Bill 255 makes various changes to public works contracts between design professionals and public bodies. The bill addresses contract terms and conditions between a "design professional" who is part of a design-build team and a public body. The bill defines "design professional" as: (1) an architect; (2) a landscape architect; (3) a licensed engineer; (4) a professional land surveyor; or (5) a business that engages in such professions. Specifically, the measure prohibits a public body from requiring a design professional to be indemnified against liabilities caused by errors, intentional misconduct, omissions, or recklessness. Exceptions to the indemnification prohibition may be made if the design professional is determined to have caused the liability. Lastly, the bill allows the related contract to set forth the terms by which the design professional agrees to name the public body, at the cost of the public body, as an additional insured entity in the design professional's insurance policy.

S.B. 560 (Chapter 259)

Senate Bill 560 makes various changes to provisions relating to employment practices and prevailing wage for public works projects. The measure authorizes the Labor Commissioner to assess a fine of not more than \$5,000 for each violation of the law pertaining to public works projects including violations of the prevailing wage. In addition, the Labor Commissioner is allowed to establish a sliding scale for determining fines based on the severity of the violation. Further, the measure requires the Labor Commissioner to report violations to the Attorney General, rather than the district attorney, for the prosecution of persons who violate related public works provisions.

The bill increases the period within which a person may not be awarded a public works contract after being assessed an administrative penalty. For a first offense, the period is increased from two years to three years, and the period for second or subsequent offenses is increased from three years to five years.

In addition, the measure revises the provisions governing the determination of prevailing wages in a county. The bill allows any person to submit information to the Labor Commissioner that would support a change of 50 cents or more per hour in the prevailing wage.

Further, the bill revises the provisions establishing which workmen are employed on a public works project and subject to prevailing wage. In particular, this includes workmen who are employed at the site of the public works project and necessary in the execution of the contract. The bill requires the Labor Commissioner to adopt related regulations to define more clearly the circumstances.

The measure also requires public bodies awarding public works contracts to investigate possible violations and inform the Labor Commissioner. Further, the bill requires contractors and subcontractors to provide copies of certain monthly records concerning their workforce to the public body within ten days after the end of the month. The measure increases the time that a public body must retain the records after the final payment on the contract from one year to two years. Contractors or subcontractors who fail to maintain and provide the necessary records may be subject to administrative penalties and civil liabilities.

Finally, the bill imposes a misdemeanor penalty for the violation of any regulation pertaining to public works projects and changes monetary limits of certain penalties and fines.

The bill has varying effective and expiration dates, but for most purposes is effective on July 1, 2001.

S.B. 584 (Chapter 585)

Senate Bill 584 concerns funding state capital improvements. The measure provides for the implementation of the 2001-2003 Capital Improvement Program as approved by the legislative money committees. The bill includes funding for state projects in the amount of approximately \$293.7 million. The program is funded primarily through the issuance of \$196.5 million in general obligation bonds and an appropriation of \$14 million from the State General Fund.

Senate Bill 584 also provides for the reallocation of \$2.2 million from previous capital improvement programs and includes \$7.1 million in federal funds, \$33.9 million in donations and other funding for projects approved for the University and Community College System of Nevada (UCCSN), and \$29.3 million in bonds to be paid from sources other than the ad valorem property tax. In addition, the bill appropriates approximately \$1.6 million from the State Highway Fund for projects of the Department of Motor Vehicles.

As in the past, many of the approved programs involve educational projects and other significant building programs, including prison construction. Funding for major construction projects in the 2001-2003 biennium includes:

1. For the construction of Phase III of the High Desert State Prison at Indian Springs, \$49 million.
2. For higher education:
 - \$8.8 million for planning, design, and infrastructure for a new science and engineering complex on the campus of the University of Nevada, Las Vegas (UNLV);
 - \$11 million to complete the addition and renovations to the Red Mountain Building on the Dandini Campus of Truckee Meadows Community College;
 - \$19.7 million for renovating and constructing an addition to Wright Hall at UNLV;
 - \$64.5 million for the design and construction of a new library at the University of Nevada, Reno (UNR);
 - \$13.4 million in state funds and \$10 million in private donations for designing and constructing the first building on the campus of the Nevada State College in Henderson;
 - \$20 million (\$1 million in donations) to construct a new telecommunications building on the Cheyenne Campus of the Community College of Southern Nevada;

CAPITAL IMPROVEMENTS (continued)

- \$5 million to design and construct a building to connect UNLV's existing engineering building with Wright Hall to provide temporary space for the UNLV dental school and future classroom space for other programs;
 - \$1 million for advance planning and site preparation for the UNLV dental school; and
 - \$1 million for additional office and clinic space for the UNR medical school's dental residency program in Las Vegas.
3. For the purchase and renovation (for use by state agencies) of the building in Carson City that is currently owned by the Employers Insurance Company of Nevada, \$5.5 million.
 4. For a new Las Vegas office building for the Employment Security Division, \$8.2 million. The project is to be funded with \$4 million in agency funds and over \$4.2 million in general obligation bonds that must be repaid with building rent savings and other agency funds.

Finally, the bill provides funding for various maintenance projects for existing state facilities and for other statewide projects, including roofing repairs, repaving projects, and asbestos removal activities.

This measure is effective on June 14, 2001. The provision of the bill relating to retrofitting state buildings for energy efficiency expires by limitation on May 1, 2013.

COMMERCE

A.B. 151 (Chapter 18)

Assembly Bill 151 revises provisions relating to telephone solicitations. The measure changes the provisions of Chapter 599B (“Solicitation by Telephone”) of *Nevada Revised Statutes* to require the Commissioner of Consumer Affairs, instead of the Attorney General, to make determinations regarding whether a person is required to register as a seller or salesman to perform solicitations by telephone. In addition, A.B. 151 clarifies the Attorney General’s responsibility to provide to the Consumer Affairs Division, Department of Business and Industry, opinions on certain questions of law.

This measure is effective on July 1, 2001.

A.B. 152 (Chapter 63)

Assembly Bill 152 revises provisions governing trade practices. The bill authorizes a court to award reasonable attorney’s fees and costs in actions relating to deceptive trade practices that are in addition to any civil penalties that might be imposed. Further, A.B. 152 adds two items to the existing list of activities that constitute unlawful contracts, combinations, or conspiracies in restraint of trade. The first activity is monopolization of trade or commerce in this state. The second activity is consolidation, conversion, merger, acquisition of shares of stock or other equity interest of another person, or the acquisition of any assets of another person, which may result in the monopolization of trade or substantially lessen competition in this state. An exception is provided for persons who purchase equity interests or assets solely for investment purposes. In addition, the provisions that limit conversions, consolidations, and other mergers do not prevent a person from forming a subsidiary corporation or other business organization and holding all or part of the stock or equity interest of the business.

This bill is effective on July 1, 2001.

A.B. 204 (Chapter 66)

Assembly Bill 204 expands the definition of “deceptive trade practices” to include knowingly falsifying an application for credit relating to a retail installment transaction. Also, A.B. 204 provides that, in addition to damages sustained, a court must award to a victim of a consumer fraud his costs in the action and reasonable attorney’s fees.

A.B. 301 (Chapter 68)

Assembly Bill 301 repeals several antiquated statutes that define virgin wool, require labeling in garments, and prescribe penalties for violations of labeling requirements.

A.B. 337 (Chapter 121)

Assembly Bill 337 expands the definition of “deceptive trade practice” to include certain acts by persons during a telephone solicitation or a sales presentation. These acts include: (1) using threatening, intimidating, profane, or obscene language; (2) repeatedly or continuously conducting a solicitation or presentation in an annoying, abusive, or harassing manner; (3) soliciting a person by telephone at his or her residence between 9 p.m. and 8 a.m.; or (4) blocking or otherwise intentionally circumventing a caller identification service when placing an unsolicited telephone call. The bill also authorizes a court to award reasonable attorney’s fees and costs in addition to any other relief if a person has been found to have engaged in a deceptive trade practice.

This measure is effective on July 1, 2001.

A.B. 627 (Chapter 436)

Assembly Bill 627 revises provisions relating to trade practices. The bill expands the definition of “deceptive trade practice” to include advertising goods or services as being available free of charge with the intent to require payment of undisclosed costs as a condition of receiving the goods.

The measure also requires the annual renewal of a certificate of registration issued to a credit service organization, an organization for buying goods or services at a discount, a dance studio, or a health club that is registered by the Consumer Affairs Division. In addition, the measure increases the amount of the security that certain dance studios and health clubs are required to deposit with the Consumer Affairs Division.

The bill also requires certain “sellers of travel” to register and deposit a \$50,000 security with the Consumer Affairs Division. The required security must be held in trust for consumers injured as a result of any act of fraud or misrepresentation by the seller of travel, bankruptcy of the seller of travel, or breach of any contract entered into by the seller of travel. Further, the amendment provides for the release of the security within six months after a seller of travel ceases to operate or his registration expires, whichever occurs later, under certain circumstances.

In addition, A.B. 627 repeals the provision of state law that provides that it is unlawful in a county whose population is 400,000 or more for an owner or operator of an adult cabaret, erotic dance establishment, or adult night club to pay or offer to pay an owner, agent, or driver of a taxicab, limousine, or bus containing 21 or fewer passengers to take or attempt to take a passenger to a location other than the destination requested by the passenger.

Finally, the measure allows the Public Utilities Commission of Nevada to adopt regulations governing the disclosures that must be made by a provider to a customer before the customer may be charged for a telecommunications service.

S.B. 45 (Chapter 45)

Senate Bill 45 addresses dilution of trademarks, service marks, and trade names. The bill authorizes the owner of a mark that is famous in this state to seek an injunction enjoining commercial use of the mark if certain conditions are met. An injunction is available if the commercial use of the mark begins after the mark has become famous and the commercial use causes dilution of the distinguishing characteristics of the mark. In determining whether a mark has become famous in this state, a court shall consider specific criteria.

Only injunctive relief is available under S.B. 45. Other civil remedies, such as damages for wrongful use of the mark or seizure of counterfeits, must be obtained under other statutes. The definition of “commercial use” does not include uses such as research, criticism, news commentary, news reporting, teaching or any similar use that is not primarily for profit.

S.B. 49 (Chapter 548)

Senate Bill 49 adopts the Uniform Electronic Transactions Act and makes various changes pertaining to the use of electronic records and signatures. The measure authorizes the use of electronic records and electronic signatures in any transaction except transactions subject to the Uniform Commercial Code. The bill does not mandate either electronic signatures or records but provides a means to effectuate transactions when they are used. In addition, S.B. 49 applies only to transactions in which each party has agreed to conduct them electronically.

The measure specifies that a record or signature may not be denied legal effect or enforceability solely because it is in electronic form. However, a requirement that a notice be in writing is not satisfied by an electronic notice if it is a notice of: (1) a cancellation or termination of service by a public utility; (2) default, acceleration, repossession, foreclosure, or eviction or a rental agreement for a primary residence of a natural person; (3) the cancellation or termination of a policy of health insurance; or (4) the recall of a product that risks endangering the health or safety of a person.

Senate Bill 49 also sets forth the applicable definitions for these transactions and the related procedures, including determining whether an electronic record or signature may be attributable to a person; addressing a change or an error in an electronic record that occurs in a transmission between the parties to a transaction; satisfying requirements that a record be retained; and determining when an electronic record is actually sent.

Finally, S.B. 49 requires each governmental agency in the state to determine whether and the extent to which it will create and retain electronic records and convert written records to electronic records. The measure also provides that the government agencies determine whether and to what extent they will send and accept electronic records and electronic signatures.

This measure is effective on July 1, 2001. The provisions of the new chapter of *Nevada Revised Statutes* adopted under S.B. 49 apply to any electronic record or electronic signature created, generated, sent, communicated, received, or stored on or after October 1, 2001.

S.B. 50 (Chapter 46)

Senate Bill 50 provides that if a trade secret is misappropriated and posted on the Internet, it remains a trade secret if the owner of the secret takes certain measures after discovering the posting. Within a reasonable time after discovering the misappropriation and posting, the owner must obtain an injunction or court order requiring removal of the posting from the Internet. Further, the posting must be removed from the Internet within a reasonable time after the injunction or order is issued by a court.

S.B. 216 (Chapter 583)

Senate Bill 216 requires the State Contractors' Board to adopt by regulation, standards for advertisements used by contractors in connection with the repair, restoration, improvement, or construction of residential pools or spas. These regulations must prohibit a contractor from employing "bait and switch" advertising or intentionally using misleading or inaccurate material that misrepresents any of the goods or services sold by the contractor. The Board shall adopt, to the extent practicable, standards that are at least as stringent as the existing statutes regarding deceptive trade practices when it adopts the regulations.

Furthermore, a pool or spa contractor may be required to use the services of a construction control for each contract entered into on or after July 1, 2001, if he has violated certain provisions of the law or regulations concerning the repair, restoration, improvement, or construction of residential pools or spas. The bill also imposes various restrictions on personal or financial relationships between a contractor and a construction control.

The measure requires the contractor to: (1) apply for and obtain all applicable permits for the repair, restoration, improvement, or construction of a pool or spa; and (2) meet all applicable requirements imposed pursuant to Chapters 597 and 624 of *Nevada Revised Statutes*, or any regulations adopted by the Board, with respect to the work.

In addition, the bill provides that if obtaining a loan for all or a portion of the contract price is a condition precedent of a contract, or if the contractor provides financing for all or a portion of the contract price, the contract is unenforceable against the owner unless certain conditions are met. These conditions include: (1) the third party, if any, agrees to make the loan; (2) the owner agrees to accept the loan or financing; and (3) the owner does not rescind the loan or

financing transaction within the period prescribed for rescission pursuant to the Federal Truth in Lending Act. A contractor who violates the provisions of S.B. 216 is subject to disciplinary action by the Board, including category E felony charges for certain violations.

The bill requires the Board to adopt by regulation mandatory elements to be included in all contracts used by contractors who repair or construct residential pools or spas. After October 1, 2001, any contract for a residential pool or spa must comply with the standard elements adopted by the Board. Contracts that do not comply with the standards are unenforceable against an owner. The contracts must contain a method whereby the purchaser initials provisions of the contract, thereby indicating that those provisions have been read and understood. Furthermore, to be enforceable a change order must clearly indicate the scope of the work, the price, and be signed by the owner.

Senate Bill 216 also provides that the Board designate an employee to serve as the Ombudsman for Residential Pools and Spas to assist homeowners, contractors, and financial institutions concerning their rights and responsibilities under the act.

The bill provides that the Board may require a pool or spa contractor to file a bond or establish a cash deposit in an amount fixed by the Board. The contractor must maintain the bond or deposit for the period required by the Board, and the bond must be provided by a person whose long-term debt obligations are rated “A” or better by a nationally recognized rating agency. The bill also provides for the imposition of additional bonding requirements on pool or spa contractors under certain circumstances.

Some sections of this bill are effective on June 14, 2001, while other sections are effective either on July 1, 2001, or October 1, 2001.

S.B. 337 (Chapter 235)

Senate Bill 337 provides for the regulation of boilers, elevators, pressure vessels, boiler inspectors, and elevator mechanics. The bill defines certain terms such as “boiler,” “elevator,” “elevator mechanic,” and “pressure vessel.” The measure also authorizes the Division of Industrial Relations (DIR) to adopt regulations establishing standards and procedures for the installation, inspection, operation, maintenance, relocation, improvement, alteration, and repair of certain types of boilers, elevators, and pressure vessels.

In addition, S.B. 337 requires the DIR to adopt regulations addressing the requirements for issuance and renewal of certificates for various types of inspectors, as well as for disciplining and fining such inspectors. The regulations must also establish fees for certification and renewal.

Portions of the bill are effective on May 29, 2001. Other provisions are effective on October 1, 2001, and March 1, 2002.

S.B. 558 (Chapter 190)

Senate Bill 558 strengthens protection for patents and trade secrets. The measure provides that except as otherwise provided in writing, an employer is the sole owner of any patentable invention or trade secret developed by an employee during the course of employment that relates directly to work performed during the course of employment. The bill also provides that the owner of a trade secret is presumed to make a reasonable effort to maintain its secrecy if the word “confidential” or “private” or some other indication of secrecy is placed in a reasonably noticeable fashion on any medium or container that describes or includes any portion of the trade secret. This presumption may only be rebutted by clear and convincing evidence that the owner did not take reasonable steps to safeguard the secrecy of the trade secret.

Corporations, Partnerships, and Other Business Associations

A.B. 154 (Chapter 156)

Assembly Bill 154 revises provisions governing persons who conduct business under an assumed or fictitious name. The bill authorizes a board of county commissioners to adopt an ordinance providing that a fictitious business statement expires five years after it is first filed. After the five-year period, a person doing business under an assumed or fictitious name must renew the certificate if he wishes to continue using the name.

The measure also requires each certificate to contain a notice that it expires after five years. In addition, if a county adopts an ordinance pursuant this measure, the county clerk must publish a notice in a newspaper of general circulation in the county advising that the certificates must be renewed after five years.

Furthermore, the certificate must be notarized. The measure removes from the law an exception to the requirement to file the certificate for certain limited partnerships that were engaged in business before March 20, 1923. Moreover, A.B. 154 repeals a provision that exempts from the requirement to file the certificate certain corporations that were conducting business in this state before July 1, 1969.

This bill is effective on July 1, 2001.

S.B. 51 (Chapter 296)

Senate Bill 51 makes various changes pertaining to business associations. The measure revises various provisions governing the formation, operation, and dissolution of business entities. The measure creates two new procedures: conversion and domestication. Under the bill, a procedure is set forth under which business entities may convert into other types of business entities without having to create a new entity first. In addition, S.B. 51 authorizes a procedure under which non-United States entities of all types may domesticate and become a Nevada corporation, limited-liability company, limited partnership, or business trust.

In addition, the bill increases the time, from nine months to one year, before the Secretary of State is required to revoke the charters of corporations, limited-liability companies, limited partnerships, and business trusts that fail to file their annual lists of officers. Further, the bill allows business entities to file various certificates with delayed effective dates (up to 90 days later) so the transaction involved is not deemed effective when the document is filed.

Senate Bill 51 authorizes limited-liability companies, limited partnerships, and business trusts to file certificates of correction to correct an inaccurate record of a company document described in a previously filed document and imposes a fee for filing such a document. Limited partnerships are also authorized to use the abbreviations “LP” or “L.P.” in their names. The measure clarifies the procedure for registration of foreign limited-liability companies; revises certain provisions governing stock splits; and sets forth rules governing voting stock held by a fiduciary, stock held as security for a loan, and stock owned by more than one person in common. Finally, the measure deletes certain unnecessary procedures and requirements within the Office of the Secretary of State.

S.B. 301 (Chapter 373)

Senate Bill 301 adds multidiscipline business organizations involving architects, interior designers, residential designers, professional engineers, and landscape architects to the Professional Corporations and Associations Act (Chapter 89 of *Nevada Revised Statutes*). The bill specifies that under certain circumstances, such a multidiscipline, professional corporation may acquire and hold stock in another professional corporation regardless of whether all of the stockholders are licensed.

The measure also requires such a professional corporation to furnish a statement to the Secretary of State annually that: (1) shows the names and residence addresses of all members of the association who are licensed or otherwise authorized by law to render professional services in this state; (2) certifies that all members and employees who render professional services are licensed or otherwise authorized by law to render those services; and (3) certifies that all members who are not licensed to render those services do not render professional services on behalf of the association except as authorized by law.

The bill authorizes the State Board of Architecture, Interior Design and Residential Design to accept satisfactory evidence of registration as an interior designer in another jurisdiction where the qualifications are equal to those required for registered interior designers in Nevada. The Board may also prorate the annual registration fees for certificates for registered architects, registered interior designers, or residential designers that are issued for less than one year. The time frame for renewing a certificate is decreased from two years to one year. The Board may also adopt regulations under which a registered architect, registered designer, or residential designer may electronically transmit plans, specifications, and reports.

Senate Bill 301 eliminates the oral interview for applicants for certificates of registration to practice architecture or residential design and requires the registrant to appear before the Board to take an oath before the certificate is issued. The standards for a certificate of registration to practice as a registered interior designer are revised to require that the applicant submit proof that he has at least two years of experience in interior design and has successfully completed an accredited program of interior design.

The measure also clarifies that a registered residential designer is not required to obtain a certificate of registration to practice as a registered interior designer while engaged in the practice of residential design. In addition, the phrase “responsible control” is defined, and Senate Bill 301 replaces the phrase “direct supervision” with “responsible control” throughout the statutes that apply to architects, residential designers, and interior designers.

Finally, Senate Bill 301 eliminates the deadline of December 31, 2004, for applying for a certificate of registration to practice interior design.

This measure is effective on July 1, 2001.

S.B. 577 (Chapter 601)

Senate Bill 577 relates to statutory liability of corporate stockholders, directors, and officers and increases fees for filing certain documents with the Secretary of State. The measure provides that no stockholder, director, or officer of a corporation is individually liable for a debt or liability of the corporation unless he acts as an alter ego of the corporation. The bill further specifies that a stockholder, director, or officer acts as an alter ego if: (1) the corporation is influenced by the stockholder, director, or officer; (2) the corporation and the stockholder, director, or officer are inseparable; and (3) adherence to the corporate fiction of a separate entity would sanction fraud or promote a manifest injustice. A court, as a matter of law, must determine the question of whether the stockholder, director, or officer acts as the alter ego of a corporation.

The measure also provides that directors and officers are not individually liable to the corporation or its stockholders for damages resulting from an act or failure to act unless it is proven that their actions or failure to act constituted a breach of fiduciary duties and the breach involved intentional misconduct, fraud, or a knowing violation of the law.

In addition, S.B. 577 increases fees for certain documents filed with the Secretary of State by corporations, foreign corporations, limited-liability companies, partnerships, limited partnerships, and business trusts. The changes in fees include an increase from \$85 to \$165 for filing the initial list of officers, directors, managers, managing members, managing partners, and general partners. When this list is filed initially and annually, the bill requires that the business entity provide a declaration under penalty of perjury that it has complied with the provisions of Nevada’s business tax laws.

Other fee increases include filings of certificates and documents concerning reinstatement, amendments to certain documents, dissolution, change of location, notice of withdrawal from Nevada by a foreign corporation, original articles of organization for limited-liability companies, or registration of certain business entities. Additional fee changes include an increase, from \$10 to \$20, for certifying copies of certain documents and an increase, from \$15 to \$30, for executing a certificate of corporate existence.

Senate Bill 577 also authorizes the Office of the Secretary of State to access \$300,000 in Fiscal Year (FY) 2001-2002 and \$250,000 in FY 2002-2003 from the Account for Special Services. These funds may be accessed without approval from the Interim Finance Committee and may be used for additional personnel, equipment, supplies, office space, and other related costs. The measure also authorizes the Office of the Secretary of State to retain the first \$50 from each expedited fee for services provided within two hours. For other special and expedited services, including services provided in 2 to 24 hours, the fee is divided equally between the Office of the Secretary of State and the State General Fund.

Most of the provisions of this measure are effective on August 1, 2001, to allow the Office of the Secretary of State time to adequately inform its customers of these changes. The provisions allowing the Office of the Secretary of State to access funds from the Account for Special Services and dividing the fees for expedited services between the State General Fund and the Office of the Secretary of State are effective on July 1, 2001.

Economic Development

A.C.R. 6 (File No. 86)

Assembly Concurrent Resolution No. 6 expresses the Legislature's commendation and support for the efforts at the Tahoe-Reno Industrial Center to develop and diversify Nevada's economy. The preamble notes that the Tahoe-Reno Industrial Center, when its development is complete, will employ thousands of workers, produce significant tax revenues, and provide additional electrical power for Northern Nevada. It also notes that the Center is presently negotiating with Nevada's Department of Transportation for the construction of an interchange on Interstate Highway 80 to serve the industrial park and for the construction of a new highway to be designated State Route 567 connecting Highway 50 and Interstate Highway 80.

S.C.R. 10 (File No. 67)

Senate Concurrent Resolution No. 10 urges the Governor; the Lieutenant Governor; the Office of Science, Engineering, and Technology; Nevada's Commission on Economic Development; and the University and Community College System of Nevada (UCCSN) to coordinate their efforts to promote Nevada's economic development and diversification. Further, the resolution encourages the Commission on Economic Development to identify the target areas for economic development, including new technologies, and coordinate with the UCCSN, which must be prepared to facilitate these efforts with programs to train the necessary work force and

to nurture new technologies. In addition, promotion of Nevada's university system as a center for research and development should be targeted as a primary tactic for competing with other states.

Financial Institutions and Procedures

A.B. 324 (Chapter 511)

Assembly Bill 324 revises various provisions regarding the regulation of mortgage brokers and mortgage agents. The bill requires the holder of an escrow to record in writing the number and date of expiration of a mortgage broker's or mortgage company's license in connection with certain real property transactions. In addition, the measure defines the term "private investor."

The bill also requires five hours of continuing education for certain mortgage licensees. In addition, A.B. 324 authorizes the Commissioner of Financial Institutions, by regulation, to increase certain fees pursuant to regulations. Further, the bill requires the Commissioner to conduct a formal exit interview in connection with the annual examination of a mortgage broker. The measure also makes certain changes in the requirements for mortgage broker advertisements. Finally, A.B. 324 makes certain changes regarding the use of powers of attorney.

This measure is effective on July 1, 2001.

A.B. 335 (Chapter 71)

Assembly Bill 335 requires the Commissioner of Financial Institutions to take certain actions against unlicensed persons who engage in activities relating to collection of debts for which a license is required. This bill requires the Commissioner of Financial Institutions to investigate any complaint regarding a person engaged in an unlicensed collection activity and to impose a fine against a person who fails to comply with a cease and desist order. This measure grants to the Commissioner discretion to settle certain cases where a written consent agreement has been obtained. In addition, A.B. 355 requires that the Commissioner bring suit against a person who fails to pay the administrative fine.

A.B. 547 (Chapter 261)

Assembly Bill 547 makes various changes to provisions governing securities. The measure provides that an applicant for a license as a broker-dealer, sales representative, investment adviser, or representative of an investment adviser is effectively registered if he maintains a completed and current registration. Further, the registration must be readily available to the Administrator of the Securities Division through the Central Registration Depository of the National Association of Securities Dealers, Inc., or its successor, and the North American Securities Administrators Association, or its successor.

In addition, A.B. 547 removes the authority of the Administrator of the Securities Division to impose certain fines and limitations on an essential employee of a person licensed by the Administrator. The bill also authorizes the Administrator to take certain actions against an applicant for a license or a licensed person who fails to reasonably supervise a representative of an investment adviser.

Further, this measure extends the period of time, from one year to two years, within which the Administrator may institute a proceeding to take certain actions against a person whose license has been withdrawn. In addition, A.B. 547 expands the manner in which the Administrator may designate persons to perform certain acts to include written direction. The bill also eliminates the application of certain provisions to persons who purchase or offer to purchase an investment advisory service.

Finally, the measure provides that Sections 1 and 2 of the bill expire by limitation on the date that Congress repeals the laws requiring states to withhold, suspend, or restrict licenses of persons who fail to comply with certain orders concerning child support.

S.B. 6 (Chapter 315)

Senate Bill 6 prohibits the practice of requiring borrowers to insure improvements to real property for more than the replacement value as a condition of obtaining a loan. The measure provides that a lender shall not require a borrower, as a condition of obtaining or maintaining a loan secured by real property, to provide property insurance on improvements to real property in an amount that exceeds the reasonable replacement value of the improvements. The bill also defines the terms “borrower,” “improvement to real property,” and “lender.”

S.B. 53 (Chapter 15)

Senate Bill 53 repeals *Nevada Revised Statutes* 688.105, which establishes criminal penalties for certain acts in derogation of a bank. The repealed section makes it a gross misdemeanor to willfully and maliciously make, circulate, or transmit any statement, rumor, or suggestion that directly or by inference is derogatory to the financial condition of a bank.

This bill is effective on April 10, 2001.

S.B. 88 (Chapter 270)

Senate Bill 88 provides for the creation and foreclosure of liens for farm products. The measure provides that a producer that delivers or sells to a processor a farm product grown by the producer has a lien for the labor, care, and expense in growing and harvesting the product. The lien is upon the farm product, the processed farm product derived from the farm product, and the proceeds of a sale from the farm product or processed farm product. The bill sets forth provisions for determining the extent of the lien.

Unless the lien is released by payment or by security for payment prior to attachment, the lien attaches on the date of delivery and is a preferred lien that is superior to all other liens, claims, or encumbrances, with certain exceptions. To perfect the lien, a producer must file a notice of the lien in the Office of the Secretary of State within 45 days after the date on which the lien attaches. The lien may be released to the extent that the value of the claim is secured by a surety bond, a cash deposit, or other security given and approved by a producer who holds a lien.

Senate Bill 88 also sets forth the methods by which a processor may obtain a release of the lien subject to the approval of a producer holding a lien. If a processor has paid all lawful claims, he may sell, transport, or otherwise dispose of the farm product for which the lien has been released. The bill also provides that in an action commenced by a lien claimant, a defendant processor may file a surety bond that is sufficient to cover the amount demanded by the plaintiff. If such a bond is filed, the court may order the release of a portion of the product.

In addition to other court procedures set forth in S.B. 88, the measure authorizes the plaintiff to obtain a preliminary injunction against the processor to restrain him from removing certain processed farm products beyond the jurisdiction of the court. The bill creates a presumption of irreparable harm to a plaintiff producer when a processor removes or prepares to remove the product beyond the court's jurisdiction.

S.B. 330 (Chapter 414)

Senate Bill 330 requires a licensed mortgage company or a company that makes installment loans to follow certain procedures if the company desires to change the address of an office. If a company desires to change the address of an office or other place of business that is licensed pursuant to *Nevada Revised Statutes* (NRS) Chapters 645E or 675, the company must give the Commissioner of Financial Institutions at least a ten-day written notice before changing the address. The notice must be provided on a form prescribed by the Commissioner.

The Commissioner must give the licensee written notice of approval and the date of the approval. If a licensee fails to provide notice as required, the Commissioner may impose an administrative fine not to exceed \$500.

In addition, the bill expressly exempts a company located outside of the state that does not transact business in Nevada from the licensure requirements. The measure also exempts transactions that are exclusively between a licensee and a person who are both located outside the state.

Moreover, S.B. 330 provides that an applicant may apply for a license for an office or other place of business located outside this state, from which the applicant will conduct business in this state, if the applicant or a subsidiary or affiliate of the applicant has a license for an office or other place of business within this state. To secure the license, the applicant must agree to

either: (1) make the books and records of the out-of-state office available to the Commissioner at a place within Nevada; or (2) pay the reasonable expenses for the Commissioner to travel to the out-of-state office to review such records.

Finally, the measure authorizes the Commissioner to charge and collect a fee of \$40 per hour from each registrant for any supervision, examination, audit, investigation, or hearing conducted pursuant to Chapter 604 of NRS.

Professions and Occupations (see also Health Care)

A.B. 32 (Chapter 4)

Assembly Bill 32 revises provisions regarding the practice of chiropractic. The measure provides the Chiropractic Physicians' Board of Nevada with authority to recognize a graduate of a foreign school as long as that school has a reciprocal agreement with the Council on Chiropractic Education. The bill also clarifies certain conditions under which a person may obtain a temporary license by requiring that an applicant be actively practicing chiropractic in another jurisdiction. In addition, A.B. 32 reduces from 45 to 30 the number of days a person has to apply for a temporary license before taking the examination and gives the president or secretary of the board authority to allow an applicant to file an application fewer than 30 days before he or she intends to practice in this state if good cause is shown. Assembly Bill 32 also removes an existing requirement that an applicant for a temporary license provide to the Board a list of the names and addresses of the patients to be treated by the applicant or the name of the organization whose members the applicant intends to treat. Finally, A.B. 32 increases from two to four the number of chiropractic assistants that a chiropractor may supervise at the same time.

This bill is effective on July 1, 2001.

A.B. 78 (Chapter 2)

Assembly Bill 78 authorizes nurses to accept direction from physician assistants. The bill revises the definitions of "practice of practical nursing" and "practice of professional nursing" to specify that a nurse may accept direction from a physician assistant. In addition, A.B. 78 authorizes a registered nurse to possess and administer certain drugs and medications at the direction of a physician assistant.

A.B. 153 (Chapter 3)

Assembly Bill 153 clarifies that an appraiser who completes a statement of visual condition that is required for a federally insured home loan is acting within the scope of his practice as an appraiser and is not subject to the provisions governing inspectors of structures.

This measure is effective on March 22, 2001.

A.B. 192 (Chapter 210)

Assembly Bill 192 allows a barber school to charge for barbering services that are provided to a member of the general public by a student of the barber school. The measure also limits the period of employment of a student to not more than seven hours in a day or more than five days in any seven-day period. In addition, A.B. 192 requires that a barber school have one instructor on the premises at all times if there are ten students or less and one additional instructor on the premises of the school for each ten students enrolled in the school in excess of ten students.

A.B. 245 (Chapter 213)

Assembly Bill 245 revises various provisions relating to tour operators and tour brokers. The bill requires a tour operator and a tour broker to disclose, in advertisements, the total cash price that a customer is required to pay to take a tour. On billing invoices or receipts given to customers, tour operators and brokers must print a notice stating that they cannot charge more than the advertised price and providing the telephone number of the Consumer Affairs Division where customers can call to file complaints.

“Tour operator” is defined in A.B. 245 to mean a person who engages in the business of providing a sightseeing tour with a duration of 24 hours or less. The total cash price must include all fees, taxes, and other charges that a customer must pay to take the tour. If a fee or tax cannot be included in the total cash price because its inclusion would violate a specific statute or regulation, the tour operator or tour broker must disclose in a conspicuous manner that the fee or tax is not included in the total cash price and that it must be paid in addition to the total cash price. Failure on the part of a tour operator or tour broker to disclose the total cash price of a tour constitutes a deceptive trade practice. In addition, the bill requires a tour operator to honor a coupon unless the coupon has a clearly legible expiration date on its face and the date has passed.

Assembly Bill 245 provides that a tour operator or tour broker who advertises or conducts a tour that originates in a county with a population of 400,000 or more must file a \$10,000 bond or similar security with the Consumer Affairs Division if motorized conveyance is a part of the tour. The bill also imposes certain restrictions and requirements on the security that is filed with the Division.

Finally, the measure authorizes the Commissioner of Consumer Affairs to adopt regulations regarding deceptive trade practices.

A.B. 290 (Chapter 67)

Assembly Bill 290 increases educational requirements for osteopathic physicians and increases the maximum amount of fees that may be charged by the State Board of Osteopathic Medicine. In addition, A.B. 290 revises complaint procedures and transfers authority to conduct investigations of complaints filed against persons practicing osteopathic medicine from the Office of the Attorney General to the Board.

A.B. 302 (Chapter 245)

Assembly Bill 302 revises provisions relating to the issuance of licenses to practice as a doctor of Oriental medicine. The measure requires the State Board of Oriental Medicine to issue a license to practice as a doctor of Oriental medicine to an applicant who has: (1) a bachelor's degree from an accredited college or university in the United States; (2) successfully completed an accredited four-year program of study, or its equivalent, in Oriental medicine at a school or college approved by the Board; (3) passed a background investigation; and (4) passed two specific examinations approved by the Board.

Alternatively, an applicant may be licensed if the applicant has: (1) successfully completed a four-year program, or its equivalent, in Oriental medicine at a school approved by the Board; and (2) lawfully practiced Oriental medicine in another state or country for at least four years and passed the two examinations and the background check.

One of the two examinations must be administered by a national organization and the other is a practical examination testing an applicant's knowledge and understanding of the laws and regulations of the State of Nevada relating to health and safety in the practice of Oriental medicine. The Board shall offer the practical examination at least two times a year, and applicants who fail the examination may retake it. Assembly Bill 302 also establishes procedures to license applicants who have practiced in other states or in foreign countries.

Further, this bill establishes procedures for the State Board of Oriental Medicine and the Attorney General to follow for the investigation of written complaints filed by a licensee. Assembly Bill 302 also requires the Board to establish and maintain a list of accredited schools and colleges of Oriental medicine that are approved by the Board. Finally, A.B. 302 abolishes the license to practice as a doctor of acupuncture and the license for an assistant in acupuncture.

Subsequent to passage of A.B. 302, Section 16 of the bill was amended by Assembly Bill 670 of the 71st Session.

A.B. 310 (Chapter 69)

Assembly Bill 310 makes various changes to provisions governing landscape architects. The measure designates the Board of Landscape Architecture as the State Board of Landscape Architecture. The bill also authorizes the Board to issue a certificate to practice as a landscape architect intern to a person who meets certain qualifications. These qualifications include graduation from a school approved by the Board or completion of at least four years of work experience in the practice of landscape architecture and passage of an examination required by the Board. The measure authorizes the Board to adopt regulations requiring each holder of a certificate of registration to complete a course of continuing education as a condition for the renewal of his certificate.

In addition, the measure revises the requirements for the issuance or renewal of a certificate of registration to engage in the practice of landscape architecture and authorizes the Board to issue a certificate to persons without requiring an examination if that person is licensed in another jurisdiction and meets certain requirements.

Finally, A.B. 310, revises the qualifications of the members of the Board, requires the Board to maintain certain records, and provides immunity from a civil action for a person who furnishes information to the Board under certain circumstances.

This measure is effective on July 1, 2001.

A.B. 491 (Chapter 222)

Assembly Bill 491 revises provisions governing optometry. The bill allows for collaboration between an optometrist and an ophthalmologist to provide care for a patient for a fixed fee regarding one or more surgical procedures. The collaborating parties must each maintain certain records regarding the procedures and other services performed by each party. The fixed fee must be divided between the collaborating parties in proportion to the services personally performed by each of them. In addition, the collaborating parties must provide to the patient a written document that contains: (1) information concerning the division of the fee between the collaborating parties; (2) a statement signed by the patient indicating that he voluntarily, knowingly, and willingly desires the performance of the postoperative care by the collaborating optometrist; (3) a statement that the patient is entitled to return to the collaborating ophthalmologist for postoperative care; and (4) certain information regarding the regulation of the practices of optometry and ophthalmology.

A.B. 551 (Chapter 265)

Assembly Bill 551 revises various provisions relating to the practice of cosmetology. The bill provides for the licensing of a person who demonstrates cosmetics in a cosmetology establishment. A demonstrator of cosmetics may not charge patrons for such services. Further, this bill requires that any sale of food or beverages for immediate consumption in a licensed cosmetology establishment take place in a retail area, with adequate space provided between the food or beverage area and the area where cosmetology services are performed.

A.B. 620 (Chapter 494)

Assembly Bill 620 makes various changes relating to contractors. The bill creates a Commission on Construction Education to review programs of education that relate to building construction and to distribute grants from a newly created Construction Education Account. An applicant for a contractor's license or a licensee may voluntarily contribute to the Construction Education Account, and certain fines received by the State Contractors' Board must be credited to the account.

The measure also removes the requirement that the Board compel certain applicants or current license holders to submit information to establish their financial responsibility. In addition, A.B. 620 removes provisions that automatically require the Board to hold a hearing if the Board refuses to issue or renew a license. However, the bill requires that the Board send a written notice to an applicant or license holder if the Board denies an application for the issuance or renewal of a license. An applicant or license holder whose application for the issuance or renewal of a license is denied may request a hearing before the Board. The bill also repeals the statutory exemption from licensing requirements for an owner who contracts with a managing contractor to build or improve a structure on the owner's property.

This measure is effective on July 1, 2001.

A.B. 622 (Chapter 227)

Assembly Bill 622 revises provisions governing the practice of court reporting. The bill requires that court reporting firms be licensed by the Certified Court Reporters' Board of Nevada before they may conduct business in this state. In addition, A.B. 622 increases certain fees that must be collected by the Board and grants it the authority to charge and collect fees for other services that it may provide as long as those fees do not exceed the cost of providing the services.

This measure is effective on July 1, 2001.

A.B. 670 (Chapter 496)

Assembly Bill 670 makes various changes relating to the practice of Oriental medicine. The bill revises provisions relating to the issuance of licenses to practice as a doctor of Oriental medicine. Assembly Bill 670 requires the Board to issue a license to practice as a doctor of Oriental medicine to an applicant who has: (1) a bachelor's degree from an accredited college or university in the United States; (2) successfully completed an accredited four-year program of study, or its equivalent, in Oriental medicine at a school or college approved by the Board; (3) passed a background investigation; and (4) passed two specific examinations approved by the Board.

This bill is effective on June 8, 2001.

S.B. 52 (Chapter 47)

Senate Bill 52 authorizes an advanced practitioner of nursing (APN) to prescribe controlled substances if the State Board of Nursing has issued a certificate authorizing the practitioner to do so. In addition, an APN who seeks authorization to prescribe controlled substances must obtain a certificate of registration from the State Board of Pharmacy.

S.B. 133 (Chapter 340)

Senate Bill 133 requires the Board of Dental Examiners to issue, without a clinical demonstration, a temporary license to practice dentistry to a person who, among other things, has a license to practice dentistry in another state, has practiced for a minimum of five years, and has not had his licensed revoked or suspended in this or another state.

In addition, S.B. 133 allows the Board to issue, without a clinical demonstration, a specialist's license to a person who, among other things, has a current certification as a diplomate from a certifying board approved by the Commission on Dental Accreditation of the American Dental Association and has an active license to practice dentistry in another state. A person licensed as a specialist must limit his practice to the specialty.

Finally, this measure requires the Board to issue, without a clinical demonstration, a restricted geographical license to practice dentistry or dental hygiene to a person who, among other things, has a license to practice dentistry or dental hygiene in another state. In addition, the board of county commissioners must submit a request that the Board of Dental Examiners waive the other requirements for licensure for the applicant intending to practice in a rural area of a county in which dental needs are underserved.

Most sections of this bill are effective on October 1, 2001. The remaining sections become effective on the date on which the Congress of the United States repeals the provisions of 42 U.S.C. § 666, which require each state to establish procedures under which the state has authority to withhold, suspend, or restrict the use of professional, occupational, and recreational licenses.

S.B. 153 (Chapter 327)

Senate Bill 153 requires the State Board of Cosmetology to provide examinations for licensure as a cosmetologist in Spanish upon the request of an applicant. Additionally, the Board may provide for examinations in other languages upon request if the Board determines such action is in the best interests of the public. Requests for examinations in a language other than English or Spanish must be made at least six months before the scheduled test. The Board must impose a fee upon an applicant who requests an examination be translated into a language other than English or Spanish. The fee must be sufficient to cover the cost of the development, preparation, administration, grading, and evaluation of the translated test.

In determining whether it is in the best interests of the public to translate an examination into a language other than English or Spanish, the Board shall consider the percentage of the population within this state whose native language is the language for which the translated examination is sought.

Portions of the bill are effective on June 1, 2001, for purposes of adopting regulations and taking other necessary actions to carry out the provisions of the act. For all other purposes, the bill is effective on January 1, 2002.

S.B. 245 (Chapter 372)

Senate Bill 245 provides for regulation of interpreters for persons who are deaf or hearing impaired. The bill declares the practice of interpreting to be a learned profession, affecting public health, safety, and welfare, subject to regulation to protect the general public from the practice of interpreting by unqualified persons. Senate Bill 245 establishes qualifications for individuals who wish to engage in the practice of interpreting. The bill also establishes a mechanism for school districts, charter schools, and public schools to hire uncertified persons if there is a shortage of certified persons in the geographic area in which the school is located and the school district or school has made a good faith effort to recruit and hire certified interpreters. A person hired under these circumstances must make satisfactory progress toward becoming certified and must become certified within three years of being hired. The bill also adds several alternative ways in which a teacher may become certified.

The measure specifies certain persons who are exempt from the requirement to be certified to engage in the practice of interpreting, including individuals who interpret solely for meetings of nonprofit, civic, or religious organizations and individuals who provide emergency medical or governmental services or who engage occasionally in interpreting in social situations that do not require a qualified interpreter.

Senate Bill 245 also requires the Commission on Professional Standards in Education to adopt regulations setting forth the qualifications and requirements for obtaining a license or endorsement to engage in the practice of interpreting for a person who will provide instruction or other educational services, and who concurrently engages in the practice of interpreting. Finally, the bill establishes civil and criminal penalties for engaging in the practice of interpreting without the proper certification.

Portions of this measure are effective on October 1, 2003. Sections 10 through 26 of the bill are effective on July 1, 2005.

S.B. 274 (Chapter 341)

Senate Bill 274 revises provisions governing certain rights and duties of contractors and subcontractors. The measure clarifies the duties and responsibilities between contractors and higher-tiered subcontractors, and subcontractors. A “higher-tiered subcontractor” is defined by the bill to be a subcontractor who has entered into a subcontract with another subcontractor in which the other subcontractor has agreed to perform certain duties. The bill also establishes payment obligations to subcontractors and authorizes subcontractors to stop work or terminate a contract under certain conditions, including: (1) failure of a contractor or higher-tiered subcontractor to pay claims for work completed; or (2) stoppage of work on a project for 15 days or more. Further, S.B. 274 specifies that a subcontractor may not be held liable for stopping work on a construction project or terminating a subcontract in accordance with these provisions.

The bill establishes a schedule of notices and procedures for contractors or higher-tiered subcontractors to follow when withholding a portion of a payment request from a subcontractor for certain reasons, including: (1) work or labor not completed or materials and equipment not supplied; (2) costs and expenses necessary to correct or repair work that was not in compliance with the subcontract; and (3) payments made or required to be paid by the contractor or a higher-tiered subcontractor for state-required programs or employee benefit trust funds.

In addition, the bill requires contractors and higher-tiered subcontractors to provide the subcontractor a written notice before a payment due date indicating the amount of payment intended to be withheld and a detailed explanation of the reasons. Procedures to resolve these issues, time frames for actions, and a provision to allow a subcontractor to terminate a contract under certain conditions, such as nonpayment of work completed, are also included.

Further, the measure allows a subcontractor to terminate a contract if the contractor or higher-tiered subcontractor causes work to be stopped for 15 days or more. A notice of intent to terminate a contract under the provisions of this bill must be provided ten days prior to termination.

Moreover, the bill specifies that no subcontractor or his lower-tiered subcontractors or their respective sureties may be held liable for damages that the owner, contractor, or higher-tiered subcontractor may suffer as a result of the subcontractor stopping work or terminating a subcontract in accordance with provisions of the bill. The measure also provides similar provisions relating to owners and contractors.

S.B. 281 (Chapter 48)

Senate Bill 281 revises certain provisions governing embalmers and funeral directors. The bill provides that an applicant who has passed the national examination given by the International Conference of Funeral Service Examining Boards is not required to take any portion of the Nevada examination that repeats or duplicates a portion of the national test. In addition, S.B. 281 requires the Nevada examination to include a segment on the laws and regulations of Nevada relating to embalmers and funeral directors.

The measure is effective on May 10, 2001.

S.B. 380 (Chapter 342)

Senate Bill 380 revises provisions related to contractors. The measure eliminates the duty of a contractor to require proof of payment of the business tax, as required under Chapter 364A of *Nevada Revised Statutes*, from a subcontractor before commencing payments to that person.

This bill is effective on July 1, 2001.

S.B. 378 (Chapter 187)

Senate Bill 378 provides civil immunity to any person who furnishes information to the Board of Dental Examiners of Nevada concerning a licensee or an applicant for licensure if the disclosure is made in good faith, without malicious intent. The bill also provides civil immunity for Board members, employees, and certain persons who assist the Board with an investigation, prosecution, or proceeding concerning licensure of a licensee, for any action taken in good faith without malicious intent in response to information acquired by the Board.

The measure also provides immunity for disseminating information concerning a licensee or applicant to the public, another board, or a governmental or law enforcement agency. Moreover, S.B. 378 provides that a defendant entitled to immunity who prevails in a civil action may recover attorney's fees and costs in defending the action.

The bill is effective July 1, 2001.

S.B. 405 (Chapter 375)

Senate Bill 405 makes various changes relating to the practice of podiatry. The bill authorizes a podiatric physician to amputate a toe if he: (1) performs the amputation in a hospital or a surgical center; (2) is authorized by the hospital or surgical center to perform the amputation; (3) has completed a program of surgical training as a resident and provides proof of his completion of the program; (4) complies with any other requirements established by the hospital or surgical center; and (5) performs the amputation in accordance with standards of care required for a medical physician.

Furthermore, the measure removes podiatry from the definition of an "allied health profession" and prohibits discrimination against podiatric physicians in the management of public hospitals. Finally, S.B. 405 requires the board of hospital trustees of a public hospital to organize a staff of physicians that includes podiatrists who request staff membership and meet the standards set forth in regulations prescribed by the hospital's board of trustees.

S.B. 420 (Chapter 193)

Senate Bill 420 requires specified occupational licensing boards to file quarterly summaries with the Director of LCB indicating each disciplinary action taken during the preceding quarter against the holder of a license, certificate, registration, or permit issued by each board. The summaries must be filed by the 20th day of the next month after the end of the quarter.

The measure also requires the Director to: (1) provide such information to the public upon request; (2) make the availability of such information known on the Legislature's public Internet Web site; and (3) transmit a compilation of the information to the Legislative Commission on a quarterly basis.

In addition, the bill requires each board to submit a report to the Director on or before November 1 of each even-numbered year. The report must include, without limitation: (1) the number of licenses, certificates, registrations, and permits issued during the preceding two fiscal years; (2) a summary of the board's budget for the prior two fiscal years; (3) a summary of each disciplinary action taken in the prior two fiscal years; and (4) any other information requested by the Director or that the board determines would be helpful to the Legislature in determining whether the continued existence of the board is necessary. The Director shall compile this information and distribute copies of the compilation to the Senate and Assembly Standing Committees on Commerce and Labor. The measure directs the committees to review the compilation to determine whether the continued existence of each board is necessary.

S.B. 512 (Chapter 93)

Senate Bill 512 revises certain provisions relating to accountants. The measure requires a certified public accountant; a registered public accountant; or a partnership, corporation, or limited-liability company composed of certified public accountants or registered public accountants, to register a fictitious business name with the Nevada State Board of Accountancy prior to doing business under that name. The measure authorizes the Board to adopt regulations prescribing the procedure and fee for registering a fictitious name.

In addition, the bill shortens the time, from 1 year to 60 days, in which certain licensees must obtain an annual permit after the expiration of their existing permit without incurring sanctions for failure to renew. Further, S.B. 512 authorizes the Board to impose certain sanctions on an applicant for licensure if he makes any false, fraudulent, or misleading statements on an application, omits a material fact in connection with an application, or cheats or assists another applicant to cheat on an examination for licensure.

Finally, the measure requires individual practitioners, partnerships, or corporate entities that use a fictitious business name in the practice of accountancy to register that name with the Board and pay the required fee not later than January 1, 2002.

S.B. 544 (Chapter 344)

Senate Bill 544 makes various changes to provisions governing the practice of pharmacy. The bill authorizes the State Board of Pharmacy to adopt regulations addressing prescriptions for controlled substances. Such regulations must ensure compliance with federal law but may be more stringent than federal requirements for controlled substances, with the exception of regulations concerning the electronic transmission or transmission by a facsimile machine of a prescription for a controlled substance. The bill also authorizes the Board to adopt such regulations as are necessary for the safe and efficient operation of pharmacies and wholesalers who sell drugs to persons in this state via the Internet.

Further, S.B. 544 includes within the definition of “practitioner,” for the purposes of *Nevada Revised Statutes* Chapter 639, an optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer therapeutic pharmaceutical agents. The measure sets forth the requirements for a pharmacy owner who is in a partnership or corporation concerning notification of the Board when changes in the partners or corporate officers are made. The measure also clarifies the Board’s authority concerning electronic prescriptions and fines for violations of the laws and regulations relating to pharmacy practices.

Portions of the bill regarding prescriptions or controlled substances and fines imposed by the Board are effective on June 5, 2001. All other provisions are effective on October 1, 2001.

CONSTITUTIONAL AMENDMENTS

A.B. 325 (Chapter 293)

Assembly Bill 325 revises the statutory provisions concerning the rule against perpetuities. The bill excludes from the statutory rule against perpetuities a nonvested property interest in, or a power of appointment with respect to, a trust under various circumstances. Circumstances under which a trust would be excluded include: (1) if the trustee has unlimited power to sell assets of the trust, or if the trustee has power to terminate the trust; (2) if the instrument creating the trust states that the rule against perpetuities does not apply to the trust; and (3) if the trust is executed in this state, has at least one trustee domiciled in this state, is administered in this state, or has a substantial portion of assets in this state.

This measure becomes effective on December 1, 2002, if the voters at the 2002 General Election approve Assembly Joint Resolution No. 4 of the 70th Session, which would repeal the constitutional rule against perpetuities.

A.J.R. 3 (File No. 110)

Assembly Joint Resolution No. 3 proposes to amend the *Constitution of the State of Nevada* to revise or repeal certain antiquated provisions. Currently, the Nevada Constitution provides that no “idiot or insane person” shall be entitled to vote. This measure proposes to delete this language and replace it with “person adjudicated mentally incompetent, unless restored to legal capacity.”

Additionally, A.J.R. 3 proposes to repeal Section 34 of Article 4 of the *Constitution of the State of Nevada* pertaining to the election of United States (U.S.) Senators by both houses of the Legislature in joint convention. This section of the Constitution was nullified in 1913 with the adoption of the 17th Amendment to the *United States Constitution*, which provides for the direct, popular election of U.S. Senators.

If approved in identical form by the 2003 Session of the Nevada Legislature, this proposal will be submitted to the voters for final approval or disapproval at the 2004 General Election.

A.J.R. 8 (File No. 119)

Assembly Joint Resolution No. 8 proposes to amend the *Constitution of the State of Nevada* to authorize the separate taxation of property whose development is restricted pursuant to an interstate compact for the preservation and restoration of the natural environment of the region in which the property is located. Furthermore, the measure proposes to amend the Constitution to authorize the Nevada Legislature to provide by law for the abatement of the tax

upon or an exemption of the assessed value of undeveloped land or a single-family residence occupied by the owner, to the extent necessary to avoid severe economic hardship to that person.

If passed in identical form by 2003 Session of the Nevada Legislature, this measure will be submitted to Nevada's voters for final approval or disapproval at the 2004 General Election.

A.J.R. 12 (File No. 98)

Assembly Joint Resolution No. 12 proposes to amend the *Nevada Constitution* 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. In addition, the measure provides for the election and staggered terms of office of the initial appellate court judges. After the initial terms, the judges must be elected at subsequent general elections to serve six-year terms of office. Further, the measure specifies the procedure for filling vacancies on the appellate court, which may not be for a period longer than the remainder of the unexpired term. The resolution also requires the Legislature to establish the jurisdiction of the court of appeals and provide for the review by the Supreme Court, where appropriate, of appeals decided by the appellate court. Finally, the measure authorizes the Supreme Court to provide by rule for the assignment of one or more judges on the court of appeals to devote part of their time as supplemental district judges, where needed.

If passed in identical form by the 2003 Session of the Nevada Legislature, this measure will be forwarded to Nevada's voters for final approval or disapproval at the 2004 General Election.

A.J.R. 4—70th Session (File No. 109)

Assembly Joint Resolution No. 4 of the 70th Session proposes to amend the *Constitution of the State of Nevada* by repealing the constitutional rule against perpetuities. Currently, Section 4 of Article 15 provides that "No perpetuities shall be allowed except for eleemosynary purposes." The resolution proposes to repeal this constitutional provision.

This measure was approved in identical form by both the 1999 and 2001 Sessions of the Nevada Legislature. The proposal will be submitted to the voters for final approval or disapproval at the 2002 General Election.

A.J.R. 13—70th Session (File No. 100)

Assembly Joint Resolution No. 13 of the 70th Session proposes to amend the *Constitution of the State of Nevada* to revise the term of office of a Supreme Court justice or district court judge who is appointed to fill a vacancy. The measure requires that an appointed justice or judge serve at least 12 months before that office is subject to a general election. This provision does not apply if the date of appointment is made within the 12-month period immediately preceding the expiration of the term of office.

This measure was approved in identical form by both the 1999 and 2001 Sessions of the Nevada Legislature. The proposal will be submitted to the voters for final approval or disapproval at the 2002 General Election.

A.J.R. 26—70th Session (File No. 101)

Assembly Joint Resolution No. 26 of the 70th Session proposes to amend the *Constitution of the State of Nevada* by adding another exemption from Nevada's borrowing cap of 2 percent of the state's total assessed valuation. The measure also exempts state contracts for public debt concerning the improvement, acquisition, and construction of facilities for public elementary and secondary schools.

This proposal was approved in identical form by both the 1999 and 2001 Sessions of the Nevada Legislature and will be submitted to the voters for final approval or disapproval at the 2002 General Election.

S.J.R. 11—70th Session (File No. 102)

Senate Joint Resolution No. 11 proposes to amend the *Constitution of the State of Nevada* concerning property tax. The measure would authorize the Nevada Legislature to provide by law for an abatement of the tax upon or an exemption of part of the assessed value of a single-family residence occupied by the owner to avoid severe economic hardship to that person.

This resolution was approved in identical form by both the 1999 and the 2001 Sessions of the Nevada Legislature. The proposal will be submitted to the voters for final approval or disapproval at the General Election in 2002.

See also Assembly Joint Resolution No. 1 (File No. 1) of the 17th Special Session.

COURTS AND JUDICIAL PROCEDURES

A.B. 62 (Chapter 56)

Assembly Bill 62 requires a person subject to garnishment to submit his answers to interrogatories to the sheriff within 20 days. This measure further limits the amount of the garnishment, where the garnishment is issued pursuant to *Nevada Revised Statutes* 31.291 and served upon a financial institution, to the amount of the lien created in that section.

A.B. 77 (Chapter 347)

Assembly Bill 77 reduces from five years to three years the time period governing when unclaimed property is presumed to have been abandoned for certain unclaimed items of money or other personal property. The bill also provides for a limited exemption from interest penalties for the late payment or delivery of abandoned property.

This measure is effective on June 5, 2001.

A.B. 328 (Chapter 358)

Assembly Bill 328 relates to the sealing of criminal records and the restoration of civil rights. The bill requires the court, upon the entry of a judgment of acquittal or an order dismissing a criminal action or proceeding, to provide the defendant with written notice of the provisions of *Nevada Revised Statutes* 179.255 relating to the sealing of records.

Further, this bill reduces the period of time before a petition for sealing criminal records may be brought. For category C and D felonies the period is reduced from 15 to 12 years; for category E felonies from 15 to 10 years; for gross misdemeanors from 10 to 7 years; and for misdemeanors from 5 to 3 years.

In addition, this bill reduces the waiting period for restoration of a person's civil rights. In any case where a convicted person has received a pardon, he may apply to the State Board of Parole Commissioners to restore his civil rights. In any case where a convicted person has been issued an honorable discharge from parole or has served his sentence and been released from prison for a felony in the State of Nevada, he may immediately apply to the Division of Parole and Probation for restoration of his civil rights. If the Division determines that the applicant has received an honorable discharge from parole, then the Division shall forward the application to the Board. If the Division determines that the applicant has served his sentence and been released from prison, then the Division shall forward the application to the district court for restoration of the person's civil rights. Further, this bill states that an applicant must not be required to pay a fee to have his civil rights restored.

A person may apply to the Division for restoration of his civil rights six months after an honorable discharge from probation. If the Division determines the person meets the statutory requirements, it must petition the court for an order granting restoration of civil rights.

This measure is effective on June 5, 2001.

A.B. 489 (Chapter 383)

Assembly Bill 489 requires genetic marker analysis, through a biological specimen, to be obtained from all offenders convicted of a category A or B felony or a category C felony that involves the use or threatened use of violence against the victim. Analysis is also required for any of the following offenses: a crime against a child, a sexual offense, abuse or neglect of an older person, or a second or subsequent offense for stalking. The bill also applies to persons convicted of an attempt to commit one of these offenses. Further, the measure replaces the phrase “samples of blood” with “a biological specimen” throughout the sections of Nevada law regarding genetic marker analysis.

A.B. 550 (Chapter 590)

Assembly Bill 550 revises notice and hearing requirements and makes other procedural changes regarding the detention and civil commitment of allegedly mentally ill persons.

S.B. 15 (Chapter 79)

Senate Bill 15 enacts provisions regarding the payment of fees to arbitrators. The measure requires that the rules adopted by the Nevada Supreme Court governing arbitration must include provisions for the payment of an arbitrator’s fees. Senate Bill 15 also requires that the arbitrator be paid \$100 per hour, to a maximum of \$1,000 per case, unless the arbitration commissioner authorizes a different fee schedule.

This bill is effective on May 17, 2001.

S.B. 137 (Chapter 552)

Senate Bill 137 increases from 11 to 12 the number of district judges in the Second Judicial District (Washoe County) and increases from 3 to 4 the number of family court judges in that district. In addition, S.B. 137 increases from 30 to 33 the number of district judges in the Eighth Judicial District (Clark County) and increases from 11 to 12 the number of family court judges in that district. Further, the measure requires that the new judges must be selected at the General Election held on November 5, 2002. Finally, the measure appropriates money for the salaries of the new judges.

Most of this measure is effective on October 1, 2001. The provisions pertaining to the salaries of the new judges are effective on January 6, 2003.

S.B. 139 (Chapter 459)

Senate Bill 139 revises the manner in which administrative assessments are distributed to the Office of the Court Administrator. The bill further requires the reduction of appropriations made to the Supreme Court from the State General Fund upon the receipt by the Court of money from those assessments.

This measure is effective on July 1, 2001.

S.B. 184 (Chapter 597)

Senate Bill 184 adjusts prospectively the salaries of Supreme Court justices and district court judges. The bill increases, from \$85,000 to \$107,600, the annual base salary of justices of the Supreme Court whose terms of office expire on the first Monday in January in 2003, 2005, and 2007. After that date, the salary for their respective successors in office is increased to \$140,000. The measure also increases the annual base salary of each district judge from \$79,000 to \$100,000 until the first Monday in 2003. After that date, the salary is increased to \$130,000.

In addition, S.B. 184 creates both a Supreme Court and a District Court Commission on Law Libraries. The bill sets forth the duties of these two commissions, which include advising governing entities of the libraries on improving access by the public to the law and legal publications and coordinating the development of materials to aid persons who choose to represent themselves. The Supreme Court Commission on Law Libraries also must advise the Supreme Court concerning the government, use, and services of the Supreme Court Law Library. The commissions must meet quarterly and prepare and submit annual reports to the Administrative Office of the Courts. Finally, the measure appropriates money for the salaries of the members of the two commissions.

The sections of S.B. 184 regarding the increase in the salaries of Justices of the Supreme Court and district court judges are effective on October 1, 2001. The two Commissions on Law Libraries are effective on January 6, 2003. The Supreme Court Commission on Law Libraries expires by limitation on December 31, 2006. The District Court Commission on Law Libraries expires by limitation on January 2, 2005. The appropriation for salaries is effective on July 1, 2002.

S.B. 336 (Chapter 280)

Senate Bill 336 adopts the revised Uniform Arbitration Act of 2000 and repeals the provisions of the former Uniform Arbitration Act. The bill sets forth detailed procedures governing the voluntary arbitration procedures. The measure provides that agreements to arbitrate are valid and that the parties may vary the requirements of the arbitration laws within their agreement, with certain exceptions. The procedure for initiating arbitration is set forth, and the bill allows a court to order consolidation of separate arbitral proceedings, if appropriate.

The bill requires that the arbitrator be neutral and provides that the arbitrator is immune from civil liability to the same extent as a judge acting in a judicial capacity. If there are two or more arbitrators, the powers of an arbitrator must be exercised by a majority of the arbitrators. The powers of the arbitrator include holding conferences before a hearing; determining the admissibility, relevance, materiality, and weight of any evidence; deciding a request for summary disposition; issuing subpoenas for the attendance of a witness or production of records or other evidence; and issuing protective orders to prevent disclosure of privileged information. The measure also sets forth the procedures governing hearings ordered by the arbitrator.

Senate Bill 336 requires the arbitrator to make a record of an award and sets forth procedures and grounds under which the arbitrator may modify or correct an award. The bill also authorizes the arbitrator to award reasonable attorney's fees and other reasonable expenses of arbitration. In addition, the arbitrator may order remedies he considers just and appropriate.

Finally, the bill sets forth the procedures under which parties go to court to address situations in which a party refuses to arbitrate and in which a party challenges an award or a modification or correction of an award. The remedies available to the court, depending upon the circumstances, are also set forth.

S.B. 568 (Chapter 457)

Senate Bill 568 relates to certain tort claims. The bill allows the Risk Management Division of the Department of Administration and the Attorney General to assess counties for certain tort claims. The bill requires each county to deposit an assessed amount in a fund that must be designated for potential liability, costs of defense, and administrative expenses for the employees of a district court, except district judges. The bill allows exceptions for a county that has entered into a written agreement with the state to: (1) hold the state harmless and assume liability and defense costs for such employees; (2) reimburse the state for any related liability and defense costs; or (3) include the employees of the district court under the county's insurance coverage.

The bill is effective on July 1, 2001.

A.J.R. 12 (File No. 98)

Assembly Joint Resolution No. 12 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. In addition, the measure provides for the election and staggered terms of office of the initial appellate court judges. After the initial terms, the judges must be elected at subsequent general elections to serve six-year terms of office. Further, the measure specifies the procedure for filling vacancies on the appellate court, which may not be for a period longer than the remainder of the unexpired term. The resolution also requires the Legislature to establish the jurisdiction of the court of appeals and provide for the review by the

Supreme Court, where appropriate, of appeals decided by the appellate court. Finally, the measure authorizes the Supreme Court to provide by rule for the assignment of one or more judges on the court of appeals to devote part of their time as supplemental district judges, where needed.

If passed in identical form by the 2003 Session of the Nevada Legislature, this measure will be forwarded to Nevada's voters for final approval or disapproval at the 2004 General Election.

See also Assembly Bill 3 (Chapter 3) and Assembly Bill 4 (Chapter 4) of the 17th Special Session.

General Court Procedures

A.B. 41 (Chapter 24)

Assembly Bill 41 authorizes a city attorney, his deputies, and his assistants to defend a person in a criminal proceeding with or without compensation under the following circumstances: (1) the criminal proceeding must be held outside the jurisdiction where the attorney serves as prosecutor; (2) the attorney must obtain the prior consent of the defendant; and (3) a city attorney must obtain the consent of the governing body of the city for which he serves. If the attorney is a deputy or assistant of a city attorney, he or she must also obtain the consent of the city attorney.

This bill is effective on May 27, 2001.

A.B. 82 (Chapter 354)

Assembly Bill 82 requires courts to defer the payment of all costs and fees for a person who petitions a court for a temporary or extended order to restrict alleged conduct for the crime of stalking, aggravated stalking, or harassment. After any hearing, and not later than the final disposition of an application or order, the court shall assess the costs and fees against the adverse party or may reduce or waive them. The measure also prohibits charging a fee to a person who obtains a protective order to have that order served in Nevada.

In addition, A.B. 82 mandates that a court shall provide the petitioner and the adverse party with information on the availability of temporary and extended orders, the procedures for filing an application for such an order, and the right to proceed without counsel.

This bill is effective on June 5, 2001.

A.B. 108 (Chapter 148)

Assembly Bill 108 relates to county clerks and the summoning of grand juries. The bill clarifies the procedures under which a committee of five registered voters may commence a proceeding, by the filing of an affidavit, to summon a grand jury. The affidavit must include the following information: (1) the name and address of each of the five registered voters; (2) the mailing address to which all correspondence is to be sent; (3) a statement that the committee will be responsible for circulation of the petition; and (4) a statement explaining the necessity for summoning a grand jury. The bill further outlines the procedures and deadlines for the grand jury petition process.

This measure also increases the reimbursement for persons summoned as grand jurors or trial jurors in the district court or justice court from 15 cents to 20 cents a mile for each mile traveled. Further, this act repeals *Nevada Revised Statutes* 3.290 and 3.295 relating to the list of cases to be published monthly by the clerk.

This bill is effective on July 1, 2001.

A.B. 110 (Chapter 149)

Assembly Bill 110 relates to the summoning of jurors by justices' courts in certain counties. The bill allows justices' courts in counties whose population is 400,000 or more to summon jurors from the qualified electors, whether or not registered as voters, from the entire county. However, potential justice's court jurors in a county of 400,000 or more who live 65 miles or more from the justice's court are exempt from serving if they so choose.

This bill is effective on July 1, 2001.

A.B. 148 (Chapter 61)

Assembly Bill 148 clarifies existing law regarding stays of court proceedings for attorneys who are members of the Nevada Legislature. The measure allows for stays of an action or proceeding, including without limitation any discovery or other pretrial or post-trial matter involved in the action or proceeding if a lawyer also serving as a legislator was hired before the commencement of any legislative session.

A.B. 239 (Chapter 530)

Assembly Bill 239 relates to filing fees in district and justices' courts to offset the costs of providing pro bono programs and free legal services to abused or neglected children and victims of domestic violence. The bill allows the board of county commissioners in each county that charges a fee pursuant to *Nevada Revised Statutes* (NRS) 19.031 to offset a portion of the costs of providing pro bono programs and legal services without charge to abused or neglected children and victims of domestic violence. The board may, by ordinance, raise

filing fees in district courts and justices' courts under certain circumstances. These fees are to be remitted to the one organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031.

Further, the bill allows a fee of \$5 on the commencement of any civil action or proceeding in the district court for which a filing fee is required and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required. The fee of \$25 is to be paid on the filing of any motion or other paper that seeks to modify or adjust a final order that was issued pursuant to Chapters 125, 125B, or 125C of NRS and on the filing of any answer or response to such motion or other paper. In the justices' courts, the fee of \$5 may be charged where a filing fee is required and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required.

The bill specifies that a board of county commissioners may not by ordinance impose a filing fee for a motion filed to adjust the amount of child support or a motion for reconsideration or for a new trial that is filed within ten days after a final judgment or decree has been issued.

This measure is effective on July 1, 2001.

A.B. 417 (Chapter 360)

Assembly Bill 417 expands the circumstances under which expert testimony concerning the effect of domestic violence is admissible in criminal proceedings. Specifically, the measure permits evidence and expert testimony concerning the effect of physical, emotional, or mental abuse on the beliefs, behavior, and perception of the person alleging the abuse. The bill also specifies that expert testimony concerning the effect of domestic violence may not be offered against a defendant to prove the occurrence of an act that forms the basis of a criminal charge against the defendant.

This measure is effective on October 1, 2002.

A.B. 548 (Chapter 30)

Assembly Bill 548 revises the provisions governing agencies eligible to receive a distribution of proceeds from administrative assessments to include the Advisory Council for Prosecuting Attorneys.

This measure is effective on July 1, 2001.

A.B. 576 (Chapter 226)

Assembly Bill 576 clarifies the circumstances under which the enforcement of a foreign judgment may be stayed. The bill also prescribes the amount of a bond to secure the stay of execution of certain judgments that are pending appeal. Further, if a plaintiff proves that the appellant is purposefully dissipating or diverting assets outside of the ordinary course of its

business to evade paying the judgment, this measure allows the court to enter such orders as are necessary to prevent such dissipation or diversion. Finally, the provisions of A.B. 576 concerning bonds and dissipating or diverting assets only apply to civil litigation involving the Master Settlement Agreement, which is the agreement between the State of Nevada and the leading United States manufacturers of tobacco products.

This bill is effective on May 29, 2001.

A.B. 582 (Chapter 241)

Assembly Bill 582 revises provisions pertaining to the competency of defendants. The measure allows the Administrator of the Division of Mental Health and Developmental Services to appoint a designee to perform certain duties concerning incompetent defendants. Current law requires that the Administrator personally perform these duties.

In addition, the measure provides that the Administrator or his designee shall appoint a licensed psychiatrist and a licensed psychologist from the treatment team and a third evaluator who is not on the treatment team to evaluate the defendant. Upon evaluation and treatment of the defendant, the Administrator or his designee shall report the findings concerning whether the defendant is competent to stand trial to the court. A sanity commission appointed by the court currently performs this duty.

Further, if a judge appoints a licensed psychiatrist or psychologist who is not employed by the Division of Mental Health and Developmental Services to perform an additional evaluation and report concerning the defendant, A.B. 582 provides that the cost of this evaluation is a charge against the county. Finally, if the judge finds the defendant competent to stand trial, A.B. 582 requires the prosecuting attorney to prearrange with the facility for the return of the defendant to the county or city.

This bill is effective on May 29, 2001.

S.B. 32 (Chapter 80)

Senate Bill 32 allows a witness to testify at a preliminary examination or before a grand jury through the use of audiovisual technology under certain circumstances. The measure provides that a party may only request authorization for a witness to testify through the use of audiovisual technology if the witness resides more than 500 miles from the location of the preliminary examination or the grand jury proceeding or if the witness is unable to attend because of a medical condition. For preliminary examinations, S.B. 32 specifies that the request must be made not later than 14 days before the proceeding, and the party must provide written notice of the request to the opposing party at or before the time of filing the request. The opposing party may file an objection to the request not later than seven days after receiving notice of the request.

The magistrate or judge may only grant the request if he finds that good cause exists to grant the request based upon the facts and circumstances of the case. If the request is granted, the bill provides that the testimony must be taken by a certified videographer, recorded and preserved through the use of a videotape or other audiovisual recording technology, and transcribed by a certified court reporter.

In addition, S.B. 32 requires that before testifying, the witness must be sworn in and sign a written declaration acknowledging that he understands he is subject to the jurisdiction of Nevada's courts and may be subject to criminal prosecution for the commission of any crime in connection with his testimony, including perjury.

The bill also places limitations on the content and use of the testimony. During a preliminary examination, the witness must not be asked to identify the defendant, but he may testify regarding previous identifications. In addition, the testimony of the witness may not be used by any party in a subsequent trial or proceeding in lieu of the direct testimony of the witness. Finally, the bill requires that the audiovisual technology must ensure that the witness may be clearly heard and seen and examined and cross-examined.

This bill is effective on May 17, 2001.

S.B. 33 (Chapter 458)

Senate Bill 33 makes various revisions to Nevada's laws governing probate. The measure provides for the use of electronic wills and electronic trusts. Specifically, this bill creates provisions allowing an electronic will to be a will of a testator if it: (1) is written, created, and stored in an electronic record; (2) contains the date and electronic signature of the testator; and (3) is created and stored in such a manner that only one authoritative copy exists. Further, the authoritative copy must be controlled by the testator or the testator's designated custodian. Senate Bill 33 provides similar conditions for the creation of electronic trusts.

In addition, the measure provides that an attesting witness to a will may sign a declaration under penalty of perjury and provides the form for the declaration. The bill also clarifies that the inheritance of a child who dies under age, unmarried, and without children remains with the immediate family. Further, S.B. 33 revises provisions regarding the selection of an administrator of an intestate estate to provide that a person may be disqualified by the court from serving as an administrator based on a conflict of interest and that the public guardian is above a creditor in the order of priority for such an appointment. The measure clarifies that the public guardian of either a minor or an incompetent heir may be appointed as an administrator. The bill also authorizes nonresidents who associate as coadministrators with a Nevada resident to serve as administrators.

Further, S.B. 33 revises certain procedures governing summary administration of estates to provide that upon granting such summary administration, the notices and proceedings of Title 12 ("Wills and Estates of Deceased Persons") are waived with certain exceptions. These exceptions include the notice of inventory to heirs and devisees, notice to creditors, notice of

sale of real property, and notices required upon filing of the final account and petition for distribution. With regard to sales of real property, the bill provides that if the personal representative is the sole devisee or heir of the estate or if all devisees or heirs of the estate consent in writing, the court may waive the requirement of publication. If all interested persons agree, the bill authorizes the court to waive the requirement of any accounting of the estate.

S.B. 36 (Chapter 176)

Senate Bill 36 makes various changes to the procedures governing forfeitures. The bill changes the standard of proof in a proceeding for forfeiture of property from “a preponderance of the evidence” to “clear and convincing evidence that the property is subject to forfeiture.”

The measure requires agencies that seize currency under the forfeiture proceedings to deposit the currency in an interest-bearing account. If the court orders the property returned to the claimant following the forfeiture proceedings, any interest accrued must also be returned to the claimant. The interest on any property that is forfeited is distributed in the same manner as any proceeds from the sale or retention of the forfeited property.

Senate Bill 36 also revises provisions governing the accounts of local law enforcement agencies for the sale of forfeited property to require that the money in the account be aggregated quarterly and not distributed until the accounting is complete. The measure requires that 70 percent of the money aggregated in the account in excess of \$100,000 that remains in the account at the end of each fiscal year must be distributed to the school district in the judicial district. Such distribution must be determined based upon the accounting standards of the governing body controlling the law enforcement agency that are in place on March 1, 2001. The school district must deposit the money in a separate account and use the money to purchase books and computer hardware and software for use by the students in the district.

In addition, S. B. 36 requires each law enforcement agency that distributes money to a school district to submit a report to the Legislative Counsel Bureau of the amount distributed to each school district before January 1 of each odd-numbered year. Finally, the board of trustees of each school district must include in its annual report to the Superintendent of Public Instruction and the Department of Taxation the amount received by the district from law enforcement agencies from the forfeiture account. The report must specify the amount spent on books and computer hardware and software for each grade level.

The amendatory provisions of this measure do not apply to property seized before October 1, 2001.

CRIMINAL JUSTICE

(See also: Courts)

A.B. 370 (Chapter 566)

Assembly Bill 370 relates to workplace harassment. The bill allows an employer or an authorized agent of an employer who reasonably believes that harassment in the workplace has occurred to file an order for protection against harassment in the workplace against the person who allegedly committed such acts. The measure further outlines the judicial procedure for determining such orders and provides a penalty of a misdemeanor for violation of an order of protection for workplace harassment.

The bill also provides that if the court is satisfied, based upon specific facts in the verified application, that harassment in the workplace has occurred, it may issue a temporary order for protection under certain circumstances. Notice must be given to the person who allegedly committed the harassment, except in certain circumstances. If a temporary order is granted without notice, the order must: (1) include a statement indicating the person is entitled to a hearing; (2) specify the court; (3) define the injury or loss resulting from the harassment; and (4) set forth the reasons for granting the order without notice. In addition, a temporary order must not be issued unless the employer gives security in an amount determined by the court to be sufficient to pay for such costs and damages as may be incurred or suffered by the person who allegedly committed the harassment if the person is found to have been wrongfully enjoined or restrained.

A temporary order for protection granted with or without notice must expire not later than 15 days after it is issued. An employer who is issued a temporary order may apply for an extended order by filing a verified application prior to the expiration of the temporary order. An extended order for protection must expire within one year.

A.B. 557 (Chapter 310)

Assembly Bill 557 allows the sheriff of a county to authorize the constable of the appropriate township to receive and execute the process, writs, or warrants of justices' courts, judicial officers, and coroners. The bill also directs each constable to execute the process, writs, or warrants he or she is authorized to receive under this measure.

S.B. 182 (Chapter 411)

Senate Bill 182 makes changes concerning the procedure for arrests by private persons. The bill removes the authority for a private person to take an arrested person before the nearest magistrate. The arrested person must be taken to a peace officer, who must take the arrested person without unnecessary delay before the nearest magistrate. The bill provides

three exceptions to this provision by allowing a peace officer to: (1) issue the person a misdemeanor citation; (2) admit the person to bail; or (3) release the person from custody if the peace officer is satisfied there are insufficient grounds for issuing a criminal complaint.

This measure is effective on June 5, 2001.

S.B. 194 (Chapter 460)

Senate Bill 194 makes changes pertaining to interstate compacts for the supervision of offenders. The measure ratifies the Interstate Compact for Adult Offender Supervision and repeals Nevada's Uniform Act for Out-of-State Parolee Supervision. The bill specifies that the Compact is designed to provide the framework for the promotion of public safety and to protect the rights of victims through the control and regulation of the interstate movements of offenders.

The Compact creates the Interstate Commission for Adult Offender Supervision and sets forth its organization, operation, and rulemaking authority. The Interstate Commission consists of commissioners selected by the members of each state's Council for Interstate Adult Offender Supervision and other ex-officio, nonvoting representatives of national organizations of governors, legislatures, state chief justices, attorneys general, and crime victims. The Interstate Commission oversees, supervises, and coordinates the interstate movement of offenders subject to the terms of the Compact and any bylaws adopted and rules promulgated by the Commission. In addition to other administrative powers, the Interstate Commission has the power to enforce compliance with its rules and bylaws and Compact provisions.

Senate Bill 194 also requires the courts in each member state to enforce the Compact. States in the Compact must report issues of concern to the Interstate Commission, which must attempt to resolve any disputes through mediation and binding dispute resolution. Under the Compact, annual assessments must be levied against each state in the Compact to cover the costs of the Interstate Commission's annual budget.

Finally, S.B. 194 provides that the Compact is effective and binding when it is enacted by no less than 35 states. A state may withdraw from the Compact by enacting a statute repealing the Compact.

This measure is effective on July 1, 2001, or upon the enactment of the Interstate Compact by the thirty-fifth jurisdiction, whichever is later.

S.B. 204 (Chapter 179)

Senate Bill 204 revises the definition of “manufacture” of a controlled substance to eliminate the exemption for a person who prepares or compounds a substance for his own use. Senate Bill 204 also adds pharmacists and advanced practitioners of nursing to the list of professionals whose preparation, compounding, packaging, or labeling of a substance is exempted from the definition of “manufacture.” This definition applies to the Uniform Controlled Substances Act under Chapter 453 of *Nevada Revised Statutes*.

This measure is effective at 12:01 a.m. on October 1, 2001.

Correctional Procedures and Facilities**A.B. 4 (Chapter 482)**

Assembly Bill 4 allows money in the Fund for New Construction of Facilities for Prison Industries to be used to expand existing industries to support the additional employment of offenders. The measure also creates a Committee on Industrial Programs and sets forth the committee’s membership, terms of service, duties, and responsibilities. Finally, A.B. 4 repeals the statutes creating and governing the Advisory Board on Industrial Programs.

This measure is effective on June 8, 2001.

A.B. 55 (Chapter 55)

Assembly Bill 55 eliminates the requirement that a county jail be located at the county seat. The bill provides that a county jail is not required to be located in conjunction with the sheriff’s office at the county seat of government if the board of county commissioners determines that a different location would better serve the needs of the county. In addition, A.B. 55 clarifies that the board of county commissioners may establish a branch county jail in any township other than where the main county jail is located and that persons charged with or convicted of a misdemeanor may be imprisoned in the branch county jail instead of the county jail.

This bill is effective on July 1, 2001.

A.B. 580 (Chapter 31)

Assembly Bill 580 eliminates provisions pertaining to contracts concerning the sale or donation of blood or blood plasma by offenders in the prison system. The measure repeals *Nevada Revised Statutes* (NRS) 209.383, which authorizes the Director of the Department of Corrections to suspend, terminate, or renegotiate contracts for the sale or donation of blood or blood plasma by offenders. The repeal of NRS 209.383 also eliminates the Account for Destitute Prisoners, which was funded by revenue from the sale of blood or blood plasma. Finally, A.B. 580 requires the State Controller to transfer the balance in the Account for Destitute Prisoners to the Inmate Welfare Account.

S.B. 116 (Chapter 551)

Senate Bill 116 revises certain provisions governing the use of restraints and interventions by mental health facilities on persons with disabilities. The measure specifies the circumstances under which a mechanical restraint may be used on a person with a disability who is a client of a forensic facility. The bill also establishes the procedures that must be followed whenever a mechanical restraint is used at a forensic facility. Further, the measure defines a “forensic facility” as a secure facility of the Division of Mental Health and Developmental Services of the Department of Human Resources for mentally disordered offenders and defendants who are ordered to the facility pursuant to proceedings before a court of law. The bill also revises the definition of “mechanical restraint” to include handcuffs, belly chains, and four-point restraints.

This bill is effective on June 13, 2001.

S.B. 197 (Chapter 277)

Senate Bill 197 revises the provisions governing the date on which an offender is eligible to participate in a therapeutic community. The measure provides that to be eligible to participate in a therapeutic community, the offender must be within two years of the date on which he is reasonably expected to be released.

This bill is effective on July 1, 2001.

S.B. 233 (Chapter 95)

Senate Bill 233 makes changes pertaining to correctional officers employed by the Department of Corrections. The measure requires the Director of the Department of Corrections to ensure that certain employees are correctional officers with the power of peace officers. This requirement applies to employees whose primary responsibilities are: (1) the supervision, custody, security, discipline, safety, and transportation of an offender; (2) the security and safety of the staff; and (3) the security and safety of an institution or facility of the Department.

The measure also includes correctional officers employed by the Department of Corrections in the list of peace officers who are exempt from certain provisions concerning weapons, including the requirement to obtain a permit to carry a concealed weapon.

This bill is effective on July 1, 2001.

S.B. 504 (Chapter 376)

Senate Bill 504 revises certain provisions relating to the employment of wardens by the Department of Corrections. The bill provides that a warden is not in the classified service of the state for the purposes of appointment.

This measure is effective on July 1, 2001.

Crime and Punishment

A.B. 54 (Chapter 589)

Assembly Bill 54 concerns the statute of limitations for prosecution of certain felonies. The bill extends for five years the time limit within which a prosecution for kidnapping or attempted murder must be commenced if a written report of the incident is filed within the time periods outlined in *Nevada Revised Statutes* 171.085 and 171.095. This measure also revises provisions concerning genetic marker testing by adding the term “biological specimen.” Finally, the measure requires defendants who have been convicted in another jurisdiction of violating a law that prohibits the same or similar conduct of certain listed crimes, including kidnapping and conspiracy, to submit a biological specimen.

This bill is effective on June 14, 2001.

A.B. 105 (Chapter 154)

Assembly Bill 105 revises certain provisions related to explosive and incendiary devices. The bill makes it a category B felony to knowingly possess any component of an explosive or incendiary device with the intent to manufacture such a device. Further, the measure makes it a category D felony to possess any explosive or incendiary material, substance, or component that may be readily converted to an explosive or incendiary device: (1) in or upon any public street or highway; (2) in or near any private habitation or public place; or (3) in, on, or near any public conveyance.

The measure does not prohibit a person from possessing any material, component, substance, or device as required for the performance of his duties related to mining, agriculture, construction, or any other valid occupational purpose, or if the person is authorized by a governmental entity which has lawful control over such matters to use those items in the performance of his duties. Under these circumstances, the explosives must be in an amount

that, if detonated or exploded, would not ordinarily cause substantial bodily harm or substantial harm to another person or person's property. Finally, the bill exempts materials that are part of a model rocket or engine that are designed, sold, and used for the purpose of propelling model rockets.

This bill is effective on July 1, 2001.

A.B. 107 (Chapter 7)

Assembly Bill 107 concerns the penalties for domestic violence. This bill clarifies that without regard to the sequence of the offenses and convictions, a person convicted of battery constituting domestic violence within seven years before or after the principal offense has committed a prior offense for the purposes of determining the penalty. The facts concerning a prior offense must be alleged in the complaint, indictment, or information and must be proved at the time of sentencing.

This measure is effective March 27, 2001.

A.B. 125 (Chapter 301)

Assembly Bill 125 makes it a misdemeanor for a person to employ, allow, or use a person who is less than 18 years of age to distribute promotional materials that include an offer for alcoholic beverages for a business. Such businesses include but are not limited to a gaming establishment, a saloon, a resort, or a restaurant. The measure provides an exception for distributing a publication that includes an advertisement for the sale of alcoholic beverages that is incident to the publication.

A.B. 162 (Chapter 587)

Assembly Bill 162 amends *Nevada Revised Statutes* 205.0832 to include within the crime of theft, the obtaining of "parts, products or other items related to such services." The bill also adds gasoline, other fuel, or automotive products that are available only for compensation without paying or agreeing to pay compensation, to the list of offenses constituting theft. Assembly Bill 162 specifies that a person who commits a prohibited act under this statute involving the repair of a vehicle has not committed theft unless, before the repair was made, he received a written estimate of the cost of the repair.

A.B. 315 (Chapter 390)

Assembly Bill 315 requires a person convicted of a first offense of driving under the influence of intoxicating liquor to attend a program of treatment when the offender's concentration of alcohol in the blood or breath is 0.18 or more.

A.B. 344 (Chapter 216)

Assembly Bill 344 revises the definition of “assault” to include “intentionally placing another person in reasonable apprehension of immediate bodily harm.”

This bill is effective on May 29, 2001.

A.B. 375 (Chapter 165)

Assembly Bill 375 enacts provisions governing certain items employed to commit theft. This bill provides that a person shall not, with intent to cheat or defraud a retailer, possess, make, alter, forge, or counterfeit a sales receipt or an inventory pricing label. A person who violates this provision is guilty of a category E felony. In addition, A.B. 375 increases the penalty to a category D felony for a person who violates this provision and possesses 15 or more fraudulent sales receipts or inventory pricing labels.

In addition, Assembly Bill 375 provides that a person shall not, with intent to commit, aid, or abet a theft, possess, manufacture, sell, or distribute a theft detection-shielding device or theft detection deactivator. A person who violates this provision is guilty of a category D felony.

A.B. 399 (Chapter 567)

Assembly Bill 399 provides civil liability for the staging of an emergency. The bill allows a public agency to commence a civil action against a person who knowingly makes a false report to a peace officer that a crime has been committed. An action may also be commenced against a person who creates the false appearance that a crime has been committed or that an emergency exists if that false appearance results in a false report to a public agency concerning a crime or an emergency.

This measure is effective on June 13, 2001.

A.B. 400 (Chapter 123)

Assembly Bill 400 removes certain language from existing law concerning the crime of stalking. Specifically, A.B. 400 revises the language in *Nevada Revised Statutes* 200.575 to read that a “person who commits the crime of stalking and in conjunction therewith threatens the person with the intent to cause him to be placed in reasonable fear of death or substantial bodily harm commits the crime of aggravated stalking.” Further, the measure eliminates the gross misdemeanor penalty for stalking on a spouse while a proceeding for the dissolution of their marriage is pending or within six months after entry of the final decree of dissolution and stalking on a person with whom a person has a child in common.

In addition, A.B. 400 addresses the location where harassment, stalking, and aggravated stalking are deemed to have occurred for purposes of determining the appropriate venue for prosecuting the offense. The bill provides that stalking shall be deemed to have been committed where the person who was affected by the conduct was located at the time that the conduct occurred.

A.B. 442 (Chapter 398)

Assembly Bill 442 revises the various fines, terms of imprisonment, and civil penalties for illegal dumping and requires that offenders perform community service by cleaning up dump sites. Further, reporting requirements are established concerning the lawful disposal of materials from a site that has been cleaned up by an offender. Finally, the act provides that if a business entity is convicted of illegal dumping, the conviction constitutes reasonable grounds for revoking a business license, and the authority may initiate revocation proceedings with the licensing agency.

This measure is effective on June 5, 2001, for the purpose of adopting regulations and on September 1, 2001, for all other purposes.

S.B. 31 (Chapter 33)

Senate Bill 31 revises certain provisions regarding assault and battery. The measure adds state and local governmental employees whose official duties require home visits to the definition of “officer” under the statutes regarding assault and battery. In addition to the increased penalties for assault and battery against this type of officer, the bill provides that if an assault is committed by a probationer, prisoner, or parolee against an officer or other protected type of profession, the offense is a category D felony. If the assault is made with the use of or present ability to use a deadly weapon, the offense is a category B felony with a minimum term of one year and a maximum term of not more than six years imprisonment in the state prison. Finally, the measure adds probationers and parolees to provisions that mandate increased penalties for batteries committed by prisoners in lawful custody or confinement.

The amendatory provisions of S.B. 31 do not apply to offenses committed before October 1, 2001.

S.B. 48 (Chapter 274)

Senate Bill 48 prohibits various acts related to the Internet, networks, computers, and electronic mail. The measure provides that a person who (1) knowingly, willfully, and without authorization uses or gains access to a computer, system, network telecommunications device or service, or information service; and (2) causes an interruption or impairment of a public service, is guilty of a category C felony.

The measure also prohibits certain acts regarding an Internet or network site, either with the intent or under circumstances in which such conduct is likely to prevent, impede, delay, or disrupt its normal operation. The penalty for the crime increases from a misdemeanor to a category C felony if the crime was committed in connection with a scheme to defraud or illegally obtain property, caused response costs or damage in excess of \$500, or caused an interruption or impairment of a public service. Finally, S.B. 48 authorizes a victim of such a crime to bring a civil action.

S.B. 62 (Chapter 572)

Senate Bill 62 revises provisions regarding the mistreatment of animals. The measure increases the penalties for certain crimes involving the mistreatment of animals to category D felonies and adds provisions for mandatory restitution to specific acts of cruelty. The bill also revises the penalties for other crimes involving the mistreatment of animals to provide graduated penalties based upon the offender's prior convictions for that crime.

Further, S.B. 62 authorizes a court to order a defendant who is convicted of crimes involving cruelty to animals to submit and participate in counseling or therapy as a condition of probation.

This measure is effective on June 13, 2001.

S.B. 150 (Chapter 449)

Senate Bill 150 authorizes counties to impose by ordinance civil penalties in an amount not to exceed \$500 for minor animal offenses, instead of a criminal penalty. These minor offenses include, but are not limited to, animals running at large and failure to pay a licensing fee. The bill also specifies that criminal penalties must be imposed for more serious offenses, such as animal bites, vicious or dangerous animals, horse tripping, and cruelty to animals.

This measure is effective on June 6, 2001.

S.B. 183 (Chapter 137)

Senate Bill 183 revises the provisions governing sexual conduct between pupils and persons in positions of authority at schools. The measure expands the list of persons deemed to be in positions of authority in relation to the crime of unlawful sexual conduct with pupils. The bill adds volunteers in positions of authority to that list. In addition, the bill provides that a person who is 21 years of age or older, is employed or volunteering in a position of authority with a public or private school, and who engages in sexual conduct with a 14- or 15-year-old pupil is guilty of a category B felony. The penalty of the category B felony is a minimum term of not less than one year and not more than six years in prison.

This measure is effective on July 1, 2001, and its provisions do not apply to offenses committed before that date.

S.B. 551 (Chapter 560)

Senate Bill 551 relates to crimes involving computers, technology, and the Internet. The measure provides that a provider of Internet service who violates the provisions of 18 U.S.C. § 2703 is guilty of a misdemeanor and shall be punished by a fine of not less than \$50 or more than \$500 for each violation.

The bill also provides that a person who commits the crime of stalking through the Internet or the use of electronic mail is guilty of a category C felony if the person publishes, displays, or distributes the information in a manner that substantially increases the risk of harm or violence to the victim.

In addition, S.B. 551 prohibits the sale of tobacco products to minors through the Internet and requires persons who sell or distribute tobacco products through the use of the Internet to mark clearly items that are shipped with the words “cigarettes” or “tobacco products.” Persons who sell or otherwise furnish alcoholic beverages through the use of the Internet must also label the shipped packages with words that describe the alcoholic beverages. Further, persons who sell, distribute, or otherwise furnish tobacco products and alcoholic beverages must adopt policies to prevent an underage child from obtaining the products.

Senate Bill 551 also prohibits luring a child who is less than 16 years of age and who is at least five years younger than the person luring, with the use of a computer system or network and provides penalties based upon the intent of the violator. This crime is included under the definition of “sexual offense” throughout the statutes, including the provisions that apply to compilation of statistical information, registration, community notification, victim notification, psychological review before release on probation or parole, and wire interception.

Finally, if a defendant is convicted of stalking with the use of the Internet, child pornography, or luring a child using a computer system or network, S.B. 551 requires a court to impose a prohibition on owning or using a computer as a condition of probation unless certain conditions exist. The parole board is also required to impose this prohibition on owning or using a computer as a condition of parole.

This measure is effective on June 13, 2001.

Juvenile Crime and Delinquency

A.B. 27 (Chapter 385)

Assembly Bill 27 prohibits the placement of juveniles, for purposes of community service programs, on or near a highway or in any other dangerous situation unless certain safety precautions are taken. This measure requires the supervising entity to obtain written permission from the child’s parents or guardians. Written permission must also be obtained from the governmental entity with authority over the highway, and the supervising entity must comply with all safety rules of that governmental entity.

Finally, A.B. 27 requires that if a child is assigned to perform work or community service near a highway, the supervising entity must make information available to the child's parent or guardian, upon request, regarding the nature and specific location of the work or service to be performed.

This measure is effective on June 5, 2001.

A.B. 174 (Chapter 535)

Assembly Bill 174 allows juvenile courts to establish a program of visitation to the office of the county coroner for juveniles adjudicated delinquent. The court may order a fee of not more than \$45 charged for participation in the program, to be paid by the child or his or her parent or guardian. In addition, this measure requires juvenile courts that adopt such programs to submit a biennial report to the Legislative Counsel Bureau on the effect of the program on the juvenile crime rate and rate of recidivism. Lastly, the bill specifies that in determining whether to order a child to participate in such a program, the court shall consider whether the act committed by the child involved the use or threatened use of force or violence or a disregard for his safety or the safety of others.

For the purpose of establishing programs of visitation, this measure is effective on July 1, 2001. For all other purposes, this bill is effective on October 1, 2001, with the entire act expiring by limitation on October 1, 2005.

A.B. 294 (Chapter 285)

Assembly Bill 294 revises provisions pertaining to sealing juvenile records. The measure lowers the age requirement, from 24 to 21 years of age, when all records relating to a child must be automatically sealed. However, A.B. 294 provides that the records of children who are adjudicated delinquent for certain sexual acts that if committed by an adult would be a crime, must not be sealed at 21 years of age. Such acts include but are not limited to sexual assault, battery with the intent to commit sexual assault, and lewdness with a child. When a child who is adjudicated delinquent for these acts reaches 30 years of age, he may petition the court to seal the records. The court may order the records sealed if it finds that the person has not been convicted of any offense other than a minor traffic violation since reaching 21 years of age.

Finally, A.B. 294 repeals two sections of the *Nevada Revised Statutes* (NRS) concerning the definition of "sexual offense" and the procedure for sealing records of delinquent children. The language in these sections is added to or revised in other sections of the NRS.

This bill is effective on July 1, 2001.

A.B. 308 (Chapter 357)

Assembly Bill 308 revises provisions concerning the waiver by juveniles of the right to counsel. The measure removes language allowing representation by an attorney to be waived for a child who is alleged to be delinquent. The bill also clarifies that if a petition alleging the child to be delinquent or in need of supervision is not filed and the child is placed under informal supervision, the child may waive the right to be represented by an attorney. If such a petition is filed, the child may only waive the right to be represented by an attorney if the record of the court shows that the waiver is made: (1) knowingly; (2) voluntarily; and (3) in accordance with any applicable standards established by the court.

S.B. 7 (Chapter 8)

Senate Bill 7 revises provisions concerning certain programs for children within the jurisdiction of the juvenile court. The measure authorizes a director of juvenile services to establish two special funds to finance the Program of Restitution Through Work and the Program of Cognitive Training and Human Development. All grants, donations, bequests, and devises of money received by the director for one of these two programs must be deposited in the appropriate special fund and may only be used with the director's authorization to carry out that program. In addition, money in these special funds may not revert to a county's general fund, and the interest earned must be credited to the fund after deducting any applicable charges. Finally, the bill includes a provision under which no more than 50 percent of the child's wages earned under the Program of Restitution Through Work may be deducted for restitution.

This bill is effective on April 2, 2001.

S.B. 37 (Chapter 11)

Senate Bill 37 revises the provisions governing the filing of an annual report regarding children placed under the informal supervision of a probation officer. This measure removes the requirement that the report be filed annually with the court and provides that a probation officer must file the report upon the request of the court.

This measure is effective on July 1, 2001.

S.B. 231 (Chapter 180)

Senate Bill 231 provides that a detention home for children may adjoin, be located on the same grounds as, or share common facilities or common grounds with an adult jail or adult lockup, if the home complies with federal law relating to such adjacent facilities.

This measure is effective on July 1, 2001.

S.B. 232 (Chapter 462)

Senate Bill 232 requires an analysis of certain aspects of the juvenile justice system in Nevada. The measure expands the existing responsibility of the Division of Child and Family Services with regard to the standardized system for reporting, collection, analysis, maintenance, and retrieval of information concerning juvenile justice in Nevada. In addition to the information currently collected by the Division, S.B. 232 requires the Division to collect information regarding the economic background of a child referred to the juvenile justice system.

The bill further requires each local juvenile probation department to analyze all of the information it submitted to the Division's standardized system to determine whether children of racial or ethnic minorities and children from economically disadvantaged homes are receiving disparate treatment in the juvenile justice system in comparison to the general population. Each juvenile probation department must also develop appropriate recommendations to address any such disparate treatment.

Finally, S.B. 232 requires each juvenile probation department to submit a report annually to the Division that includes the results of its analysis and any recommendations. The Division must annually compile and publish the reports it receives.

Parole and Probation**S.B. 519 (Chapter 262)**

Senate Bill 519 allows a judicial district to establish a program for reentry of offenders and parolees into the community. If the court establishes a reentry program, the court shall: (1) determine whether offenders who are referred by the Director of the Department of Corrections should participate in the program; (2) determine whether parolees who are referred by the Chairman of the State Board of Parole Commissioners should participate in the program; and (3) supervise offenders and parolees participating in the program. When deciding whether to refer an offender to the program, the Director and the Chairman should consider several factors, including whether the offender will benefit from the program and if the offender has demonstrated a willingness to participate in vocational rehabilitation or job skills training.

In addition, S.B. 519 also requires the Director of the Department of Corrections and the State Board of Parole Commissioners to adopt regulations concerning offenders who participate in the reentry program. Further, the measure allows, under certain conditions, the court to order sealed all documents in an offender's record five years after the offender has completed the reentry program. Sealing of records is not allowed for offenders convicted of a crime against a child or a sexual offense.

This measure is effective on July 1, 2001.

Sexual Offenses

A.B. 586 (Chapter 132)

Assembly Bill 586 relates to certain victims of crime. The measure defines “victims of sexual assault” and allows such victims to obtain a fictitious address from the Secretary of State.

This measure is effective on May 22, 2001.

S.B. 183 (Chapter 137)

Senate Bill 183 revises the provisions governing sexual conduct between pupils and persons in positions of authority at schools. The measure expands the list of persons deemed to be in positions of authority in relation to the crime of unlawful sexual conduct with pupils. The bill adds volunteers in positions of authority to that list. In addition, the bill provides that a person who is 21 years of age or older, is employed or volunteering in a position of authority with a public or private school, and who engages in sexual conduct with a 14- or 15-year-old pupil is guilty of a category B felony. The penalty of the category B felony is a minimum term of not less than one year and not more than six years in prison.

This measure is effective on July 1, 2001, and its provisions do not apply to offenses committed before that date.

S.B. 412 (Chapter 415)

Senate Bill 412 revises various provisions pertaining to adult and juvenile offenders. The measure streamlines the process for registration of sex offenders by eliminating certain duplicative procedures. Senate Bill 412 provides that the offender must register and provide updated information only with local law enforcement and eliminates the requirement that the offender also provide this information to the Division of Parole and Probation. The bill also provides that law enforcement agencies and the Central Repository for Nevada Records of Criminal History provide information received concerning registration to one another directly instead of sending the information through the Division.

In addition, S.B. 412 clarifies that the mandatory conditions of parole and probation that must be imposed on certain sex offenders may be modified in certain circumstances with the approval of the offender’s parole and probation officer. These conditions are also expanded to impose additional requirements regarding the use of prescription medication; prohibitions on possession of sexually related materials and patronizing sexually related businesses; and limitations on access to the Internet.

Further, the measure allows a sex offender to have contact with a victim or witness if approved by the parole and probation officer and a written agreement is entered into and signed by: (1) the victim or witness; (2) the defendant; (3) the parole and probation officer; (4) the

psychiatrist, psychologist, or counselor treating the defendant, victim, or witness, if any; and (5) each parent, guardian, or custodian of a child if the victim or witness is a child under the age of 18.

Senate Bill 412 also revises the laws relating to juvenile offenders who are adjudicated delinquent for certain sexual offenses. The bill limits the definition of a sexual offense to crimes that would be felonies if committed by an adult and creates a procedure under which a court may conduct a separate hearing to determine whether certain acts for which a child is adjudicated delinquent were sexually motivated. These acts include kidnapping in the first or second degree, false imprisonment, burglary, or invasion of the home. Sexually motivated acts are included in the laws regarding supervision, community notification, and attendance at schools separate from the victims that currently apply to juveniles adjudicated delinquent for acts that would be defined as sexual offenses if committed by an adult.

The bill also provides that the court may place a child who is adjudicated delinquent for a sexual offense or sexually motivated offense under the supervision of a probation officer for a period of not less than three years. In addition, the measure authorizes the court to hold a hearing at an appropriate time to determine whether a child should be relieved of being subject to community notification as a juvenile sex offender.

Finally, S.B. 412 sets forth a procedure under which a child's probation officer may submit a petition to the court to terminate the applicability of the existing provisions prohibiting attendance at the same school as the victim of the sexual offense or sexually motivated offense, except under certain conditions.

This measure is effective on July 1, 2001.

S.B. 548 (Chapter 345)

Senate Bill 548 makes various changes concerning sex offenders and other persons convicted of crimes. The measure changes the standard for certifying prisoners convicted of certain specified offenses prior to their appearance before the State Board of Parole Commissioners and for certifying certain offenders before the court is authorized to award probation or a suspended sentence. The current standard for certification, which is a finding that the prisoner or offender "is not a menace to the health, safety, or morals of others," is changed to require a finding that the prisoner or offender "does not represent a high risk to reoffend based upon a currently accepted standard of assessment."

In addition, S.B. 548 provides that if a psychosexual evaluation is required in addition to certification prior to release on probation, the person who conducts the psychosexual evaluation must also determine whether to certify the offender under the specified standard. The measure also specifies that the evaluation must be conducted by a psychologist licensed in this state who is trained to conduct psychosexual evaluations or a psychiatrist licensed in this state who is certified by the American Board of Psychiatry and Neurology and is trained to conduct psychosexual evaluations. The list of individuals who are qualified to certify the

offender is expanded to include not only licensed psychiatrists and psychologists, but also licensed social workers, registered nurses who have a master's degree in the field of psychiatric nursing and who are licensed, and licensed marriage and family therapists.

Finally, the bill clarifies the statutes governing the application procedure for restoration of civil rights. The measure provides that a person who is honorably discharged from probation may apply to the Division of Parole and Probation to request restoration of his civil rights.

Substance Abuse

A.B. 574 (Chapter 403)

Assembly Bill 574 makes changes to provisions concerning programs of treatment for the abuse of alcohol or drugs and the sentencing of persons sentenced to imprisonment for life without parole. This measure removes provisions allowing the Director of the Department of Corrections to refer offenders whose probation has been revoked to a program of treatment for alcohol and drug abuse. In addition, A.B. 574 expands participation in the drug court program by allowing offenders convicted of four or fewer offenses to participate. Current law prohibits offenders with one other felony conviction from participating in the drug court.

Further, the bill provides that if a person is sentenced to more than one prison term and one of those terms is life imprisonment without the possibility of parole, that sentence must be executed without reference to the unexpired term of imprisonment and without reference to his eligibility for parole.

Finally, this measure extends programs of treatment of offenders until June 30, 2003. Currently, these programs are scheduled to expire on June 30, 2001.

Victims of Crime

S.B. 234 (Chapter 181)

Senate Bill 234 revises provisions governing statements of victims of crimes at sentencing hearings. The measure provides that the court must allow the victims to provide their statements after the defendant is given an opportunity to speak and before a sentence is imposed.

S.B. 282 (Chapter 36)

Senate Bill 282 removes the \$300 per week limitation on the loss of earnings or support and the \$2,500 limitation on funeral expenses that may be paid to certain victims of crime from the Fund for Compensation of Victims of Crime, which is administered through the Department of Administration.

This measure is effective on May 8, 2001.

S.C.R. 33 (File No. 54)

Senate Concurrent Resolution No. 33 commends Trauma Intervention Programs Inc. (TIP), TIP of Southern Nevada, and TIP volunteers who provide crisis services to people in adverse and sometimes tragic situations. The measure notes that TIP is the largest operator of emergency services volunteer programs in the nation. The organization was a recipient of the Innovations in State and Local Government Award from the Ford Foundation and the John F. Kennedy School of Government at Harvard University in 1991. In addition, TIP was presented with the Crime Victim Service Award by United States Attorney General Janet Reno in 2000.

EDUCATION

A.B. 28 (Chapter 100)

Assembly Bill 28 relates to procedures for the sale of a house or other structure built by students as part of a program of instruction in public school. The measure provides that a school district board of trustees may give an exclusive listing to a real estate broker when proposing to sell a house or other structure built by students as part of a program of instruction in a public school. The measure also provides that if the board of trustees proposes to grant an exclusive listing, a real estate broker must be selected by lottery from among participating brokers in the county where the school is located.

S.B. 114 (Chapter 82)

Senate Bill 114 revises provisions governing bonding requirements for certain postsecondary institutions. The measure authorizes the Commission on Postsecondary Education to establish the amount of the surety bond required for certain postsecondary institutions in excess of the \$10,000 required under current law. The bill also expands the conditions under which such bonds are required to include institutions undergoing a change of ownership. The term of a bond for such institutions extends for a period of two years or for a period deemed appropriate by the Commission. Further, the act authorizes the Commission to require a new or supplementary bond from an institution if the Commission determines there is potential financial risk for the institution's students and the current bond is not sufficient to cover that risk. Finally, the measure requires that a licensed insurance agent residing in Nevada be added to the list of parties that must execute the required bond.

This bill is effective on May 17, 2001.

S.B. 223 (Chapter 232)

Senate Bill 223 adds elementary and secondary institutions operated by churches, religious organizations, or faith-based ministries to the list of institutions exempt from Nevada's Private Elementary and Secondary Education Authorization Act. The measure requires schools that are exempt to notify the parents or guardians of each student concerning the exemption.

This bill is effective on May 29, 2001.

S.B. 236 (Chapter 299)

Senate Bill 236 provides for certain entities that employ children in the entertainment industry to pay for tutoring or educational services. The measure requires that children employed by the entertainment industry by contract for more than 91 school days must, upon request of the parent or guardian, receive tutoring at the employer's expense. The tutoring program must be for at least three hours per day, five days a week. In lieu of tutoring, the parent or guardian may contract for other educational services, provided such services are at least equivalent to

the tutoring. The board of trustees of the school district in which the child resides must approve the tutoring or other educational services. Employers affected by this bill include motion picture companies as well as production companies hired by a casino or resort hotel.

The bill is effective on July 1, 2001.

S.B. 289 (Chapter 289)

Senate Bill 289 makes various changes with regard to certain crises involving school violence. The measure requires the development of a statewide plan of emergency response to incidents of school violence, as well as district- and school-level plans to address crises that could include school violence. Specifically, the bill requires each school district, charter school, and private school to adopt a model crisis response plan to be used in certain circumstances. The act defines “crisis” as a traumatic or sudden event or emergency condition that involves violence; profoundly or negatively affects a school population; occurs on the property of a school, at a school-sponsored activity, or on a school bus; and may involve serious injury or death.

The board of trustees of each school district or the governing body of a charter or private school must establish a committee consisting of specified persons to develop the plan. Further, each school is directed to form a site-based team to review the plan. The plan must address: (1) communication procedures between persons inside and outside of the school; (2) response procedures at the time of and after a crisis that resulted in physical harm to a pupil or employee of the school; (3) evacuation procedures to move pupils and employees safely within and from the school; and (4) policies for enforcing discipline to maintain a safe and orderly environment in a crisis. The measure also requires that each plan be reviewed and updated at least once each year and provided to the State Board of Education, local law enforcement agencies, the Division of Emergency Management, school employees, and other affected local agencies. The plans are otherwise deemed to be confidential and may not be disseminated.

Crisis response training must also be provided to school employees, and the bill grants school districts the authority to seek creative funding mechanisms for this purpose. The crisis response plans and any deviations must comply with regulations adopted by the State Board of Education. The principal of the school or the designated representative must contact the appropriate local agencies if an incident of school violence that warrants emergency action occurs. The State Board of Education must also develop a plan for the management of emergencies involving incidents of school violence. The Division of Emergency Management is required to assist in such crises by coordinating the resources of federal, county, and city authorities. Finally, the measure authorizes the Division of Emergency Management, with the approval of the Interim Finance Committee, to allocate funds from the Emergency Assistance Account to carry out the provisions of the bill.

The bill is effective on July 1, 2001.

S.B. 399 (Chapter 599)

Senate Bill 399 revises certain provisions governing charter schools and authorizes programs of distance education.

Charter School Provisions—The bill permits an alternate sponsorship route for charter schools by allowing the State Board of Education to sponsor a charter school if its application is denied by the school district. The revisions to the charter school statutes specify that a charter school may add a grade within its current school designation (elementary, middle, or high school) as an amendment to its charter and clarifies that a new application is required if the charter school proposes to add a grade outside its designation. In lieu of conditional charters, the revisions provide for the inclusion of “triggers” to allow for early approval of the charter. The bill further prohibits the conversion of public schools, home schools, and other home study programs into charter schools. In addition, charter schools are prohibited from being operated for profit.

The measure also changes certain requirements relating to governing bodies of charter schools and committees to form charter schools. The bill requires a majority of the members of governing bodies and committees to form charter schools to be Nevada residents. Governing bodies of charter schools must comply with the new membership requirements by July 1, 2002. The definition of “teacher,” in the context of requirements for governing body members and members of the committee to form a charter school, is revised to require the holding of a current license and to have a minimum of two years’ experience. Governing body members must sign an affidavit affirming that they have not been convicted of a felony or crime involving moral turpitude. The sponsor must be notified of any change of membership on the governing body.

The bill further provides that a student from a charter school that has established graduation standards that meet minimum state requirements but are less than those required by the school district, must be issued a charter school diploma instead of a district diploma. Charter schools may permit a public or private school student or a home-schooled student to take a course at the charter school on a “space available” basis, under certain conditions, and be reimbursed proportionately by the State Department of Education for the student’s attendance. With regard to collective bargaining issues, S.B. 399 provides that a charter school teacher on a leave of absence is covered by the existing collective bargaining agreement for the first three years of his employment by the charter school, and after the third year of employment, such a teacher is no longer covered but is subject to the collective bargaining provisions of Chapter 288. Further, other charter school employees are not covered by any existing collective bargaining agreements but are subject to the collective bargaining provisions of Chapter 288.

Charter school sponsors may be reimbursed for required administrative services at 2 percent in the first year of the charter’s operation, and up to 1 percent in subsequent years. State-sponsored charter schools may receive funding in the same manner as district-sponsored charter schools or be reimbursed based on the average weighted state per-pupil funding

whichever is more. The bill also clarifies that if a charter school receives a discretionary special education program unit from the state, the funding will be considered as part of the school district's proportionate contribution of special education funds. If a charter school ceases to operate during the school year, the bill allows the remaining apportionments to be paid on a proportionate basis to the school districts in which the charter school pupils reside. Pursuant to the bill, charter school funds must be deposited in Nevada financial institutions. The measure also provides for tax-exempt status for real and personal property owned by or leased to charter schools for educational purposes. The bill retains the current limits on the number of charter schools permitted in Nevada (six for Clark County School District, two for Washoe County School District, one for each of the other school districts, and no limit for at-risk schools). The sunset on the cap is extended to July 1, 2006.

The State Department of Education is required to create a revolving loan fund to assist charter schools with start-up and other related costs. Although no appropriation is provided at this time, the fund may accept gifts, grants, and donations. The bill provides for inclusion of charter schools in the Statewide Management of Automated Records Transfer (SMART) as determined by the Superintendent of Public Instruction.

Distance Education Provisions—The measure also authorizes public schools, including charter schools, to provide programs of distance education to certain categories of pupils. Those categories include pupils who are: (1) at risk of dropping out of school; (2) in a program of independent study; (3) unable to attend school for medical reasons; (4) in a program of alternative education; (5) lacking access to advanced courses; and (6) within special circumstances as approved by the school district or governing body of a charter school. Home and private school students are prohibited from taking distance education courses from public schools, including charter schools. The measure also adds specific minimum requirements for teacher contact time and compliance with the minimum requirement for number of minutes or hours of instruction equal to 180 school days.

Full-time distance education students shall be funded based on the per-pupil amount for the school district providing the distance education. In order to receive apportionments for certain students, written agreements between the school districts or charter schools, as applicable, must be filed with the Superintendent of Public Instruction. The bill provides for preapproval of courses of distance education and further provides for approval of distance education programs by the State Department of Education. The State Board of Education is directed to adopt regulations as needed to carry out the act.

Furthermore, the bill requires submittal of the proposed distance education regulations to the Legislative Committee on Education for its review no later than December 1, 2001, prior to adoption by the State Board. The regulations shall be adopted by April 1, 2002, so that programs of distance education may be approved commencing with the 2002-2003 school year. Existing programs of distance education may continue to operate but shall comply with the new

regulations commencing with the 2002-2003 school year. The bill requires an annual report by districts or charter schools that provide a distance education program to the Legislature concerning distance education programs.

Provisions of the bill implementing distance education programs are effective July 1, 2002. The remainder of the bill is effective on July 1, 2001.

S.C.R. 51 (File No. 116)

Senate Concurrent Resolution No. 51 urges the State Department of Education and the State Board of Education to encourage school districts in Nevada to: (1) specify that systems to suppress fires in the engine compartments of school buses be included in the specifications for all purchases of new school buses; and (2) install such fire suppression systems in existing school buses that transport disabled students, to the extent financial resources are available.

See also Senate Bill 2 (Chapter 12), Senate Bill 13 (Chapter 22), and Senate Bill 14 (Chapter 23) of the 17th Special Session.

School Improvement

A.B. 201 (Chapter 212)

Assembly Bill 201 requires the State Board of Education, in consultation with school boards, parents, and educational personnel, to adopt a policy to encourage effective involvement by parents and families in the education of their children. The measure specifies the elements to be included in the policy. The measure further requires that school district boards of trustees, in consultation with specified entities, adopt policies encouraging parental involvement consistent with the statewide policy and containing the same elements. The State Board and the school districts shall review their adopted policies at least once a year. The deadline for adoption of a policy by the State Board is December 1, 2001. The deadline for adoption of a policy by a school district is March 1, 2002.

This bill is effective on July 1, 2001.

A.B. 318 (Chapter 242)

Assembly Bill 318 requires the State Department of Education to prepare a pamphlet containing information on the high school proficiency examination for middle and high school students and their parents. The Department must provide the pamphlet to school districts and charter schools for posting. School principals are responsible for ensuring that teachers,

counselors, and administrators understand the contents of the pamphlet. The pamphlet must be available to school districts no later than October 1, 2001. The Department must also provide a statewide test preparation program for use by the school districts.

This bill is effective on May 30, 2001.

A.B. 364 (Chapter 164)

Assembly Bill 364 requires the Clark County School District to prepare annual reports on the regional subdistricts created within the District. The annual reports must contain information regarding pupils, administrators, teachers, budgets, expenditures, training, demographics, remedial programs, and early childhood education programs. The reports must also contain an analysis and evaluation of the equity among the subdistricts. The bill provides for reports to be submitted for five years starting with the 2001-2002 school year. The annual reports must be submitted to the School District Board of Trustees on April 15 of each year, with the first report due on April 15, 2003. The regional subdistrict reports must be compiled by June 15 and submitted to the Legislative Commission, the Legislative Committee on Education, and the State Department of Education. The act expires by limitation on July 1, 2007.

The provisions of the bill relating to the reporting requirements are effective on July 1, 2002. The remaining provisions of the bill relating to forms for reporting are effective on July 1, 2001.

A.B. 671 (Chapter 569)

Assembly Bill 671 appropriates approximately \$91.8 million and \$99.7 million in Fiscal Years (FYs) 2001-2002 and 2002-2003, respectively, for continued support of the class-size reduction program. The measure specifies that the funds will pay the salaries and benefits for teachers hired to reduce pupil-teacher ratios for at least 1,866 teachers in the first year of the biennium and 1,949 teachers in the second year. Allocation of funds remains based upon the number of teachers needed in each district to reach the ratios of 16 to 1 in first and second grades and 19 to 1 in third grade. Money will be distributed by the same method utilized in the past to ensure that the school districts with the greatest needs for class-size reduction teachers receive adequate funding.

The measure continues the flexibility previously allowed for the use of funding for first through third grades to carry out alternative programs for reducing the ratio of pupils per teacher, or to implement remedial programs that have been found to be effective in improving pupil achievement. To use the funds in this manner, school districts are required to: (1) receive approval of their written plan from the Superintendent of Public Instruction; (2) evaluate the effectiveness of their program; and (3) ensure that the combined ratio of pupils per teacher in the aggregate of Grades Kindergarten (K) through 3 does not exceed the combined ratio in those grades during the 1998-1999 school year. The bill also authorizes the

continuation of the demonstration project for the Elko County School District to reduce pupil-teacher ratios to 22 to 1 in Grades K through 6 in an effort to eliminate team teaching. The District is required to complete an evaluation and report back to the 2003 Legislature.

The appropriation for FY 2002-2003 is effective on July 1, 2002; the remaining provisions of the bill are effective on July 1, 2001.

S.B. 165 (Chapter 317)

Senate Bill 165 contains five major provisions that include: (1) specifying the content of the accountability panel reports for schools needing improvement; (2) technical corrections to statutory references concerning adult and alternative education; (3) extending to two years the hold harmless clause for shrinking enrollment within the Nevada Plan for school finance; (4) making technical changes to state test administration deadlines; and (5) revising courses of study in American history and American government.

The measure requires that reports prepared by panels appointed to assist schools on academic probation contain information about the school's current plan for improvement; relevant school statistics regarding teacher and student characteristics and attendance rates; measurable findings or recommendations related to increasing student academic achievement, indicating who is responsible for implementing the recommendations; and time lines for implementation. Panel reports must be submitted to the local school board for its review and possible action. In addition, plans for improvement for such schools that are prepared by the State Department of Education must be comprehensive and unique to the needs and goals of each school, address the recommendations of the panel reports, and should be measurable to evaluate the effectiveness of the plan.

In addition, S.B. 165 makes several changes to provisions concerning adult and alternative education. The measure deletes reference to "part time" when describing students in adult high school diploma programs and removes requirements for reporting average daily attendance of pupils in the adult high school diploma program. Further, the bill provides that a student who is no longer enrolled in high school and who is between 16 and 18 years of age must submit written permission signed by a parent or guardian to his local board of trustees in order to take the General Educational Development (GED) Test.

Further, the measure provides that school districts have two years in the hold harmless clause of the Nevada Plan for school finance to adjust for a decrease in enrollment. Senate Bill 165 also revises certain requirements for accountability reports. Specifically, the measure delays delivery dates by two weeks for certain reports due to the State Department of Education and redirects certain charter school reports. The bill makes certain other technical changes to the school accountability law, such as removing eligibility for state remediation funds for schools needing improvement solely by reason of poor attendance and requiring the inclusion of information concerning teacher professional development efforts in school- and district-level accountability reports. Finally, the measure clarifies the requirement that the *Bill of Rights* be

included in the study of the *United States Constitution* and adds the *Declaration of Independence* to the list of documents to be taught as part of the American government and American history courses of study.

This bill is effective on July 1, 2001.

S.B. 196 (Chapter 318)

Senate Bill 196 revises provisions relating to the eligibility of school districts for grants of money to purchase library books. The measure authorizes the State Department of Education to waive certain eligibility requirements for grants of money previously appropriated for the purchase of library books if the board of trustees of a school district shows good cause. In addition, S.B. 196 extends the reversion date of the appropriation from June 30, 2001, to June 30, 2002.

This bill is effective on May 31, 2001.

S.B. 427 (Chapter 574)

Senate Bill 427 makes appropriations for educational technology and signing bonuses for teachers. The measure appropriates \$9,950,000 from the State General Fund to the State Department of Education for educational technology. The bill requires the Department to distribute the money for use by the Commission on Educational Technology to provide grant money to local school districts for: (1) the acquisition of the minimal level of educational technology that includes a networked computer in each classroom (\$1,250,000 each year of the biennium); (2) the repair, replacement, or upgrade of computer hardware and software (\$2,500,000 each year of the biennium); (3) hardware, software, and contracting services for educational technology technical support (\$625,000 each year of the biennium); (4) pilot programs that demonstrate best practices for the use of educational technology to improve the academic achievement of pupils (\$150,000 in each year of the biennium); (5) the continuation and expansion of distance learning satellite service (\$400,000); and (6) the continuation and expansion of educational technology for school libraries (\$500,000).

In order to receive a grant of money for educational technology, a school district must complete and submit applicable forms, including a plan for how the requested funds for educational technology will be used to improve the instruction and academic achievement of pupils. Determination of the amount of money distributed to each school district is based upon the needs and wealth of the school district relative to other school districts in Nevada.

The bill also appropriates \$50,000 for use by the Legislative Bureau of Education Accountability and Program Evaluation to hire a qualified, independent consultant to conduct an evaluation of the effectiveness of educational technology in improving the academic achievement of pupils, identify issues relating to the implementation of educational technology, and identify best practices with technology for improving student achievement.

The bill also appropriates \$10 million from the State General Fund to the State Department of Education to provide signing bonuses to teachers who are newly hired by school districts for the 2001-2002 school year and the 2002-2003 school year. In order to receive a signing bonus, a teacher must teach in a school district in Nevada for at least 30 days. A teacher who teaches for a school district in Nevada before the effective date of this act and who subsequently transfers to another school district in this state is not eligible to receive a signing bonus. In addition, a teacher may not receive more than one signing bonus. The amount of a bonus paid to each teacher may not exceed \$2,000 in Fiscal Year (FY) 2001-2002 or \$2,500 in FY 2002-2003.

This measure is effective on June 13, 2001.

S.B. 585 (Chapter 565)

Senate Bill 585 appropriates \$1,039,555,173 over the biennium from the State General Fund to the State Distributive School Account (DSA) to increase the statewide average basic support per pupil from the current weighted average rate of \$3,804 to \$3,897 for Fiscal Year (FY) 2001-2002, and further increase the rate to \$3,991 per pupil for FY 2002-2003. This calculation is based upon a projected student enrollment growth of 4.86 percent in the first year and 4.68 percent in the second year. The number of special education units is increased from the current level of 2,291 to 2,362 in the first year of the biennium and to 2,474 in the second year. The unit costs are \$29,977 and \$30,576, respectively, for those fiscal years. Forty discretionary units are reserved for allocation by the State Board of Education each year to address school district shortfalls, and charter schools may apply to the State Department of Education for the reserved units. In addition to the 40 discretionary units, the measure adds 5.24 units and 5.47 units for FYs 2002 and 2003, respectively, for gifted and talented pupils to participate in the "Star Gate" program. Additional funding of \$30.3 million is appropriated for adult education programs.

The bill also appropriates: (1) \$13.5 million over the biennium to support remedial education programs; (2) over \$10 million during the biennium for professional development centers to train teachers to teach to higher academic standards; (3) \$8.87 million for the Nevada Early Literacy Intervention Program to train kindergarten through Grade 3 teachers to teach fundamental reading skills; and (4) \$240,000 to contract for evaluations of the professional development and early literacy programs. The bill increases funding for the early childhood education program from \$500,000 per year last biennium to \$3.5 million per year for competitive grants to school districts and community-based organizations for early childhood education programs. Funding is continued at \$500,000 for the School to Careers Program for FY 2001-2002.

Senate Bill 585 establishes a base level of \$50,000 per school district from the DSA for special student counseling services. The measure also continues the class-size reduction program within the DSA and provides that expenditures be tracked in a separate category. The bill also requires Nevada school districts to coordinate federal, state, and local funds with state education reform efforts.

Finally, the bill authorizes \$298 million of other revenues to be received and expended for the state support of public education for the 2001-2003 biennium. These other revenue sources include an annual tax on slot machines, sales tax collected on out-of-state sales, interest earned on the State Permanent School Fund, revenue from mineral leases on federal land, and estate tax collections.

The section of the bill pertaining to estate tax receipts for class-size reduction and the resulting transfer from the Fund for School Improvement into the DSA is effective on June 13, 2001. The remaining portions of the measure are effective on July 1, 2001.

A.J.R. 26—70th Session (File No. 101)

Assembly Joint Resolution No. 26 of the 70th Session proposes to amend the *Constitution of the State of Nevada* by adding another exemption from Nevada's borrowing cap of 2 percent of the state's total assessed valuation. The measure also exempts state contracts for public debt concerning the improvement, acquisition, and construction of facilities for public elementary and secondary schools.

This proposal was approved in identical form by both the 1999 and 2001 Sessions of the Nevada Legislature and will be submitted to the voters for final approval or disapproval at the 2002 General Election.

See also Senate Bill 3 (Chapter 13), Senate Bill 9 (Chapter 19), and Senate Bill 10 (Chapter 20) of the 17th Special Session.

School Governance/Personnel

A.B. 1 (Chapter 78)

Assembly Bill 1 requires that nursing services within a school district must be provided under the supervision of a chief nurse. In addition, the measure eliminates the exemption from the requirement to provide a chief nurse for school districts with less than 35,000 students.

This bill is effective on July 1, 2001.

A.B. 130 (Chapter 107)

Assembly Bill 130 requires a school district board of trustees to offer a contract of employment to a probationary administrator who will not be reemployed as an administrator, but who was previously employed as a postprobationary teacher. The school district is not required to make an offer of employment if there is not an available teaching position.

The bill is effective on July 1, 2001.

A.B. 214 (Chapter 266)

Assembly Bill 214 pertains to the requirements for statewide proficiency examinations administered in public schools. The measure addresses the security of the statewide proficiency examinations, including the need for investigations of testing irregularities or breaches of security. The bill requires the State Department of Education and the school districts to establish and enforce plans for test security. The Department must adopt such a plan by August 15, 2001. The school districts must adopt plans by September 15, 2001. Plans must include reporting procedures, methods to ensure the security of test materials, and verification of the identity of students taking the examinations. The bill authorizes the Department and the school districts to compel witnesses to testify in investigations and clarifies that failure to follow test security procedures is grounds for disciplinary action against teachers or other licensed employees. Whistle-blower protection is extended to school district employees who report irregularities or breaches in testing security. Another provision of the bill requires the Department to enforce penalties and sanctions in contracts with test vendors in the event of late delivery of test results.

In addition, the bill requires the Department and school districts to delineate specific duties and responsibilities for investigations. The Department must establish a uniform system of documenting investigations and prepare an annual report to the State Board of Education and the Legislative Committee on Education. An annual training program for school employees must be established by the Department, and it shall also notify students and school district personnel about the consequences of test security breaches or irregularities. The Department must also approve a statewide test preparation program, and schools may only use Department- or district-approved materials for test preparation to ensure consistency across the state. Further, the bill requires the Department to develop criteria for the filing of corrective action plans by a school or district. The bill also requires school districts to pay the costs of retesting students upon a finding by the Department of a consistent pattern of irregularities in testing security or administration.

Provisions of the bill related to the adoption of test security plans are effective on May 31, 2001, and all other provisions are effective on July 1, 2001.

A.B. 223 (Chapter 22)

Assembly Bill 223 authorizes the Commission on Professional Standards in Education to provide an exemption for certain persons from the examinations required for initial licensure of educational personnel. The measure clarifies that the Commission is not prohibited from adopting regulations that exempt teachers and other educational personnel from licensing examinations provided those teachers and other educational personnel have previous experience in another state in teaching or performing other educational functions.

This bill is effective on April 27, 2001.

A.B. 380 (Chapter 393)

Assembly Bill 380 revises various provisions governing school district personnel. The bill requires a school district to place a teacher transferring from another school district within the state in a salary schedule classification that is commensurate with his education level, as provided in the current employer's negotiated agreement. The bill further provides that a postprobationary employee of a school district who is reemployed by any school district in the state within five years of leaving his former position in the state is not required to serve the probationary period required in the law. The exemption is limited to an employee who leaves his position voluntarily and not during a disciplinary proceeding and is further limited to an employee who is reemployed in a position comparable to the former position held by the employee. Finally, the measure provides that an administrator transferring from another district in Nevada receive credit for previous administrative service and requires that the administrator be placed in a comparable classification in the salary schedule.

This bill is effective on July 1, 2001.

A.B. 459 (Chapter 400)

Assembly Bill 459 relates to certain behavior policies in public schools. The bill declares that the goals of the Legislature are: (1) to provide a safe and respectful learning environment in public schools to promote academic achievement; and (2) to ensure that all school personnel demonstrate appropriate behavior. The measure provides definitions of "harassment" and "intimidation" and prohibits harassment or intimidation by a member or employee of a school board of trustees or any school personnel. A copy of the key provisions of the bill must be transmitted to parents and students at the beginning of each school year.

A.B. 660 (Chapter 514)

Assembly Bill 660 revises provisions relating to fingerprinting of school employees. The measure prohibits a board of school trustees from requiring fingerprinting as a condition of continuing employment for a school employee who is returning from an authorized leave of absence if the employee was in good standing when the leave began. However, the board may request the Superintendent of Public Instruction to require the employee to submit a set of

fingerprints upon returning from a leave of absence if the board has probable cause to believe that the person committed a felony or a crime involving moral turpitude during the leave of absence.

The bill is effective on June 8, 2001.

S.B. 17 (Chapter 75)

Senate Bill 17 repeals duplicative provisions within the public education statutes that prohibit an unlicensed driver from operating a vehicle when transporting students. These provisions duplicate other more general provisions within Nevada law that prohibit all employers from hiring unlicensed drivers.

This bill is effective on May 14, 2001.

S.B. 115 (Chapter 231)

Senate Bill 115 revises the provisions governing the expulsion of pupils for possession of a dangerous weapon. The measure authorizes the superintendent of a school district to allow an exception to the expulsion requirement “for good cause shown” concerning a pupil who has possession of a dangerous weapon on school property, a school bus, or at a school-sponsored activity.

The bill is effective on July 1, 2001.

S.B. 183 (Chapter 137)

Senate Bill 183 revises the provisions governing sexual conduct between pupils and persons in positions of authority at schools. The measure expands the list of persons deemed to be in positions of authority in relation to the crime of unlawful sexual conduct with pupils. The bill adds volunteers in positions of authority to that list. In addition, the bill provides that a person who is 21 years of age or older, is employed or volunteering in a position of authority with a public or private school, and who engages in sexual conduct with a 14- or 15-year-old pupil is guilty of a category B felony. The penalty of the category B felony is a minimum term of not less than one year and not more than six years in prison.

This measure is effective on July 1, 2001, and its provisions do not apply to offenses committed before that date.

S.B. 243 (Chapter 320)

Senate Bill 243 revises statutory provisions concerning the reemployment of charter school employees by a school district. The measure provides that the current law applies to all employees of a bargaining unit with an applicable collective bargaining agreement. Further, a school district is not required to reassign personnel within the district if the employee did not seek a leave of absence prior to his or her employment with the charter school and also did not submit a request for reemployment as provided under the law.

This measure is effective on July 1, 2001.

S.B. 572 (Chapter 524)

Senate Bill 572 provides that any person who knows or has reasonable cause to believe that another person has made a threat of violence against a school official, school employee, or pupil, and who reports that threat in good faith, is immune from civil liability. The measure applies to public schools, charter schools, and private schools.

The bill is effective on June 8, 2001.

School Construction and Renovation

A.B. 99 (Chapter 105)

Assembly Bill 99 addresses budgets of local governments and the financing of school construction. The measure specifies that a local government may hold a special election on a question that would exceed the statutory limit on ad valorem taxes on the first Tuesday after the first Monday in June of an odd-numbered year. Similarly, the measure authorizes a board of county commissioners to hold a special election on a question that would impose an ad valorem tax to fund capital projects for schools on the first Tuesday after the first Monday in June of an odd-numbered year. In addition, the measure clarifies the types of questions for a November general election that may be submitted to the registrar of voters after the third Monday in July. Further, A.B. 99 allows counties and school districts containing no incorporated cities to hold special elections at the same time as other counties and school districts and to ensure that county clerks have adequate time to have sample ballots printed for general elections.

This bill is effective on July 1, 2001.

A.B. 499 (Chapter 367)

Assembly Bill 499 relates to the use of certain bond proceeds for pilot programs of school replacement and the policies for renovation of schools in a school district with more than 150,000 pupils. The bill amends the provisions of Assembly Bill 368 from the 1999 Session (Chapter 562, *Statutes of Nevada*) by increasing the cap on the amount of bond proceeds that

may be used in the Clark County School District for a pilot program to replace older schools. The bill also amends the 1999 legislation by extending the deadline for completion of the pilot program for school reconstruction.

The measure also continues and expands the pilot program by permitting the use of up to \$90 million in bond proceeds for the reconstruction of five existing schools within the Clark County School District. A report on the progress of the reconstruction of the five schools must be submitted to the 72nd Session of the Nevada Legislature. The Clark County School District is also required to consider the cost of compliance with the Americans With Disabilities Act when adopting a policy for the renovation or reconstruction of schools or related facilities.

This bill is effective on July 1, 2001.

A.B. 659 (Chapter 248)

Assembly Bill 659 relates to school district policies concerning renovation or reconstruction of schools or school facilities. The measure requires that a school district policy on the renovation and reconstruction of older school buildings and facilities must include provisions for the expenditure of unanticipated funds that become available. The bill only applies to school districts with more than 150,000 pupils.

This bill is effective on July 1, 2001.

S.B. 164 (Chapter 40)

Senate Bill 164 relates to public school facility construction and public securities. The bill contingently authorizes the purchase of municipal and revenue securities by the state for the improvement, acquisition, and construction of public school facilities. This measure is implementing legislation for Assembly Joint Resolution No. 26 of the 70th Session of the Nevada Legislature, which proposes to amend the *Constitution of the State of Nevada* to exempt state contracts for improvement, acquisition, and construction for school facilities from the state debt limit.

This bill becomes effective on December 1, 2002, only if Assembly Joint Resolution No. 26 of the 70th Session of the Nevada Legislature is approved by Nevada's voters at the November 5, 2002, General Election.

S.B. 311 (Chapter 290)

Senate Bill 311 requires the Clark County School District to establish a special planning committee to plan for the construction of smaller schools. The measure requires the committee to review research concerning the benefits of smaller schools and make recommendations to the Board of Trustees concerning the future construction of elementary, middle, and high schools in the District. The Board is required to report to the Legislative Committee on Education prior to the 2003 Legislative Session concerning the committee's activities and the Board's actions.

This bill expires by limitation on October 1, 2005.

University, Community College, and Postsecondary Education

A.B. 253 (Chapter 284)

Assembly Bill 253 enacts the Uniform Athletes' Agents Act and deletes most of the current provisions and definitions regulating contracts between student athletes and sports agents. The uniform act includes new definitions and requires the registration of student athletes' agents. Agents must make certain disclosures relating to their background, experience, and any administrative, civil, or criminal proceedings against them. Agents must also disclose to the student that signing a contract will result in the loss of eligibility to participate in intercollegiate athletics. Both agents and student athletes must provide notice of a contract to the educational institution. Student athletes have a right to cancel any such contract within 14 days. Agents of student athletes must file an application for registration and pay a registration fee, as established by regulation, with the Secretary of State. The bill prohibits agents from initiating contact with a student athlete and provides for criminal and civil penalties, including fines of up to \$25,000, for violations of the act. The measure also provides an institution with the ability to recover certain costs incurred by the institution against a person, other than an agent, who causes a student or institution to violate a rule of the National College Athletic Association.

Most of the bill is effective on October 1, 2001. The section that authorizes the adoption of regulations is effective on May 31, 2001.

A.B. 454 (Chapter 426)

Assembly Bill 454 requires the Board of Regents of the University and Community College System of Nevada (UCCSN) to appoint a committee to conduct a study of the organizational structure of any community college within the UCCSN that has an enrollment of more than 20,000 students. The bill directs the committee to: (1) review the administrative structure of each such community college; and (2) determine whether the structure of the community college allows each campus of the college to operate at maximum effectiveness and whether the needs of each campus for executive leadership are being met. Assembly Bill 454 also specifies

that on or before January 1, 2003, the Board of Regents must submit a report of the committee's findings, including any recommended legislation, to the Director of the Legislative Counsel Bureau for transmittal to the 72nd Session of the Nevada Legislature.

This measure is effective on July 1, 2001.

A.B. 554 (Chapter 445)

Assembly Bill 554 addresses state college savings plans. The measure replaces the board of trustees of Nevada's existing higher education prepaid tuition program with a new board consisting of the same members to oversee both the existing program and the college savings program set forth in this act. The State Treasurer or his designee must serve as the chairman of the new board of trustees.

Further, the measure directs the State Treasurer to adopt regulations to implement the Nevada college savings program. The regulations must comply with federal requirements for qualified state tuition programs and for tax-deferred or tax-exempt benefits and must provide for the use of savings trust agreements and accounts toward higher education expenses at eligible educational institutions.

Assembly Bill 554 also creates the Nevada College Savings Trust Fund consisting of any Legislative appropriations as well as all money received from governmental sources, private sources, deposits made in accordance with savings trust agreements, and interest on the fund. A savings trust agreement or other such contract does not constitute a debt or obligation of the state, and no account owner is entitled to any money except his deposits plus interest. The State Treasurer must administer the trust fund, and the board of trustees must establish a comprehensive investment plan for the money in the fund. Finally, A.B. 554 preserves Nevada's existing higher education prepaid tuition program.

This measure is effective on June 6, 2001.

A.B. 634 (Chapter 314)

Assembly Bill 634 provides for the creation of campus review boards within the University and Community College System of Nevada to review allegations of police misconduct on campus by the campus police department. The campus review boards shall consist of not less than 15 members. Members are appointed by the Board of Regents and must be Nevada residents and complete certain training. The bill provides that the campus review boards must meet in panels and may administer oaths, take testimony, issue subpoenas, and require the production of documents. Campus review boards may refer a complaint against a peace officer and review an internal investigation, subject to notice and an opportunity for the officer to be heard.

S.B. 113 (Chapter 297)

Senate Bill 113 makes various changes to provisions governing the Millennium Scholarship Program. The measure specifies that students attending all institutions of the University and Community College System of Nevada, as well as certain private nonprofit, nonsectarian colleges, may receive tuition assistance as part of the Millennium Scholarship Program. The private institutions must be originally established in Nevada and organized under state law to be eligible. The bill also provides that a high school student who was regularly scheduled to graduate after May 2000 and who receives a diploma, including an adult high school diploma, within five years of the time he or she was regularly scheduled to graduate, is eligible for a scholarship subject to the other statutory requirements. Further, the reimbursement rate for upper division courses at system community colleges and a state college is set at \$60 per credit, and the reimbursement rate for an eligible private college is set at \$80 per credit. The measure also deletes the provision of law that requires students to repay the grant if they drop out of school or cannot maintain a 2.0 grade point average. Finally, the bill requires that the Board of Regents provide the Legislature with information concerning the projected enrollment of Millennium scholars, an actuarial study of the projected costs of the program, and enhanced outreach efforts.

This bill is effective on July 1, 2001.

S.B. 237 (Chapter 233)

Senate Bill 237 removes from Section 385.010 of *Nevada Revised Statutes* the provision stating that the State Department of Education includes the Commission on Postsecondary Education.

This bill is effective on July 1, 2001.

S.B. 500 (Chapter 523)

Senate Bill 500 updates provisions of the University Securities Law within Chapter 396 of the *Nevada Revised Statutes*. The measure allows the Board of Regents of the University and Community College System of Nevada (UCCSN) to delegate to the Chancellor or the Vice Chancellor for Finance the authority to sign a contract for the purchase of securities or to accept a binding bid for the securities, thus allowing the UCCSN to proceed without the need for a Board of Regents meeting at the time of each bond sale. The bill further allows issuance of floating rate bonds, investment of bond proceeds in an investment contract that is collateralized with securities issued by the Federal Government or agencies of the Federal Government, and interest rate swap agreements.

This bill is effective on July 1, 2001.

S.B. 543 (Chapter 343)

Senate Bill 543 requires the Board of Regents of the University and Community College System of Nevada to adopt policies with regard to the conditions under which an employee and faculty member may enter into certain contracts. Such contracts may involve those between governmental institutions, private entities, and individuals and include instances in which individuals might benefit financially.

This bill is effective on July 1, 2001.

S.C.R. 34 (File No. 55)

Senate Concurrent Resolution No. 34 honors the University Studies Abroad Consortium as an organization that offers many professors who are employed in the University and Community College System of Nevada with an opportunity to teach abroad. In addition, the resolution notes that the Consortium provides college students being educated in the Nevada with an opportunity to study abroad and thereby expand their cultural horizons, gain valuable knowledge and insight into world affairs, learn foreign languages, and participate in internships.

ELECTIONS

A.B. 637 (Chapter 581)

Assembly Bill 637 makes various changes to provisions concerning elections. The bill clarifies the manner by which a person who does not have an assigned street address must describe the physical location of his or her residence for the purpose of registering to vote. Further, the measure requires a county clerk, when transmitting the results of petition signature verification to the Secretary of State, to provide notification of the number of requests received to remove names from an initiative, referendum, or recall petition. The bill also stipulates that if the number of signatures on a petition—taking into account the number of requests to remove signatures—is greater than the amount needed to declare the petition sufficient, the petition shall be deemed to qualify, and the names shall not be removed. However, signature removal is required if the total number of signatures is insufficient without those that have been requested to be removed.

The bill clarifies who must sign a petition to fill a vacancy in a nonpartisan nomination after the close of candidate filing and stipulates that the September 1 deadline for designating a party affiliation before filing for office applies to candidates of major political parties. The measure deletes references to “checklists” kept by the election board on election day and specifies that the name of a challenged candidate must appear on the challenged list. The bill changes references to provisions regarding the mailing of absent ballot requests to 500 registered voters or more and specifies that written requests by a person to distribute such forms may be submitted by facsimile machine.

Furthermore, A.B. 637 clarifies that the final date a person may request an absent ballot for any election is seven calendar days before an election. The bill permits a voter who requests an absent ballot to surrender that absent ballot at an early voting location and vote in person. In addition, the bill clarifies that if a voter who requests an absent ballot applies to vote in person at the county clerk’s office, and he or she does not have the absent ballot to surrender, that voter must provide satisfactory identification and proof that he or she is a registered voter and has not yet voted. The measure also deletes antiquated language relating to the filing and storing of ballots on a string and removes the requirement that pollbooks deposited in the vaults of the city or county must be sealed. The measure refines the manner by which original applications to register to vote are filed and stored in the office of the county clerk or registrar of voters.

Assembly Bill 637 also makes various changes regarding registering to vote and the application to register to vote. The bill clarifies that an identifying number assigned to the applicant, rather than a unique number, must be used when registering to vote and requires that the application to register to vote contain a line on which to enter the address where the voter receives mail. The bill stipulates that a mail-in voter registration application may also be personally delivered to the clerk’s office and requires that the application to register to vote contain a statement in 10-point type urging the applicant to return the mail-in voter registration

application by mail. The statement also must specify that if the applicant gives the application to another person to submit to the clerk and that person does not return the application, the applicant will not be registered. Further, the statement must encourage the applicant to retain the duplicate copy or receipt from the application to register to vote. The bill clarifies that a duplicate copy or receipt of the application to register to vote must be made available to the applicant. Finally, the measure prohibits the county clerk from disclosing the identification number assigned to the voter that appears on the application to register to vote and adds the applicant's telephone number as an item of information that may be requested by the registered voter to be withheld from public inspection.

Further, A.B. 637 deletes language requiring a separate page in each sample ballot showing the candidates for offices for which there is no opposition. The bill requires the county or city clerk to allow the person who submitted the petition or a member of the petitioner's committee to witness the raw count of signatures on the petition and the examination of signatures for verification. In addition, the measure eliminates procedures that provide for the amendment of county and municipal initiative and referendum petitions that are deemed insufficient and makes the process of determining the sufficiency of signatures on those petitions consistent with statewide initiative and referendum petitions. The bill increases, from 100 to 130, the number of days before an election that city and county initiative and referendum petitions must be filed with the filing officer. Finally, the bill requires the appointing authority to notify the appropriate filing officer of the term of appointment, name, residence address, telephone number, and political party of a person appointed to fill a vacancy in an elective office.

A.B. 638 (Chapter 406)

Assembly Bill 638 makes various changes regarding elections, ethics, and financial disclosures. The bill requires the city or county clerk to notify the initiator of a voter challenge the result of that challenge as soon as possible, but in no case later than 21 calendar days after the election. The bill provides that election board officers must, in addition to the result of the challenge, note on the challenge list the name of the challenged person and the name of the registered voter who initiated the challenge. Furthermore, the measure stipulates that the election board officers shall, if possible, orally notify the registered voter who initiated the challenge the result of the challenge and indicate the result next to the challenged person's name on the checklist maintained at the polling place.

The measure requires the election board, upon closing of the polls, to record the number of voters on a form provided by the city or county clerk. The bill also stipulates that if a difference exists between the number of voters and the number of ballots voted, the election board shall report the difference and any known reasons in writing to the city or county clerk. In addition, the election board must compare the quantity of the supplies furnished by the clerk with the inventory of the supplies and note any shortages.

Assembly Bill 638 also amends certain provisions to allow a new resident of this state who is not registered to vote in Nevada to vote for President and Vice President of the United States. The bill stipulates that if a new resident wishes to vote for President and Vice President, he

must apply to the county clerk for the appropriate ballot and vote only in the office of the county clerk during regular office hours. The measure explains that the county clerk, upon receipt of the application, must provide the applicant a ballot and other materials necessary to vote only for President and Vice President. A vote cast in this manner must not be combined with the total of any precinct but must be segregated at the precinct and then combined with the vote totals for the county. Furthermore, the vote must not be included in precinct, district, county, or state totals for other electoral purposes.

The bill also amends provisions in the ethics in government statutes by stipulating that “public office” does not include an office held by: any justice or judge; a commissioner of deeds; any member of a board, commission, or body whose function is advisory; any member of a board of trustees for a general improvement or special district whose official duties do not include the formulation of a budget; or a county health officer. Finally, the measure clarifies in statute that a candidate for judicial office must file a statement of financial disclosure pursuant to Canon 41 of the Nevada Code of Judicial Conduct. Such a statement must contain all information required to be included in the statement of financial disclosure that is filed by candidates and public officers.

Campaign Practices

A.B. 227 (Chapter 303)

Assembly Bill 227 revises the definition of “committee for political action” in Chapter 294A of the *Nevada Revised Statutes* (NRS) to mean any group of persons or entities that solicits or receives contributions from any other person, group, or entity designed to affect the outcome of any primary, general, or special election or question on the ballot. The measure explains that a committee for political action does not include political party caucuses of the Legislature, an entity that provides goods or services to a candidate or committee as a regular course of business, an individual person, an individual corporation or business entity formed under Title 7 of NRS, a labor union, a personal campaign committee, or a committee for the recall of a public officer.

The bill declares that the Secretary of State must, when determining whether an entity or group is a committee for political action, consider the division or separation of an entity or group into units or sections only if it appears that such division was for a purpose other than for avoiding the reporting requirements for committees for political action. Finally, the measure adds a civil penalty of not more than \$5,000 for the failure of a committee for political action to file the required registration form.

See also Assembly Bill 8 (Chapter 11) of the 17th Special Session.

Elections Procedures

A.B. 295 (Chapter 306)

Assembly Bill 295 revises provisions governing the participation in elections by elderly and disabled persons. The measure requires the Secretary of State, at the request of an elderly or disabled person, to provide that person with any material that is related to elections and made available by the Secretary of State to the public in printed form. The bill encourages the city or county clerk to notify the public, through means designed to reach the greatest number of people, of provisions set forth in Nevada law that assist persons who are elderly, disabled, or unable to read or write English to participate in the voting process. The measure encourages city and county election officers to make reasonable accommodations for voting by the elderly and disabled and to provide, in alternate audio and visual formats, information concerning elections, registering to vote, and voting procedures. The bill stipulates that during the hours a polling place is open, the polling place must be accessible to a voter who is elderly or disabled and have at least one voting booth designed to allow a voter in a wheelchair to cast his or her vote. The polling place must also allow a voter who is elderly or disabled to vote with the same privacy as a voter who is not elderly or disabled. The bill further encourages the city or county clerk to post at each polling place in at least 12-point type instructions for voting. The measure stipulates that all electors, including the elderly and disabled, must have the opportunity to participate in elections and cast their votes privately and declares that a voter with a physical or mental disability must not be denied the right to vote solely because of his or her disability.

Assembly Bill 295 clarifies that an elderly or disabled person may receive, upon request, an absent ballot in 12-point type and requires each voter registration agency to post in a conspicuous place, instructions in at least 12-point type for registering to vote. The measure permits a county clerk to dispatch a field registrar to an elderly or disabled person to identify that voter for purposes of voter registration or re-registration. Furthermore, the bill requires that all sample ballots must contain a statement indicating that if an elector is elderly or disabled, he or she may contact the city or county clerk for voter assistance. The statement on the sample ballot must also announce that the city or county clerk will make reasonable accommodations at the polling place for voting by the elderly or disabled. Finally, the bill encourages each county, by July 1, 2003, to provide for certain election purposes at least one telecommunications device that is accessible to a person who is deaf.

A.B. 299 (Chapter 119)

Assembly Bill 299 revises provisions regarding petitions and the appointment of committees to formulate arguments for and against local ballot questions. The bill changes the number of days, from 100 to 130, before an election that county and municipal initiative and referendum petitions must be filed with the county or city clerk. The bill requires a county clerk, when transmitting the results of petition signature verification to the Secretary of State, to notify him of the number of requests received to remove names from an initiative, referendum, or recall petition. The measure stipulates that if the number of signatures on a petition—taking into

account the number of requests to remove signatures—is greater than the amount needed to declare the petition sufficient, the petition shall be deemed to qualify and the names shall not be removed. However, signature removal is required if the total number of signatures is insufficient without those names that have been requested to be removed. If after the signatures are removed the petition still has 100 percent or more of the required number of signatures, the petition shall be deemed sufficient. Signature removal upon request is also required if the verification reveals that the number of valid signatures plus the number of signatures requested for removal is 90 percent or more, but less than 100 percent, of the number of signatures needed to declare the petition sufficient. Further, the measure declares that signature removal is also required if, in an appeal based on the results of a petition signature verification, the Secretary of State finds for the appellant and orders the recertification of the petition.

Assembly Bill 299 also clarifies procedures regarding the appointment of committees to formulate arguments for and against local ballot questions. The measure changes from one to two the number of committees a local governing board must appoint to create ballot question arguments. One committee must be comprised of three members who favor the proposed ballot measure, and the other committee must include three people who oppose the measure. The bill allows for the appointment of fewer than three committee members, if necessary, and stipulates that a person may not serve simultaneously on both committees. Finally, the measure gives the county or city clerk the option to consult with experts on the subject matter of the ballot question and stipulates that the clerk may reject any statement in the ballot question argument or rebuttal that he or she believes to be libelous or factually inaccurate.

This measure is effective on May 22, 2001.

A.B. 443 (Chapter 294)

Assembly Bill 443 makes changes regarding the circulation of petitions for signatures and other election matters. The bill requires that an area at each building that is open to the general public and occupied by the state or local government must be made available for use by any person to gather signatures on a petition at any time the building is open to the public. The measure stipulates that the public officer or employee in control of the building shall designate and approve for this purpose a reasonable area that may be inside or outside the building. In addition, the bill clarifies that public elementary or secondary schools are exempt from this requirement. The bill explains that before a petition circulator may use the area, he or she must notify the public officer or employee of the dates and times that he or she intends to use the area to gather petition signatures. The public officer or employee may not deny the circulator use of the area. The measure establishes an appeal process for a person aggrieved by a decision made by the public officer or employee and stipulates that the Secretary of State shall review the decision of the public employee to determine whether a reasonable area was designated for signature gathering. The bill declares that the decision of the Secretary of State is the final decision for purposes of judicial review and provides that the Secretary of State may adopt regulations to carry out these provisions.

In addition, A.B. 443 also stipulates that the government of this state, its political subdivisions, or an agency thereof shall not incur an expense or make an expenditure to support or oppose a ballot question or a candidate. The measure extends from 60 to 90 days the period during which signatures may be gathered on recall petitions and petitions regarding municipal general obligation bonds. Finally, the bill removes the requirement that signers of petitions relating to municipal general obligation bonds be limited to registered voters who, together with any corporate petitioners, own not less than 2 percent in assessed value of the taxable property of the municipality.

A.B. 487 (Chapter 126)

Assembly Bill 487 sets forth a procedure whereby any elector may challenge the qualifications, including age and residency, of a candidate for political office. The measure stipulates that such a challenge must be filed with the appropriate filing officer not later than five days after the last day the candidate may withdraw his or her candidacy. The challenge must be filed in affidavit form and include all documentation and evidence supporting the challenge. Before accepting the challenge from the elector, the filing officer must notify the elector that if the challenge is deemed frivolous by a court, he or she may be required to pay attorney's fees and court costs.

The measure provides that the filing officer must transmit any challenge received to either the Attorney General or district attorney, as appropriate, and sets forth the procedures the Attorney General or district attorney must follow in handling the challenge. The bill specifies that the Attorney General or district attorney shall, not later than five working days after receiving the challenge, petition a court to institute proceedings regarding the matter. The court shall order the challenged candidate, through service of process, to appear at a hearing to show cause why the challenge is not valid. If at the hearing the court determines that the challenge is valid or if the challenged candidate fails to appear at the hearing, the name of that person must not appear on the ballot, and the person shall be disqualified from entering upon the duties of the office for which he filed the declaration of candidacy. If at the hearing the court determines that the challenge is frivolous, the court may order the maker of the challenge to pay reasonable attorney's fees and court costs. The measure further stipulates that if a person knowingly and willfully files a declaration of candidacy that contains a false statement: (1) that person's name must not appear on the ballot; and (2) he or she must be disqualified from entering upon the duties of the office for which he or she was a candidate.

Assembly Bill 487 also adds to the declaration of candidacy the candidate's telephone number and address at which the candidate receives his or her mail. The bill further specifies that a service of process relating to a candidate challenge must first be attempted at the candidate's address that appears on the declaration of candidacy and provides that if the service is not successful at that address, it must be made with the filing officer. If the filing officer is served, he or she shall immediately send the service by registered or certified mail to the challenged candidate.

The provisions of this measure do not apply to conduct that occurred before October 1, 2001.

S.B. 27 (Chapter 408)

Senate Bill 27 requires the Secretary of State to include on all forms for the application to register to vote a place for the applicant to indicate whether he or she wishes to receive a sample ballot in larger type. The words on the application “CHECK THIS BOX TO RECEIVE A SAMPLE BALLOT IN LARGER TYPE” must be in at least 14-point bold type. The measure also requires all sample ballots to be printed in 12-point type and include on the front page of the sample ballot a notice in 20-point bold type that a sample ballot in large type is available by contacting the office of the county clerk or registrar of voters.

In addition, S.B. 27 stipulates that a sample ballot mailed to a person who requests it in larger type must be printed in at least 14-point type or larger when possible. Furthermore, the bill requires the county clerk or voter registrar to ensure that anyone who requests a sample ballot in large type will receive future sample ballots in large type. The measure also sets forth these same sample ballot provisions for both city elections and elections relating to the incorporation of cities. Finally, the bill explains that the portion of the sample ballot that shows the display area of the voting device may include material in less than 12-point type if it is necessary to make the printed layout of the voting device fit on the pages of the sample ballot.

The measure declares that the Secretary of State may use its current forms for the application to register to vote after July 1, 2001, if they were printed before that date. All application forms ordered or produced after July 1, 2001, must include a place to request the sample ballot in larger type.

S.B. 297 (Chapter 412)

Senate Bill 297 makes various changes to provisions governing elections. The bill clarifies the manner in which votes are counted on ballots used in statewide, county, and municipal elections. Specifically, the measure provides that if more choices than permitted on the ballot are marked by the voter, the vote for that office or question must not be counted. The bill declares that a vote on a paper ballot must not be counted if the vote is not appropriately marked in the designated space. The measure includes from the *Nevada Administrative Code* (NAC) the methods used to count a punchcard ballot containing “chips” (also known as “chads”) and stipulates that a mark, tear, or scratch on a punchcard ballot must not be counted as a vote. In addition, the bill clarifies the method for counting ballots used in optical scan voting systems and specifies when certain marks may or may not be counted as a vote. The bill allows the Secretary of State to adopt regulations establishing additional uniform standards for counting votes cast on punchcard, paper, and optical scan ballots and requires the Secretary of State to adopt regulations for the counting of votes for other types of ballots. Finally, the measure stipulates that the “real will” of the voter must be determined when counting a vote pursuant to the provisions of the bill or the NAC.

In addition, S.B. 297 makes numerous changes to provisions regarding absent ballots for statewide, county, and municipal elections. The bill stipulates that an error in the information included on the form to request an absent ballot is not a ground for rejecting an absent ballot

cast by the voter. The measure also clarifies that the deadline to request an absent ballot is seven calendar days before the election. The bill changes references to provisions regarding the mailing of absent ballot requests to 500 registered voters or more and specifies that the person who distributes an absent ballot request to a voter may not return the form to the county clerk or voter registrar on behalf the voter. The measure also permits the county clerk, if he or she is unable or fails to send an absent ballot to a person who requests it, to transmit the absent ballot and instructions to the requestor by facsimile machine. The voter must then mail his or her completed absent ballot to the county clerk. The bill also deletes an antiquated reference relating to the requesting of an absent ballot by telegram.

The measure stipulates that the county clerk, voter registrar, or an absent ballot central counting board shall, if applicable, remove on a daily basis the absent ballots from the appropriate ballot box and neatly stack the unopened ballots in a container. The container and the ballot box must then be delivered to the appropriate counting board or central counting location for ballot tabulation on election day. The measure further provides that counting boards receiving absentee ballots from voters on election day must remove the ballots from the ballot box and the container in which the ballots were transported and deposit them in the “regular” ballot box according to procedures set forth in Nevada’s current election law. In addition, the bill removes provisions requiring the county clerk to hold any absent ballots received after 8 a.m. on the day before the election and after 8 a.m. on election day, until the ballots received before these dates have been withdrawn from the containers or ballot boxes.

Senate Bill 297 stipulates that at the end of each day of early voting, ballots may be removed from the ballot box and neatly stacked in a container that is sealed with a numbered seal. The container may be delivered to the county clerk’s office during certain periods of early voting at the close of each voting day. The bill requires, by reference, the county clerk to make a record of receipt of containers used to transport absent ballots and ballots cast by challenged voters. The construction and material specifications of these containers are also set forth by reference in the bill.

The measure makes various changes to Nevada’s recount procedures by making several technical revisions. The bill stipulates that the chairman of a county commission or mayor who also serves as the chairman of a recount board for the office of the county or city clerk must not be a candidate on the ballot for the election in question. Furthermore, the measure specifies that if a recount is demanded in a race involving a county clerk in a county that has an appointed registrar of voters, the registrar must serve as the chairman of the recount board.

Senate Bill 297 stipulates that if a ballot duplicating board is created by the county clerk, the board must consist of at least two members and the board members must not all be of the same political party. Finally, the bill adds provisions clarifying when a chip may be removed from a punchcard ballot by a ballot duplicating board and specifies when the board may duplicate a punchcard ballot.

S.B. 312 (Chapter 41)

Senate Bill 312 relates to elections in the City of Sparks. The bill amends the Charter of the City of Sparks to prospectively change the time for the election of officers. The measure also staggers the terms of elected officials in Sparks to eventually coincide with county and state general elections.

The bill is effective on May 8, 2001.

EMINENT DOMAIN

A.B. 225 (Chapter 378)

Assembly Bill 225 concerns the Open Meeting Law. The measure adds to the definition of “meeting” any series of gatherings of members of a public body at which: (1) less than a quorum is present at any individual gathering; (2) the members of the public body attending the gatherings collectively constitute a quorum; and (3) the series of gatherings was held with the specific intent to avoid the provisions of the bill. Further, the bill specifies that a meeting to which the Open Meeting Law applies does not include a social gathering or a gathering to receive information from an attorney employed or retained by the public body regarding potential or existing litigation.

Finally, A.B. 225 creates an additional notice requirement under the Open Meeting Law. Before a public body considers taking an administrative action against a person or acquiring real property from a person through eminent domain, it must personally deliver written notice to that person at least five working days before the meeting or send notice by certified mail to the last known address of the person at least 21 working days before the meeting. The public body must receive proof of service before it may take action.

ETHICS

S.B. 466 (Chapter 454)

Senate Bill 466 makes various changes regarding ethics in government. The bill revises provisions regarding prohibited pecuniary interests and commitments of public officers and employees. Specifically, the bill clarifies that public officers or employees must not receive any kind of compensation from contracts or other significant transactions that have a direct interest or effect on the public body.

In addition, the bill requires the Commission on Ethics to retain financial disclosure forms for six years after the filing date. Forms acknowledging that the public officer has received, read, and understood the statutory ethical standards must also be retained for six years. Further, the measure deletes the requirement that a candidate or public officer notify the Commission in writing of his or her intention to utilize a previously filed financial disclosure form if an additional disclosure is required to be filed pursuant to *Nevada Revised Statutes* 281.561. Lastly, the bill provides that a civil penalty imposed upon a public officer who fails to file a financial disclosure statement must not exceed the annual compensation of the office for which the statement was filed.

S.B. 501 (Chapter 92)

Senate Bill 501 repeals the prospective expiration of the position of Counsel for the Commission on Ethics.

This measure is effective on May 17, 2001.

FAMILY TOPICS

A.B. 395 (Chapter 395)

Assembly Bill 395 addresses local planning and zoning and the regulation of certain residential facilities. The measure requires that in any city or county ordinance, the definition of a “single-family residence” must include a halfway house for recovering alcohol and drug abusers. Also, a halfway house shall not be deemed to be a home that is operated on a commercial basis for any purposes relating to building codes or zoning.

In addition, A.B. 395 provides that a local governing body shall review a second or subsequent application to operate a residential establishment in a particular neighborhood based on applicable zoning ordinances if the application is within certain minimum distances from an existing residential establishment. The minimum distance, to be established by the governing body, must be at least 660 feet but not more than 1,500 feet. In this context, “residential establishment” means a home for individual residential care in a county whose population is 100,000 or more, a halfway house, or a residential facility for groups.

Finally, this measure establishes the consistent terminology “halfway house for recovering alcohol and drug abusers” in the *Nevada Revised Statutes* and the *Nevada Administrative Code*.

This bill is effective on June 5, 2001.

S.B. 34 (Chapter 175)

Senate Bill 34 revises the provisions relating to the appointment of temporary guardians. The measure requires that the court make a finding that a petition for the appointment of a temporary guardian for an adult ward is accompanied by a certificate signed by a licensed physician or psychologist that states that the proposed ward is unable to respond to a substantial and immediate risk of physical harm or a need for immediate medical attention. The finding must be made prior to appointing the temporary guardian. The bill authorizes the court to award temporary guardianship without the presence of the certificate if the petition is accompanied by an affidavit that explains why the certificate is not immediately available.

The measure also provides that the court may extend the temporary guardianship up to 30 days if the doctor’s certificate has been filed and the court finds by clear and convincing evidence that the proposed ward is unable to respond to the risk of physical harm or the need for medical attention. If the certificate is not filed, the court may extend the guardianship if it finds by clear and convincing evidence that: (1) the proposed ward is unable to respond to the risk of harm or the need for medical attention; (2) circumstances have prevented the parties from obtaining the required certificate; and (3) the extension of the guardianship is necessary and in the best interests of the proposed ward.

Further, this measure expands the methods of investing the proceeds of a minor's legal compromise to allow the proceeds to be invested in a "blocked financial investment for the benefit of the minor." The bill also specifies that only by court order may the beneficiary of a blocked financial investment obtain control of, or money from, the investment.

S.B. 191 (Chapter 276)

Senate Bill 191 makes various changes regarding the possession, care, custody, disposition of, and liability for abandoned newborn infants. The measure provides that a parent may safely and anonymously deliver his or her newborn child to a firefighter, a law enforcement officer, or to a health care facility without fear of prosecution. The bill sets forth the obligations of a police or firefighting agency when a child who is or appears to be not more than 30 days old is left with this type of provider. Further, the measure establishes options for the parent for notification when an infant is left on the premises of a provider of emergency services and specifies that a provider of emergency services is not liable for harm that may come to the infant before the provider is notified of its whereabouts.

The measure provides for the presumption of abandonment and specifies the conditions under which automatic termination of parental rights may take place. Specific noticing requirements for such proceedings are included, although the measure specifies that if the parent does not leave an address, there will be no notification about a hearing to terminate parental rights. Further, limited immunity from liability is provided to persons taking possession of an abandoned newborn under the provisions of the bill. Finally, the bill provides for the placement of the child into protective custody.

The bill is effective on May 31, 2001.

S.B. 367 (Chapter 518)

Senate Bill 367 provides for the administration of certain activities designed to prevent or delay early sexual activity and reduce the rate of pregnancies among unmarried teenage girls in Nevada. The measure creates a state partnership to raise public awareness about teenage pregnancies in Nevada. In addition, S.B. 367 specifies membership of the partnership and provides for the appointment of the members by the Administrator of the Health Division. The 13-member partnership includes the Administrator of the Health Division, who serves as chairman; representatives of the State Department of Education; a teacher; a social worker; a member of a faith-based organization; a parent; and a health care practitioner. Additional members include representatives from juvenile justice, a child-placement agency, populations with high pregnancy rates, and the family courts. The bill also authorizes the Administrator to make two further discretionary appointments.

The duties of the partnership include the promotion of education, marketing, and public awareness programs to prevent or delay early sexual activity and reduce the rate of pregnancies among unmarried teenage girls. In addition, the partnership is authorized to award grants for the implementation and evaluation of local programs in Clark and Washoe Counties and

one rural county. Such projects must be model programs of proven effectiveness or innovative programs that show promise of being effective. The partnership may obtain assistance from certain state agencies and advisory boards.

The partnership must meet at least six times a year. Its members serve without compensation but are entitled to travel and per diem. The Health Division is authorized to accept gifts, grants, and donations to support the partnership and accept the transfer of funds from Nevada's program under the federal Temporary Assistance for Needy Families (TANF) plan. The Administrator is required to submit status reports concerning the partnership and its effectiveness to the 2003 and 2005 Sessions of the Legislature.

This bill is effective on June 8, 2001. The measure contains a sunset provision of July 1, 2005, for those provisions that establish the partnership and specify its powers and duties.

Adoption

A.B. 12 (Chapter 17)

Assembly Bill 12 revises provisions governing supplementary birth certificates. The measure specifies the responsibilities of the State Registrar of Vital Statistics concerning supplementary certificates of birth whenever the registrar receives a certified report of adoption or amendment of adoption concerning a person who is born in Nevada, another state, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, Canada, or in another foreign country. Further, except in cases where a report has been sent to another state or territory's office that is responsible for vital statistics, the measure requires the State Registrar to seal and file an order of annulment of adoption and the supplementary birth certificate, and if the person was born in Nevada, to restore the original birth certificate to its original place in the files.

This bill is effective on April 23, 2001.

A.B. 248 (Chapter 381)

Assembly Bill 248 requires certain information to be provided to foster or adoptive parents and revises provisions concerning the protection of children from abuse and neglect. The measure requires the Division of Child and Family Services to adopt regulations specifying the procedure and format for the provision of certain information to foster or adoptive parents. In addition, A.B. 248 requires an agency that obtains legal custody of a child to adopt a plan for the permanent placement of the child. If a child has been in foster care for 14 or more of the preceding 20 months, that plan must include the termination of parental rights, except under certain circumstances.

Further, this measure clarifies when informational reports and investigations concerning a child who has died or been critically injured as a result of alleged abuse may be made available to members of the public. Assembly Bill 248 also provides for civil sanctions of not more than \$500 for a violation of the regulations concerning the disclosure of information obtained by the evaluation panel in existing law.

Finally, A.B. 248 repeals Sections 2 and 4 of Chapter 557, *Statutes of Nevada 1999*, which provide that certain reasonable acts by a parent do not warrant action by an agency providing protective services to children. The measure also repeals a section of the *Nevada Revised Statutes* that allows a court to dispense with annual hearings of the disposition of cases if permanent placement is approved by a court.

The sections of the bill amending Chapter 517, *Statutes of Nevada 1997*, and Chapter 557, *Statutes of Nevada 1999*, are effective on June 5, 2001. The remaining sections of A.B. 248 are effective on July 1, 2001.

A.B. 336 (Chapter 246)

Assembly Bill 336 relates to the adoption of children. The measure requires the Division of Child and Family Services of the Department of Human Resources to provide adopting parents with a report that includes information about any adoption subsidies, assistance, and other services that may be available to the child if he or she is determined to have special needs. The Division is required to secure written confirmation that this information was received by the persons who are seeking to adopt. Further, the measure requires the Division to adopt regulations concerning this information and include this information in a booklet that is prepared by the Division.

The bill requires the Division or a child-placing agency to schedule any evaluations necessary to identify any special needs the child may have. If it is determined that the child has any special needs, the Division or agency must notify the proposed adoptive parents of grants for financial assistance.

Finally, the Division and licensed child-placing agencies are required to inform prospective adoptive parents of the results of the Division's investigation into the suitability of the home of the prospective adoptive parents.

A.B. 535 (Chapter 128)

Assembly Bill 535 requires a county clerk to reduce the total filing fee to not more than \$1 for filing a petition to adopt a child with special needs if the Division of Child and Family Services or a child-placing agency licensed by the Division consents to the adoption. Additionally, A.B. 535 requires a court to waive all court costs of the proposed adoptive parents in an adoption proceeding for a child with special needs if the Division or child-placing agency consents to the adoption.

See also **Assembly Bill 1 (Chapter 1) of the 17th Special Session.**

Child Custody**A.B. 15 (Chapter 326)**

Assembly Bill 15 requires the Department of Human Resources (DHR) to establish and administer a program to provide supportive assistance to qualifying relatives of children who provide care for and obtain the legal guardianship of those children. The bill specifies the conditions under which such supportive assistance may be provided and requires the DHR to determine that the personal and criminal histories of the qualifying relative are satisfactory. Finally, the measure specifies the items that must be included in the supportive assistance that is provided.

S.B. 25 (Chapter 547)

Senate Bill 25 revises provisions governing the granting of certain visitation rights with a child. The measure provides that grandparents, great-grandparents, and other children of either parent of a child may petition for the right to visit a minor child if the parent has prohibited or unreasonably restricted visitation. The bill establishes a rebuttable presumption that granting the right to visit is not in the best interest of the child. To rebut this presumption, the party seeking visitation must prove by clear and convincing evidence that it is in the best interest of the child to grant visitation. The court may then grant a reasonable right to visitation only if the court finds that the party seeking the visitation has rebutted the presumption.

In addition, S.B. 25 also revises the list of the factors that must be considered by the court in determining whether the presumption has been rebutted. The bill specifies that in addition to the list of specific factors, the court must only consider other factors arising solely from the facts and circumstances of the particular dispute that specifically pertain to the need for granting a right to visitation against the wishes of the child's parent.

This measure is effective on June 13, 2001.

Child Support

A.B. 37 (Chapter 386)

Assembly Bill 37 increases, from the current \$500 per month, the presumptive maximum monthly amount of child support a parent who meets certain monthly income levels may be required to pay. The presumptive maximum increases by \$50 for each income range, up to a maximum of \$800. The bill further provides that the cap amount may be adjusted annually in an amount established by the Consumer Price Index as published by the United States Department of Labor.

This bill is effective on April 1, 2002, to allow the Office of the Court Administrator to adjust the presumptive maximum amounts based on the Consumer Price Index. The measure is effective on July 1, 2002, for all other purposes.

Domestic Violence and Child Abuse

A.B. 248 (Chapter 381)

Assembly Bill 248 requires certain information to be provided to foster or adoptive parents and revises provisions concerning the protection of children from abuse and neglect. The measure requires the Division of Child and Family Services to adopt regulations specifying the procedure and format for the provision of certain information to foster or adoptive parents. In addition, A.B. 248 requires an agency that obtains legal custody of a child to adopt a plan for the permanent placement of the child. If a child has been in foster care for 14 or more of the preceding 20 months, that plan must include the termination of parental rights, except under certain circumstances.

Further, this measure clarifies when informational reports and investigations concerning a child who has died or been critically injured as a result of alleged abuse may be made available to members of the public. Assembly Bill 248 also provides for civil sanctions of not more than \$500 for a violation of the regulations concerning the disclosure of information obtained by the evaluation panel in existing law.

Finally, A.B. 248 repeals Sections 2 and 4 of Chapter 557, *Statutes of Nevada 1999*, which provide that certain reasonable acts by a parent do not warrant action by an agency providing protective services to children. The measure also repeals a section of the *Nevada Revised Statutes* that allows a court to dispense with annual hearings of the disposition of cases if permanent placement is approved by a court.

The sections of the bill amending Chapter 517, *Statutes of Nevada 1997*, and Chapter 557, *Statutes of Nevada 1999*, are effective on June 5, 2001. The remaining sections of A.B. 248 are effective on July 1, 2001.

A.B. 259 (Chapter 304)

Assembly Bill 259 revises the time-of-day limitations for certain misdemeanor arrests. Specifically, the bill allows for arrests between the hours of 7 p.m. and 7 a.m. for an offense that constitutes domestic violence pursuant to *Nevada Revised Statutes* 33.018 or for a violation of a temporary or extended order for protection against domestic violence.

A.B. 377 (Chapter 268)

Assembly Bill 377 makes various changes regarding orders for protection against domestic violence. The measure changes the population requirement from “400,000 or more” to “47,000 or more” for counties where a court shall be available at all times to issue temporary and extended orders for protection against domestic violence. In addition, A.B. 377 provides that persons arrested for violating a protective order will not be released on bail sooner than 12 hours after being arrested if the violation is accompanied by a direct or indirect threat of harm.

Further, this act provides that children arrested for violating a protective order or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence will not be released on bail sooner than 12 hours after being arrested if the violation is accompanied by a direct or indirect threat of harm.

Finally, A.B. 377 requires a specific bail amount if a person arrested for violating a temporary or extended order for protection against domestic violence is admitted to bail without appearing personally before a magistrate. An exception is provided if the amount of bail has been otherwise set by a magistrate or a court. These amounts of bail are \$3,000 with no previous convictions of violating a temporary or extended order for protection; \$5,000 with one conviction of violating a temporary or extended order for protection; and \$15,000 with two or more convictions of violating a temporary or extended order for protection. A magistrate or court has the authority to set the amount of bail when a person arrested for violating a temporary or extended order for protection against domestic violence personally appears before the magistrate or court.

A.B. 429 (Chapter 361)

Assembly Bill 429 makes various changes concerning the protection of children from abuse and neglect, termination of parental rights, and guardianships of minors. The measure requires each person who submits a report to a court for consideration in certain proceedings concerning protective services for a child to provide a copy of the report to the parent or guardian of the child and to their attorney. If a copy of the report is not provided to the parent, guardian, and their attorney, the court may grant a continuance of the proceedings.

In addition, the measure specifies that a child may be represented by an attorney at all stages of proceedings involving protection of children from abuse and neglect, termination of parental rights, and guardianships. If the child is represented by an attorney, the attorney has the same authority and rights as an attorney representing a party to the proceedings.

Finally, A.B. 429 reduces the period within which the placement of a child with a person other than his or her parent must be reviewed if a party to the proceedings requests an earlier review. In addition to a semiannual review, any party to the proceedings may ask for an additional review, and that review must be held within 90 days of the request.

This measure is effective on July 1, 2001.

A.B. 581 (Chapter 420)

Assembly Bill 581 clarifies certain provisions concerning orders for protection against domestic violence that are issued in another state, territory, or Indian tribe. The bill specifies that foreign orders for protection against domestic violence that may be enforced in Nevada include any provisions related to custody and support. In addition, A.B. 581 eliminates the court's discretion to enforce certain mutual orders for protection and prohibits their enforcement.

The measure also clarifies that a law enforcement officer must enforce foreign protection orders and make an arrest for a violation of the order unless it is apparent to the officer that the order is not authentic on its face. In enforcing the order, a law enforcement officer may rely upon: (1) a copy of the foreign order; (2) an order included in the repository for information concerning such orders or in any national crime information database; (3) oral or written confirmation from a law enforcement agency or court in the jurisdiction from which the order was issued; or (4) an examination of the totality of the circumstances concerning the existence of a valid and effective order, including the statement of the person that the order remains in effect.

Finally, A.B. 581 also prohibits the court clerk from charging a fee for registering a foreign order and from notifying the adverse party that the order has been registered.

This bill is effective on July 1, 2001.

S.B. 87 (Chapter 515)

Senate Bill 87 authorizes a court to refer a child who may need counseling as a result of a battery that constitutes domestic violence to an agency that provides protective services. If the court makes such a referral, the court must require the person convicted of the battery to reimburse the agency for the cost of any services provided to the extent he is able to pay.

The measure also authorizes the compensation officer to award certain payments from the Fund for Compensation of Victims of Crime to a minor who is a member of the household or immediate family of a victim of a battery that constitutes domestic violence. The payments must be used for an assessment, psychological evaluation, or psychological counseling for emotional trauma suffered by the minor as a result of the battery that constitutes domestic violence.

S.B. 179 (Chapter 136)

Senate Bill 179 revises the provisions governing the admissibility of certain statements of children in criminal proceedings. The measure provides that the statement of a child under the age of ten describing any act of physical abuse of the child is admissible in a criminal proceeding under certain circumstances. In a hearing out of the presence of the jury, the court must find that the time, content, and circumstances provide sufficient circumstantial guarantees of trustworthiness. In addition, the child must testify at the proceeding unless unavailable or unable to testify.

The measure also requires that in determining the trustworthiness of such a statement or a statement describing an act of sexual conduct performed with or on the child, the court must consider whether: (1) the statement was spontaneous; (2) the child was subjected to repetitive questioning; (3) the child had a motive to fabricate; (4) the child used terminology unexpected of a child of a similar age; and (5) the child was in a stable mental state.

S.B. 546 (Chapter 258)

Senate Bill 546 increases the penalties for the abuse or neglect of a child in certain circumstances. The measure increases, from a gross misdemeanor to a category B felony, the penalty for willfully causing a child to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where such pain or suffering may result from abuse or neglect. The bill specifies that the minimum term of imprisonment for the category B felony is one year, and the maximum term is not more than six years.

For a subsequent violation of this offense, the person is guilty of a category B felony, with a minimum term of 2 years and a maximum term of not more than 15 years. Senate Bill 546 also increases, from 10 years to 15 years, the minimum term that must be served prior to parole on a life sentence for this offense if: (1) substantial bodily or mental harm results to the child; (2) the child is less than 14 years of age; and (3) the harm is the result of sexual abuse or exploitation.

Finally, S.B. 546 increases from a gross misdemeanor to a category C felony, a subsequent offense of permitting or allowing a child to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer such pain and suffering as the result of abuse or neglect.

GAMING

A.B. 466 (Chapter 593)

Assembly Bill 466 makes various changes relating to gaming. The bill provides for the issuance of uniform statewide work permits for gaming employees. Further, the measure states that the fee for such a permit may not exceed the amount needed to cover the actual investigative and administrative costs related to processing the application.

The bill directs the Nevada Gaming Commission to adopt regulations to carry out the primary provisions of this act and to transmit a copy of those regulations to each county and city licensing authority that issues gaming work permits by January 1, 2003. Further, the amendatory provisions of this act apply to any work permit to work as a gaming employee that is issued by the State Gaming Control Board or a county or city licensing authority on or after January 1, 2003.

Assembly Bill 466 also expands the state's laws regarding gaming employees' labor organizations to include such organizations that seek to represent gaming casino employees or seek to perform certain significant functions in the representation of these employees in Nevada. The measure provides that no later than the date on which a labor organization that seeks to represent gaming casino employees begins an "organizational activity" directed at the employees, the organization must file information with the Board that is currently required for labor organizations representing these employees. "Organizational activity" is defined to include, without limitation: (1) soliciting membership by direct personal contact; (2) distributing cards regarding interests or representation; and (3) distributing or posting a flyer, poster, or advertisement.

In addition, A.B. 466 provides for "interactive gaming," which the act defines as "the conduct of gambling games through the use of communications technology that allows a person utilizing money, checks, electronic checks, electronic transfers of money, credit cards, debit cards, or any other instrumentality, to transmit to a computer, information to assist in the placing of a bet or wager." Interactive gaming does not apply to the operation of a legally operated race book or sports pool that uses approved communication technology.

The measure also authorizes the Nevada Gaming Commission to adopt regulations governing the licensing and operation of interactive gaming and makes it a category B felony to operate such gaming activities without first obtaining all appropriate licenses as may be required by the Gaming Commission.

Further, the bill establishes application fees and license fees for an establishment to operate interactive gaming. The act provides that a license to operate interactive gaming may be issued only to resort hotels with nonrestricted licenses in counties whose population is 400,000 or more, or in other counties only to establishments holding nonrestricted licenses and meeting

certain requirements. The bill also provides for the licensure fees and regulation of manufacturers of interactive gaming systems and manufacturers of equipment associated with interactive gaming.

Assembly Bill 466 also specifies that all gross revenue from interactive gaming received by the establishment licensed to operate interactive gaming must be attributed to the licensee and counted as part of the licensee's gross revenue for the purpose of computing the regular license fee. In addition, a manufacturer of interactive gaming systems who is authorized by an agreement to receive a share of the revenue from an interactive gaming system is liable to the licensed establishment for a portion of the license fee. The portion for which the manufacturer is liable is 6.25 percent of the amount of revenue to which the manufacturer is entitled pursuant to the agreement.

The measure also strengthens the prohibitions on illegal activity associated with fixed sporting events and interactive gaming. Further, this act revises the computation of interest payable by the Nevada Gaming Commission on the overpayment of certain fees and taxes. Lastly, the measure also broadens the requirements for applying for a finding of suitability to include persons who acquire a beneficial ownership in a publicly traded corporation registered with the Commission.

The provisions of A.B. 466 that expand the state's laws regarding gaming employees' labor organizations and that require the adoption and dissemination of regulations relating to work cards are effective on June 14, 2001. The remaining provisions relating to gaming work cards are effective on January 1, 2003. All other sections of the bill are effective on July 1, 2001.

S.B. 100 (Chapter 34)

Senate Bill 100 authorizes the State Gaming Control Board to order the removal of a gaming device from an establishment if the Board suspends or revokes approval of the gaming device.

S.B. 283 (Chapter 184)

Senate Bill 283 revises various provisions relating to gaming. The measure authorizes a resort hotel that holds a nonrestricted license to apply to the State Gaming Control Board for a license to operate an international gaming salon. The Board must prescribe the appropriate forms, and a nonrefundable fee of \$5,000 must accompany the application. In addition, the applicant must pay the investigation costs incurred by the Board in association with the application.

Under the bill, admission to an international gaming salon may be restricted based on the financial criteria of the patron, as established by the licensee and approved by the Board. Admission must not be restricted on the basis of race, color, religion, national origin, ancestry, physical disability, or sex of the patron. Senate Bill 283 specifies that any unresolved disputes with a patron concerning restriction of admission must be resolved under the Board's existing statutory provisions governing resolutions of disputes with patrons.

The bill requires the Nevada Gaming Commission to adopt regulations setting forth the policies and procedures for the approval of a license to operate an international gaming salon and the standards of operation for such a salon. These standards of operation must include surveillance and security systems, the games offered, and the minimum wagers for any game offered.

Finally, S.B. 283 provides that directors and managers of limited-liability companies are treated in the same manner as officers of corporations with regard to licensure.

This bill is effective on May 28, 2001.

A.J.R. 2 (File No. 29)

Assembly Joint Resolution No. 2 urges Congress to refrain from enacting any measure to repeal the ability of Nevada to license and regulate sports wagering. Further, the resolution urges Congress to enact the National Collegiate and Amateur Athletic Protection Act of 2001, which would enable the nation to identify and address illegal sports wagering.

This resolution is effective on March 26, 2001.

HEALTH CARE

(See also: Insurance)

A.B. 173 (Chapter 157)

Assembly Bill 173 clarifies Nevada's do-not-resuscitate law by specifying that the do-not-resuscitate provisions that apply to certain emergency medical services may be followed while the patient is being prepared to be transferred, or is being transferred, from one health care facility to another. Further, the measure sets forth the manner in which a do-not-resuscitate identification may be issued to qualified patients who are less than 18 years of age. Finally, the bill authorizes the State Board of Health or the Clark County District Board of Health to enter into an agreement for the manufacture of a bracelet or medallion that indicates that a patient has been issued a do-not-resuscitate identification.

This bill is effective on July 1, 2001.

A.B. 250 (Chapter 510)

Assembly Bill 250 adds definitions in *Nevada Revised Statutes* for "hearing screening" and "provider of hearing screenings." The measure specifies that a hospital that provides services for maternity care and the care of newborn children and a licensed obstetric center shall not, unless a parent or legal guardian objects in writing, discharge a newborn child who was born in the facility until the child has undergone a hearing screening or has been referred for a screening. The screening is used for the detection of hearing loss to prevent the consequences of unidentified disorders.

Further, the bill requires the State Board of Health to adopt regulations to carry out the program for newborn hearing screening. The measure also establishes certain criteria for hospitals and obstetric centers concerning the program, but the bill does not apply to hospitals in which fewer than 500 childbirths occur annually. It also establishes reporting requirements for these entities as well as for the Health Division of the Department of Human Resources concerning the hearing screenings conducted pursuant to this program. In addition, A.B. 250 requires the Health Division to create a written brochure that includes information about screening newborn children for hearing loss. Finally, the bill sets forth the responsibilities of a newborn child's attending physician if the hearing screening indicates that the child may have a hearing loss.

For purposes of adopting regulations, this measure is effective on July 1, 2001, and the program that is established pursuant to this measure is effective on January 1, 2002.

A.B. 363 (Chapter 163)

Assembly Bill 363 relates to the health records of patients. The bill allows a patient to obtain his health records without charge if a copy of the records is necessary to support a claim or an appeal under any provision of the federal Social Security Act or under any federal or state financial needs-based benefit program. A provider of health care may charge a fee not to exceed 60 cents per page for photocopies and a reasonable cost for copies of X-rays. A provider may not deny furnishing a copy of the records solely because the patient is unable to pay the fees. In addition, A.B. 363 requires that a provider furnish copies of health records within 30 days of receiving the request.

A.B. 415 (Chapter 166)

Assembly Bill 415 revises certain provisions related to pharmacy. The bill allows certain prescriptions to be transmitted electronically. The State Board of Pharmacy is required to adopt regulations relating to the electronic transmission or transmission by facsimile of certain prescriptions from a practitioner to a pharmacist. The regulations must establish procedures to ensure the security and confidentiality of any data transmitted.

In addition, A.B. 415 allows a student who is enrolled in a college of pharmacy or in a department of pharmacy of a university approved by the Board to be eligible for registration as an intern pharmacist. The bill also removes a provision from the law that allows the Board to issue a private reprimand for a violation of any provision of Chapter 639 of *Nevada Revised Statutes* or regulations adopted thereunder.

Further, the measure requires that a health care plan that provides coverage for prescription drugs or devices and that issues a single identification card or other device to an insured must include on the card certain information that is necessary to process a claim. Finally, the bill requires the Commissioner of Insurance to adopt regulations necessary to implement this provision.

The bill is effective on May 28, 2001, for the purpose of adopting necessary regulations, and for all other purposes is effective on October 1, 2001, or January 1, 2003.

A.B. 453 (Chapter 592)

Assembly Bill 453 relates to medical marijuana and the penalties for possession of marijuana. The preamble of the bill states the potential therapeutic value of medical marijuana, recognizes the importance of research concerning the medical use of this substance, and sets forth the Legislature's intent to exercise its sovereign duties while addressing the health and well-being of its citizens. The value of rehabilitation for habitual users also is noted. The measure itself authorizes the use of marijuana for treatment of certain medical conditions, including acquired immune deficiency syndrome, or AIDS; cancer; glaucoma; cachexia; persistent muscle spasm; seizures; severe nausea; severe pain; and any other medical condition that is classified as chronic or debilitating.

This bill further establishes a procedure for distribution of medical marijuana through a registry identification card system. The bill directs the State Department of Agriculture to establish and maintain a registry identification card system whereby cards are issued to persons who meet the requirements of having such medical conditions and submit an application to the Department. Registry identification cards may also be issued to a person listed as a “designated primary caregiver” who is responsible for managing the well-being of a person diagnosed with a chronic or debilitating medical condition. The registry and application information is confidential and is not subject to discovery. The Department also is required to aggressively pursue Federal Government approval of a seed bank and a program to produce and deliver marijuana to eligible individuals.

A person who holds a valid registry identification card is exempt from state prosecution for constructive possession, conspiracy, or any other criminal offense solely for being in the presence of the medical use of marijuana. This exemption only allows a person who holds such a card to possess, deliver, or produce not more than: (1) one ounce of usable marijuana; (2) three mature marijuana plants; and (3) four immature marijuana plants.

The act also requires the University of Nevada School of Medicine to apply to the Federal Government to establish a research program concerning the medical use of marijuana in the care and treatment of persons with chronic or debilitating medical conditions. The measure specifies conditions of participation, confidentiality requirements for participants, and reporting mechanisms for such a study. Further, the School of Medicine may accept gifts, grants, and donations to operate the program.

This bill also reduces the penalties for possession of one ounce or less of marijuana. For a first offense, the penalty is a misdemeanor with a fine of not more than \$600 or a mandatory examination for drug treatment. If the examination reveals an addiction, the person shall be assigned to a treatment and rehabilitation program if such a program might help the individual. For a second offense, the penalty is a misdemeanor with a fine of not more than \$1,000 or assignment to a program of treatment and rehabilitation; for a third offense, the penalty is a gross misdemeanor; and for a fourth or subsequent offense, the penalty is that for a category E felony.

The 2003 Legislature is directed to review a report with regard to the number of persons participating in the medical use of marijuana and whether any federal prosecution has taken place involving these individuals. That Legislature also must review the number of those arrested and convicted for drug-related offenses to evaluate budgetary considerations for treatment programs.

Assembly Bill 453 is the result of a voter initiative (Ballot Question No. 9) to allow for the medical use of marijuana, which was overwhelmingly approved by the voters in November 2000. The initiative called for the Legislature to establish a method of distribution for medical marijuana.

For the purpose of adopting regulations, this bill is effective on June 14, 2001. For all other purposes, this measure is effective on October 1, 2001.

A.B. 497 (Chapter 127)

Assembly Bill 497 requires the Bureau of Consumer Protection in the Office of the Attorney General to establish and carry out certain programs concerning anatomical gifts. These programs must include public education and the acknowledgment of families of donors. The bill specifies the responsibilities of the Bureau concerning these programs and creates a nonreverting fund, which will be known as the Anatomical Gift Account, in the State General Fund. In addition, if the Consumer's Advocate determines there is sufficient money in the account, the costs of transplants may be paid out of this account. Further, the measure allows certain persons to contribute to this fund when they obtain or renew their drivers' licenses or when they obtain identification cards from the Department of Motor Vehicles (DMV). Finally, the bill requires the DMV to submit information from its records to a national donor registry that identifies individuals who have indicated their intention to donate an anatomical gift.

This measure is effective on July 1, 2001.

S.B. 207 (Chapter 461)

Senate Bill 207 relates to certain persons with disabilities. The bill requires the Director of the Department of Human Resources to establish a program that provides medical assistance to certain persons who are employed and who have certain types of disabilities. The measure identifies the applicable provisions of federal law that must be followed when establishing the program and sets forth the parameters of the program, which include a cost-sharing component for participants. Finally, the measure establishes a date by which the Director is required to submit the proposal for the program to members of the Interim Finance Committee.

This bill is effective on July 1, 2001.

S.B. 318 (Chapter 97)

Senate Bill 318 creates an 11-member task force on prostate cancer. Ex officio members of the task force include the Chief Executive Officer of the Family to Family prostate awareness and support group; the Nevada director of US TOO! International, Inc.; and the Executive Officer of the Public Employees' Benefits Program. The Governor is directed to appoint the remaining eight members, to consist of two physicians, a representative of the University and Community College System of Nevada, a representative of Nevada's Bureau of Disease Control and Intervention, a member who has had prostate cancer, a relative of someone who

has had prostate cancer, and two business representatives. The bill also provides for the appointment of the chairman, for the filling of vacancies, specifies a four-year term of appointment, and requires quarterly meetings. Members serve without compensation.

The powers and duties of the task force include the authority to: (1) compile research on prostate cancer; (2) review public awareness programs; (3) investigate funding options for cancer research; and (4) review methods to increase the number of men tested for prostate cancer. The task force may accept gifts and grants to carry out its duties. The Department of Human Resources is required to provide staff, space, equipment, and supplies to support the task force. Finally, the bill requires the task force to make annual reports and recommendations to the Nevada Legislature.

This bill is effective July 1, 2001.

S.B. 352 (Chapter 322)

Senate Bill 352 specifies that a private home must not be considered a food establishment unless the food prepared or manufactured in the home is sold, offered, or displayed for sale or for compensation or contractual consideration of any kind. Also, the bill revises the definition of “food handler” to make an exception for persons who do not handle food in the regular course of their responsibilities or employment.

This measure is effective on July 1, 2001.

S.B. 397 (Chapter 236)

Senate Bill 397 prohibits certain acts related to drugs and Internet pharmacies. The measure prohibits health care practitioners and others from prescribing prescription drugs through an illegal Internet pharmacy. An illegal Internet pharmacy is one that is not licensed or certified by the State Board of Pharmacy. Violations are considered a category B felony, with a state prison term of 3 to 15 years and a possible fine of up to \$100,000 in cases in which substantial bodily harm or death is involved and a Schedule I drug is concerned. Practitioners prescribing a drug must have physically examined the patient and may not knowingly utilize an illegal Internet pharmacy to fill the prescription. Practitioners in violation of these provisions may be guilty of a Category C felony. The bill also provides that the Attorney General has concurrent jurisdiction with the district attorneys to enforce the provisions of the act and authorizes investigations by the Attorney General under certain conditions. Finally, the measure requires the State Board of Pharmacy to adopt regulations related to Internet pharmacies.

This bill is effective on July 1, 2001.

S.B. 402 (Chapter 465)

Senate Bill 402 expands the authority of the Legislative Committee on Health Care to include the identification and evaluation, with the assistance of an advisory group, of the alternatives to institutionalization for providing long-term care. The bill sets forth the criteria that may be included in this evaluation. Further, the bill authorizes the Committee to evaluate the feasibility of obtaining certain waivers from the Federal Government pertaining to long-term care.

This bill is effective on July 1, 2001.

S.B. 424 (Chapter 272)

Senate Bill 424 revises statutory provisions concerning the unlawful dumping of waste. The measure provides that a solid waste management authority may authorize a nonprofit organization to organize and operate clean-up operations of an illegal dumpsite and to provide educational materials and programs concerning unlawful dumping. The bill also provides that a solid waste management authority in counties with a population of more than 400,000 may establish a program for the control of unlawful dumping. Such a program must provide for enforcement and include standards for the control of such dumping that are at least as strict as state standards. In addition, the authority may establish a special administrative hearing board to review cases and is provided with subpoena powers with regard to the unlawful disposal of sewage and solid waste. The measure also revises the various fines and terms of imprisonment and civil penalties for illegal dumping and requires that offenders perform community service by cleaning up dumpsites. Further, reporting requirements are established concerning the lawful disposal of materials from a site that has been cleaned up by an offender. Finally, the act provides that if a business entity is convicted of illegal dumping, the conviction constitutes reasonable grounds for revoking a business license, and the authority may initiate revocation proceedings with the licensing agency.

The new provisions of this measure do not apply to acts committed prior to October 1, 2001.

S.B. 505 (Chapter 507)

Senate Bill 505 transfers the responsibility for the dairy inspection program to the State Dairy Commission. The measure transfers the regulatory authority for the state dairy inspection program from the Health Division to the State Dairy Commission. The Commission is authorized to adopt and enforce regulations to carry out this act. The bill also provides for consultation between the Dairy Commission and the State Health Officer in situations affecting public health. In addition, the current regulations are transferred to the Commission, and the State Board of Health must review and approve the regulations proposed by the Dairy Commission before their adoption. The measure provides that the Commission may use the state health laboratory for testing purposes. Further, the Commission may contract with persons to assist with its new regulatory duties.

The bill also specifies that the Dairy Commission must operate the program within the revenues generated by appropriations and assessments and that the costs associated with any out-of-state inspections be collected from the applicant prior to the inspection. The measure also provides that any county milk commission created to supervise the sale of raw milk directly to consumers is responsible to the Dairy Commission. The act also revises the assessments for fluid milk and fluid cream to a rate that may not exceed one-quarter cent per pound and eliminates the butterfat payment credit against assessments for other dairy products. Finally, any fines collected by the Commission are to be deposited to the State General Fund.

The provisions of the bill governing the adoption of regulations to carry out the measure are effective on June 8, 2001; the portions of the bill authorizing the Dairy Commission assessments are effective on July 1, 2001; and the remaining provisions, including those transferring regulatory responsibility, are effective on January 1, 2002.

S.B. 539 (Chapter 529)

Senate Bill 539 makes various changes concerning the Fund for a Healthy Nevada, the task force for the Fund, and the state's prescription drug program for senior citizens. The measure requires the Department of Human Resources (DHR) and the Department of Taxation to coordinate certain administrative procedures concerning the refund program for property taxes and the prescription drug assistance program for senior citizens. In addition, the bill establishes the requirements for a new senior prescription drug assistance program, the provisions of which will not be enacted unless fewer than 3,500 people are participating in the existing program as of January 2003.

The Task Force for the Fund for a Healthy Nevada is required to consider a request from the State Treasurer for an allocation of administrative expenses within 45 days of the request, and the State Treasurer is permitted to submit the request to the Interim Finance Committee if it is not acted upon by the Task Force within this time period. Further, the measure revises the amount of money that may be used for administrative expenses by specifying that no more than 2 percent may be used by the State Treasurer to administer the fund and no more than 3 percent may be used by the DHR to pay the costs the Department incurs in carrying out its duties pursuant to the fund.

The measure contains other provisions clarifying: (1) the method by which the chairman and vice chairman of the Task Force may be selected and the time by which these officers must be selected; (2) that, in addition to the DHR, the Legislative Counsel Bureau provides administrative support to the Task Force; (3) the responsibilities of the Task Force in relation to its duties; (4) that state agencies and political subdivisions of the state are eligible recipients of awards for funding from the task force; and (5) the responsibilities of the State Treasurer for reserve of the applicable administrative costs and allocation of funding for expenditure for Fiscal Years 2001-2002 and 2002-2003.

In regard to the prescription drug program for seniors, the bill: (1) prohibits the Aging Services Division of the DHR from using funds allocated to the Fund for a Healthy Nevada for the program; (2) revises the eligibility and cost-sharing requirements for persons who are eligible for assistance from the program; (3) specifies the conditions under which the DHR may change the program if the Federal Government provides any coverage of prescription drugs and pharmaceutical services for seniors who are eligible for Nevada's program; and (4) requires the DHR to review the formulary in the program and file a report concerning the number of people who are insured by an applicable health insurance policy and whether money is available to provide subsidies to at least 4,700 seniors.

The provisions concerning the Task Force, the responsibilities of the State Treasurer, and the changes to the prescription drug program are effective on June 5, 2001.

A.C.R. 2 (File No. 96)

Assembly Concurrent Resolution No. 2 urges support for the Women's Health Care Platform: Campaign 2000. The resolution identifies inequities in health care, discusses the unequal medical treatment of men and women, advocates for appropriate action to achieve improved and equal access for women to quality health care, and identifies ways in which equal access may be achieved. Finally, the measure commends the Women in Government organization for its leadership in calling for action on these issues.

A.C.R. 7 (File No. 77)

Assembly Concurrent Resolution No. 7 directs the Legislative Committee on Health Care to establish a subcommittee to conduct an interim study of the development of a system for reporting medical errors. Further, the bill sets forth the criteria for evaluation during the study and requires that a specific report concerning medical errors be used while conducting the study. Finally, the Committee is required to submit a report of the results of the study and any recommended legislation to the 72nd Session of the Nevada Legislature.

S.C.R. 24 (File No. 115)

Senate Concurrent Resolution No. 24 urges the Commission on Tourism and the Commission on Economic Development to promote Nevada as a compassionate, family-oriented state that is a leader in alternative health care choices and a destination for persons seeking such alternatives.

Health Care Professions

A.B. 32 (Chapter 4)

Assembly Bill 32 revises provisions regarding the practice of chiropractic. The measure provides the Chiropractic Physicians' Board of Nevada with authority to recognize a graduate of a foreign school as long as that school has a reciprocal agreement with the Council on Chiropractic Education. The bill also clarifies certain conditions under which a person may obtain a temporary license by requiring that an applicant be actively practicing chiropractic in another jurisdiction. In addition, A.B. 32 reduces from 45 to 30 the number of days a person has to apply for a temporary license before taking the examination and gives the president or secretary of the board authority to allow an applicant to file an application fewer than 30 days before he or she intends to practice in this state if good cause is shown. Assembly Bill 32 also removes an existing requirement that an applicant for a temporary license provide to the Board a list of the names and addresses of the patients to be treated by the applicant or the name of the organization whose members the applicant intends to treat. Finally, A.B. 32 increases from two to four the number of chiropractic assistants that a chiropractor may supervise at the same time.

This bill is effective on July 1, 2001.

A.B. 78 (Chapter 2)

Assembly Bill 78 authorizes nurses to accept direction from physician assistants. The bill revises the definitions of "practice of practical nursing" and "practice of professional nursing" to specify that a nurse may accept direction from a physician assistant. In addition, A.B. 78 authorizes a registered nurse to possess and administer certain drugs and medications at the direction of a physician assistant.

A.B. 290 (Chapter 67)

Assembly Bill 290 increases educational requirements for osteopathic physicians and increases the maximum amount of fees that may be charged by the State Board of Osteopathic Medicine. In addition, A.B. 290 revises complaint procedures and transfers authority to conduct investigations of complaints filed against persons practicing osteopathic medicine from the Office of the Attorney General to the Board.

A.B. 378 (Chapter 580)

Assembly Bill 378 relates to programs to promote and support the profession of nursing. The bill makes an appropriation to the Interim Finance Committee (IFC) from the interest and income earned on the Trust Fund for Public Health in the amount of \$250,000 or 25 percent of the Fund's earned interest and income, whichever is less. If the IFC approves the policy established by the Board of Regents of the University and Community College System of Nevada (UCCSN) for administration of the loan program, the appropriation shall be distributed

to the Board of Regents and used to make loans to students enrolled in nursing programs of the UCCSN. The bill also requires the Board of Regents to develop a plan to double the capacity of the nursing programs in the UCCSN. The plan shall be developed no later than August 15, 2002, and must be identified separately in the biennial budget for the UCCSN.

This bill is effective on July 1, 2001.

A.B. 491 (Chapter 222)

Assembly Bill 491 revises provisions governing optometry. The bill allows for collaboration between an optometrist and an ophthalmologist to provide care for a patient for a fixed fee regarding one or more surgical procedures. The collaborating parties must each maintain certain records regarding the procedures and other services performed by each party. The fixed fee must be divided between the collaborating parties in proportion to the services personally performed by each of them. In addition, the collaborating parties must provide to the patient a written document that contains: (1) information concerning the division of the fee between the collaborating parties; (2) a statement signed by the patient indicating that he voluntarily, knowingly, and willingly desires the performance of the postoperative care by the collaborating optometrist; (3) a statement that the patient is entitled to return to the collaborating ophthalmologist for postoperative care; and (4) certain information regarding the regulation of the practices of optometry and ophthalmology.

S.B. 52 (Chapter 47)

Senate Bill 52 authorizes an advanced practitioner of nursing (APN) to prescribe controlled substances if the State Board of Nursing has issued a certificate authorizing the practitioner to do so. In addition, an APN who seeks authorization to prescribe controlled substances must obtain a certificate of registration from the State Board of Pharmacy.

S.B. 91 (Chapter 152)

Senate Bill 91 makes various changes to provisions governing the practice of medicine and respiratory care. The measure defines the practice of respiratory care, establishes requirements for certification to practice respiratory care, and places the practice of respiratory care under the jurisdiction of Nevada's Board of Medical Examiners. Senate Bill 91 also changes the designation of "physician's assistant" to "physician assistant" and deletes the requirement that a supervising physician must cosign the licensure application of a physician assistant.

In addition, the measure makes certain changes to the requirements for licensure of physicians in regard to postgraduate education and requires an applicant for a *locum tenens* (temporary) license to meet the requirements for licensure in this state. Moreover, S.B. 91 provides for a special purpose license for a physician licensed in another state to permit the use of electronic

equipment to transfer information concerning the medical condition of a patient in Nevada. Further, the bill increases the maximum allowable fees for certain license applications and renewals as well as charges for certain documents.

Senate Bill 91 also adds several new grounds for disciplinary proceedings against practitioners. These grounds include: (1) disruptive behavior that has an adverse effect on the quality of patient care; (2) conduct that violates patient trust and exploits the patient relationship for financial or personal gain; (3) failure to offer appropriate procedures or studies or failure to protest inappropriate denials of care by managed care organizations with the intent of positively influencing the financial well-being of the practitioner or insurer; (4) conduct that brings the medical profession into disrepute; and (5) sexual contact with the surrogate of a patient or other key person related to a patient that exploits the physician/patient relationship in a sexual manner. Finally, the bill deletes a provision that specifies a physician may not be disciplined solely for prescribing Laetrile or Gerovital.

Portions of S.B. 91 are effective on May 24, 2001. Other portions of the bill are effective on July 1, 2001.

S.B. 208 (Chapter 534)

Senate Bill 208 requires the Health Division of the Department of Human Resources to appoint a state dental health officer and a state public health dental hygienist. The bill sets forth the responsibilities of these officers and permits the Health Division to solicit and accept gifts and grants to pay the costs associated with these positions. In addition, the bill requires the Board of Regents of the University and Community College System of Nevada to develop the curriculum and standards required for a student to earn a bachelor of science degree in dental hygiene or a master's degree in public dental health hygiene. Finally, the bill establishes the parameters by which a dental hygienist may practice public health dental hygiene and revises the requirements that a person must meet to take an examination for a license to practice dental hygiene in Nevada.

This bill is effective on July 1, 2001.

S.B. 271 (Chapter 28)

Senate Bill 271 allows a retired physician to donate his expertise in the treatment of indigent persons if he obtains a special volunteer license from the Board of Medical Examiners. An application for a special license must include: (1) documentation of the physician's medical practice history; (2) proof that the physician has previously held an unrestricted medical license in another state and meets the current standards in Nevada; (3) proof that the physician has never been the subject of disciplinary action by a medical board; (4) acknowledgement that the physician will only treat indigent persons; and (5) acknowledgement that the physician will not receive payment for such treatment. The bill does not prohibit a facility at which a volunteer physician performs medical services from paying for the physician's travel expenses, malpractice insurance, or continuing education courses.

An initial special license expires after one year, and subsequent licenses expire after two years. A fee may not be charged for a special license. A licensed volunteer physician is subject to all disciplinary procedures applicable to regularly licensed practitioners and must comply with continuing education requirements.

This bill is effective on July 1, 2001.

S.B. 394 (Chapter 113)

Senate Bill 394 prohibits the State Board of Nursing or any employer who employs a nursing licensee from requiring the licensee to wear a badge or other form of identification that includes the surname of the licensee. Further, the bill requires each employer of a nursing licensee to prepare and maintain for at least five years a record of the work assignments for each licensee. Senate Bill 394 also provides that lists of nursing licensees filed with the Board by employers are confidential.

In addition, the measure provides that the State Board of Nursing may, based upon a written, verified complaint, investigate a nursing licensee. If the complaint does not fully identify the nurse or nursing assistant, the employer shall provide the Board with the full name of the nurse or nursing assistant within three business days after the Board requests such information. Finally, upon request, the employer must provide staffing assignment documents related to a complaint to the Board.

This bill is effective on July 1, 2001.

Health Care Services and Facilities

A.B. 13 (Chapter 52)

Assembly Bill 13 revises provisions governing the membership of boards of trustees of public hospitals and county hospital districts. This measure authorizes certain boards of hospital trustees in counties whose population is less than 100,000 to appoint the hospital's chief of staff of physicians to serve as a voting member of the board. The bill also applies to boards of hospital trustees for district hospitals. Finally, the measure provides that the term of office for the physician on the respective board of hospital trustees is two years unless the physician is no longer the chief of staff of physicians.

This measure is effective on July 1, 2001.

A.B. 14 (Chapter 21)

Assembly Bill 14 increases the compensation of certain boards of hospital trustees. In counties where the board of hospital trustees is a separate entity from the board of county commissioners, the bill increases the salary of hospital trustees from \$60 per meeting to \$85 per meeting for the chairman and secretary of the board, and for other trustees, from \$55 per meeting to \$80 per meeting. The measure limits the total monthly compensation for the chairman and secretary of the board to not more than \$510 per month, and for other members, to not more than \$480 per month. Further, the measure permits the board of hospital trustees to provide each member of the board with the health insurance that the board provides to its employees.

The measure is effective on July 1, 2001.

A.B. 444 (Chapter 295)

Assembly Bill 444 authorizes the State of Nevada to revoke any license or certification issued for a medical or related facility, a halfway house for alcohol and drug abusers, or a child care facility if the operator or an employee is convicted of maintaining a public nuisance; is ordered but fails to abate a nuisance; or is ordered by an appropriate governmental agency to correct a violation of a building, safety, or health code or regulation but fails to do so. Similarly, this measure authorizes the Real Estate Commission to take disciplinary action against any persons holding a state permit to engage in property management if they are guilty of the same offenses.

In addition, A.B. 444 requires rental agreements for the use or occupancy of a dwelling unit or mobile home lot to contain a summary of the provisions of the state law regarding penalties for maintaining or permitting a nuisance. Rental agreements also must contain information about how to contact the appropriate authorities to make a nuisance or code enforcement complaint. Further, the Health Division, the Bureau of Services for Child Care, and the Real Estate Division are required to submit biennial reports to the Legislature concerning complaints and disciplinary actions taken concerning such problems.

The measure also provides that the Real Estate Commission may take action against a property manager who has violated the statutes concerning maintaining a public nuisance or who has failed to notify a property owner concerning potential violations of nuisance abatement laws or dangerous property conditions. The Commission may also act if the property manager has failed to correct such problems, if this responsibility is within the scope of the manager's brokerage agreement. Finally, this measure requires a landlord to disclose to a tenant a telephone number at which a responsible person who resides in the county in which the premises are located may be called in case of an emergency.

This measure is effective on July 1, 2001.

A.B. 630 (Chapter 447)

Assembly Bill 630 revises provisions regarding the system for reporting information to Nevada's cancer registry maintained by the State Health Officer. The bill directs Nevada's Health Division to compile information regarding cases of malignant neoplasms for the state cancer registry no later than six months after it abstracts the information or receives the abstracted information from the appropriate health care facility. The measure provides a fine of \$1,000 for failure of any health care facility to comply with these reporting provisions.

This bill is effective on July 1, 2001.

S.B. 74 (Chapter 81)

Senate Bill 74 clarifies provisions regarding the regulation of residential facilities for groups. The measure specifies that assisted living facilities are included in the definition of "residential facilities for groups" in Chapter 449 of *Nevada Revised Statutes*.

This bill is effective on July 1, 2003.

S.B. 135 (Chapter 253)

Senate Bill 135 provides for the appointment of administrators of veterans' homes in Nevada and specifies that such individuals must be licensed as nursing facility administrators. The measure was requested to clarify that in the event another veterans' home is established, each home would have its own administrator.

This bill is effective on July 1, 2001.

S.B. 377 (Chapter 598)

Senate Bill 377 revises provisions governing the payment of hospitals for treating a disproportionate share of Medicaid patients, indigent patients, and certain low-income patients. The measure changes the state disproportionate share (DSH) intergovernmental transfer program to allow public hospitals and counties with private hospitals to keep a larger share of net DSH benefit. This is accomplished by changing the calculation for the return of the intergovernmental transfer. The bill also allows for the reallocation of DSH payments in Clark County to include payment to private hospitals that qualify to receive DSH payments.

Further, the measure assures that rural hospitals receive an additional amount and that public hospitals that are a county's only hospital will receive \$50,000 if they are not eligible for DSH payments. Moreover, the measure allows for a payment to a private hospital that is located in a county that has a public hospital, with the payment being based on the hospital's Medicaid utilization percentage. The payment is \$200 for each uncompensated day incurred by the hospital if the Medicaid utilization percentage is greater than 20 percent and \$100 for each uncompensated day if the percentage is 20 percent or less. In addition, the bill specifies the

amount allocated to certain hospitals pursuant to the State Plan for Medicaid and establishes a methodology for certain boards of county commissioners to obtain money to transfer into the Intergovernmental Transfer Account.

Finally, the measure requires the Legislative Committee on Health Care to conduct a study during the next biennium to review the methodology and distribution of DSH payments; the needs of rural hospitals; the sources of funding to provide medical care to Medicaid patients, indigent patients, and other low-income patients; and alternative methods of funding medical care for such patients.

The bill is effective on July 1, 2001.

S.B. 406 (Chapter 238)

Senate Bill 406 provides an additional exception to the prohibition against certain referrals of patients by health care practitioners. The measure provides that physicians with an ownership interest in a surgical hospital located in a county with a population less than 100,000 may make referrals to that surgical hospital under certain circumstances. The physician must first inform the patient about his or her ownership interest. The physician must be authorized to perform surgical services and have staff privileges at the facility. Further, the ownership interest must be for the facility as a whole, and the physician must have agreed to treat Medicaid and Medicare patients. The terms of investment for physicians with an ownership interest must not be related to the volume or value of their referrals. In addition, payments to investors in the facility must be directly proportional to the shares held or to the capital invested, and the investors may not receive financial assistance from the facility for the purpose of investing in that facility. Finally, the board of any other hospital in the county offering surgical services must provide written consent to the referral of patients by such physicians or the board of county commissioners must have issued a declaration that such referrals will not, within a five-year period, have an adverse impact on any other hospital providing surgical services in the county.

This bill is effective on July 1, 2001.

S.B. 483 (Chapter 291)

Senate Bill 483 requires the State Board of Health to license facilities for refractive laser surgery and mobile medical facilities. The measure establishes that a facility for refractive laser surgery is a medical facility and is subject to licensure by the Health Division of the Department of Human Resources. The bill includes a requirement that such facilities post a surety bond or a substitute for the surety bond for the protection of patients in the event of a bankruptcy or breach of contract by the facility. Further, the State Board of Health is authorized to adopt separate regulations concerning the licensure of such facilities.

Finally, the measure requires that certain mobile vans used for medical services be licensed by the State Board of Health as a medical facility. Certain vehicles are exempt if they are operated by medical facilities that are accredited by the Joint Commission on Accreditation of Healthcare Organizations or the American Osteopathic Association. In addition, the measure does not apply to facilities that are not regulated under current law. In adopting regulations pursuant to this measure, the board must consider the unique factors associated with mobile units.

This measure is effective on May 31, 2001, for the purpose of adopting regulations and on July 1, 2001, for all other purposes.

S.B. 484 (Chapter 292)

Senate Bill 484 requires that the Legislative Committee on Health Care conduct a study to review the causes of the diversion of patients needing emergency services from hospitals that lack sufficient resources to provide that care. The Committee must also assess the effect of those diversions on health care delivery and health care costs.

This measure is effective on July 1, 2001, and expires by limitation on June 30, 2003.

S.B. 573 (Chapter 525)

Senate Bill 573 addresses the resolution of disputes between patients and hospitals. The measure creates the Bureau for Hospital Patients within the Office for Consumer Health Assistance in the Office of the Governor. The Director of the Office for Consumer Health Assistance is responsible for the operation of the Bureau.

The bill authorizes the Director to resolve disputes between patients and hospitals regarding such matters as the accuracy of charges billed to a patient or the reasonableness of arrangements made to reduce charges for services provided to patients with no insurance. Each hospital, other than federal and state hospitals, with at least 49 licensed or approved hospital beds must pay an annual assessment for the support of the Bureau.

Finally, S.B. 573 repeals the laws that created the Office for Hospital Patients within the Consumer Affairs Division of the Department of Business and Industry.

This measure is effective on July 1, 2001.

Managed Care

A.B. 452 (Chapter 399)

Assembly Bill 452 requires an insurance carrier, health maintenance organization (HMO), or managed care organization (MCO) that offers a health benefit plan that delivers health care services through a network or through a contract with a provider to enter into at least one contract with a federally qualified health center (FQHC) in each established geographic service area. An insurer, HMO, or MCO is not required to contract with an FQHC if the health center does not agree to reasonable reimbursement rates that are generally consistent with similarly situated health care providers or does not satisfy other requirements imposed on other health care providers that are under contract with the insurer, HMO, or MCO. Finally, for the purposes of contracting with a Medicaid managed care program, the bill exempts HMOs.

This measure is effective on January 1, 2002.

Mental Health

A.B. 636 (Chapter 229)

Assembly Bill 636 relates to the transportation of certain allegedly mentally ill persons. The measure authorizes ambulance services or nonemergency medical transportation services to transport persons who are allegedly mentally ill and have been taken into custody for evaluation, observation, and treatment. Under current law, these persons may be transported only by a local law enforcement agency. Further, the bill provides that a physician assistant or an advanced practitioner of nursing may determine whether such persons have medical problems that require immediate treatment.

S.B. 116 (Chapter 551)

Senate Bill 116 revises certain provisions governing the use of restraints and interventions by mental health facilities on persons with disabilities. The measure specifies the circumstances under which a mechanical restraint may be used on a person with a disability who is a client of a forensic facility. The bill also establishes the procedures that must be followed whenever a mechanical restraint is used at a forensic facility. Further, the measure defines a “forensic facility” as a secure facility of the Division of Mental Health and Developmental Services of the Department of Human Resources for mentally disordered offenders and defendants who are ordered to the facility pursuant to proceedings before a court of law. The bill also revises the definition of “mechanical restraint” to include handcuffs, belly chains, and four-point restraints.

This bill is effective on June 13, 2001.

S.B. 540 (Chapter 251)

Senate Bill 540 changes the name of the Nevada Mental Health Institute to the Northern Nevada Adult Mental Health Services.

This bill is effective on May 30, 2001.

S.C.R. 17 (File No. 62)

Senate Concurrent Resolution No. 17 urges the Commission on Mental Health and Developmental Services, in cooperation with the State Department of Education, local school districts, and the University and Community College System of Nevada, to take the steps necessary to increase public awareness of certain eating disorders. The measure urges the development of educational materials and programs related to eating disorders such as bulimia nervosa, compulsive or binge eating, and anorexia nervosa. Further, the resolution calls upon schools and colleges in Nevada to use and distribute the materials throughout the state to increase awareness of these disorders. Finally, the measure calls upon the Commission to provide sufficient information within the educational materials to inspire support for future legislation to add these eating disorders to insurance coverage for mental health benefits.

HOUSING, DEVELOPMENT, AND REAL ESTATE

A.B. 38 (Chapter 54)

Assembly Bill 38 concerns common-interest communities. The bill authorizes the notice of a meeting of the units' owners or executive board of an association to be sent by electronic mail, if the association offers to send notice by electronic mail, to the owner of a unit who so requests electronic notification.

A.B. 63 (Chapter 144)

Assembly Bill 63 addresses landscape maintenance districts. The measure adds to the list of improvements for which a subdivider may request a local government to assume maintenance responsibility, trails, parks, and open space that provide a substantial public benefit or which the local government requires for the use of the public. The measure requires a local governing body to establish, by ordinance, a procedure for handling requests for the creation of landscape maintenance districts and allows the governing body to delegate the approval or disapproval of such requests to the planning director or other person with certain safeguards and conditions. The ordinance must be adopted on or before October 1, 2001.

The measure leaves the decision to assume responsibility for maintenance of subdivision improvements to the discretion of the local governing body and provides that the governing body must specify on the record the reasons for denying a request. If, however, the governing body requires a property owner to dedicate land as a trail identified in a recreation plan, A.B. 63 provides that the governing body must accept ownership of the trail and assume responsibility for its maintenance.

Finally, this bill applies these provisions retroactively to a development where the various owners agree to dissolve the association for their common-interest community upon approval by the governing body of a request to form a landscape maintenance district.

This bill is effective on May 24, 2001.

A.B. 444 (Chapter 295)

Assembly Bill 444 authorizes the State of Nevada to revoke any license or certification issued for a medical or related facility, a halfway house for alcohol and drug abusers, or a child care facility if the operator or an employee is convicted of maintaining a public nuisance; is ordered but fails to abate a nuisance; or is ordered by an appropriate governmental agency to correct a violation of a building, safety, or health code or regulation but fails to do so. Similarly, this measure authorizes the Real Estate Commission to take disciplinary action against any persons holding a state permit to engage in property management if they are guilty of the same offenses.

In addition, A.B. 444 requires rental agreements for the use or occupancy of a dwelling unit or mobile home lot to contain a summary of the provisions of the state law regarding penalties for maintaining or permitting a nuisance. Rental agreements also must contain information about how to contact the appropriate authorities to make a nuisance or code enforcement complaint. Further, the Health Division, the Bureau of Services for Child Care, and the Real Estate Division are required to submit biennial reports to the Legislature concerning complaints and disciplinary actions taken concerning such problems.

The measure also provides that the Real Estate Commission may take action against a property manager who has violated the statutes concerning maintaining a public nuisance or who has failed to notify a property owner concerning potential violations of nuisance abatement laws or dangerous property conditions. The Commission may also act if the property manager has failed to correct such problems, if this responsibility is within the scope of the manager's brokerage agreement. Finally, this measure requires a landlord to disclose to a tenant a telephone number at which a responsible person who resides in the county in which the premises are located may be called in case of an emergency.

This measure is effective on July 1, 2001.

S.B. 261 (Chapter 516)

Senate Bill 261 makes various changes to the provisions governing time shares. The measure restructures *Nevada Revised Statutes* (NRS) to remove the provisions relating to time shares that are currently under the laws governing common-interest ownership (NRS Chapter 116). The bill recodifies these provisions under the chapter exclusively governing time shares (NRS Chapter 119A). Senate Bill 261 also provides that the laws governing time shares do not apply to certain owners who refer prospective purchasers to a developer or an agent or employee of the developer if the owner refers fewer than 20 prospective purchasers each year. Further, the owner must not show the purchasers a unit, discuss the terms and conditions of the purchase, or otherwise participate in negotiations regarding the sale of the time share.

In addition, S.B. 261 provides for the regulation of management companies and requires a manager of a time-share project to register with the Real Estate Division. The manager must submit annual disclosure statements to the association and the Division regarding: (1) the resale of time shares on behalf of the association or its members; (2) actions taken for the collection of assessments and the foreclosure of liens; (3) the exchange or rental of time shares owned by the association or its members; and (4) the use of the names of the members of the association for purposes unrelated to the association's duties.

The bill also revises the requirement that the Division approve advertisements for the sale of time shares before publication by requiring only that the advertisements be filed with the Division.

The majority of this measure is effective on October 1, 2001.

S.B. 307 (Chapter 600)

Senate Bill 307 provides for the employment of, or contracting with, professional consultants to assist the Commission of Appraisers of Real Estate. The bill authorizes the Real Estate Division to employ or contract for the services of professional consultants to investigate complaints, conduct audits, and perform other necessary activities to ensure compliance with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as amended. In addition, the measure authorizes the Division to increase existing fees on appraisers in order to provide funding for these requirements. The fees are increased by \$40 per category of license or fee. Finally, S.B. 307 provides for an appropriation from the State General Fund for these purposes in the amount of \$22,000 for Fiscal Year 2001-2002, and a similar amount for the following fiscal year. Any balance not spent reverts to the State General Fund at the end of each fiscal year.

The bill is effective on July 1, 2001.

Affordable Housing and Housing Authorities**S.B. 552 (Chapter 418)**

Senate Bill 552 makes various changes relating to financial assistance for affordable housing. The measure allows the Housing Division of the Department of Business and Industry to enter into rate reduction and protection contracts on debt issues upon approval by the State Board of Finance. In addition, the bill updates the general powers of the Division and specifically adds that the issuance of bonds by any legal entity controlled by the Division is subject to approval by the State Board of Finance.

In addition, the bill makes urban renewal projects eligible to receive loans. To remove inconsistencies with the federal insurance program, the measure eliminates existing provisions regarding guaranteed and insured loans and updates the definition of a “mortgage loan.”

This bill is effective on July 1, 2001, and expires by limitation on July 1, 2003.

Manufactured Homes and Mobile Home Parks**A.B. 203 (Chapter 65)**

Assembly Bill 203 revises certain provisions relating to manufactured housing. The bill limits the claims for which payments can be made from the Account for Education and Recovery to a purchaser of a manufactured home, a mobile home, or a commercial coach. A payment from the account must be made only upon an appropriate court order that is issued in an action for fraud, misrepresentation, or deceit relating to an act for which a license is required pursuant Chapter 489 of *Nevada Revised Statutes*. In addition, A.B. 203 requires that the signature written upon a certificate of ownership of a manufactured home, a mobile home, or a

commercial coach be notarized. Finally, the Manufactured Housing Division is required to expand its regulations concerning continuing education requirements to include “responsible managing employees and salesmen.”

This measure is effective on May 14, 2001.

A.B. 384 (Chapter 264)

Assembly Bill 384 changes the word “mobile” to “manufactured” in the landlord and tenant statute for mobile home parks.

A.B. 540 (Chapter 368)

Assembly Bill 540 defines a “recreational park trailer” and distinguishes these trailers from commercial coaches, manufactured homes, manufactured buildings, mobile homes, modular buildings, recreational vehicles, and travel trailers. In addition, A.B. 540 provides for the identification, registration, regulation, taxation, and other treatment of recreational park trailers as recreational vehicles.

A.B. 619 (Chapter 404)

Assembly Bill 619 revises various provisions related to mobile home parks. The bill authorizes a landlord to require a person to obtain written consent before moving a mobile home or recreational vehicle into a mobile home park. A landlord who requires this written consent must post and maintain a clearly readable sign at the entrance to the park that indicates that such a policy is in effect. A landlord may, after providing at least five days’ written notice, bring an action against a person who has moved a mobile home or recreational vehicle into a park without permission.

In addition, A.B. 619 requires a landlord to post a current report on the quality of water that is supplied to the mobile home park. It also clarifies that a representative of a public officer or candidate for public office cannot be prohibited from walking through a park to talk with tenants or distribute political material. The measure provides that a landlord or manager of a mobile home park who meets certain qualifications established by regulation and who purchases a mobile home to enforce a lien may resell the mobile home.

Furthermore, if a landlord is a cooperative association or a corporation for public benefit, the bill requires the landlord to provide a notice to the Administrator of the Manufactured Housing Division of a meeting with the landlord called by the tenants for the purpose of hearing complaints. The Administrator or a designee must attend the meeting.

Finally, A.B. 619 defines a “corporate cooperative park” to mean a mobile home park that is owned by a nonprofit cooperative corporation that is wholly owned or controlled by the tenants of the park. These parks are exempt from certain provisions that apply to other mobile home parks.

S.B. 70 (Chapter 252)

Senate Bill 70 revises provisions governing the classification of manufactured homes as real property for the purpose of property taxes. The bill permits a manufactured home to become real property if it is permanently affixed to land owned by the owner of the home. The county assessor must place the home on the tax roll as real property if certain conditions are met. With certain exceptions, the assessor must place a manufactured home on the tax roll as real property regardless of whether these conditions are met if on or after July 1, 2001, the home is permanently affixed to a residential lot pursuant to an ordinance required by *Nevada Revised Statutes* 278.02095. In addition, the owner of a manufactured home must surrender the certificate of ownership to the Manufactured Housing Division before a building department may issue a permit to place the home on a lot.

This measure is effective on July 1, 2001.

Real Estate and Development**A.B. 56 (Chapter 101)**

Assembly Bill 56 creates a process for conveying title to property in historic townsites to persons who live on the property. The measure authorizes a board of county commissioners to transfer real property acquired directly from the Federal Government without competitive bidding to a person and his predecessors in interest if: (1) they have occupied the property in an original mining townsite for at least 25 years; (2) their possession of the property is based on a written instrument; and (3) they have paid all taxes assessed against the property during their occupancy. If the occupants do not have a written instrument or have not paid property taxes, they may purchase the property, without competitive bidding, for a price equal to the appraised value plus the greater of \$100 or the state, county, and municipal taxes due on the land for the last five years. In both cases, the occupant must pay the county's costs.

This measure is effective on May 22, 2001.

A.B. 126 (Chapter 59)

Assembly Bill 126 requires that if a document being recorded includes a legal description of real property in metes and bounds, it must identify the name and mailing address of the person who prepared the legal description. This requirement does not apply if the document being recorded has previously been recorded.

This measure is effective on May 14, 2001.

A.B. 621 (Chapter 73)

Assembly Bill 621 revises various provisions relating to real estate. The bill authorizes the Real Estate Commission, Real Estate Administrator, and the Real Estate Division of the Department of Business and Industry to impose a fine or penalty or to initiate or continue an investigation, action, or disciplinary proceeding against a person whose license or permit is surrendered, suspended, or expired.

This measure is effective on May 14, 2001.

S.B. 16 (Chapter 9)

Senate Bill 16 requires a seller of property next to open range to disclose information to the purchaser regarding grazing on open range. The measure requires the seller to provide the disclosure statement before the purchaser signs the sales agreement. Compliance with the disclosure requirements constitutes an affirmative defense in any action brought against the seller for any damages suffered as a result of livestock entering the property.

S.B. 418 (Chapter 573)

Senate Bill 418 makes various changes to provisions governing the sale of real property. The bill provides that unless otherwise agreed upon in writing, a licensee who acts as an agent in a real estate transaction owes no duty to: (1) independently verify the accuracy of statements made by persons who have certain professional licenses or certifications; or (2) conduct an independent inspection of the financial condition of a party to a real estate transaction.

The bill also provides that for purposes of litigation, the standard of care owed by a licensee is the degree of care a reasonably prudent licensee would exercise. This standard is measured by the degree of knowledge required by the statutes that specify educational requirements for obtaining a license.

Senate Bill 418 provides that a licensee is not liable for the failure of a seller to make certain disclosures if the client engaged a certified inspector or expert or the information is a public record readily available to the client. The measure also provides that neither a buyer or prospective buyer is relieved of the duty to exercise reasonable care to protect the buyer's own interests based on facts which are known to or within the diligent attention and observation of the buyer or prospective buyer. Finally, S.B. 418 requires a licensee to renew a license within one year after initial licensing and every two years thereafter and reduces the fee for an original license.

Most of the provisions of this bill are effective on July 1, 2001. The provisions governing the renewal of a license are effective on July 1, 2002.

HUMAN SERVICES

A.B. 264 (Chapter 260)

Assembly Bill 264 authorizes counties to designate certain shelters as approved youth shelters for runaway or homeless youths. The measure authorizes a board of county commissioners to provide by ordinance for the designation of a youth shelter in the county. Further, the measure sets forth the provisions of the ordinance as well as the criteria that must be met by a designated youth shelter. The bill also specifies the financial liability of a parent, guardian, or custodian of a youth who has received services from a designated shelter. In addition, the measure specifies that information or records obtained by the shelter must remain confidential under certain circumstances. The bill requires any person who is employed by or serves as a volunteer for an approved youth shelter to report suspected cases of abuse or neglect of a runaway or homeless youth.

Finally, the measure specifies that certain entities and persons are immune from civil liability based upon any act or failure to act while admitting, releasing, or caring for a runaway or homeless youth unless the act or failure to act was the result of gross negligence or intentional or reckless misconduct.

S.B. 174 (Chapter 596)

Senate Bill 174 requires cooperative efforts to enable existing state programs to provide minimum essential personal assistance to certain residents of this state with severe functional disabilities. The bill requires that personal assistance programs established under certain provisions of Nevada law must make available community-based services to provide minimum essential personal assistance to residents of this state with severe functional disabilities who would, with the provision of that assistance, be able to live safely and independently in their communities outside of an institutional setting. “Minimum essential personal assistance” is defined to mean the assistance of a person with a severe functional disability for six hours or less per day in eating, bathing, toileting, dressing, moving about, and taking care of himself. However, the bill specifies that a person with a severe functional disability may receive more than six hours of minimum essential personal assistance per day from a state personal assistance program if such assistance is available pursuant to the program.

In addition, the bill creates within the Department of Employment, Training and Rehabilitation an Advisory Committee on Personal Assistance for Persons with Severe Functional Disabilities. The Advisory Committee is responsible for helping the Director of the Department of Human Resources and the Director of the Department of Employment, Training and Rehabilitation to determine the amount of state funding necessary to provide the assistance required by this bill. The Advisory Committee also must assist the directors in establishing certain program requirements such as minimum standards for the provision of essential personal assistance, minimum qualifications and training requirements for providers of minimum essential personal assistance, and appeal and dispute resolution procedures. The bill

appropriates from the State General Fund to the Department of Employment, Training and Rehabilitation \$5,000 for each year of the biennium to pay for per diem allowances and travel expenses of the members of the Advisory Committee.

This measure is effective on June 15, 2001.

S.B. 319 (Chapter 517)

Senate Bill 319 provides for the licensure of halfway houses for substance abusers. The measure defines a “halfway house for alcohol and drug abusers” as a residence that provides housing and a living environment for alcohol and drug abusers and is operated to facilitate their reintegration into the community. Such facilities must not provide any treatment for alcohol or drug abuse. The bill requires that such facilities be licensed and regulated as a “facility for the dependent,” rather than as a “facility for the care of adults during the day.” The bill further repeals the requirements for certification of operators of such halfway houses.

This bill is effective on January 1, 2002.

Medicaid

S.B. 377 (Chapter 598)

Senate Bill 377 revises provisions governing the payment of hospitals for treating a disproportionate share of Medicaid patients, indigent patients, and certain low-income patients. The measure changes the state disproportionate share (DSH) intergovernmental transfer program to allow public hospitals and counties with private hospitals to keep a larger share of net DSH benefit. This is accomplished by changing the calculation for the return of the intergovernmental transfer. The bill also allows for the reallocation of DSH payments in Clark County to include payment to private hospitals that qualify to receive DSH payments.

Further, the measure assures that rural hospitals receive an additional amount and that public hospitals that are a county’s only hospital will receive \$50,000 if they are not eligible for DSH payments. Moreover, the measure allows for a payment to a private hospital that is located in a county that has a public hospital, with the payment being based on the hospital’s Medicaid utilization percentage. The payment is \$200 for each uncompensated day incurred by the hospital if the Medicaid utilization percentage is greater than 20 percent and \$100 for each uncompensated day if the percentage is 20 percent or less. In addition, the bill specifies the amount allocated to certain hospitals pursuant to the State Plan for Medicaid and establishes a methodology for certain boards of county commissioners to obtain money to transfer into the Intergovernmental Transfer Account.

Finally, the measure requires the Legislative Committee on Health Care to conduct a study during the next biennium to review the methodology and distribution of DSH payments; the needs of rural hospitals; the sources of funding to provide medical care to Medicaid patients, indigent patients, and other low-income patients; and alternative methods of funding medical care for such patients.

The bill is effective on July 1, 2001.

A.C.R. 10 (File No. 83)

Assembly Concurrent Resolution No. 10 relates to Medicaid eligibility for young adults who have “aged out” of foster care. The resolution urges the Department of Human Resources to review the federal Foster Care Independence Act of 1999 and to determine the feasibility of amending the State Medicaid Plan to create a new Medicaid eligibility group for young adults who have “aged out” of foster care. While in foster care, these children are eligible for Medicaid or other governmental health care programs until they reach 18 years of age.

Welfare

S.B. 110 (Chapter 35)

Senate Bill 110 repeals Chapter 428A of *Nevada Revised Statutes* (NRS), “Assistance to Homeless Persons,” which established a board to distribute money to certain shelters for homeless Nevadans. Changes in funding streams, methods of distributing funds, and creation of local homeless advisory boards have rendered the homeless board created in Chapter 428A of NRS obsolete.

This bill is effective on July 1, 2001.

S.B. 112 (Chapter 230)

Senate Bill 112 revises certain provisions concerning the amelioration of the causes of poverty within Nevada to conform to changes in federal law. The measure requires the Director of the Department of Human Resources to adopt a state plan for the use and distribution of federal Community Services Block Grants after consulting with community service providers. Further, the Director must hold at least one public hearing with regard to the state plan. The bill also allows the Director to limit the amount of “carry-over” funds the grantee may retain at the end of the grant year. In addition, the measure specifies that an agency eligible to receive such grants may distribute the funds to other entities under certain circumstances using program guidelines already specified in statute.

This bill is effective on July 1, 2001.

INSURANCE

A.B. 134 (Chapter 60)

Assembly Bill 134 makes changes concerning the assessment imposed by the Commissioner of Insurance upon insurers to pay for a program to investigate certain violations and fraudulent acts. The bill specifies payments that are to be made by insurers to pay for this program. Further, A.B. 134 clarifies that money remaining in the special investigative account at the end of a fiscal year does not revert to the State General Fund and may be used in any subsequent year to pay the expenses of the program.

In addition, A.B. 134 requires that the Attorney General and the Commissioner of Insurance cooperate in preparing and submitting to the Governor a proposed biennial budget for the program. The bill also specifies that 15 percent of the money authorized for expenditure is to be used by the Commissioner to oversee and enforce the program to investigate certain violations and fraudulent acts, and 85 percent of the money is to be used by the Attorney General to investigate and prosecute insurance fraud.

This measure is effective on July 1, 2001.

A.B. 135 (Chapter 244)

Assembly Bill 135 makes various changes to provisions governing investigation and prosecution of insurance fraud. The bill requires the Attorney General to establish an insurance fraud control unit. The measure also gives the Attorney General primary jurisdiction to conduct criminal investigations into any acts of alleged insurance fraud. In addition, A.B. 135 provides that an insurer and certain other organizations and persons are deemed to be victims in cases involving insurance fraud for purposes of restitution. Assembly Bill 135 authorizes the court, in addition to other penalties, to order a person convicted of insurance fraud to pay court costs and the costs incurred in the investigation and prosecution of the case. Money awarded by the court to pay for the investigation and prosecution of a case must be used by the Attorney General to pay the expenses of the fraud control unit.

This bill is effective on May 30, 2001.

A.B. 618 (Chapter 446)

Assembly Bill 618 makes various changes relating to the regulation of insurance. The bill provides for the regulation of the business of viatical settlements, which pertain to life insurance. It requires that a viatical provider and a viatical broker be licensed to conduct business in this state. In addition, A.B. 618 places certain restrictions on viatical settlements for insurance policies that are less than two years old and requires the use of an independent escrow agent to handle all settlement documents and proceeds. The measure requires that a

disclosure statement outlining the advantages and disadvantages of the viatical settlement be provided to the consumer before the contract is signed and that the confidentiality of medical records be assured.

Further, A.B. 618 revises licensing requirements for insurance agents and brokers to conform to provisions of the National Association of Insurance Commissioners' Producer Licensing Model Act and revises the fees that must be paid by agents and brokers. The bill also revises provisions for the licensing of insurance consultants to conform to the licensing and disciplinary procedures that are applicable to agents and brokers.

In addition, the measure amends existing provisions relating to benefits for mastectomies to clarify that coverage includes reconstruction of the breast on which the mastectomy was performed and surgery and reconstruction of the other breast to produce a symmetrical structure. Coverage also includes prostheses and physical complications of all stages of the mastectomy.

Assembly Bill 618 also revises provisions governing conversion of a domestic mutual insurance company to a stock insurance company and related provisions that govern mutual insurance holding companies. Finally, the bill authorizes the Commissioner of Insurance to adopt regulations relating to: (1) electronic signatures; (2) any federal law concerning a bill of rights for patients which is enacted after January 1, 2001; and (3) disclosure of nonpublic personal information pursuant to the privacy provisions of the federal Gramm-Leach-Bliley Act of 1999.

S.B. 252 (Chapter 234)

Senate Bill 252 makes various changes to the Nevada Life and Health Insurance Guaranty Association Act to incorporate changes made in the Model Act. The measure defines various terms relevant to the conduct of the Guaranty Association. Further, S.B. 252 specifies the rights to, and obligations regarding, premiums due to insolvent insurers, as well as deposits held by the Commissioner of Insurance after an order of liquidation has been entered.

The bill also specifies certain rights and obligations of the Association respecting reinsurance contracts. Moreover, the measure authorizes the Board of Directors of the Association to exercise reasonable business judgment to determine the means by which the Association is to provide benefits in an economical and efficient manner. Further, S.B. 252 requires any legal action against the Association to be brought in Washoe County.

Senate Bill 252 also provides procedures for a member insurer to protest all or part of an assessment. In addition, the measure makes it unlawful to market the existence of the Association as a reason to purchase any form of insurance covered by the Association.

Furthermore, S.B. 252 establishes terms and conditions under which the Association must provide coverage to a payee or beneficiary of a payee pursuant to a structured settlement annuity. Moreover, the bill provides certain exclusions for coverage under various types of insurance contracts and policies. The measure also establishes limits on certain benefits the Association may become obligated to pay.

Finally, the bill requires the Commissioner to report to the Board of Directors of the Association when there is reasonable cause to believe a member insurer may be impaired or insolvent and to be appointed as the liquidator or rehabilitator in any liquidation or rehabilitation involving a domestic insurer.

This measure is effective on January 1, 2002.

Automobile Insurance

A.B. 476 (Chapter 125)

Assembly Bill 476 revises provisions concerning the reinstatement of registration that has been suspended for lack of insurance. Current law provides that when the registration on a motor vehicle has been suspended for failure to maintain insurance coverage, the owner must pay a reinstatement fee of \$250. Assembly Bill 476 allows the Department of Motor Vehicles to charge a fee of \$50 or waive the fee entirely in cases where extenuating circumstances prevented the owner from complying with the law. The Department must adopt regulations defining the circumstances that warrant the reduction or waiver of the fee.

This bill is effective on July 1, 2001.

S.B. 118 (Chapter 76)

Senate Bill 118 revises provisions governing certain fees charged by rental car companies. The measure increases, from \$10 to \$15, the maximum fee a short-term lessor of a passenger car may charge for a waiver of damages for a full or partial 24-hour rental period. The bill allows such a lessor to charge an additional fee of not more than \$5 per full or partial 24-hour rental period for any driver who is in addition to the person renting the car and one other driver.

This bill is effective on July 1, 2001.

Health Insurance

A.B. 123 (Chapter 578)

Assembly Bill 123 revises various provisions relating to health insurance. The bill mandates that if the Board of the Public Employees' Benefits Program provides health insurance through a plan of self-insurance, the Board must comply with various provisions in the insurance statutes in the same manner as a private insurer licensed under Title 57 of the *Nevada Revised Statutes*. The measure requires that the Board must notify enrollees of any change in the premium for, or coverage of, health insurance at least 60 days before the enrollee must select or change a policy of health insurance. Further, A.B. 123 requires that an employee's portion of the payment of a premium for health insurance must be based on the actual cost of providing that health insurance after deducting the amount of the premium that is paid on behalf of the employee by the public employer.

This measure is effective on January 1, 2002.

S.B. 2 (Chapter 174)

Senate Bill 2 requires providers of insurance coverage for prescription drugs to disclose certain information regarding the use of drug formularies and to continue coverage for a currently prescribed drug under certain conditions. The measure requires an insurer that issues a policy of health insurance covering prescription drugs to include with any policy summary or certificate of coverage given to an insured, notice of whether a formulary is used. If a formulary is used, the insurer must also notify the insured that he may request information regarding the formulary. The notice must: (1) be in language and a format that is easily understood; (2) include an explanation of what a formulary is; (3) contain an explanation of how often the formulary is reviewed and the criteria for including and excluding drugs; and (4) contain the insurer's telephone number so an insured can request information regarding the formulary.

In addition, the bill requires an insurer that covers prescription drugs and uses a formulary to tell an insured or a participating health care provider whether a specific drug is included in the formulary. The insurer must also provide these individuals access to the most current list of drugs in the formulary, organized by major therapeutic category, with an indication whether any listed drugs are preferred over other listed drugs.

Senate Bill 2 also prohibits an insurer from limiting or excluding coverage for a drug if the drug: (1) had previously been approved by the insurer for a medical condition of the insured if the insured's health care provider determines after reasonable investigation that none of the otherwise currently approved drugs are medically appropriate for the insured; and (2) is appropriately prescribed and considered safe and effective for treating the insured's medical condition. However, these prohibitions do not apply if the drug is prescribed for a use other than the use for which the drug was approved by the United States Department of Health and Human Services, Food and Drug Administration.

The measure does not prohibit the insurer from charging a deductible, copayment, or coinsurance or from establishing maximum coverage for certain drugs in the policy. Nor does the bill prohibit substitution of another drug by a mail-order pharmacy located outside this state, according to the laws of the state where the pharmacy is located, or the use of generic drugs as otherwise provided by statute in this state.

Finally, the measure provides that an insurer is not required to provide coverage for a drug after the policy ends.

S.B. 99 (Chapter 550)

Senate Bill 99 makes various changes to provisions relating to prompt payment of claims to health care providers. The measure provides that a health insurer must pay interest on the late payment of an approved claim at a rate equal to the prime rate at the largest bank in Nevada plus six percent. The payment of such interest may be waived only if the payment was delayed because of an act of God or another cause beyond the control of the insurer. In addition, the bill establishes an unlimited administrative fine that the Commissioner of Insurance may impose on a health insurer who fails to substantially comply with the prompt payment provisions of the bill. The measure also prohibits a health insurer from charging a fee to a health care provider to be included on the list of providers given to insured persons and entities.

The bill exempts certain health maintenance organizations that contract with Medicaid from the provisions of the bill that require payment of medical bills within a specified time period. However, such organizations must pay interest to the health care provider at a rate equal to the prime rate at the largest bank in Nevada plus six percent on claims that are not paid within the time provided in the contract or agreement with Medicaid.

Workers' Compensation

A.B. 44 (Chapter 204)

Assembly Bill 44 makes various changes relating to industrial insurance. The measure allows insurers to keep the physical records pertaining to industrial insurance claims at a location outside of Nevada. However, such records also must be accessible at an in-state office in an electronic, microphotographic, or similar version. The records of an open claim file must be reproduced and available for inspection within 24 hours after requested by an employee, employer, or the Administrator of the Division of Industrial Relations (DIR). The records of a closed claim file must be reproduced and available for inspection within 14 calendar days of such a request.

In addition, A.B. 44 requires the Administrator of DIR to designate a vendor who compiles data on a national basis concerning fees and charges that are billed and paid for industrial insurance accident benefits in this state, to assist in establishing and revising annually the medical fee schedule for workers' compensation accident benefits. Finally, the bill abolishes the Legislative Committee on Workers' Compensation.

The section of the bill regarding the medical fee schedule is effective on May 29, 2001, for the purpose of requiring the Administrator of DIR to designate a vendor as specified in the bill. For all other purposes, this bill is effective on July 1, 2001.

A.B. 47 (Chapter 153)

Assembly Bill 47 makes various changes concerning policies of industrial insurance. The measure repeals *Nevada Revised Statutes* 616B.026, which currently requires an insurer to provide each employer for whom the insurer provides industrial insurance, a certificate of insurance indicating the employer has obtained a workers' compensation policy. In addition, the bill eliminates the provisions of state law that require that such a certificate be posted at the employer's place of business. In lieu of the posting requirement, an employer must make available to the Administrator of the Division of Industrial Relations (DIR), his auditor or agent, or an investigator of the Attorney General, the declaration page of its industrial insurance policy for private employers or certificate of qualification for self-insured employers. An employer who fails to provide access to this information is guilty of a misdemeanor. Further, the bill revises provisions related to reporting proof of coverage information to the DIR. Finally, A.B. 47 requires insurers to provide advance written notice to an employer if the insurer intends to cancel the employer's industrial insurance policy.

This bill is effective on July 1, 2001.

A.B. 48 (Chapter 509)

Assembly Bill 48 makes various changes concerning policies of industrial insurance. The measure defines the term "policy year" for the purposes of industrial insurance. The bill specifies that an insurer is not required to provide an industrial insurance policy covering each employee of an insured employer if certain employees are: (1) covered under the industrial insurance policy of a contractor or subcontractor participating in a consolidated insurance program; and (2) are working exclusively at the site of the construction project covered by the consolidated insurance program.

In addition, A.B. 48 allows an employer to utilize computerized payroll records to report tip income to its insurer. The measure also provides that an insurer may request, rather than require, that a sole proprietor who elects industrial insurance coverage submit to a physical examination before coverage commences. The bill repeals the provision of state law that requires the accrual of interest at a rate of 1 percent per month on unpaid industrial insurance premiums. Finally, the bill requires that the assessments payable by private carriers to support

the Uninsured Employers' Claim Fund, the Subsequent Injury Fund for Private Carriers, and the Workers' Compensation and Safety Fund be based upon annual premiums expected to be received by private carriers.

The bill is effective on July 1, 2001.

A.B. 150 (Chapter 20)

Assembly Bill 150 makes changes pertaining to workers' compensation. The bill establishes a deemed wage of \$150 per month for the purpose of industrial insurance for a trainee who is attending a class for vocational training or receiving bona fide instruction as a trainee. A "trainee" is defined to be a person who is under the direction of an apprenticeship committee and is described by the committee as a "journeyworker trainee."

This bill is effective on July 1, 2001.

A.B. 160 (Chapter 108)

Assembly Bill 160 makes various changes regarding industrial insurance. The measure provides that a sole proprietor who is working under contract with a state agency, political subdivision, or metropolitan police department is not required to obtain industrial insurance. In lieu of such coverage, the sole proprietor may submit to the state agency, political subdivision, or metropolitan police department an affidavit indicating that he has elected not to secure workers' compensation coverage. Further, a state agency, political subdivision, or metropolitan police department cannot require a sole proprietor to obtain industrial insurance coverage but may furnish such coverage as agreed to in the contract. Finally, the bill allows an officer or manager who receives pay for his services as an employee of the corporation or company that he owns and operates from his primary residence to reject workers' compensation coverage.

This bill is effective on July 1, 2001.

A.B. 279 (Chapter 161)

Assembly Bill 279 provides for the availability of industrial insurance benefits to employees for exposure to certain contagious diseases. The measure provides that a person employed in Nevada who contracts a contagious disease resulting in a temporary or permanent disability is eligible for industrial insurance coverage if: (1) it is demonstrated that the employee was exposed during the course and scope of his employment; (2) the exposure was reported to the employer in accordance to the employer's reporting requirements; and (3) the employee tested negative for the contagious disease within 72 hours of exposure and tested positive after the medically appropriate incubation period, as determined by the State Board of Health, but not later than 12 months after the exposure. The employer must pay for the required tests. Compensation awarded to an eligible employee must include medical and preventive treatment.

In addition, the bill provides that an employee and his dependents are excluded from workers' compensation coverage for the contagious disease if the employee refuses to submit to the required testing, is eligible to receive workers' compensation pursuant to subsection 2 of *Nevada Revised Statutes* 616A.265 or 616C.052, or it is proven by clear and convincing evidence that the contagious disease did not arise out of and in the course of employment.

The bill defines "contagious disease" to mean hepatitis A, hepatitis B, hepatitis C, tuberculosis, the human immunodeficiency virus (HIV), or acquired immune deficiency syndrome (AIDS). Further, the bill defines "exposed" or "exposure" to mean the introduction of blood or other infectious materials into the body of an employee during the performance of his official duties through the skin, eye, mucous membrane, or parenteral contact. The term also includes contact with airborne materials carrying tuberculosis.

Finally, the provisions of the bill do not apply to an employee who, before October 1, 2001, is receiving compensation pursuant to the provisions of the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act.

A.B. 289 (Chapter 195)

Assembly Bill 289 amends the definition of "police officer" under the Nevada Occupational Diseases Act to include the state fire marshal, his assistant, and his deputies.

The definition of "police officer" under *Nevada Revised Statutes* 617.135 is used for the purposes of determining workers' compensation eligibility for heart and lung disease and eligibility to elect to receive a normal salary in lieu of workers' compensation. In addition, the definition is used for the purpose of determining whether a surviving spouse and surviving child of a police officer may elect to accept or continue coverage for group insurance or medical and hospital service provided by a public agency or may elect to join or continue coverage under the Public Employees' Benefits Program.

This bill is effective on July 1, 2001.

A.B. 313 (Chapter 388)

Assembly Bill 313 creates a conclusive presumption that hepatitis is an occupational disease for certain salaried firefighters and emergency medical attendants. The measure provides that if an employee has hepatitis, the disease is conclusively presumed to have arisen out of and in the course of employment if the employee has been continuously employed in Nevada for five years or more as a full-time salaried fireman or emergency medical attendant, before the date of any temporary or permanent disability resulting from hepatitis. In addition, the measure requires a salaried firefighter or emergency medical attendant to submit to a blood test to screen for hepatitis upon employment and annually thereafter. The employer must pay for the required blood tests. The bill specifies that if a firefighter or emergency medical attendant tests positive for hepatitis upon employment, the disease will not be conclusively presumed to have arisen out of and in the course of employment.

Further, if a firefighter or emergency medical attendant tests positive for a certain strain of hepatitis upon employment, but during employment or within one year after his last day of employment is diagnosed with a different strain of hepatitis, it will be conclusively presumed that the second strain of hepatitis arose out of and in the course of his employment, thereby making the employee eligible for industrial insurance coverage. Finally, A.B. 313 allows a firefighter or emergency medical attendant who is determined to be partially disabled from an occupational disease and incapable of performing work duties, to elect to receive benefits for permanent total disability.

The provisions of the bill do not apply to any person who on October 1, 2001, is receiving workers' compensation for hepatitis.

A.B. 338 (Chapter 392)

Assembly Bill 338 makes various changes concerning workers' compensation. The measure requires a hearing officer or appeals officer to order the insurer, organization for managed care, third-party administrator, or employers who provide accident benefits to pay the health care provider for treatment provided to an injured employee if it is determined that the treatment should have been covered under workers' compensation. Within 30 days after receiving the payment, the health care provider must reimburse the injured employee if the employee previously paid the health care provider in protest for the medical treatment. In addition, the bill requires insurers to provide each workers' compensation claimant with information concerning the claimant's right to select an alternative treating physician or chiropractor. The Administrator of the Division of Industrial Relations must design a form notifying injured employees of their right to select an alternative treating physician.

The bill allows an injured employee who has been referred to a specialist for treatment by his treating physician or chiropractor to select the specialist under certain circumstances. Further, the bill provides that an insurer may request an injured employee's treating physician or chiropractor to determine whether the employee has suffered a permanent disability. If the treating physician is contacted by the insurer to make such a determination concerning whether or not a permanent partial disability has occurred, not what the impairment rating is, the insurer must provide the treating physician or chiropractor with that portion or a summary of that portion of the American Medical Association's *Guides to the Evaluation of Permanent Impairment* that is relevant to the type of injury incurred by the employee.

Finally, the bill revises the provisions governing certain vocational rehabilitation of an injured employee, including an increase from \$15,000 to \$20,000 of the maximum amount allowable for a lump sum settlement for vocational rehabilitation.

This bill is effective on July 1, 2002.

A.B. 345 (Chapter 162)

Assembly Bill 345 revises provisions governing claims for compensation under industrial insurance for certain occupational diseases. The measure requires every insurer to submit a written report to the Administrator of the Division of Industrial Relations that includes various information regarding workers' compensation claims for heart or lung disease or any occupational disease. A statement must be included with the report regarding the nature of the claim, whether the claim was accepted or denied, and the estimated medical costs of the claim. On or before February 1 of each year, this information must be made available to the public through a written report prepared by the Administrator.

This bill is effective on July 1, 2001.

A.B. 628 (Chapter 228)

Assembly Bill 628 revises provisions governing benefits for industrial insurance for certain police officers and firefighters. The bill provides that a police officer or salaried or volunteer firefighter who after the commencement of his employment tests positive for exposure to tuberculosis (TB) when submitting to the physical examination required under the heart and lung provisions of the Nevada Occupational Diseases Act (*Nevada Revised Statutes* 617.455 or 617.457) is eligible during his lifetime to receive workers' compensation for TB or any related condition or disease. The police officer or firefighter is not eligible for these benefits if the insurer can prove by a preponderance of the evidence that the exposure was not related to the employment of the police officer or firefighter.

The measure amends the definition of "accident benefits" under the Nevada Industrial Insurance Act to include preventive treatment administered as a precaution to a police officer or a salaried or volunteer firefighter for exposure to TB under certain circumstances. The statutory definition of "preventive treatment" is revised to include medication and chest X rays as are recommended by the Centers for Disease Control and Prevention of the Department of Health and Human Services for exposure to TB.

This bill is effective on July 1, 2001.

S.B. 99 (Chapter 550)

Senate Bill 99 requires a workers' compensation insurer to accept or deny a bill for accident benefits from a health insurer within 30 days of receiving the bill for accident benefits from a health care provider. If the bill for accident benefits is approved, the workers' compensation insurer must pay the bill within 30 days after it is approved. If the approved bill for accident benefits is not paid within that period, the insurer must pay to the health care provider interest at a rate equal to the prime rate at the largest bank in Nevada plus six percent. In addition, the Administrator of the Division of Industrial Relations may impose on an insurer an unlimited fine for failure to substantially comply with these requirements for prompt payment of a bill for accident benefits from a health care provider.

Further, the bill provides that if a workers' compensation insurer denies payment of a medical bill, the insurer must provide notification of the denial to the employee. The notification must include the amount of the medical bill, the reason for the denial, and the forms necessary to appeal the determination. An employee who elects not to appeal the determination is responsible for payment of the medical bill. The employee who elects to appeal but does not prevail upon appeal is also responsible for payment of the medical bill.

Finally, the bill allows an employee whose employer has failed to secure or maintain workers' compensation coverage and who is injured or who contracts an occupational disease while on a temporary assignment outside of this state to receive compensation from the Uninsured Employers' Claim Fund. An employee who suffers an accident outside of the state is not eligible to receive compensation from the Uninsured Employers' Claim Fund unless he has been denied workers' compensation in the state in which the accident occurred.

S.B. 566 (Chapter 263)

Senate Bill 566 requires release of certain liens created by the former State Industrial Insurance System (SIIS). The measure requires the former SIIS, doing business as Employers Insurance Company of Nevada, to use due diligence to identify all liens filed pursuant to *Nevada Revised Statutes* 616B.251 or 616B.266 prior to January 1, 1997. The company must release those liens by filing a notice of release or satisfaction of the lien with the county recorder in the respective county in which the lien was filed.

This bill is effective on May 30, 2001.

LABOR AND MANAGEMENT

A.B. 149 (Chapter 62)

Assembly Bill 149 bill clarifies the authority of the State Apprenticeship Council to deny an application for approval of an apprenticeship program. In addition, A.B. 149 requires that the Council adopt regulations to specify violations of Title 53 of *Nevada Revised Statutes* (“Labor and Industrial Relations”) for which the Council must deny an application for approval of a program; suspend, terminate, cancel, or place conditions upon an approved program; or place an approved program on probation.

This bill is effective on May 14, 2001, for the purpose of adopting regulations by the Council to carry out the provisions of A.B. 149 and on January 1, 2002, for all other purposes.

S.B. 373 (Chapter 90)

Senate Bill 373 makes various changes relating to the Labor Commissioner. The bill authorizes the Labor Commissioner to adopt regulations to enforce all state labor laws not otherwise specifically and exclusively vested in another officer, board, or commission. In addition, S.B. 373 requires the Commissioner to establish the minimum wage by regulation in accordance with federal law. State law specifies \$3.35 per hour as the minimum wage in Nevada, while the actual amount as required by federal law is \$5.15. By allowing the Commissioner to prescribe the minimum wage in regulations, the statute will remain current with federal requirements without the need to periodically revise the state statute.

Moreover, the bill reduces from five years to one year the time period during which the Commissioner is required to maintain possession of unclaimed funds collected for wages or commissions before the funds are presumed abandoned. Finally, the measure authorizes the Commissioner to furnish the Attorney General with all data and information concerning violations of the minimum wage statutes and regulations.

The bill is effective on July 1, 2001.

Employers and Employees

A.B. 74 (Chapter 205)

Assembly Bill 74 requires the Labor Commissioner to adopt regulations that prohibit the employment of children under the age of 16 years in certain types of activities relating to commercial sales that the Commissioner determines to be dangerous to the health or welfare of such children. The measure also specifies that the regulations do not apply to a county whose population is less than 100,000 or to sales of agricultural products sold directly to consumers at a fixed location. A violation of any provision of this act is a misdemeanor. In addition, A.B. 74 provides the Commissioner with authority to impose a civil penalty on any person

who knowingly violates the act, after notice and an opportunity for a hearing, in an amount not to exceed \$2,500 for each violation. Any such money collected must be deposited in the State General Fund.

This measure is effective on May 29, 2001.

Occupational Safety and Health

A.C.R. 27 (File No. 66)

Assembly Concurrent Resolution No. 27 designates April 28, 2001, as Workers Memorial Day in Nevada to honor and remember the workers who have succumbed to occupational diseases or been injured or killed as a result of work-related accidents. The resolution notes that each year, more than 60,000 workers die from job-related injuries and illness and another 6 million are injured. Nevada residents are urged to observe Workers Memorial Day by recognizing the need for strengthening safety and health protections in the workplace so that future work-related tragedies can be prevented.

Unemployment

A.B. 607 (Chapter 313)

Assembly Bill 607 authorizes federally recognized Indian tribes to elect to become liable for unemployment compensation payments by way of reimbursement in lieu of contributions to comply with federal law. The measure also outlines the responsibilities of the Administrator for the Employment Security Council if a tribe fails to make the unemployment compensation payment. In addition, the measure increases from \$50 to \$80 the daily compensation for service for members of the Employment Security Council.

The majority of the bill is effective on May 31, 2001. The section regarding the compensation for members of the Employment Security Council is effective on July 1, 2001.

LEGISLATURE

Legislative Counsel Bureau and Legislative Building

S.B. 199 (Chapter 14)

Senate Bill 199 appropriates from the State General Fund to the Legislative Fund the sum of \$1,025,000 for the purchase by the Legislative Counsel Bureau of the Capitol Apartments located at 201 East Sixth Street in Carson City, Nevada. Further, the measure appropriates an additional \$553,100 for light renovation of the property by the Legislative Counsel Bureau. This acquisition was recommended by the Committee to Consult With the Director of the Legislative Counsel Bureau to enhance the legislative buildings and grounds portion of the Capitol Complex in Carson City.

This measure is effective on April 10, 2001.

Legislative Members and Process

A.B. 148 (Chapter 61)

Assembly Bill 148 clarifies existing law regarding stays of court proceedings for attorneys who are members of the Nevada Legislature. The measure allows for stays of an action or proceeding, including without limitation any discovery or other pretrial or post-trial matter involved in the action or proceeding if a lawyer also serving as a legislator was hired before the commencement of any legislative session.

S.B. 57 (Chapter 269)

Senate Bill 57 requires certain employers to grant leave for legislators to attend certain meetings during the legislative interim. The measure prohibits a private contract of employment that provides for a loss of job seniority for a legislator because of the legislator's attendance at certain meetings during the legislative interim. The bill requires all public employers and any private employer who has more than 50 employees to grant leave, with or without pay, to an employee who is an elected member of the Nevada Legislature. Such leave is authorized for meetings of legislative bodies of which the employee is a member, including: (1) meetings of the Legislative Commission or a subcommittee thereof; (2) meetings of the Interim Finance Committee or another legislative committee created by statute; (3) an interim committee that conducts a study or investigation pursuant to state law; and (4) any other committee of which the legislator is a member in his official capacity.

This measure is effective on May 31, 2001.

S.B. 570 (Chapter 602)

Senate Bill 570 makes various changes relating to the Legislature and Legislative Counsel Bureau. The bill clarifies certain dates by which measures must be requested for drafting. Further, the bill authorizes the Legislative Counsel to request the drafting of legislative measures as may be required to carry out his or her duties. The bill also requires certain statutory legislative bodies and interim study committees to request the drafting of any proposed legislative measures on or before September 1 preceding the commencement of a regular legislative session and reduces from ten to five the number of bill drafts that may be requested by interim study committees. The bill further directs the Legislative Commission to review each legislative committee created by statute to assess the need for such committees and determine whether they should be abolished or scheduled for sunset.

In addition, S.B. 570 makes certain technical changes regarding fiscal notes and adds the former Capitol Apartments in Carson City to the description of the legislative grounds. The bill updates the procedure used by the courts to enforce a subpoena issued by a legislative committee and authorizes reprinting of editions of the *Statutes of Nevada* that are out of print or limited in supply. Further, the measure authorizes the Legislative Counsel Bureau to contract, at no cost to the state, for the establishment of an on-site child care facility for the children of its employees.

Senate Bill 570 also allows employees of the Legislature to transfer into a position in the classified service at any time on or before November 1 following a legislative session. Finally, the bill specifies that a legislative employee's weekly salary be considered when determining what constitutes a comparable position in the classified service of the state.

This measure is effective on June 15, 2001.

Legislative and Other Studies Directed by the Legislature

A.B. 44 (Chapter 204)

Assembly Bill 44 makes various changes relating to industrial insurance and abolishes the Legislative Committee on Workers' Compensation.

This provision concerning the abolishment of the Committee is effective on July 1, 2001.

A.B. 195 (Chapter 588)

Assembly Bill 195 revises various provisions relating to the Nevada Silver Haired Legislative Forum. The measure addresses the administration of money received and expended by the Forum. The bill further requires each state Senator to nominate a person for appointment to the Forum after consulting with members of the Assembly who reside in the Senator's district. The Legislative Commission, rather than the Governor, must make the final appointments, which are effective on December 1, 2001. The measure also requires the Director of the

Legislative Counsel Bureau (LCB) to provide assistance to the treasurer of the Forum in the administration of the Forum's account. The Director of the LCB also must provide persons as are necessary to assist the Forum in carrying out its duties.

Further, the act authorizes a state legislator to donate up to \$500 from his unspent campaign contributions for use by the Forum. Finally, the bill revises the requirements for hearings and reports of the Forum and specifies that the terms of the current members of the Forum expire on November 30, 2001.

The measure is effective on June 14, 2001.

A.B. 381 (Chapter 538)

Assembly Bill 381 directs the Legislative Commission to appoint a subcommittee consisting of six legislators to conduct an interim study to develop and recommend proposed enabling legislation for the creation of an incorporated town. The bill stipulates that the subcommittee may appoint an advisory committee to assist the study committee in carrying out its duties. The advisory committee must include a member of the Committee on Local Government Finance and representatives of the Nevada League of Cities and Municipalities, the Nevada Association of Counties, and the Nevada Taxpayers Association. The results of the study and any recommendations for legislation are to be submitted to the Legislative Commission and the 2003 Nevada Legislature.

This measure is effective on June 13, 2001.

S.B. 377 (Chapter 598)

Senate Bill 377 requires the Legislative Committee on Health Care to conduct a study during the next biennium to review the methodology and distribution of the state disproportionate share payments; the needs of rural hospitals; the sources of funding to provide medical care to Medicaid patients, indigent patients, and other low-income patients; and alternative methods of funding medical care for such patients.

The bill is effective on July 1, 2001.

S.B. 402 (Chapter 465)

Senate Bill 402 expands the authority of the Legislative Committee on Health Care to include the identification and evaluation, with the assistance of an advisory group, of the alternatives to institutionalization for providing long-term care. The bill sets forth the criteria that may be included in this evaluation. Further, the bill authorizes the Committee to evaluate the feasibility of obtaining certain waivers from the Federal Government pertaining to long-term care.

This bill is effective on July 1, 2001.

S.B. 425 (Chapter 416)

Senate Bill 425 requires the Legislative Committee to Study the Distribution Among Local Governments of Revenue From State and Local Taxes, created by Chapter 66, *Statutes of Nevada 1997*, to study the impact on state and local taxes of local governments that expand or acquire certain utility facilities. The Committee must report to the Legislature the results of its study, including any recommendation for legislation, not later than November 1, 2002.

This measure is effective on July 1, 2001, and expires by limitation on July 1, 2003.

S.B. 484 (Chapter 292)

Senate Bill 484 requires that the Legislative Committee on Health Care conduct a study to review the causes of the diversion of patients needing emergency services from hospitals that lack sufficient resources to provide that care. The Committee must also assess the effect of those diversions on health care delivery and health care costs.

This measure is effective on July 1, 2001, and expires by limitation on June 30, 2003.

S.B. 539 (Chapter 529)

Senate Bill 539, among other things, requires staff support from the Legislative Counsel Bureau in administering the Task Force for the Fund for a Healthy Nevada. The Task Force is required to consider a request from the State Treasurer for an allocation of administrative expenses within 45 days of the request, and the State Treasurer is permitted to submit the request to the Interim Finance Committee if it is not acted upon by the Task Force within this time period. Further, the measure revises the amount of money that may be used for administrative expenses by specifying that no more than 2 percent may be used by the State Treasurer to administer the fund and no more than 3 percent may be used by the Department of Human Resources (DHR) to pay the costs the Department incurs in carrying out its duties pursuant to the fund.

The measure contains other provisions clarifying: (1) the method by which the chairman and vice chairman of the Task Force may be selected and the time by which these officers must be selected; (2) that, in addition to the DHR, the Legislative Counsel Bureau provides

administrative support to the Task Force; (3) the responsibilities of the Task Force in relation to its duties; (4) that state agencies and political subdivisions of the state are eligible recipients of awards for funding from the task force; and (5) the responsibilities of the State Treasurer for reserve of the applicable administrative costs and allocation of funding for expenditure for Fiscal Years 2001-2002 and 2002-2003.

The provisions concerning the Task Force are effective on June 5, 2001.

S.B. 583 (Chapter 564)

Senate Bill 583 creates a Committee for the Development of Projects Relating to Tourism. The Committee is created within the Commission on Tourism and consists of the Lieutenant Governor, three members of the Commission on Economic Development appointed by the Lieutenant Governor, and three members of the Commission on Tourism appointed by the Lieutenant Governor. The Committee is charged with developing the grant program, establishing guidelines for the submission and review of applications, establishing eligibility, and considering applications for money from the grant program.

This bill also establishes a grant program for the development of publicly owned property, facilities, and infrastructure to support and attract visitors to Nevada. The grant program must be administered by the Committee and be funded by gifts, grants, or other money, and the Fund for the Promotion of Tourism created by *Nevada Revised Statutes* 231.250.

The majority of this measure is effective on July 1, 2001.

A.C.R. 5 (File No. 124)

Assembly Concurrent Resolution No. 5 addresses the Tahoe Regional Planning Compact and its implementation. The resolution directs the Legislative Commission to appoint a committee composed of three members of the Senate and three members of the Assembly to continue its review of the Compact and to oversee the Tahoe Regional Planning Agency as well as federal and state agencies with regulatory authority in the Tahoe Basin. The resolution also directs the committee to communicate with members of California's Legislature to achieve the goals established in the Compact.

A.C.R. 7 (File No. 77)

Assembly Concurrent Resolution No. 7 directs the Legislative Committee on Health Care to establish a subcommittee to conduct an interim study of the development of a system for reporting medical errors. Further, the bill sets forth the criteria for evaluation during the study and requires that a specific report concerning medical errors be used while conducting the study. Finally, the Committee is required to submit a report of the results of the study and any recommended legislation to the 72nd Session of the Nevada Legislature.

See also Assembly Bill 1 (Chapter 1), Assembly Concurrent Resolution No. 2 (File No. 6), and Assembly Concurrent Resolution No. 3 (File No. 7) of the 17th Special Session.

Lobbyists

A.B. 326 (Chapter 512)

Assembly Bill 326 addresses the budgets of local governments and lobbying expenditures. In a year in which the Legislature convenes, this measure requires a local government that spends more than \$6,000 to influence legislation to include certain information in its supplemental budget report, which is due after the close of the Session. In addition to existing requirements, the report must include the amount of money spent on activities designed to influence legislation, including lodging and meals for employees, salaries and wages paid to officers and employees who attend more than 40 days of a legislative session, and compensation paid to any lobbyists. Further, each local government budget must include a separate statement of anticipated expenses relating to activities designed to influence legislation for each expense category that must be covered in the supplemental budget report.

The bill also requires the Board of Regents of the University and Community College System of Nevada to include a list of certain lobbying-related expenses, both actual and anticipated, in its annual report to the Governor. The measure specifies that employees of the University and College System of Nevada are not excluded from the definition of “lobbyist.”

LOCAL GOVERNMENTS, SPECIAL DISTRICTS, AND
MISCELLANEOUS MATTERS RELATING TO GOVERNMENT AND
PUBLIC AFFAIRS

A.B. 94 (Chapter 603)

Assembly Bill 94 revises the fees that county clerks, recorders, sheriffs, constables, and justices of the peace may charge. The measure increases by \$3 the fee a county recorder must charge for recording any document or providing a certified copy of a marriage certificate. The bill also increases by \$1 the fee a county recorder must charge for recording affidavits of proof of labor on, or intent to hold, mining claims. For the recordation of a final subdivision map, A.B. 94 also changes the fee from \$35 plus 35 cents for each lot to \$50 for the first map sheet plus \$10 for each additional sheet. This bill also makes adjustments to the fees for recording final parcel maps, maps for division of land into large parcels, maps for planned unit developments, and maps showing the location of a minor county road.

The measure also increases, by amounts ranging from \$1 to \$11, the fees a sheriff may charge for such actions as serving a summons or complaint, taking a bond, serving an eviction notice, issuing a certificate of sale of property, and serving a writ of possession. Further, A.B. 94 increases by amounts between \$1 and \$13 the fees to which a constable is entitled for such actions as serving a summons or subpoena, levying a writ of garnishment, serving an eviction notice, or executing a warrant. The bill also increases by \$4 the fee to which a justice of the peace is entitled for each day he is employed in holding an inquest. In addition, A.B. 94 increases by \$5 the fee a county clerk must charge for entering the name of a firm or corporation in his register.

For the issuance and recording of a marriage license, the measure raises the fees by a combined total of \$15 and, effective January 1, 2003, increases from \$15 to \$20, the fee collected in the account for aid for victims of domestic violence. In addition, A.B. 94 increases from \$35 to \$45 the fee to which the commissioner of civil marriage is entitled for performing a marriage and directs the commissioner to also collect an additional \$5 for the account for aid for victims of domestic violence. Similarly, the bill increases the fee a justice of the peace may charge for performing a marriage from \$35 to \$50 and requires that \$5 of that fee be deposited in the account for aid for victims of domestic violence.

Finally, A.B. 94 authorizes a county recorder to collect a \$3 surcharge for recording any document, other than the original signed copy of a certificate of marriage, to be used only to acquire or improve the technology used for converting and archiving records, to maintain that technology, and to train employees in its use. The bill also requires a county recorder to charge an additional fee of \$1 for the recording of documents other than the original signed copy of a certificate of marriage. The fee is to be earmarked for persons formerly in foster care, and an account is created for this purpose. The bill specifies the administration of the account and eligibility and disbursement requirements. The Division of Child and Family Services is also required to adopt related regulations concerning this account.

The sections of the bill that increase fees for marriages are on effective July 17, 2001, except for the increase, previously noted, that takes effect on January 1, 2003. The other provisions of this bill are effective on October 1, 2001.

A.B. 277 (Chapter 160)

Assembly Bill 277 revises provisions relating to the settlement of certain claims or actions against governmental entities and officers and their employees. The measure prohibits an agreement to settle a claim or action brought against the state, a political subdivision of this state, an officer or employee of this state, an immune contractor, or a state legislator from providing that any or all of the terms of the agreement are confidential. Additionally, A.B. 277 provides that such an agreement is a public record and must be open for inspection. Finally, the measure states that any provision of such an agreement that conflicts with these requirements is void.

This bill is effective on July 1, 2001.

A.B. 413 (Chapter 359)

Assembly Bill 413 concerns interlocal agreements. The measure provides that a legal entity created before July 1, 2001, by a cooperative agreement pursuant to the Interlocal Cooperation Act must not be operated in a way that adversely affects the continued existence of a public agency that is not a party to the agreement.

This measure is effective on June 5, 2001.

A.B. 568 (Chapter 370)

Assembly Bill 568 updates and modernizes in a comprehensive way the statutes governing county recorders. The measure removes the requirement that a county recorder subscribe to not more than three newspapers published in his county and preserve and bind every copy. The bill also removes the requirement that the county recorder purchase and use certain books for storing documents.

In addition, A.B. 568 accommodates automated recording systems by establishing a standard size and margins for documents submitted for recording, except maps; authorizes a county recorder to require that documents submitted are of suitable quality; and allows a county recorder to require documents that name more than 200 persons to be submitted electronically.

Further, the bill clarifies when a document is considered to have been recorded and makes certain other changes to the statutes regarding county recorders.

This measure is effective on July 1, 2001, except for the provisions establishing standard sizes and margins for submitted documents, which are effective on July 1, 2003.

S.B. 324 (Chapter 138)

Senate Bill 324 relates to visually impaired persons and toilet facilities in public buildings. The bill requires public buildings and facilities and other places of public accommodation to mark corridor entrances that lead to a toilet facility with a discernible sign for the visually impaired. The sign must conform to requirements of the Americans With Disabilities Act regarding symbols, raised letters, and Braille. Such signs also must indicate the gender of persons who may use the toilet facility and directions to the nearest toilet facility for persons of the other gender. Additionally, the bill includes an enforcement provision and allows violations to be reported to the Office of the Attorney General.

The bill is effective on January 2, 2002.

S.B. 329 (Chapter 255)

Senate Bill 329 prohibits public bodies composed of elected officials from taking action without an affirmative vote by a majority of all the members. For public bodies that have nonelected members, the bill allows action by a majority of the members present.

S.B. 334 (Chapter 42)

Senate Bill 334 changes the name of the Tricounty Railway Commission to the Nevada Commission for the Reconstruction of the V & T Railway. The measure also increases from five to nine the number of members on the commission. Appointments to the commission from the Board of Supervisors of Carson City are reduced from two to one. New appointment authority is granted by the bill to the Governor, the Senate Majority Leader, the Speaker of the Assembly, the Douglas County Board of County Commissioners, and the Washoe County Board of County Commissioners. Lastly, the measure provides for staggered terms of commission members.

The measure is effective on July 1, 2001.

Bills Applying Generally to Local Governments**A.B. 61 (Chapter 103)**

Assembly Bill 61 addresses local planning and zoning and the regulation of amateur radio services. This measure provides that a local governing body must not adopt an ordinance, regulation, plan, or take other action that precludes amateur service communications or conflicts with federal regulations governing those communications. If a local governing body regulates the placement, screening, or height of an amateur radio antenna structure, that regulation must reasonably accommodate amateur service communications and must constitute the minimum practical level of regulation. These provisions do not apply to any federal, state, or local district for historic or architectural protection.

Finally, the bill requires that local governing bodies review any regulations adopted prior to October 1, 2001, relating to amateur service communications to determine whether they conform to the federal regulations.

A.B. 92 (Chapter 206)

Assembly Bill 92 authorizes a board of county commissioners to exercise powers and enact ordinances as the board determines is necessary and proper for: (1) the development of affordable housing; (2) the control and protection of animals; (3) the rehabilitation of property in residential neighborhoods; and (4) the rehabilitation of abandoned residential property. In addition, the measure authorizes the board of county commissioners to provide a civil penalty for a violation of such an ordinance unless state law provides a criminal penalty for the same act or omission.

This bill is effective on July 1, 2001.

A.B. 98 (Chapter 57)

Assembly Bill 98 directs each board of county commissioners to fix the terms of office of its chair and vice chair.

A.B. 100 (Chapter 58)

Assembly Bill 100 authorizes a board of county commissioners to pay the travel expenses of advisory board members. The measure provides that advisory board members may receive travel expenses as authorized in the ordinance establishing the board.

This measure is effective on May 14, 2001.

A.B. 131 (Chapter 595)

Assembly Bill 131 addresses the powers of counties to abate nuisances and dangerous conditions. The measure authorizes a board of county commissioners to determine if a nuisance or other condition requires the relocation of tenants. If it is determined that tenants need to be relocated, the bill allows for the costs to be recovered from the person determined to be primarily responsible for the nuisance or condition. In addition, the bill requires the board of county commissioners to give proper notice and an opportunity for a hearing before such relocation costs are recovered. The decision may be appealed to district court, and the judicial review is subject to certain limitations.

This measure also authorizes a board of county commissioners to secure a dangerous structure after providing reasonable written notice to the owner. The notice must state clearly that the owner may challenge the action to secure the structure and include a telephone number and address for additional information. For the abatement of chronic nuisances, A.B. 131 further provides that a county may place a special assessment against the property where the nuisance

exists for the costs incurred for abatement of those conditions. Further, the bill includes code violations in the definition of “nuisance activity” and specifies that a chronic nuisance exists when a person associated with the property has engaged in three or more nuisance activities during any 90-day period. The measure also authorizes a board of county commissioners to adopt certain housing codes.

In addition, the bill allows each city in a county whose population is 100,000 or more to file an action in court to seek the following: (1) abatement of an abandoned nuisance; (2) repair, safeguarding, or demolition of any structure where an abandoned nuisance is located; (3) authorization to take certain actions regarding the abandoned nuisance; (4) civil penalties against an owner of an abandoned nuisance; and (5) any other appropriate relief. Further, the bill specifies that the city must adopt related ordinances.

Under the provisions of the bill, the court, upon determination that an abandoned nuisance exists, is required to order the owner of the property to abate, repair, safeguard, or demolish the property or structure where the abandoned nuisance is located. In addition, the bill allows the court to order the owner to pay for the relocation of tenants. The court may also order the city to abate, repair, safeguard, or demolish the abandoned nuisance and order the property owner to pay the city for the costs incurred.

Further, the bill allows the governing body of a city to attach a lien to the property where an abandoned nuisance is located and outlines the procedures for perfecting the lien.

A.B. 181 (Chapter 64)

Assembly Bill 181 relates to county fair and recreation boards. The measure designates an additional category of counties whose population is less than 100,000 and in which there are only two incorporated cities. For such a county, each city must be represented on the fair and recreation board by a member appointed by the mayor or other chief executive with the approval of the city’s legislative body. In addition, the board of county commissioners must appoint two representatives of hotel or motel operators, one representative of commercial interests, and one representative of the county at large. Finally, the board of county commissioners must also appoint one of its members to the fair and recreation board.

This bill is effective on July 1, 2001.

A.B. 210 (Chapter 158)

Assembly Bill 210 increases the maximum term for which a county may lease property for airport facilities or services from 50 years to 99 years.

A.B. 402 (Chapter 217)

Assembly Bill 402 amends the statutes regarding cemeteries and cemetery authorities. The measure authorizes the board of county commissioners of a county whose population is less than 50,000 to enact an ordinance allowing the designation of family cemeteries on land owned by the family. Before the first interment in the family cemetery, a family member must notify the Health Division regarding the designation of the cemetery and its location.

Regarding the procedures that a cemetery authority must follow for the disinterment of remains, this measure authorizes a cemetery authority to order disinterment for the protection of the public health, safety, comfort, or welfare or if it determines that financial provision must be made for future care of gravesites. The authority may prescribe reasonable regulations for providing appropriate future care.

In addition, this measure requires the cemetery authority to prescribe a time of not less than one year, after which it may remove remains and reinter them; changes the required frequency of publication of intent to remove human remains from any part of a cemetery to once a week for four consecutive weeks; and requires the notice to say when the authority may remove the remains.

Finally, A.B. 402 repeals existing statutes regarding removal of remains in incorporated cities, which are superseded by the new provisions.

A.B. 451 (Chapter 363)

Assembly Bill 451 authorizes a city or county to lease or convey any of its real property, without consideration, to a corporation for public benefit for actual charitable or civic use. The bill exempts property of the county that is operated or occupied by the county fair and recreation board. Any conveyance may be made on terms and conditions established by the governing body of the city or the board of county commissioners. If the organization to which the property is conveyed ceases to use it for charitable or civic purposes, the property automatically reverts to the city or county.

This measure is effective on June 5, 2001.

A.B. 537 (Chapter 169)

Assembly Bill 537 addresses franchises of cities and towns and benches and shelters for passengers of public mass transportation. The measure clarifies that an incorporated city may provide on an exclusive basis or through an exclusive franchise those services currently set forth in state law. For unincorporated towns, A.B. 537 authorizes a town board or board of county commissioners to displace or limit competition in the construction and maintenance of public transit shelters and benches.

A.B. 571 (Chapter 170)

Assembly Bill 571 authorizes a county to establish procedures for removing graffiti at county expense from a fence or wall on the perimeter of residential property. Before the county removes the graffiti, the property owner must give his consent or the county must provide written notice by certified mail, return receipt requested, and post a notice on the property for at least five days.

In addition, A.B. 571 also authorizes a county to establish procedures for ordering the removal of visible graffiti from nonresidential property. The ordinance must provide for notice to the property owner, give the property owner an opportunity for a hearing, and toll any deadline for the period during which the owner requests a hearing and receives a decision. The ordinance must also establish the means by which the county will recover its costs to cover or remove graffiti when the owner fails to do so and has exhausted all appeals. In addition to other reasonable means, the county may make the cost of removing the graffiti a lien or special assessment upon the real property.

This bill is effective on May 28, 2001.

A.B. 649 (Chapter 288)

Assembly Bill 649 revises certain provisions regarding governmental purchasing. The measure authorizes a local government to receive bids and the Chief of the Purchasing Division to receive proposals or bids on secure Web sites on the Internet or its successor. In addition, A.B. 649 adds to the list of contracts that are not adapted to award by competitive bidding, goods or services purchased from organizations whose primary purpose is the training and employment of handicapped persons. Further, the measure removes the provision requiring notice of the expiration of the insurance coverage of a local government.

Under A.B. 649, when the Chief of the Purchasing Division enters into a contract to acquire supplies or materials for the state pursuant to an agreement with a vendor who has entered into an agreement with the General Services Administration or another governmental agency dealing in supplies, materials, equipment, or donable surplus material, he must determine that the prices in the negotiated agreement are substantially similar to the prices for those supplies that the vendor had negotiated with the General Services Administration or other governmental agency and that such an agreement is in the best interests of the state.

Finally, A.B. 649 provides that if a state agency accepts credit cards, debit cards, or electronic transfers of funds in payment of money owed to the agency, and the agency is charged a fee for such electronic transfer by the issuer or operator of the system that provides for the electronic transfer, then the state agency may require the cardholder or person remitting such

funds electronically to pay a fee for the use of the credit card, debit card, or other means of electronic funds transfer. This fee must not exceed the amount charged to the state agency by the issuer or operator.

This bill is effective on July 1, 2001.

S.B. 155 (Chapter 83)

Senate Bill 155 authorizes a change in boundaries of a city, resulting from an annexation, to occur within 90 days preceding a primary, general, or special election if the land is entirely vacant. Further, the measure clarifies that annexed land that is developed or used as a residence may not officially become part of a city within the 90 days before an election.

The measure is effective on May 17, 2001.

S.B. 163 (Chapter 275)

Senate Bill 163 makes changes to provisions relating to the enforcement of building codes by cities and counties. The bill requires the certification of building officials in counties whose population is 100,000 or more and in cities within these counties if the city provides for building inspection services. Under the provisions of the bill, qualifying cities and counties must: (1) prepare a list of national and international organizations which certify building officials; (2) require that all building officials be certified by an organization on the list; (3) establish requirements for continuing education; and (4) prohibit building officials who are not certified or who have not fulfilled continuing education requirements from filling the position and performing related duties. Further, the bill specifies that local government continuing education requirements must include the completion of at least 45 hours of related classes every three years and the manner in which the classes must be completed.

In certain and limited circumstances, the measure allows a city or county to authorize an employee to perform building official duties for up to one year without certification if the employee is supervised by a certified building official. For counties with populations under 100,000, the bill allows the establishment by resolution of continuing education and certification requirements for full-time building inspectors.

In addition, the bill exempts existing employees from complying with the certification requirements until October 1, 2007.

S.B. 265 (Chapter 451)

Senate Bill 265 addresses planning, zoning, and nonconforming structures. The measure requires a city or county to take certain actions if, through adoption or enforcement of any ordinance or code, it requires the removal of a nonconforming outdoor advertising structure.

The city or county must either pay just compensation for the loss of the structure to both the owner of the structure and the owner of the property on which it is located or authorize the owner of the structure to relocate it to a comparable site approved by the city or county.

These requirements do not apply in three instances: (1) they do not apply if the structure is required to be removed because the owner of the property on which the structure is located terminates the lease pursuant to its terms; (2) they do not apply if the structure is destroyed or more than 50 percent of its material structural value is damaged as a result of a natural disaster; and (3) they do not apply in cases in which a city or county after a public hearing requires removal as a condition of development or redevelopment of the site where the sign is located.

The bill provides that a city or county may not require the removal of a nonconforming outdoor advertising structure to occur pursuant to an amortization schedule. Finally, if the owner of the advertising structure or the owner of the real property where the structure is located disagrees with the amount of compensation offered by the city or county, the bill provides that either owner may appeal to the court and defines four factors the court must consider in hearing the appeal.

This measure is effective on June 6, 2001.

S.B. 554 (Chapter 561)

Senate Bill 554 makes various changes concerning land use planning. The bill requires the governing body of each county and city to adopt an ordinance providing for the appeal of certain land use decisions. Specifically, the bill consolidates the various appeals processes for authorized planning and zoning actions and defines the period of time during which an appeal must be acted upon by a local government. The measure further allows a person who is aggrieved by the decision of the governing body to appeal that decision to the district court.

The bill also increases from \$50 to \$80 per meeting the allowable compensation of planning commissioners. This amount is not to exceed \$400 per month. Further, the bill authorizes the certification of zoning maps by electronic means.

Under the provisions of the bill, a governing body of a city or county is authorized to adopt an alternative procedure that allows certain administrative decisions made by the board of adjustment to be appealed directly to the district court. If a governing body has not created a board of adjustment, the bill allows for persons aggrieved by the decision of an administrative officer to appeal that decision to the local governing body.

In addition, the measure amends the time frame for review and action on a tentative map, parcel map, or final map. The time frame is based on the population of the county. Lastly, the bill addresses recordation dates regarding a series of final maps for a subdivision. In particular, the measure requires that the date for recording the next final map or receiving approval for an extension of time be the anniversary date of the recordation of the first final map.

This measure is effective on July 1, 2001.

S.B. 555 (Chapter 115)

Senate Bill 555 makes various changes in the general laws governing cities. The bill changes the population classification for cities incorporated by general law. More specifically, the measure requires that these cities be divided into three population categories: Category 1 includes 50,000 or more inhabitants; Category 2 includes 5,000 or more, but fewer than 50,000 inhabitants; and Category 3 includes all other cities.

In addition, the measure alters the power and size of certain city councils based on the population category. The city council alterations also address the formation of wards and the representation from the wards. Further, the bill changes the method by which a mayor pro tempore is appointed. The appointment of the mayor pro tempore is also based on the population category and related composition of the various city council wards.

Further, the bill modifies the rules regarding city council meetings and requires meetings to be held in accordance with provisions in the *Nevada Revised Statutes* regarding meetings of state and local agencies. Lastly, the bill revises the terms and compensation of appointed city council members and provides for them to receive compensation as set by ordinance.

Bills Applying to Specific Local Entities

A.B. 11 (Chapter 51)

Assembly Bill 11 revises the charter of the City of Elko. The measure changes the name of the City of Elko's governing body from "board of supervisors" to "city council." It also directs the City Council to establish a city finance department, directs the mayor to designate Council members to act as liaisons for different city departments and functions, and removes the designation of the County Assessor as the ex officio city assessor. Finally, A.B. 11 makes the charter consistent with the Open Meeting Law regarding special and emergency meetings.

This bill is effective on May 14, 2001, for the purpose of preliminary activities necessary to ensure the orderly reorganization of the city, and on October 1, 2001, for all other purposes.

A.B. 22 (Chapter 6)

Assembly Bill 22 amends the charter of the City of Las Vegas. The measure sets the term of office of a municipal judge for the City of Las Vegas at six years. In addition, the bill allows a shorter term for a judge first elected after the creation of a new department of the municipal court so that one-third of the municipal judges will be elected every two years.

This bill is effective March 27, 2001.

A.B. 59 (Chapter 102)

Assembly Bill 59 addresses the charter of the City of Las Vegas and its City Council. This measure provides that the office of an additional councilman, created as the result of an increase in the number of wards, must be initially filled at the next general city election following the date on which the City Council determines an increase in the number of wards is necessary or following the general election at which the question proposing the increase in wards is approved by the voters. Assembly Bill 59 also provides that such an office may not be filled initially by appointment.

A.B. 93 (Chapter 146)

Assembly Bill 93 revises certain provisions in the charter of the City of North Las Vegas. The measure provides that the City Council of the City of North Las Vegas may enter into a contract with one or more outside attorneys to perform all or a part of the duties of the City Attorney. The attorney must be associated with a professional corporation, partnership, or limited-liability company that practices law in Nevada. The attorney also must be a licensed member of the State Bar of Nevada.

A.B. 101 (Chapter 106)

Assembly Bill 101 revises the annexation laws for cities in counties with a population of 400,000 or more. If a city in a county with a population of 400,000 or more annexes territory that abuts upon one side of a county road, state highway, or railroad, the city may annex the entire width of the road, highway, or railroad instead of stopping at the centerline. Similarly, if such a city annexes territory on both sides of a county road, state highway, or railroad, its entire width is included within the annexation. A county road that is annexed in this manner becomes a city street.

A.B. 163 (Chapter 151)

Assembly Bill 163 addresses regional planning in counties whose population is 100,000 or more but less than 400,000. The bill authorizes the governing board for regional planning to enter into a cooperative agreement, interlocal agreement, or interlocal contract that is consistent with the statutes governing the regional planning process.

In addition, A.B. 163 authorizes the governing board for regional planning and the regional planning commission, jointly or separately, to appoint subcommittees from among its members.

Further, the measure authorizes the governing board and the regional planning commission, jointly or separately, to appoint advisory committees to assist in the formulation and implementation of the regional plan or to examine issues that affect the county in which the planning program is located. For the latter purpose, the advisory committee may appoint persons from outside the county and from outside the state.

This measure is effective on July 1, 2001.

A.B. 179 (Chapter 579)

Assembly Bill 179 concerns annexation by cities located in a county whose population is 400,000 or more. The measure provides that a city may annex territory that is not developed for urban purposes if the governing body receives a written statement from a governmental entity indicating that the governmental entity owns the territory and does not object to the annexation.

This measure also provides that a city may employ the simplified alternative procedure for annexing territory in two additional situations. First, the city may use the alternative procedure to annex territory that was undeveloped on January 1, 2001, and bounded on at least 75 percent of its external boundaries by the city, provided that the city supplies or will supply within a reasonable time municipal services to the territory.

Second, the city may use the alternative procedure to annex territory that is undeveloped and bounded on at least 75 percent of its external boundaries by the city and for which the governing body has received a written statement from a governmental entity indicating that the governmental entity owns the territory and does not object to the annexation.

This measure is effective on July 1, 2001, except for the provisions regarding the simplified alternative procedure, which are effective on October 1, 2001.

A.B. 180 (Chapter 209)

Assembly Bill 180 amends the charter of the City of Henderson regarding municipal judges. The measure provides that the City's Senior Municipal Judge may be selected for a two-year term by a majority of the sitting judges and that the City Council may increase the salary of a municipal judge during his or her term of office. Further, the bill requires any new municipal judge to be a licensed member of the State Bar of Nevada. Finally, A.B. 180 contains provisions for staggered terms of office, and the term of office for a municipal judge is increased from four years to six years.

This measure is effective on May 29, 2001.

A.B. 182 (Chapter 356)

Assembly Bill 182 addresses local planning and zoning. The measure requires a local governing body in a county whose population is 400,000 or more to adopt a master plan for all of the city or county, as applicable, that addresses all of the 18 topics identified in state law as appropriate for master planning. When a local government prepares a master plan covering recreation, this measure identifies trails as an appropriate subject. Similarly, a multimodal transit system, including mass transit, bicycle paths, and pedestrian paths, is an appropriate subject for a transit plan.

Further, a local planning commission must not amend the land use element of a master plan more than four times in a calendar year, except for changes in the land use designated for a particular area that do not affect more than 25 percent of that area.

For special use permits and proposed changes in the boundaries of zoning districts that affect unincorporated towns located more than ten miles from an incorporated city, A.B. 182 requires the board of county commissioners to transmit a copy of the application to the town board, citizens' advisory council, or town advisory board, as applicable, at least ten days before the hearing on the application. The board of county commissioners or other authorized person or entity must consider any recommendations submitted by the town board, citizens' advisory council, or town advisory board regarding the application and within ten days of making its decision must transmit a copy of the decision to the recommending board or council.

Assembly Bill 182 also requires each member of a town advisory board to attend training on land use planning and the Open Meeting Law at least once a year. Further, the measure authorizes the board of county commissioners of a county whose population is 400,000 or more to provide by ordinance for the election of the members of a town advisory board in an unincorporated town. If, however, the members are appointed, the board of county commissioners must consider the results of any poll conducted by the town advisory board and any applications submitted by persons who desire to be appointed, and no person may be reappointed until two years after his or her term has expired. Members of town advisory boards must have staggered four-year terms, and the county must provide notice of any vacancy at least 90 days before making any appointment.

This measure is effective on October 1, 2001, except for the provisions limiting the number of amendments to land use plans and requiring training for members of town advisory boards, which are effective on January 1, 2002.

A.B. 406 (Chapter 70)

Assembly Bill 406 revises the boundaries of the Elko Convention and Visitors Authority, repeals the previously established method for including additional land within the boundaries, and excludes the City of Carlin and those lands assessed as agricultural property.

The measure also provides that if an elected member of the Board of Governors of the Authority ceases to reside within the boundaries of the Authority, he or she is automatically disqualified, and the position must be promptly filled by appointment. Finally, A.B. 406 removes the requirement that the Authority reimburse the Elko County Clerk for the costs of each general election.

This bill is effective on May 14, 2001.

A.B. 490 (Chapter 366)

Assembly Bill 490 requires a board of county commissioners in a county whose population is 400,000 or more to establish by ordinance an advisory committee on aircraft noise. The committee shall be comprised of 11 members, including representation from neighborhoods affected by aircraft noise; a neighborhood that is adjacent to an airport; commercial operators of helicopters; general aviation; the Division of Air Traffic Services of the Federal Aviation Administration; businesses affected by aircraft noise or adjacent to an airport; the department of aviation of the county; and the board of county commissioners. The bill also outlines the terms of committee members and the appointment of a chairman. Members shall serve on the committee without compensation.

This bill specifies that the duties of the committee include: (1) examining and assessing laws and other information related to aircraft noise in the county, including existing and proposed flight paths for aircrafts; (2) promoting increased communication among relevant public entities and the general public; and (3) advising and consulting with the Federal Aviation Administration, the board of county commissioners, and all other relevant federal, state, and local governmental entities regarding new and existing programs and approaches for abating aircraft noise.

Assembly Bill 490 requires the board of county commissioners to establish a toll-free telephone number for persons to report information regarding alleged violations of rules or regulations pertaining to airport noise. The county must also compile and maintain a record of each complaint. Finally, the bill exempts commercial aviation, air ambulances, and helicopters operated by law enforcement from committee action or related aircraft noise ordinances.

A.B. 553 (Chapter 309)

Assembly Bill 553 revises the notification requirements for proposed variances, special and conditional use permits, and other special exceptions in a county whose population is 100,000 or more. In each instance, the applicant and any advisory board that the governing body has established for the affected area must be sent notice at least ten days before the public hearing on the matter. If the application is for a deviation from a development standard of at least 10 percent but not more than 30 percent, notice must also be sent to each owner of real property and each tenant of a mobile home park located within 100 feet.

If the application is for a special use permit or a deviation from a development standard of more than 30 percent, notice must also be sent to each property owner located within 500 feet, the owner of each of the nearest 30 separately owned parcels (to the extent this does not duplicate the 500-foot requirement), and to each tenant of a mobile home park located within 500 feet. If the application is for a change in zoning or a project of regional significance, the distance for notice requirements increases to 750 feet; if the application is for a special use permit for an establishment that serves alcoholic beverages in a county whose population is 400,000 or more, the distance is increased to 1,500 feet.

Finally, A.B. 553 makes other minor changes to the notification requirements, specifies the contents and the means of sending notices, and establishes a procedure for local government action to vacate a government patent easement.

A.B. 570 (Chapter 72)

Assembly Bill 570 addresses the charter of Carson City. The measure provides that the Mayor, Supervisors, Clerk, Treasurer, Assessor, Sheriff, and District Attorney may not continue to represent Carson City on a public board after their term in office has expired if they obtained the position by virtue of their elected office. The measure also provides that persons serving on advisory boards that serve only Carson City must be residents of, and registered to vote in, Carson City. Finally, this bill makes the creation of an office of purchasing and contracts permissive, at the discretion of the Carson City Board of Supervisors.

This measure is effective on July 1, 2001.

A.B. 663 (Chapter 135)

Assembly Bill 663 revises provisions governing cities. The measure clarifies that the officers first elected following the incorporation of a new city may enact and sign ordinances fixing their salaries. In addition, A.B. 663 provides that the North Lyon County Fire Protection District may continue to exist on and after the date on which the incorporation of the City of Fernley is effective.

This bill is effective on May 22, 2001.

S.B. 38 (Chapter 409)

Senate Bill 38 revises provisions governing the Airport Authority of Washoe County. The measure requires members of the Board of Trustees of the Airport Authority of Washoe County to be appointed not later than June 15 of the year in which the member is required to be appointed. Further, the bill authorizes the Airport Authority to review an applicant's financial records in addition to bidder's bonds when entering into a concession

agreement. The measure also prohibits a former member of the Board from bidding on, entering into, or having an interest in a contract with the Authority or from being employed by the Authority for a period of one year after leaving the Board.

This bill is effective on July 1, 2001.

S.B. 200 (Chapter 178)

Senate Bill 200 expands the authority of the City of Reno with respect to municipal finance administration. The bill expands the purposes for which the City of Reno may pledge and use the proceeds of room tax revenue to include special obligations issued by the city. Further, the bill clarifies that the city may invest money realized from the sale of bonds and use the interest received from such investments in a manner authorized by state law.

This bill is effective on July 1, 2001.

S.B. 225 (Chapter 112)

Senate Bill 225 repeals the prospective expiration of a surcharge for enhanced emergency telephone services in Washoe County.

This measure is effective on May 22, 2001.

S.B. 272 (Chapter 183)

Senate Bill 272 amends the charter of the City of Wells to allow an Elko County employee to serve on the City Council. Additionally, the measure allows the City Council to appoint a city manager, establish such departments as it determines are necessary, and set meeting dates by resolution rather than ordinance.

The section of the measure regarding reorganization of city departments is effective on May 28, 2001. The remainder of the bill is effective on October 1, 2001.

S.B. 299 (Chapter 413)

Senate Bill 299 makes various changes to the Airport Authority of Washoe County. The bill increases from eight to nine the number of trustees on the board of the Airport Authority of Washoe County. In addition, the measure requires that one trustee be appointed by the County Fair and Recreation Board of Washoe County for a term of four years. This appointee must represent consumers of airport services. Further, other appointing authorities must make appointments based on experience in aviation, business, tourism, finance, or accounting. Appointees may also possess other appropriate and necessary qualifications as determined by the appointing authorities. The bill also limits the ability of an appointing entity to remove a

member and specifies that removals may only be made because of willful neglect or failure to perform official duties. Members may not be removed for exercising independent judgment. Lastly, the bill prohibits a member of the board of trustees from serving more than two terms.

The bill is effective on June 5, 2001.

S.B. 304 (Chapter 87)

Senate Bill 304 amends the charter of the City of Reno. The measure increases the term of office of a municipal court judge for the City of Reno from four to six years.

This bill is effective on May 17, 2001.

S.B. 350 (Chapter 89)

Senate Bill 350 increases from 12 to 13 the membership of the Washoe County Fair and Recreation Board. The measure requires that the new appointee be a representative of business or commercial interests, including gaming, and be nominated by a visitor's bureau that receives a portion of the transient lodging tax. Further, the bill specifies that the visitor's bureau cannot be the County Fair and Recreation Board or a bureau created by that Board. Lastly, the bill requires that the chamber of commerce in the third largest township in the county provide the nominee if no such county visitor's bureau exists.

This bill is effective on May 17, 2001.

S.B. 395 (Chapter 452)

Senate Bill 395 transfers certain territory from Clark County to Nye County. The bill provides for a boundary line adjustment in the Pahrump Valley that detaches certain territory from Clark County and attaches it to Nye County. The described territory is a strip of land about two and one-half miles wide to the east of the present boundary line. It extends from approximately three miles north of State Route 160 to about ten miles south of State Route 160, ending at the Nevada-California state line.

The bill is effective on July 1, 2001.

S.B. 472 (Chapter 44)

Senate Bill 472 disincorporates the City of Gabbs by repealing its city charter provisions.

This bill is effective on May 8, 2001.

S.B. 563 (Chapter 346)

Senate Bill 563 makes various changes to telecommunications. The measure directs the board of county commissioners in a county whose population is more than 100,000 but less than 400,000 to impose a surcharge for the enhancement of the “911” system on customers of mobile telephone service whose place of primary use, rather than their residence, is in the county. Similarly, the measure specifies that the method for calculating limitations on city and county franchise fees imposed on a public utility that sells or resells personal wireless services must be based on a customer’s place of primary use.

Further, the bill provides a procedure by which a customer may dispute the surcharge, fee, or designation of place of primary use. The procedure allows the customer to notify the supplier or public utility in writing and requires the inclusion of certain descriptive information. The supplier or public utility must review the notice within 60 days and, depending upon the determination, provide either a refund or a written explanation.

Local Government Financial Administration

A.B. 96 (Chapter 104)

Assembly Bill 96 addresses local government investments and financial administration. The measure provides that a board of county commissioners, the board of trustees of a school district, or the governing body of a city may invest in certain notes, bonds, and other unconditional obligations issued by corporations organized in the United States. These entities also may invest in collateralized mortgage obligations and asset-backed securities that are rated “AAA” or the equivalent. Investments in corporate notes, bonds, and obligations may not exceed 20 percent of the total portfolio, and no more than 25 percent of those investments may be issued by any one corporation.

For counties with a population less than 100,000 and for cities and school districts in those counties, these purchases may only be made by the State Treasurer through the pooled long-term investment account or by an investment advisor who is registered with the Federal Government and approved by the State Board of Finance.

Assembly Bill 96 also allows a board of county commissioners, the board of trustees of a school district, or the governing body of a city to invest in nonnegotiable certificates of deposit issued by insured banks, credit unions, and savings and loan associations provided that the investments are within the insurance limits or fully protected by collateral. The bill also allows those entities to invest in a wider range of highly rated money market mutual funds and allows county treasurers to invest in credit unions.

Finally, this measure changes the deadline by which a county treasurer must declare the tax roll to the county auditor to coincide with the end of the fiscal year.

This bill is effective on July 1, 2001.

A.B. 99 (Chapter 105)

Assembly Bill 99 addresses budgets of local governments and the financing of school construction. The measure specifies that a local government may hold a special election on a question that would exceed the statutory limit on ad valorem taxes on the first Tuesday after the first Monday in June of an odd-numbered year. Similarly, the measure authorizes a board of county commissioners to hold a special election on a question that would impose an ad valorem tax to fund capital projects for schools on the first Tuesday after the first Monday in June of an odd-numbered year. In addition, the measure clarifies the types of questions for a November general election that may be submitted to the registrar of voters after the third Monday in July. Further, A.B. 99 allows counties and school districts containing no incorporated cities to hold special elections at the same time as other counties and school districts and to ensure that county clerks have adequate time to have sample ballots printed for general elections.

This bill is effective on July 1, 2001.

A.B. 117 (Chapter 150)

Assembly Bill 117 clarifies the types of local government rules that are subject to the requirement for a business impact statement. The measure provides that a business impact statement may be required before a local government adopts an ordinance or takes an action that imposes, increases, or changes the basis for the calculation of a fee paid in whole or in large part by businesses. However, the requirement does not apply to special assessments, impact fees, water quality remediation fees, ad valorem taxes, sales and use taxes, and negotiated fees. Nor does the requirement apply to the annual approval of local budgets, ordinances related to planning and zoning, or ordinances authorizing the issuance of bonds. The Nevada Tax Commission may, at the request of the Committee on Local Government Finance, adopt regulations and devise forms for complying with the business impact statement laws.

This measure is effective on May 24, 2001.

A.B. 252 (Chapter 19)

Assembly Bill 252 addresses the financing of county fire protection districts. This measure authorizes the treasurer of a fire protection district created by petition to pay the district's bills if authorized by its board and the board of county commissioners. The bill also changes the limit on such a district's indebtedness to 5 percent of the total assessed valuation of taxable property in the district. In addition, A.B. 252 increases from \$50,000 to \$250,000 the maximum amount of money a fire protection district created by a board of county commissioners may hold in its emergency fund. The bill specifies that interest earned on the emergency fund that would cause the balance to exceed this limit must be credited to the district's operating fund.

This measure is effective on July 1, 2001.

A.B. 293 (Chapter 26)

Assembly Bill 293 establishes a revised procedure under which the trustees of a consolidated library district may propose a bond issue. The board of county commissioners and the city council that formed the district must first hold a public hearing on the proposal. After the hearing, each body may adopt a resolution supporting or opposing, in whole or in part, the proposed bond issue and transmit the resolution to the county debt management commission. Finally, the proposed issue must be submitted to the debt management commission for approval or disapproval.

A.B. 458 (Chapter 168)

Assembly Bill 458 addresses impact fees on new developments. The measure adds fire stations, park projects, and police stations to the list of capital improvements for which a local government may impose an impact fee to pay the cost of construction or expansion necessitated by new development. Also, if a local government requires a property owner to pay a residential construction tax for parks, to dedicate or improve land for a park, or to construct or dedicate off-site facilities for which park impact fees are imposed, the property owner is entitled to an appropriate credit against any impact fee imposed for a park project.

This measure is effective on July 1, 2001.

S.B. 60 (Chapter 37)

Senate Bill 60 makes various changes concerning the limitation on building permit fees charged by local governments. The bill restricts the amount of working capital that a local government may place in an enterprise fund for the issuance of building permits to not exceed nine months' operating costs. In addition, the bill authorizes a local government to maintain specified amounts of working capital in the fund for the following purposes: debt service, expenditures, and operating costs for unanticipated capital replacement. Further, the bill requires that special use dollars from the enterprise fund be identified as a restricted asset and not be included in the calculation of working capital. Finally, the bill requires a local government to reduce building permit fees if an excess amount is maintained in an enterprise fund for at least two consecutive fiscal years.

This bill is effective on July 1, 2001.

S.B. 123 (Chapter 177)

Senate Bill 123 makes various changes concerning municipal obligations and the procedures of the Debt Management Commission. The bill requires a municipality to notify other affected governmental entities before submitting a proposal to the Debt Management Commission to incur general obligation debt or levy a special elective tax. The measure also gives the Debt Management Commission the authority to establish methods for resolving conflicts by reducing the rate, determining the highest and best use for unlevied property taxes, and allowing a municipality that does not levy the maximum amount to reserve a percentage of the amount

remaining. The bill provides that before the Executive Director of the Department of Taxation approves the municipality's proposal, it must be supported by resolutions passed by each affected local government or the Commission must have resolved all conflicts.

The bill also revises other conditions under which the Debt Management Commission may review and approve a proposal to incur general obligation debt or levy a special elective tax. Specifically, the bill requires the Commission to specify a percentage of the statutory limit, which must not be less than 75 percent, for use as a threshold in reviewing the proposal's impact on combined property tax rates, and to establish priorities among essential and nonessential facilities and services.

Further, the bill revises the duties of a municipality with regard to filing and amending statements of current and contemplated general obligation debt and special elective taxes. Lastly, the bill allows for counties whose population is 100,000 or more to update statements and plans at least once, but not more than twice, each fiscal year and provides for a procedure to amend the statement or plan in an emergency.

This bill is effective on May 28, 2001.

S.B. 125 (Chapter 298)

Senate Bill 125 makes various changes relating to the financial reporting of local governments. The measure requires a local government to submit a fiscal report electronically to the Department of Taxation and publish a summary of the report in a newspaper of general circulation in the area. In addition, the bill requires the Committee on Local Government Finance to adopt the following regulations regarding the electronic fiscal report: (1) filing date and time; (2) content, including the summary for local newspapers; and (3) a uniform method for creation and submittal. The Committee on Local Government Finance also may establish a regulation to allow for an exception to the electronic reporting requirement for certain local governments. Further, the Legislative Counsel is required to include the adopted regulations in the *Nevada Administrative Code* (NAC) and distribute them accordingly.

The measure also repeals sections of the *Nevada Revised Statutes* regarding the submittal of hardcopy quarterly reports for local governments and the corresponding regulations in the NAC.

This bill is effective on July 1, 2001.

S.B. 201 (Chapter 319)

Senate Bill 201 makes various changes relating to loans made by local governments. The bill requires the governing body of a local government that desires to loan money from one fund to another or to another governmental entity to hold a public hearing on the matter. Specifically, the bill outlines that the following must be determined at the public hearing: (1) a sufficient

amount of money is available for the loan; (2) the loan will not compromise the economic viability of the fund from which it is loaned; and (3) the length, terms, conditions, and interest rate of the loan.

This bill is effective on July 1, 2001.

S.B. 317 (Chapter 374)

Senate Bill 317 relates to local government financial administration. The bill revises provisions governing local government finance to comply with generally accepted accounting and auditing standards. The measure also requires the Department of Taxation to create forms for the reporting of capital outlay items in local government capital improvement plans, and requires the State Treasurer to withhold distributions from the Local Government Tax Distribution Account if a local government has failed to file the necessary reports with the Department of Taxation.

In addition, S.B. 317 establishes procedures the Department of Taxation must follow when calculating augmentations to local government budgets when money in the Local Government Tax Distribution Account exceeds original estimates. Specifically, if a local government has filed an appeal with the United States Census Bureau concerning the population total issued by the Bureau, Nevada's Department of Taxation must use the population total certified by the Governor when calculating augmentations until the appeal is resolved. The State Treasurer must deposit any additional money the local government would receive in an interest-bearing account pending resolution of the appeal.

This measure is effective on July 1, 2001.

S.B. 470 (Chapter 50)

Senate Bill 470 revises the time payment of interest on assessment bonds issued by local governments and allows a local government to determine the payment intervals, which must be made on at least an annual basis. In addition, the measure removes obsolete references to bond-related coupons.

This measure is effective on May 14, 2001.

S.B. 553 (Chapter 456)

Senate Bill 553 makes various changes concerning municipal obligations and the finances of local governments. The bill establishes requirements for the use of installment-purchase agreements by local governments and specifies how the term of such an agreement must be determined. The measure provides that local governments may enter into installment-purchase agreements with terms of more than ten years only after following procedures similar to those for general obligation debt.

The measure also prohibits local governments from using proceeds from an obligation with a term greater than one year to pay operating expenses but allows exceptions for the first year of operation of a new facility and for financial emergencies.

In addition, S.B. 553 adds a number of items to the purposes for which the board of trustees of a school district may issue general obligations. Those items include equipment used in educating pupils, furniture for school buildings, and equipment used for transportation of pupils. However, equipment for transportation of pupils is limited to motor vehicles that use biodiesel, compressed natural gas, or a similar fuel and for related equipment. These particular provisions of the bill expire by limitation on July 1, 2003, and a school board that utilizes these provisions must make a report to the Legislature on or before February 1, 2003.

The measure also removes the requirement that local governments create certain funds for extraordinary maintenance, repairs, or improvements; requires the Nevada Tax Commission to appoint a subcommittee to conduct a public hearing concerning the management of a local government in severe financial emergency; and authorizes the Committee on Local Government Finance to adopt various regulations on municipal obligations and local government finance.

The section regarding school districts and general obligations is effective on June 6, 2001. The remainder of the bill is effective on July 1, 2001.

Improvement and Special Districts

A.B. 102 (Chapter 348)

Assembly Bill 102 revises the qualifications for membership on the Comstock Historic District Commission. The measure allows the Governor to appoint a licensed general engineering contractor or building contractor, instead of a registered architect, to the two positions on the Commission requiring this professional qualification. In addition, the bill allows certain historic-related nonprofit organizations to raise money to benefit certain historic places in which a donor is allowed to name the location. However, the bill prohibits the renaming of a historic place. Finally, the measure allows the Administrator of the Office of Historic Preservation to adopt related regulations.

A.B. 257 (Chapter 214)

Assembly Bill 257 staggers the terms of the two appointed members of the Virgin Valley Water District Governing Board by adjusting their terms immediately following the terms that expire on December 31, 2002.

This measure is effective on July 1, 2001.

A.B. 430 (Chapter 362)

Assembly Bill 430 addresses the provision of services by general improvement districts (GIDs) in counties whose populations are less than 400,000. The measure establishes a procedure for identifying and confirming the existence of a dwelling unit that is using the services of a GID without charge and for charging the property owner for those services. If an employee of a GID or another person in a county whose population is less than 400,000 has a reasonable belief that a dwelling unit is using services without charge, he may submit an affidavit to the district's board. After giving notice by certified mail, the board may conduct a hearing.

If the district's board determines, based on the hearing, that a dwelling unit is using services without charge, it may adopt a resolution by a two-thirds vote of its entire membership and begin charging for the services. The bill also specifies that the board shall not adopt such a resolution if the owner provides satisfactory evidence that the unit is not being used as a dwelling unit.

A.B. 440 (Chapter 218)

Assembly Bill 440 specifies that a member of the Board of the Moapa Valley Water District holds a nonpartisan office and requires each member of the Board to actually reside in his or her election area for at least 30 days immediately preceding the close of filing for elections. In addition, a person appointed to fill a vacancy on the Board must be a resident and elector of the election area for 30 days immediately preceding the appointment. Finally, A.B. 440 provides that a candidate for election to the Board must file a declaration of candidacy by the third Monday in May of the election year.

This bill is effective on July 1, 2001.

A.B. 441 (Chapter 27)

Assembly Bill 441 amends the laws relating to the boundaries of library districts. The measure provides a method by which the trustees of a county library district may submit a request to serve territory that is contiguous to the district's boundaries but within another county library district, a consolidated library district, or a county, city, or town that has a library. The county library district may alter its boundaries to serve the territory provided a joint study demonstrates that the county library district has sufficient financial capability. If a joint study demonstrates that the county library district does not have sufficient financial capability or if there is a dispute over boundaries, the county library district may submit the matter to the board of county commissioners for a final determination.

This measure does not alter the boundaries of any library or library district for the purposes of taxes levied for the repayment of the principal and interest on bonds, notes, or other indebtedness issued before the effective date of any alteration. Finally, this measure ratifies any alteration of the boundaries of a county library district accomplished by interlocal agreement before the effective date of this act.

This measure is effective on May 2, 2001.

S.B. 267 (Chapter 182)

Senate Bill 267 authorizes a flood control district to expend money for certain types of flood control and local drainage projects under specified circumstances. The measure authorizes flood control districts to expend or provide money for activities traditionally referred to as “floodproofing.” These are described in the bill as projects to make public or private property impervious or resistant to damage from floods and the relocation of public or private structures that are susceptible to flooding. The bill specifies that a district’s master plan must be amended to include these “floodproofing” projects before they may be funded.

The bill also authorizes a district to expend or provide money for local drainage projects that are not included in the district’s master plan under specified conditions, and it specifies the amount of district funds that may be allocated to these projects.

MILITARY

S.B. 471 (Chapter 192)

Senate Bill 471 changes the appointment qualifications for the Adjutant General and Assistant Adjutant General. Specifically, the bill removes the requirement that the Adjutant General and the Assistant Adjutant General must have served in the Nevada National Guard for the three years immediately prior to appointment.

The bill is effective on July 1, 2001.

Veterans

A.B. 278 (Chapter 305)

Assembly Bill 278 authorizes the Executive Director of the Office of Veterans' Services to accept gifts and grants for the support of the World War II Memorial Campaign to establish a national memorial for World War II veterans.

This bill is effective on May 31, 2001.

A.C.R. 33 (File No. 79)

Assembly Concurrent Resolution No. 33 designates May 20 through May 26, 2001, as U.S. Merchant Marine and U.S. Navy Armed Guard Remembrance Week. The measure notes that during World War II, the Merchant Marine transported troops and delivered 75 percent of all military equipment and supplies to battle fronts throughout the world, while the U.S. Navy Armed Guard provided gunnery protection and communication services to the Merchant Marine. The Nevada Legislature encourages all Nevadans to join in the observance of U.S. Merchant Marine and U.S. Navy Armed Guard Remembrance Week to coincide with National Maritime Day on May 22, 2001.

NATURAL RESOURCES

A.B. 84 (Chapter 12)

Assembly Bill 84 eliminates the requirement that vacancies for a supervisor on a conservation district board must be filled within two weeks after the vacancy occurs. Rather, the vacancy must be filled as soon as practicable. The measure expands the powers of a conservation district to include the repair and restoration of wetlands, stream corridors, and other riparian property owned or controlled by a government or municipal corporation. Cooperation of the administering agency and consent of all persons holding a right or interest in the land is required by the bill.

In addition, A.B. 84 authorizes a conservation district to enter into agreements and accept money from sources other than the appropriations made to it by law. Finally, the measure expands the ability of these districts to administer and act as an agent for conservation projects undertaken by any person, municipal corporation, or government.

This bill is effective on July 1, 2001.

A.B. 419 (Chapter 396)

Assembly Bill 419 provides that only those societies for the prevention of cruelty to animals with 25 or more members and incorporated in Nevada for at least five consecutive years may apply to a district judge for arrest privileges (as provided in law) similar to those of other peace officers. The bill further requires such a society to provide a criminal history report with the application of each person for which this authority is sought.

S.B. 531 (Chapter 508)

Senate Bill 531 modifies provisions concerning the Colorado River Commission. The measure changes the name of the Colorado River Commission to the Colorado River Commission of Nevada and changes the name of the position of Director to Executive Director. The bill also provides that the Executive Director serves at the pleasure of the Commission. In addition, S.B. 531 removes from law a pledge of the faith and credit of the State of Nevada for contracts related to the Robert B. Griffith Water Project, which have been paid in full.

The measure is effective on June 8, 2001.

Air Quality

A.B. 198 (Chapter 531)

Assembly Bill 198 revises provisions relating to vehicle emission inspection programs and expenditures for air quality. The bill authorizes emission inspection stations to retain a 2 percent commission for the handling of any new fees that are placed on the emission inspection process. The measure also allows an emission inspection station to “pass through” electronic transmission charges necessary to obtain required vehicle information from the central database maintained by a contractor for the Department of Motor Vehicles. The bill specifies that these charges must be identified separately on the emission certificate.

In addition, A.B. 198 adds Clark and Washoe Counties to the list of entities that are eligible to receive funds from the Pollution Control Account, which is administered by the Department of Motor Vehicles. It places these counties in the position of fourth priority, after the Department of Motor Vehicles, the State Department of Conservation and Natural Resources, and the State Department of Agriculture, respectively, and before the Tahoe Regional Planning Agency.

This bill is effective on July 1, 2001.

S.B. 533 (Chapter 283)

Senate Bill 533 authorizes the control officer of a local air pollution control board to initiate, through the local district attorney, actions to enforce laws and regulations relating to the control of air pollution.

This measure is effective on July 1, 2001.

S.B. 535 (Chapter 325)

Senate Bill 535 relates to the control of air pollution in a county whose population is 400,000 or more. The measure authorizes the air pollution control agency in Clark County to create and administer an emission reduction credit program. The bill provides the basic guidelines under which the agency may adopt regulations to establish the program. The bill specifically provides that the regulations adopted to create the program must prohibit “interpollutant trading” by no later than January 1, 2002.

This bill is effective on May 31, 2001.

Agriculture and Ranching

A.B. 30 (Chapter 53)

Assembly Bill 30 revises the level of public liability and property damage insurance coverage required of each applicant for a pest control license. Under this measure, anyone applying pesticides from an aircraft must carry minimum coverage of not less than \$100,000 for bodily injury to or death of one person in any one accident; not less than \$300,000 for bodily injury to, or death of, two or more persons in any one accident; and not less than \$100,000 for each occurrence of property damage in any one accident. For any application of pesticides, A.B. 30 also eliminates the maximum level of coverage that a licensee must carry but retains the current minimum coverage of \$10,000.

The provisions of A.B. 30 apply only to an applicant for the issuance or renewal of a pest control license for a period beginning on or after January 1, 2002.

A.B. 115 (Chapter 437)

Assembly Bill 115 pertains to certain accounts of the State Department of Agriculture. The bill expands the fees and money that must be used in the Plant Industry Program to include laboratory fees collected for the diagnosis of certain diseases of bees. The measure also expands the purposes for which expenditures may be made for the Plant Industry Program and eliminates the Apiary Inspection Account.

This bill is effective on July 1, 2001.

A.B. 631 (Chapter 133)

Assembly Bill 631 revises the provisions governing quarantines proclaimed by the State Quarantine Officer. The bill clarifies the authority of the State Department of Agriculture to adopt quarantines to prevent the entry, establishment, and spread of nonnative invasive plant, animal, or insect species in Nevada and to inspect, control, treat, and eradicate any discovery of newly introduced nonnative invasive species.

Specifically, A.B. 631 revises several definitions pertaining to the quarantine of agricultural commodities and adds definitions for noxious weeds and vertebrate pests. Noxious weeds and vertebrate pests are also added to the list of infestations against which a quarantine may be issued. The bill further expands the authority of the State Quarantine Officer to enforce quarantines against the import, export, or transport of certain agricultural commodities or to require that they be seized, treated, or destroyed. Under A.B. 631, quarantines may be proclaimed against agricultural commodities that pose a threat to the public health, water quality, wildlife, beneficial land use, or industries of Nevada.

Finally, A.B. 631 expands the inspection and notification authority of the State Quarantine Officer to include any land, means of conveyance, or article of any person in Nevada if found infested with an infectious disease, insect, plant, weed, or other pest.

This measure is effective on July 1, 2001.

A.B. 639 (Chapter 172)

Assembly Bill 639 authorizes farm equipment with dyed diesel in its fuel tank to operate on a highway for a distance of up to 20 miles when traveling to and from a farmer's field and the yard or shed where he stores or processes his crops. The bill does not allow the use of dyed fuel when the equipment is operating on a freeway.

The bill is effective on July 1, 2001.

Environmental Matters Generally

A.B. 629 (Chapter 171)

Assembly Bill 629 clarifies standards for regulating petroleum products used in internal combustion engines. The measure revises the definition of "petroleum products" to exclude natural gas. The bill also clarifies the State Board of Agriculture's responsibilities for adopting and enforcing standards for the use of petroleum products in internal combustion engines.

Hazardous Materials

S.B. 327 (Chapter 185)

Senate Bill 327 corrects several statutory citations and definitions related to the transportation of hazardous materials. It also makes it clear that the Nevada Highway Patrol Division is responsible for enforcing regulations associated with the safety of vehicles and drivers as well as the licensing of carriers.

S.J.R. 6 (File No. 17)

Senate Joint Resolution No. 6 provides the notice of disapproval from the Nevada Legislature to Congress and the President of the United States if Yucca Mountain is recommended as the site for a repository for spent nuclear fuel and high-level radioactive waste. The resolution notes that the Nuclear Waste Policy Act of 1982, 42 U.S.C. §§ 10101 et seq, as amended, provides for the submission of a notice of disapproval by the Legislature or Governor of the State of Nevada in the event the President recommends Yucca Mountain for development as a repository for spent nuclear fuel and high-level radioactive waste. The measure expresses the Nevada Legislature's unyielding opposition to the development of Yucca Mountain as such a

repository and to the storage or disposal of spent nuclear fuel and high-level radioactive waste in the State of Nevada; calls on President George W. Bush to veto any legislation that would attempt to locate a temporary or interim storage facility for spent nuclear fuel in Nevada; and requests that Spencer Abraham, the United States Secretary of Energy, abandon consideration of Yucca Mountain as a repository site.

Finally, the resolution prohibits the Federal Government and its agencies and instrumentalities from establishing a repository for spent nuclear fuel and high-level radioactive waste at Yucca Mountain without the prior expressed consent of the Nevada Legislature or a cession of jurisdiction pursuant to Chapter 328 of the *Nevada Revised Statutes*, and states that such consent and cession are withheld. Further, the Nevada Legislature declares that the resolution shall constitute notice of its disapproval pursuant to the Nuclear Waste Policy Act of 1982, as amended, should the President recommend to Congress that Yucca Mountain be developed as a repository for spent nuclear fuel and high-level radioactive waste.

This measure is effective on March 9, 2001.

Lake Tahoe and the Tahoe Regional Planning Agency (TRPA)

A.B. 176 (Chapter 25)

Assembly Bill 176 modifies the authorities of the Division of State Lands and local governments relating to grants in the Lake Tahoe Basin. Concerning programs to preserve, restore, and enhance the natural environment in the Lake Tahoe Basin, A.B. 176 specifies that grant money may be used for projects on public land or on privately owned property with the consent of the property owner. The measure authorizes the State Land Registrar of the Division of State Lands and local governments in the Basin to make grants to nonprofit organizations and private individuals, and it requires the State Land Registrar to ensure that the grant money is only expended for public purposes and the public interest is adequately protected.

This measure is effective on May 2, 2001.

A.B. 177 (Chapter 302)

Assembly Bill 177 extends the authorization to issue bonds for environmental projects in the Lake Tahoe Basin. The measure authorizes the issuance of \$16.2 million in general obligation bonds for specified projects included in the Environmental Improvement Program for the Nevada portion of the Lake Tahoe Basin. The measure cites A.B. 285 from 1999 (Chapter 514, *Statutes of Nevada*), which provided that money in an amount not to exceed

\$53.2 million would be provided periodically between 2001 and 2007 to implement projects identified by the Administrator of the Division of State Lands and approved by the Legislature or its Interim Finance Committee.

This bill is effective on July 1, 2001.

A.J.R. 4 (File No. 64)

Assembly Joint Resolution No. 4 commends the State of California and the California Tahoe Conservancy for their environmental improvement activities in the Lake Tahoe Basin. The resolution highlights that the State of California has provided approximately 57 percent of its total apportioned contribution of \$275 million to the Environmental Improvement Program in the Lake Tahoe Basin, and its Governor has pledged to fulfill the remainder of his state's share of the program costs. The measure further points out the significance of the state's establishment of the cabinet-level California Lake Tahoe Interagency Council and identifies the California Tahoe Conservancy as a focal point of efforts to secure the state's financial contributions and coordinate implementation of environmental projects.

The resolution commends the State of California, its department heads who established the Interagency Council and have provided financial support for environmental projects, and the California Tahoe Conservancy for its continued efforts in the Basin.

This resolution is effective on April 30, 2001.

Public Lands Generally

S.B. 16 (Chapter 9)

Senate Bill 16 requires a seller of property next to open range to disclose information to the purchaser regarding grazing on open range. The measure requires the seller to provide the disclosure statement before the purchaser signs the sales agreement. Compliance with the disclosure requirements constitutes an affirmative defense in any action brought against the seller for any damages suffered as a result of livestock entering the property.

S.B. 358 (Chapter 186)

Senate Bill 358 addresses the leasing of state lands. The bill authorizes the Administrator of the Division of State Lands to lease residential property owned by the state for less than fair market value to an officer or employee of the state who is required as a condition of his employment to reside in the property. The bill further specifies that these types of leases do not require approval of the State Board of Examiners or the Legislature's Interim Finance Committee.

This measure is effective on May 28, 2001.

S.J.R. 2 (File No. 76)

Senate Joint Resolution No. 2 expresses the Legislature's opposition to designation of national monuments by the President without obtaining approval from the state and local governments in which the monuments are located. It points out that such a unilateral designation works against the creation of beneficial partnerships. The resolution further states that this type of unilateral action limits the ability of the state to manage its water resources and limits the opportunities for state and local governments to participate in managing the public lands within the state.

This resolution is effective on May 11, 2001.

Water**A.B. 29 (Chapter 202)**

Assembly Bill 29 revises provisions of the Nevada Water Pollution Control Law. The bill requires the Director of the State Department of Conservation and Natural Resources to conduct an independent investigation of possible violations prior to issuing an order or taking legal action. The measure provides certain circumstances that do not require an independent investigation before action is taken, including practices that endanger public health and safety, occurrences at federal facilities operated by the United States Departments of Defense or Energy, or violations reported by the holder of a Nevada Water Pollution Control Law permit.

A.B. 200 (Chapter 116)

Assembly Bill 200 revises the imposition of civil penalties and administrative fines to enforce certain provisions governing public water systems. The bill expands the grounds under which civil penalties and administrative fines may be imposed for violations of the state's standards for public water systems, in compliance with federal regulations under the Safe Drinking Water Act. Specifically, A.B. 200 removes the word "willfully" from *Nevada Revised Statutes* 445A.950, thereby making all violators subject to civil penalties and administrative fines. However, rather than mandating that all violators "shall pay" a civil penalty of not more than \$5,000 for each day of the violation as currently described in statute, A.B. 200 makes such violators "liable" for this penalty. Further, the bill stipulates that the penalty is to be recovered by the Attorney General on behalf of the Health Division.

This measure is effective on May 22, 2001.

A.B. 468 (Chapter 402)

Assembly Bill 468 revises the statutory provisions authorizing imposition of a tax on the transfer of water from one county in Nevada to another county or state. The bill: (1) specifies that the water must be put to beneficial use in the county or state into which it is transferred; and (2) requires the State Engineer to approve of the tax and quantify the amount of water that

is subject to the tax. In addition, the measure specifically exempts from the tax ground water that is diverted and beneficially used in the county of origin but is subsequently discharged or migrates to another county or state.

S.B. 159 (Chapter 85)

Senate Bill 159 expands the applicability of the law relating to protectible interests in domestic water wells. The bill extends to all counties recognition of the importance of domestic water wells and the creation of a protectible interest in these wells. Previous law provided this protectible interest for wells in all Nevada counties except Clark.

The measure also establishes a “floor” of 50 percent to go along with the existing “cap” of 85 percent of the hookup costs that must be provided to the owner of a domestic well or the holder of a revocable well permit who is required to connect to a municipal water system.

This measure is effective on July 1, 2001. The provisions relating to assistance with hookup costs expire on July 1, 2005, as is the case under the current law.

S.B. 161 (Chapter 84)

Senate Bill 161 addresses the requirements that must be met before a permit to operate a water system may be issued. The bill provides that a permit to operate a privately owned public water system may not be approved unless the applicant furnishes documentation issued by the State Engineer indicating that he or she holds sufficient water rights to operate the system. Under current law, when the state Health Division or local government health departments review an application to construct and operate a water system, they look primarily at the engineering design and the water *quality* factors. Senate Bill 161 requires the applicant to provide assurance from the State Engineer that the system also has an adequate *quantity* of water available.

This bill is effective on July 1, 2001.

Watercraft and Boating

A.B. 469 (Chapter 365)

Assembly Bill 469 makes various changes relating to the safe use of watercraft. The measure provides, with specified exceptions, that a person born after January 1, 1983, may not operate a motorboat with a motor exceeding 15 horsepower on Nevada’s interstate waters without having successfully completed an approved boating safety course or proficiency exam. The measure further provides that a business may not rent or lease such a motorboat for use on interstate waters to a person under 18 years of age or to anyone born after January 1, 1983, who has not completed the course or proficiency exam.

In addition, the bill requires that no person under 16 years of age may operate a rented motorboat unless supervised by an authorized operator who is at least 18 years old, and it changes from 12 to 14 the minimum age for operation of a personal watercraft.

Certain procedures and administrative portions of this bill are effective on June 5, 2001. The substantive requirements are effective on January 1, 2003.

A.B. 632 (Chapter 405)

Assembly Bill 632 prohibits the operation of a boat on any waters in Nevada unless each occupant under the age of 12 is wearing a personal flotation device while the boat is under way. The measure also requires that each passenger on a personal watercraft wear a personal flotation device. These personal flotation devices must be of the type approved by the United States Coast Guard and prescribed by the regulations of the Board of Wildlife Commissioners.

This bill does not apply to offenses committed prior to October 1, 2001.

Wildlife

A.B. 199 (Chapter 211)

Assembly Bill 199 revises provisions governing certain accounts, licenses, and stamps administered by Nevada's Division of Wildlife. The substantive provisions of A.B. 199 increase the fee for a trout stamp from \$5 to \$10 and establish a special Trout Management Account for administration of the revenue. The remaining portions of the measure are primarily "housekeeping" changes that increase the amount of money carried in two minor accounts, provide for issuance of duplicate licenses, and foster implementation of an automated system for the purchase of duck and trout stamps via the Internet.

This bill is effective on May 29, 2001. However, the provisions for the issuance of a duplicate license are effective on May 29, 2001, for the purpose of adopting regulations, and on October 1, 2001, for all other purposes.

A.B. 291 (Chapter 267)

Assembly Bill 291 imposes an additional fee for each game tag application for the support of programs to control predators and protect wildlife habitat. The measure adds a fee of \$3 for processing each game tag application, the revenue from which will be accounted for separately and deposited in the Wildlife Account in the State General Fund. The funds must be used by the Division of Wildlife in the State Department of Conservation and Natural Resources for costs related to: (1) programs for the effective management and control of injurious predatory wildlife; (2) wildlife damage management activities aimed at protecting nonpredatory game

populations, sensitive wildlife species, and related wildlife habitat in Nevada; (3) necessary research into successful techniques for managing and controlling predatory wildlife; and (4) programs to educate the public about predatory wildlife.

The Division of Wildlife is further authorized to expend a portion of the money to the State Department of Agriculture to develop and carry out predator management projects. Finally, A.B. 291 provides that money in the Wildlife Account at the end of each fiscal year remains in the account and does not revert to the State General Fund

This bill is effective on January 1, 2002.

S.B. 467 (Chapter 237)

Senate Bill 467 modifies the method of determining the number of deer and antelope tags that are issued annually as compensation for damage to private property. This measure directs the Board of Wildlife Commissioners to adopt regulations establishing the maximum number of deer and antelope tags that may be issued annually as compensation for damage to private property. The bill provides that this number must not exceed 1.5 percent of the total number of tags authorized for issuance statewide, rather than limited to a maximum of 200 tags as currently specified in statute.

This measure is effective on July 1, 2001.

PUBLIC RECORDS AND OPEN MEETING LAW

A.B. 225 (Chapter 378)

Assembly Bill 225 concerns the Open Meeting Law. The measure adds to the definition of “meeting” any series of gatherings of members of a public body at which: (1) less than a quorum is present at any individual gathering; (2) the members of the public body attending the gatherings collectively constitute a quorum; and (3) the series of gatherings was held with the specific intent to avoid the provisions of the bill. Further, the bill specifies that a meeting to which the Open Meeting Law applies does not include a social gathering or a gathering to receive information from an attorney employed or retained by the public body regarding potential or existing litigation.

Finally, A.B. 225 creates an additional notice requirement under the Open Meeting Law. Before a public body considers taking an administrative action against a person or acquiring real property from a person through eminent domain, it must personally deliver written notice to that person at least five working days before the meeting or send notice by certified mail to the last known address of the person at least 21 working days before the meeting. The public body must receive proof of service before it may take action.

PUBLIC SAFETY

S.B. 482 (Chapter 557)

Senate Bill 482 establishes prohibited and required conduct of persons using a skateboard park. The measure provides that persons using a skateboard park must obey posted safety rules and must comply with reasonable instructions by the park operator. A person using the park must also avoid collisions with other skaters, maintain awareness and control, and otherwise conduct himself in a safe manner. Persons intoxicated or under the influence of a controlled substance may not use the park. The bill also requires that injuries and accidents be reported immediately to the park operator and that the operator take steps to minimize dangers.

The measure is effective on July 1, 2001.

S.B. 521 (Chapter 142)

Senate Bill 521 concerns the use of a siren by an emergency vehicle. This measure allows the driver of an emergency vehicle to operate the vehicle's warning lamps without sounding the siren. In addition, it provides that the driver of such a vehicle who operates the warning lamps without sounding the siren, is deemed to have adequately warned pedestrians and other drivers of his approach and to have met the duty to drive with due regard for safety.

Police and Fire Protection

A.B. 202 (Chapter 350)

Assembly Bill 202 addresses withdrawal from or dissolution of metropolitan police departments. When three or more political subdivisions are participating in a metropolitan police department and one of the subdivisions gives notice that it wishes to withdraw, the measure provides that the question must be submitted to that subdivision's voters at a general election. If a majority of those voters approves the question, the withdrawal is effective on the first day of the next fiscal year.

When two political subdivisions are participating in a metropolitan police department and one wishes to withdraw, or when three or more are participating and all (or all but one) wish to withdraw, the measure provides that each participating subdivision must submit the question to its voters at a general election. If a majority of the total votes cast on the question favor dissolution of the department, then the dissolution is effective on the first day of the next fiscal year.

For situations of a withdrawal from or dissolution of a metropolitan police department, A.B. 202 establishes procedures and criteria for transferring and reassigning employees, rescinding contracts for goods or services, transferring money, discharging bonds and other obligations, allocating indebtedness, and distributing real and personal property.

A.B. 220 (Chapter 387)

Assembly Bill 220 relates to police jurisdiction. The bill applies to counties with a population of 100,000 or more and requires that a peace officer with limited jurisdiction who witnesses a category A felony being committed or attempted in his presence, or has reasonable cause to believe that a category A felony has been committed or attempted in an area that is within that officer's limited jurisdiction, immediately notify the primary law enforcement agency.

This measure does not apply to an offense or attempted offense that is a misdemeanor, gross misdemeanor, or felony other than a category A felony. The measure also does not apply to an officer of the Nevada Highway Patrol, a member of a police department of the University and Community College System of Nevada, an agent of the Investigation Division of the Department of Public Safety, or a ranger of the Division of State Parks. Further, this act does not apply to a peace officer with limited jurisdiction if there is an interlocal agreement.

A.B. 282 (Chapter 351)

Assembly Bill 282 addresses the rights of peace officers and investigations of alleged misconduct. The measure provides that no peace officer may be compelled to submit to a polygraph examination against his will; that no disciplinary action may be taken against a peace officer for refusing an examination; that no comment may be entered into the investigator's note or elsewhere that the peace officer refused; and that no testimony or evidence that the peace officer refused a polygraph examination is admissible at a subsequent hearing, trial, or judicial or administrative proceeding. Further, this measure provides that a person who makes an allegation against a peace officer may not be required to submit to a polygraph examination. Finally, A.B. 282 deletes a provision regarding an officer who refuses to submit to a polygraph examination.

A.B. 463 (Chapter 220)

Assembly Bill 463 revises provisions governing the use of police animals by peace officers on public streets and highways. The bill exempts peace officers who carry out their duties on horseback from laws that limit the riding of a horse on a public street or highway.

This measure is effective on May 29, 2001.

A.B. 488 (Chapter 221)

Assembly Bill 488 revises provisions relating to the transportation of sick or injured persons by fire fighting agencies. The measure authorizes the county or district board of health in a county with a population of 400,000 or more to issue a permit authorizing a fire fighting agency to provide intermediate or advanced medical care to sick or injured persons at the scene of an emergency and while transporting those persons to a medical facility. The bill also revises the definition of an "ambulance" to include an appropriately designed, constructed, equipped, and staffed motor vehicle of a fire fighting agency. However, the term does not limit the definition of an ambulance to a vehicle of a fire fighting agency.

The bill further specifies that a fire fighting agency that uses a vehicle to transport certain persons must have at least two persons in the vehicle who are licensed to provide medical care. Finally, the measure requires the board of county commissioners to adopt an ordinance specifying whether the fire department may or may not collect fees for transportation services that are provided.

This bill is effective on July 1, 2001.

A.B. 500 (Chapter 568)

Assembly Bill 500 amends Chapter 289 of the *Nevada Revised Statutes* to state that a peace officer shall not engage in racial profiling, which is defined as “reliance by a peace officer upon the race, ethnicity, or national origin of a person as a factor in initiating action.” The measure directs the Office of the Attorney General to conduct a study of traffic stops by the Nevada Highway Patrol and by local law enforcement agencies in counties whose population is 100,000 or more. To carry out the study, the Attorney General shall, based upon the recommendations of the Director of the Department of Public Safety and the heads of the affected local law enforcement agencies, prescribe the form and manner of collecting and transmitting information regarding each traffic stop.

Further, the bill requires that the information collected include: (1) the nature of the traffic violation; (2) the identifying characteristics of the driver (including without limitation the driver’s race, ethnicity, gender, and approximate age); (3) the immigration status of the driver and any passengers; (4) the number of persons in the vehicle when it was stopped; (5) whether there was a search of the vehicle; (6) a report of any items seized during a search of the vehicle; (7) whether there was a warning or citation issued; and (8) whether an arrest was made.

This bill is effective on June 13, 2001, for the purpose of creating a form to be submitted to the Attorney General. For all other purposes, this measure is effective on July 1, 2001.

A.B. 538 (Chapter 129)

Assembly Bill 538 authorizes the sheriff of a county with a metropolitan police department to adopt policies and regulations for administration of the department and its employees. The sheriff may adopt these measures without the approval of the metropolitan police committee on fiscal affairs or the civil service board, which the committee appoints. However, the policies and regulations must not conflict with the regulations on recruitment, classification, promotion, discipline, and other matters prepared by the civil service board and adopted by the committee on fiscal affairs.

This measure is effective on July 1, 2001.

A.B. 560 (Chapter 369)

Assembly Bill 560 addresses peace officers and their training and certification. The measure specifies that the field agents and inspectors of the State Department of Agriculture who exercise the powers of enforcement pursuant to law are Category II peace officers. The bill also expands the Department's authority to temporarily stop vehicles.

Further, A.B. 560 authorizes the Peace Officers' Standards and Training (POST) Commission to enter into an interlocal agreement with an Indian tribe to provide training to and certification of persons employed as police officers. Finally, the measure requires a peace officer who must be certified by the POST Commission to be certified within one year of his employment date unless the Commission grants an extension, not to exceed six months, for good cause. The bill prohibits a person who fails to become certified within the required time from exercising the powers of a peace officer after the time for becoming certified has expired.

Most of this act is effective on July 1, 2001. The provision regarding failure to become certified does not apply until July 1, 2002, to a person who has commenced employment as a peace officer before July 1, 2001, and who is required to be certified but has not been certified by July 1, 2001.

Weapons and Firearms

S.B. 20 (Chapter 109)

Senate Bill 20 revises certain provisions relating to permits for concealed weapons. The measure provides that a person who is not a Nevada resident may apply to the sheriff of any county in this state for a permit to carry a concealed weapon in Nevada. The procedures and requirements are the same as those that apply to residents of this state who are seeking such a permit. Permits issued to nonresidents expire after three years.

S.B. 172 (Chapter 111)

Senate Bill 172 removes the current maximum of two firearms for which a permit to carry a concealed firearm may be issued.

This bill is effective on July 1, 2002.

PUBLIC UTILITIES

S.B. 210 (Chapter 371)

Senate Bill 210 makes various changes regarding the regulation of utilities. The bill requires all providers of discretionary natural gas service and alternative sellers to pay the annual mill assessment. In addition, the bill exempts providers of commercial mobile radio service from the mill assessment. Instead, the bill requires a \$200 annual licensing fee from each provider.

Furthermore, S.B. 210 requires that accident reports filed with and prepared by the Public Utilities Commission of Nevada (PUCN) must be open to public inspection, with an exception for trade secrets and confidential commercial information. The measure also provides that accident reports filed with and prepared by the PUCN may not be admitted as evidence in a suit for damages arising out of the accident.

For its main purposes, this bill is effective on October 1, 2001.

S.B. 425 (Chapter 416)

Senate Bill 425 places certain requirements on a county, city, or general improvement district that wishes to expand or take over service from a nongovernmental service provider for the purpose of delivering electric, telephone, or telecommunications service on or after July 1, 2001. The governmental entity must: (1) provide notice of the intended action to any political subdivision likely to be affected; (2) prepare a business impact statement; (3) publish a notice; and (4) hold a public hearing on the acquisition or expansion. The governing body may expand or acquire the services if it determines the action is financially feasible and does not have an adverse impact on the existing service provider. Alternatively, the entity may declare that an emergency exists concerning the provision of such services. If an emergency is declared, the measure requires the governing body to enter into an interlocal agreement with each governmental entity that will experience a loss of property or franchise taxes and to reimburse the governmental entity for the lost revenue.

These provisions do not apply to three types of acquisitions or expansions, including: (1) those undertaken pursuant to a written contract on or before April 1, 2001; (2) those to which the nongovernmental service provider voluntarily agrees; and (3) those that provide services to other county departments or agencies.

Senate Bill 425 also requires the Legislative Committee to Study the Distribution Among Local Governments of Revenue From State and Local Taxes, created by Chapter 66, *Statutes of Nevada 1997*, to study the impact on state and local taxes of local governments that expand or acquire certain utility facilities. The Committee must report to the Legislature the results of its study, including any recommendation for legislation, not later than November 1, 2002.

Finally, the bill prohibits the Colorado River Commission, on and after July 1, 2001, from acquiring or expanding facilities for the generation, distribution, or transmission of electricity for retail customers who previously were retail customers of a public utility, unless it: (1) holds a public hearing; (2) determines the action is financially feasible and in the best interests of the residents of southern Nevada; and (3) for each affected governmental entity, enters into an interlocal agreement that will reimburse the governmental entity for lost revenue.

This measure is effective on July 1, 2001, and expires by limitation on July 1, 2003.

S.B. 563 (Chapter 346)

Senate Bill 563 makes various changes to telecommunications. The measure directs the board of county commissioners in a county whose population is more than 100,000 but less than 400,000 to impose a surcharge for the enhancement of the “911” system on customers of mobile telephone service whose place of primary use, rather than their residence, is in the county. Similarly, the measure specifies that the method for calculating limitations on city and county franchise fees imposed on a public utility that sells or resells personal wireless services must be based on a customer’s place of primary use.

Further, the bill provides a procedure by which a customer may dispute the surcharge, fee, or designation of place of primary use. The procedure allows the customer to notify the supplier or public utility in writing and requires the inclusion of certain descriptive information. The supplier or public utility must review the notice within 60 days and, depending upon the determination, provide either a refund or a written explanation.

S.B. 569 (Chapter 419)

Senate Bill 569 relates to emergency telephone systems. The bill allows a county whose population is 20,000 or more but less than 400,000 to impose a telephone surcharge for the enhancement of emergency telephone systems. Before the surcharge may be imposed in a county whose population is less than 100,000, the bill requires the board of county commissioners to adopt a five-year master plan for enhanced emergency telephone services.

In addition, the measure provides for the deposit of business license fees imposed by cities and counties on providers of personal wireless service into a special revenue fund. The bill also revises the purposes for which money in the special revenue fund may be used. These purposes include: (1) paying recurring and nonrecurring charges for the operation of the enhanced telephone system; (2) paying associated personnel and training costs; (3) purchasing, leasing, or renting the necessary equipment and software; and (4) paying associated maintenance, upgrade, and replacement costs.

This bill is effective on July 1, 2001.

Energy Regulation

A.B. 197 (Chapter 349)

Assembly Bill 197 requires an electric utility to disclose to customers the average mix of fuel sources used to produce electricity consumed by customers in this state. The disclosures must be made at least twice a year by using inserts with utility bills and by posting on the utility's Web site, if it has one. The disclosures must contain adequate information to enable consumers to readily evaluate options for obtaining electric services.

A utility must also disclose the average emissions produced by fuels that are determined to pose health hazards. At such time as alternative sellers of electricity are authorized to provide competitive electric services, such sellers must also comply with the disclosure requirements. The Public Utilities Commission of Nevada is required to adopt regulations regarding the form and content of the disclosures.

A.B. 369 (Chapter 16)

Assembly Bill 369 makes various changes regarding electric utilities. The measure prohibits the Public Utilities Commission of Nevada (PUCN) from using a hearing officer to conduct a proceeding involving divestiture. In addition, the bill makes minor technical changes regarding public notice for proceedings before the PUCN. The measure also prohibits the Commission from dispensing with a hearing in any matter involving divestiture. Further, A.B. 369 defines various terms such as "affiliate," "Consumer's Advocate," "dispose of a generation asset," "generation asset," and "interest in a generation asset." The bill also defines "person" and includes the state within that definition.

Divestiture of Generation Assets

The bill provides for an absolute prohibition against divestiture of a generation asset before July 1, 2003. It allows for the divestiture of a generation asset after July 1, 2003, if the PUCN grants its approval in accordance with certain conditions. After January 1, 2003, an electric utility may seek PUCN permission to dispose of a generation asset with the disposal to be effective on or after July 1, 2003. The PUCN may approve the request to divest if it finds the transaction to be in the public interest. The PUCN may base its approval of the request upon such terms, conditions, or modifications as it deems appropriate. The bill also requires the Consumer's Advocate to be a party in any divestiture proceeding. In addition, the measure provides that if the PUCN approves an application to divest before July 1, 2003, the order does not become effective until July 1, 2003, and does not create any vested rights in the parties to the transaction before that date. Further, such an order is a final decision that can be appealed.

In addition, the PUCN is required to take all necessary steps to obtain federal approval for the prohibition on divestiture and to vacate any of its own orders that approved divestiture transactions.

Sale of Business

Assembly Bill 369 also allows an electric utility to sell all of its business, as opposed to individual assets. However, an electric utility may not dispose of its business to a subsidiary, affiliate, or holding company that has a controlling interest in the electric utility. The bill also requires any entity that assumes control of the electric utility to abide by the divestiture provisions of the act. Furthermore, any attempted disposal of a generation asset in violation of the act is void and unenforceable.

Deferred Energy Accounting

The bill requires deferred energy accounting for vertically integrated electric utilities beginning on March 1, 2001, for fuel and purchased power. If any operation department of a utility using deferred accounting realizes a rate of return greater than the rate authorized by the PUCN, the PUCN shall order the utility to transfer the portion of the amount that exceeds the authorized rate of return to the next energy adjustment period. Moreover, deferred energy accounts must be cleared after the end of each 12-month period. A utility may clear its deferred account after the end of a six-month period if the net increase or decrease in revenues for the six-month period is more than 5 percent of the total revenue generated by the utility during that period from its rates for fuel and purchased power. The bill also authorizes the PUCN to adopt regulations clearing the deferred accounts.

The measure also requires the PUCN to determine whether the costs for purchased fuel and power recorded in the deferred accounts are recoverable and properly recorded in the accounts. The bill imposes a prudence requirement on the purchase of fuel and power. In addition, the measure provides that costs for purchased fuel and purchased power include all costs that are required to purchase fuel, to purchase capacity, and to purchase energy.

Moreover, A.B. 369 provides that the PUCN may suspend the implementation of a rate change made in connection with deferred energy accounting. However, the suspension may not be effective for more than 90 days beyond the time the change would have otherwise gone into effect.

The bill requires an electric utility to file a general rate application at least once every 24 months. However, an electric utility may not seek a rate increase once every 30 days if it is already using deferred accounting.

The measure also allows deferred account credit or debit balances to be spread over a three-year period in order to reduce the volatility of rate changes. Moreover, an electric utility seeking to clear its deferred accounts when a general rate application is pending must submit information relating to the cost of service and rate design.

Mergers and Acquisitions Involving Electric Utilities

Assembly Bill 369 also places certain restrictions on mergers and acquisitions involving electric utilities. In particular, the Commission must not approve a merger or acquisition involving an electric utility unless it complies with the divestiture provisions of the act. Further, the measure prohibits the Commission from dispensing with a hearing when an electric utility applies for a certificate of public convenience and prohibits the PUCN from dispensing with a hearing when an electric utility files an application to discontinue or modify a service.

Moreover, an electric utility may not transfer its certificate of public convenience unless such a transfer complies with the divestiture provisions of the act. The bill requires the Commission to hold a hearing on a transfer involving an electric utility and to inquire whether the transfer will be in the public interest. Further, the measure removes the requirement that an electric utility establish an affiliate in order to continue to provide electric service.

Assembly Bill 369 also provides that existing contracts may not be modified by the PUCN unless those contracts were for the divestiture of generation assets.

Moreover, the measure amends portions of Section 21 of Chapter 600, *Statutes of Nevada 1999* (Senate Bill 438). The changes remove the rate cap, which was enacted in 1999 pursuant to S.B. 438.

The bill also prohibits continued application for fuel and purchased power riders after the effective date of the act. Any fuel and purchased power rider not placed into effect on or before April 1, 2001, is void and unenforceable. Moreover, the measure provides that the utilities will absorb any shortfall incurred because of the difference between the rate cap and the actual cost for fuel and purchased power incurred before March 1, 2001. The PUCN is prohibited from allowing an electric utility to recover any of those unrecovered fuel or purchased power costs from customers.

Further, the bill prohibits the PUCN from taking any further action on the Comprehensive Energy Plan (CEP) and deems the plan to have been withdrawn by the utilities. In addition, the rates that went into effect on March 1, 2001, pursuant to the CEP shall be deemed components of the fuel and purchased power rates and will not be recoverable through deferred energy accounting. Any revenue collected by the utilities before April 1, 2001, from the CEP will be deemed a credit to the deferred energy accounts.

Filing of General Rate Applications

The measure also requires each of the utilities that primarily serve densely populated counties (400,000 or more population) to file a general rate case on or before October 1, 2001. In addition to the general rate application, each such electric utility must file an application to clear its deferred accounts on or before December 1, 2001. In connection with clearing the

deferred accounts, the PUCN must investigate and determine whether the rates that went into effect on March 1, 2001, pursuant to the CEP are just and reasonable and reflect prudent business practices. The rates in effect on April 1, 2001, remain in effect until the Commission issues a final order on the general rate application. The Commission is prohibited from adjusting rates during this time period unless an adjustment is absolutely necessary to avoid a finding that the rates are confiscatory and therefore violative of the *United States Constitution* or the *Constitution of the State of Nevada*. If adjustments are necessary, they may only be made to the extent absolutely necessary to avoid an unconstitutional result.

After the general rate application is filed on October 1, 2001, the utilities shall file future general rate applications in accordance with subsection 3 of *Nevada Revised Statutes* (NRS) 704.110, which requires that such applications be filed at least once every 24 months.

Furthermore, the bill requires that on or before December 1, 2001, each utility that primarily serves less densely populated counties (less than 400,000 population) shall file a general rate application pursuant to subsection 3 of NRS 704.110, as amended by the act. In addition to the general rate application, each such electric utility shall file an application to clear its deferred accounts on or before February 1, 2002. The PUCN shall investigate and determine whether the rates that went into effect on March 1, 2001, pursuant to the CEP are just and reasonable and reflect prudent business practices as required under subsection 5. Likewise, the total rates effective April 1, 2001, must remain in effect until the Commission issues a final order on the general rate application. The Commission is subject to the same constraints on adjustment of the rates as specified in connection with the provisions on densely populated counties.

Proposed Acquisition of Portland General Electric Company by Sierra Pacific Resources

The measure provides that Sierra Pacific Resources (SPR) must file an application with the PUCN to approve the Portland General Electric Company (PGE) acquisition. If the Commission approves that transaction and SPR acquires a controlling interest in PGE before July 1, 2003, then Sierra Pacific Power Company and Nevada Power Company may not use deferred energy accounting on or after the date that SPR acquires PGE. If SPR does in fact acquire PGE, then within 90 days after the acquisition date, Sierra Pacific Power and Nevada Power shall file one final deferred energy accounting case to clear their balances. Any transaction that violates these provisions is void and unenforceable.

This measure is effective on April 18, 2001.

A.B. 661 (Chapter 604)

Assembly Bill 661 addresses public utilities. The bill defines the terms “eligible customer” and “new electric resource.” An “eligible customer” is an end-use commercial, industrial, or governmental customer with an average annual load of one megawatt or more. A “new electric resource” is energy made available from a generation asset not owned by an electric utility, and not under contract to an electric utility.

Assembly Bill 661 authorizes an electric utility to enter into agreements with persons who are not electric utilities, to: (1) construct or install new generation assets on real property adjacent to existing generation assets; (2) share common facilities; or (3) repower existing generation assets. Any increased energy made available from such an agreement is deemed a new electric resource.

The bill authorizes a provider of new electric resources to sell energy to eligible customers provided the transaction is approved by the Public Utilities Commission of Nevada (PUCN) and the customer has a time-of-use meter installed at the point of delivery. Nongovernmental entities must pay for a meter and its installation. An eligible customer who wishes to purchase energy in this way, or who wishes to change providers, must apply to the PUCN at least 180 days in advance. The PUCN shall approve the application unless the proposed action is contrary to the public interest, or otherwise does not comply with this bill.

The bill, however, limits the aggregate amount of energy all such customers may purchase from providers of new electric resources before July 1, 2003, to one half of the difference between the electric utility’s existing supply that is generated within Nevada and its existing demand from within Nevada.

Also, a nongovernmental eligible customer in a densely populated county, as part of a transaction with a provider of new electric resources, must contract for an additional amount of energy equal to 10 percent of the customer’s needs, and offer to assign that additional energy to the electric utility for use by its remaining customers. The PUCN may determine that such an assignment is in the best interest of the remaining customers, in which case the electric utility shall accept the assignment and use the energy, with a preference for remaining residential customers with small loads. The PUCN must, however, ensure that the assignment does not conflict with purchases required under the renewable portfolio standard.

The measure provides that an eligible customer who has purchased energy from a provider of new electric resources may return to the electric utility, in accordance with approved tariffs. These provisions require the eligible customer to pay any incremental costs incurred by the utility; to provide reasonable notice; and to meet other conditions. In addition, an electric utility must provide necessary transmission, distribution, and metering services in accordance with applicable tariffs and service agreements, at just, reasonable, and nondiscriminatory rates.

Finally, with regard to this subject area, the PUCN must submit quarterly reports to the Legislative Commission regarding proposed and approved transactions between eligible customers and providers of new electric resources.

Assembly Bill 661 also establishes a Universal Energy Charge of 3.30 mills on each therm of natural gas sold at retail for consumption within Nevada, and of 0.39 mills on each kilowatt-hour of electricity that is consumed at retail within Nevada. The charge does not apply to natural gas sold as a source of energy to generate electricity nor to any kilowatt of electricity used in electrolytic-manufacturing processes. Furthermore, the charges do not apply to public utilities, rural cooperatives, or general improvement districts. The bill also establishes a quarterly cap of \$25,000 on the charges for each single retail customer or customers under common ownership and control.

The measure requires the energy provider to remit the proceeds to the PUCN each quarter, and authorizes utilities to pass the charge through to the ratepayers, provided it is set forth as a separate item on the utility bill.

The bill also creates a special revenue fund, the Fund for Energy Assistance and Conservation, and requires the money from the Universal Energy Charge, and all income and interest, to be deposited in the fund, which is administered by the Welfare Division. The PUCN is entitled to retain an administrative charge of up to 3 percent.

The bill provides that 75 percent of the money in the fund must be distributed to the Welfare Division to assist eligible households in paying for electricity and natural gas. After administrative expenses (not to exceed 3 percent), the money may only be used to assist eligible households, pay for program design, pay for required annual evaluations and for consumer outreach. To be eligible for assistance, a household must have an income of not more than 150 percent of the federally designated poverty level.

The Welfare Division must determine the amount of assistance a household will receive by using the existing formula in the state plan for low-income assistance before July 1, 2002. A new formula must be used on and after July 1, 2002. The new formula must, to the extent practicable, reduce the percentage of the household's income spent on electricity and natural gas to the median percentage of household income for the entire state.

Assembly Bill 661 also provides that 25 percent of the money in the fund must be distributed to the Housing Division for programs of energy conservation, weatherization, and energy efficiency. After administrative expenses, which must not exceed 6 percent, the money may only be used to provide energy conservation and efficiency services, appropriate health and safety improvements, and consumer outreach. Again, to be eligible for assistance, a household must have an income of not more than 150 percent of the federal poverty level.

This measure requires the PUCN, the Welfare Division, and the Housing Division to adopt necessary regulations to carry out these provisions. In addition, the Welfare Division and the Housing Division must jointly establish an annual plan to coordinate their activities and must conduct joint annual evaluations of their programs. These entities must also submit an annual report to the Governor, Legislative Commission, and the Interim Finance Committee.

The measure also codifies the existing practice at the PUCN, which permits the regulatory operations staff to appear as a party in contested cases. It also prohibits a commissioner from discussing a contested case with a member of the regulatory operations staff. In addition, the bill requires the PUCN to conduct certain consumer sessions in connection with rate cases at least two times each year, in both northern and southern Nevada.

This measure changes, from three to five, the number of commissioners on the PUCN. The two new commissioners are to be appointed as soon as practicable after July 1, 2003. One commissioner must represent the general public, and not more than three commissioners may be from the same political party.

Assembly Bill 661 limits the situations in which the PUCN may dispense with a hearing on a pending matter, and deletes the existing rule whereby a proposed rate change for a public utility may take effect after 30 days without the approval of the PUCN. Instead, the PUCN has 180 days to act on a requested rate change. If no action is taken within that time, the application is deemed approved. In addition, the bill requires the PUCN to adopt regulations for protecting the health of residential customers of public utilities who have failed to pay, or whose landlords have failed to pay, for gas, water, or electric service.

Also, A.B. 661 provides that certain proposed transactions involving telecommunications companies are exempt from PUCN jurisdiction if not more than 10 percent of the gross operating revenue of the telecommunications company was derived from intrastate telecommunications services provided to retail customers in Nevada. The exemption does not apply if the PUCN regulatory staff or the Consumer's Advocate requests an order that a transaction may materially affect retail telecommunications customers in Nevada.

Regarding net metering, A.B. 661 removes the existing limitation of 100 customer generators in each electric utility's service area and includes the electricity fed back onto the transmission grid as part of the renewable portfolio standard.

The measure authorizes a bond program for financing renewable energy projects. It also creates the nine-member Task Force for Renewable Energy and Energy Conservation and the Trust Fund for Renewable Energy and Energy Conservation, which is administered by the Task Force. Six of the members of the Task Force with specified areas of expertise are appointed by the Legislature, two by the Governor, and a public member is appointed by the Consumer's Advocate. The Task Force, which receives staff support from the Consumer's Advocate, is charged with advising the Office of Energy in its development and periodic review of the comprehensive state energy plan, coordinating activities with other governmental

entities regarding renewable energy initiatives, creating incentives for investment in renewables and distributing grants to establish renewable energy projects and conservation programs, among other duties.

Further, this measure transfers the duties of the State Energy Office in the Department of Business and Industry to the Governor's Office and makes other necessary and appropriate adjustments to the statutes in this regard. The bill also authorizes certain commercial establishments to include an energy surcharge on their bills.

Finally, A.B. 661 makes conforming amendments to several other energy measures enacted in the 2001 Regular Session.

For most purposes, this measure is effective on July 17, 2001. The provisions related to the expanded number of PUCN commissioners are effective on July 1, 2003.

S.B. 211 (Chapter 278)

Senate Bill 211 revises the authority of the Colorado River Commission (CRC) to provide electric services. This bill specifically provides for continuation of the limited authority of the CRC to sell electricity and provide transmission and distribution services only to customers it had on July 16, 1997, and the Southern Nevada Water Authority, without being subject to the jurisdiction of the Public Utilities Commission of Nevada. In addition, however, the amendment authorizes the CRC to provide these services to the Authority's member agencies solely for their water and wastewater operations.

The measure also requires that a just and reasonable tariff be established through which the CRC can purchase distribution services from the local electric utility in Clark County to achieve these purposes.

This measure is effective on May 31, 2001.

S.B. 362 (Chapter 584)

Senate Bill 362 addresses approvals required to construct certain utility facilities. The bill requires that notwithstanding any other statute, regulation, or ordinance to the contrary, its provisions govern the process for approving the construction of a utility facility that is subject to the Utility Environmental Protection Act. Nothing in the bill, however, exempts construction of a utility facility from any federal requirements. For a public utility that is required to file electric resource plans and that applies to the Public Utility Commission of Nevada (PUCN) for a permit to construct a generation facility, this measure grants the PUCN exclusive jurisdiction to determine whether a need exists. No other permitting entity can consider whether a need for that facility exists.

Moreover, the measure provides that if an appropriate federal, state, or local agency has already conducted an environmental review regarding the construction of a facility, the PUCN and each permitting entity shall accept and incorporate the findings of that study into any pending application and not conduct a duplicate study. The PUCN and the other permitting entities must cooperate with each other and avoid the duplication of activities. The bill also provides that except as otherwise required by federal law, the PUCN shall grant or deny an application to build a facility within 150 days after the application is filed, and every other permitting entity shall take action within the same time period if they received an application when the application was filed with the PUCN.

For facilities for which a federal agency conducts an environmental analysis, S.B. 372 requires the applicant to file a simultaneous application with the PUCN containing: (1) a general description of the proposed utility facility; and (2) a summary of any anticipated studies. Not later than 30 days after the federal agency issues a final environmental analysis, the applicant must also file an amended application with the PUCN. For these facilities, action must be taken within 120 days from receipt of the amended application. Finally, if the PUCN decides to issue a permit and the applicant has not obtained all other necessary permits, the PUCN must condition its authorization by requiring the applicant to first obtain the remaining permits.

The bill is effective on June 14, 2001.

S.B. 372 (Chapter 519)

Senate Bill 372 revises provisions governing portfolio standards for renewable energy resources. The measure requires all counties and incorporated cities whose population is 100,000 or more to adopt model construction and energy codes that regulate the design of energy efficient buildings and the installation of energy efficient mechanical, lighting, and power systems for all new construction.

The bill increases the renewable portfolio standard to no less than 5 percent per year of the total amount of electricity annually consumed by customers of a provider for the years ended December 31, 2003, and December 31, 2004. Not less than 5 percent of this requirement must be met from solar renewable energy systems. Thereafter, the portfolio standard increases 2 percent at the end of each succeeding biennium until it reaches 15 percent of the total amount of electricity consumed as of December 31, 2013, and December 31, 2014.

In addition, if the portfolio standard is procured from a renewable energy system pursuant to a contract with a third party, the term of the contract must not be less than ten years, unless the third party so chooses. Any such contract must be just and reasonable as determined by the Public Utilities Commission of Nevada (PUCN). If the provider is a public utility and the PUCN approves the contract, it shall be deemed to be prudent, and the public utility may recover all just and reasonable costs associated with the contract.

Moreover, the bill requires the PUCN to establish a mechanism for enforcement of the portfolio standard. The mechanism may include, but is not limited to, assessing a per-kilowatt hour fee for each kilowatt hour from a renewable energy system not sold by the electric utility or alternative seller, as required by the portfolio standard, in a particular year. If the PUCN determines that sufficient energy from renewable energy systems is not available to a provider in a particular year at just and reasonable rates, then no penalty shall be assessed for that deficiency in that year. The PUCN shall adopt regulations for determining just and reasonable terms and conditions for renewable energy contracts that a provider must enter into to comply with the portfolio standard.

Finally, the bill defines “renewable energy system” to mean an energy system in this state that utilizes renewable energy sources to produce electricity or solar-thermal energy systems that reduce the consumption of electricity and that transmit the electricity over a dedicated transmission or distribution line.

This bill is effective on June 8, 2001.

S.C.R. 53 (File No. 108)

Senate Concurrent Resolution No. 53 requests that the Governor of the State of Nevada return Senate Bill 372 of the 2001 Session, which revises provisions concerning conservation of energy and use of renewable energy, to the Senate for further consideration.

REAPPORTIONMENT AND REDISTRICTING

A.B. 650 (Chapter 407)

Assembly Bill 650 revises the general provisions of the *Nevada Revised Statutes* (NRS) concerning population thresholds of local governments. The measure makes adjustments throughout NRS to the population classifications of cities and counties based on the results of the 2000 Decennial Census conducted by the United States Department of Commerce, Census Bureau.

This measure is effective on July 1, 2001.

S.B. 14 (Chapter 23)—17th Special Session

Senate Bill 14 of the 17th Special Session revises the districts for state legislators, Representatives in Congress, the Board of Regents of the University and Community College System of Nevada (UCCSN), and the State Board of Education.

Nevada State Senate

The measure retains a 21-member Senate and includes 19 Senate districts with an overall range of population deviation of 9.91 percent. The plan shifts one Senate seat from northern Nevada to Clark County to adjust for greater population growth in southern Nevada, and reallocates one seat to include parts of Clark County and portions of rural Nevada. The plan consists of 14 Senate districts wholly within Clark County and includes 6 districts entirely within the remaining 16 counties. The measure also establishes one Senate district that includes all of Churchill, Esmeralda, and Mineral Counties as well as portions of Douglas, Lyon, and Nye Counties and a portion of northern Clark County. All Senate districts in Washoe County and rural Nevada are single-member districts, while two of the districts in Clark County are two-member districts. This represents a reduction in the number of multimember districts from five to two. Each single-member district in the plan averages 95,155 residents, and each two-member district averages 190,310 people. The plan creates a Hispanic majority district of 60.18 percent and a Black or African-American influence district of 28.45 percent. Finally, the measure creates one open Senate district in Clark County that encompasses areas in the northeast and southeast part of the Las Vegas Valley and the eastern and southern portions of rural Clark County.

Nevada State Assembly

Senate Bill 14 retains a 42-member Assembly. Each district has just one member, and the overall range of deviation is 1.97 percent from the ideal population of 47,578 per district. The plan shifts three Assembly seats from northern Nevada to Clark County to adjust for greater population growth in southern Nevada. In Clark County, the plan creates 2 Assembly districts with a Black or African-American population of over 33 percent and 11 districts with a Hispanic or Latino population of over 25 percent. Two of these 11 districts have Hispanic

majorities of 65.16 percent and 65.97 percent. Senate Bill 14 also creates six open Assembly seats in Clark County where no incumbents currently reside, one of which includes the 65.16 percent Hispanic majority district. The plan establishes 29 Assembly districts wholly within Clark County; 6 districts entirely within Washoe County; and 7 districts, some of which contain less populated parts of Washoe County, that include the remaining counties in the state.

Representatives in Congress

The measure also revises the districts for Nevada's Representatives in Congress. The measure creates a new third congressional district entirely contained within Clark County. Of the other two districts, one is wholly contained in Clark County, while the other encompasses the remaining 16 counties plus an additional 43,595 residents in Clark County. The plan contains an overall range of population deviation of zero percent (six people) from the ideal population of 666,086 per congressional district and complies with the equal population criteria established by the United States Supreme Court. The measure also adds to Chapter 304 of the *Nevada Revised Statutes* the definitions of "block," "block group," and "census tract" for purposes of reapportioning and redistricting congressional districts.

University Board of Regents

Senate Bill 14 creates a redistricting plan for the UCCSN Board of Regents that increases the size of the Board from 11 to 13 members. The 13 districts included in the plan have an overall range of population deviation of 2.5 percent from the ideal population of 153,712 per district. The plan creates nine districts entirely within Clark County; two districts wholly within Washoe County; one district encompassing Carson City, Douglas County, Lyon County, Storey County, and a portion of Washoe County; and one district that includes the remaining rural counties of the state. The measure creates two open seats in Clark County, one of which has a Hispanic majority of 55.11 percent. The plan also creates a Black or African-American influence district of 26.68 percent.

State Board of Education

The bill reduces the size of the State Board of Education from 11 to 10 members with an overall range of population deviation of 5.73 percent from the ideal population of 199,826 per district. The plan creates seven districts wholly contained within the boundaries of Clark County; one district entirely within Washoe County; one district encompassing Carson City, Douglas County, and a portion of Washoe County; and one district that includes northern Washoe County and the other 13 counties. In addition, the plan creates a Hispanic majority district of 53.09 percent as well as a 23 percent Black or African-American influence district in Clark County.

Additional Information

Senate Bill 14 clarifies that each State Senator, Regent, and member of the State Board of Education who was elected on November 3, 1998, or earlier shall serve the remainder of his or her term. The measure further specifies that if applicable, certain Senators shall represent the new districts in which they reside beginning on November 6, 2002, through the expiration of their terms, and certain Regents and Board members shall represent the new districts in which they reside beginning on January 7, 2003. The initial terms of office for the one open Senate seat and the two open University Board of Regents seats are also set forth in the measure. Finally, the measure stipulates which state Senators and members of the UCCSN Board of Regents and State Board of Education may use the term “reelect” in campaign material at the election following the expiration of that incumbent’s term.

The portions of the measure that revise the districts of the Nevada Legislature are effective on January 1, 2002, for the purposes of nominating and electing members of the Legislature and on November 6, 2002, for all other purposes. The provisions in the bill that provide new definitions of census terminology and redraw the districts for Representatives in Congress are effective on January 1, 2002, for the purpose of nominating and electing representatives in the U.S. Congress and at 9 a.m. on January 3, 2003, for all other purposes. Furthermore, the portions of the measure that revise the districts for UCCSN Board of Regents and the State Board of Education are effective on January 1, 2002, for the purposes of nominating and electing members of both boards and on January 7, 2003, for all other purposes.

RESOLUTIONS AND MEMORIALS

Assembly Joint Resolutions

A.J.R. 1 (File No. 63)

Assembly Joint Resolution No. 1 urges the President and Congress to increase federal funding for special education to the level authorized by the Individuals With Disabilities Education Act (IDEA). The resolution requests the President and Congress to fund 40 percent of the costs of providing special education and related services to students with disabilities. When Congress originally passed IDEA in 1975, the commitment was to fund 40 percent of the costs associated with special education. Since that time, Congress has not provided the percentage of funding promised, which has never exceeded the 15 percent level.

This measure is effective on April 30, 2001.

A.J.R. 2 (File No. 29)

Assembly Joint Resolution No. 2 urges Congress to refrain from enacting any measure to repeal the ability of Nevada to license and regulate sports wagering. Further, the resolution urges Congress to enact the National Collegiate and Amateur Athletic Protection Act of 2001, which would enable the nation to identify and address illegal sports wagering.

This resolution is effective on March 26, 2001.

A.J.R. 3 (File No. 110)

Assembly Joint Resolution No. 3 proposes to amend the *Constitution of the State of Nevada* to revise or repeal certain antiquated provisions. Currently, the Nevada Constitution provides that no “idiot or insane person” shall be entitled to vote. This measure proposes to delete this language and replace it with “person adjudicated mentally incompetent, unless restored to legal capacity.”

Additionally, A.J.R. 3 proposes to repeal Section 34 of Article 4 of the *Constitution of the State of Nevada* pertaining to the election of United States (U.S.) Senators by both houses of the Legislature in joint convention. This section of the Constitution was nullified in 1913 with the adoption of the 17th Amendment to the *United States Constitution*, which provides for the direct, popular election of U.S. Senators.

If approved in identical form by the 2003 Session of the Nevada Legislature, this proposal will be submitted to the voters for final approval or disapproval at the 2004 General Election.

A.J.R. 4 (File No. 64)

Assembly Joint Resolution No. 4 commends the State of California and the California Tahoe Conservancy for their environmental improvement activities in the Lake Tahoe Basin. The resolution highlights that the State of California has provided approximately 57 percent of its total apportioned contribution of \$275 million to the Environmental Improvement Program in the Lake Tahoe Basin, and its Governor has pledged to fulfill the remainder of his state's share of the program costs. The measure further points out the significance of the state's establishment of the cabinet-level California Lake Tahoe Interagency Council and identifies the California Tahoe Conservancy as a focal point of efforts to secure the state's financial contributions and coordinate implementation of environmental projects.

The resolution commends the State of California, its department heads who established the Interagency Council and have provided financial support for environmental projects, and the California Tahoe Conservancy for its continued efforts in the Basin.

This resolution is effective on April 30, 2001.

A.J.R. 5 (File No. 111)

Assembly Joint Resolution 5 urges Congress to allow the individual states to extend the period of Daylight Saving Time from the first Sunday in February to the first Sunday in November in order to conserve energy.

This resolution is effective on June 3, 2001.

A.J.R. 6 (File No. 73)

Assembly Joint Resolution No. 6 urges Nevada's Congressional Delegation to support the release of certain property in Clark County for the development of a regional shooting park. The resolution identifies the need for a safe, world-class shooting facility for Clark County residents and visitors to educate shooters and law enforcement personnel in the proper use of firearms and to accommodate practice and recreational and competitive activities and events. The measure recognizes an increasing demand for a large, publicly operated, and affordable shooting park and acknowledges the efforts of the Clark County Department of Parks and Recreation to develop such a facility in the area. Finally, A.J.R. 6 urges the Nevada Congressional Delegation to support the release of 5,000 acres of property controlled by the United States Department of the Interior, Bureau of Land Management, for the development of a regional shooting sports park in Clark County.

This resolution is effective on May 9, 2001.

A.J.R. 7 (File No. 97)

Assembly Joint Resolution No. 7 expresses support of the Nevada Legislature for the repeal of new federal regulations on surface mining. The resolution concerns surface mining regulations that were published in the November 21, 2001, *Federal Register* by the Bureau of Land Management. The measure asserts that these regulations will have negative impacts on Nevada's mining and rural economies, resulting in the loss of more than 3,000 jobs and millions of dollars in personal income statewide. The measure maintains that the new regulations go beyond the authority granted to the Bureau by Congress; interfere with Nevada's authority over land use, mine development, and mine reclamation; and impede the state's authority for the regulation of water quality and water rights.

In addition, A.J.R. 7 contends that the Bureau adopted an entirely new interpretation of its legal authority under the Federal Land Policy and Management Act of 1976 without allowing for adequate review, comment, and consultation. Instead, A.J.R. 7 states that the Bureau relied on information and data that were not made publicly available to support its final regulations.

Finally, A.J.R. 7 expresses the support of the Nevada Legislature for a lawsuit filed by the State of Nevada challenging the new surface mining regulations. The measure urges the governors and legislators from other hardrock-mining states to join Nevada in its efforts.

A.J.R. 8 (File No. 119)

Assembly Joint Resolution No. 8 proposes to amend the *Constitution of the State of Nevada* to authorize the separate taxation of property whose development is restricted pursuant to an interstate compact for the preservation and restoration of the natural environment of the region in which the property is located. Furthermore, the measure proposes to amend the Constitution to authorize the Nevada Legislature to provide by law for the abatement of the tax upon or an exemption of the assessed value of undeveloped land or a single-family residence occupied by the owner, to the extent necessary to avoid severe economic hardship to that person.

If passed in identical form by 2003 Session of the Nevada Legislature, this measure will be submitted to Nevada's voters for final approval or disapproval at the 2004 General Election.

A.J.R. 9 (File No. 120)

Assembly Joint Resolution No. 9 concerns the use of social security numbers on applications for driver's licenses or any other licenses issued in Nevada. The measure urges Congress to repeal 42 U.S.C. §§ 666(a)(13)(A), which requires each state to record the social security number of a citizen on an application for a driver's license or any other license issued by the state in order to receive certain federal funding.

This resolution is effective on June 5, 2001.

A.J.R. 10 (File No. 121)

Assembly Joint Resolution No. 10 urges Congress to support H.R. 664 of the 107th Session, which proposes to amend the Social Security Act to allow spouses and surviving spouses who are also receiving certain federal, state, or local government pensions to receive a minimum of \$1,200 per month before a required two-thirds offset on their income could be imposed.

This measure is effective on June 5, 2001.

A.J.R. 12 (File No. 98)

Assembly Joint Resolution No. 12 proposes to amend the *Nevada Constitution* 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. In addition, the measure provides for the election and staggered terms of office of the initial appellate court judges. After the initial terms, the judges must be elected at subsequent general elections to serve six-year terms of office. Further, the measure specifies the procedure for filling vacancies on the appellate court, which may not be for a period longer than the remainder of the unexpired term. The resolution also requires the Legislature to establish the jurisdiction of the court of appeals and provide for the review by the Supreme Court, where appropriate, of appeals decided by the appellate court. Finally, the measure authorizes the Supreme Court to provide by rule for the assignment of one or more judges on the court of appeals to devote part of their time as supplemental district judges, where needed.

If passed in identical form by the 2003 Session of the Nevada Legislature, this measure will be forwarded to Nevada's voters for final approval or disapproval at the 2004 General Election.

A.J.R. 13 (File No. 99)

Assembly Joint Resolution No. 13 urges Congress to consider a number of measures that are pending before that body to rectify a payment inequity for individuals who were born between the years of 1917 and 1926. Further, the measure describes federal legislation that was responsible for this discrepancy and provides information about several measures that are currently pending before Congress concerning this issue. Finally, the resolution discusses the benefits that may be realized by these individuals if they received an increase in their social security benefits to the level of persons born before or after them.

This resolution is effective on May 28, 2001.

A.J.R. 15 (File No. 112)

Assembly Joint Resolution No. 15 urges the President and Congress to support the participation of Taiwan of the Republic of China in the World Health Organization. The resolution notes that Taiwan shares the goals of the World Health Organization, and its participation in World Health Organization activities is in the best interests of all people

throughout the world. The measure further notes that the policy of the United States should include the pursuit of an initiative in the World Health Organization that would ensure the participation of Taiwan.

This measure is effective on June 3, 2001.

See also Assembly Joint Resolution No. 1 (File No. 1) of the 17th Special Session.

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 2001 Legislative Session.

A.C.R. 2 (File No. 96)

Assembly Concurrent Resolution No. 2 urges support for the Women's Health Care Platform: Campaign 2000. The resolution identifies inequities in health care, discusses the unequal medical treatment of men and women, advocates for appropriate action to achieve improved and equal access for women to quality health care, and identifies ways in which equal access may be achieved. Finally, the measure commends the Women in Government organization for its leadership in calling for action on these issues.

A.C.R. 4 (File No. 20)

Assembly Concurrent Resolution No. 4 recognizes agriculture as one of Nevada's most important industries and a cornerstone for the economies of rural Nevada counties. However, while the costs of production for the agricultural industry have increased, the net income from farming and ranching has decreased in recent years. The resolution encourages institutions, wholesalers, and retailers in this state to purchase agricultural products grown, produced, packed, processed, or raised in Nevada. Further, it directs each regulatory agency of the state to foster the purchase and use of these agricultural products.

A.C.R. 5 (File No. 124)

Assembly Concurrent Resolution No. 5 addresses the Tahoe Regional Planning Compact and its implementation. The resolution directs the Legislative Commission to appoint a committee composed of three members of the Senate and three members of the Assembly to continue its review of the Compact and to oversee the Tahoe Regional Planning Agency as well as federal and state agencies with regulatory authority in the Tahoe Basin. The resolution also directs the committee to communicate with members of California's Legislature to achieve the goals established in the Compact.

A.C.R. 6 (File No. 86)

Assembly Concurrent Resolution No. 6 expresses the Legislature's commendation and support for the efforts at the Tahoe-Reno Industrial Center to develop and diversify Nevada's economy. The preamble notes that the Tahoe-Reno Industrial Center, when its development is complete, will employ thousands of workers, produce significant tax revenues, and provide additional electrical power for northern Nevada. It also notes that the Center is presently negotiating with Nevada's Department of Transportation for the construction of an interchange on Interstate Highway 80 to serve the industrial park and for the construction of a new highway to be designated State Route 567 connecting U.S. Highway 50 and Interstate Highway 80.

A.C.R. 7 (File No. 77)

Assembly Concurrent Resolution No. 7 directs the Legislative Committee on Health Care to establish a subcommittee to conduct an interim study of the development of a system for reporting medical errors. Further, the bill sets forth the criteria for evaluation during the study and requires that a specific report concerning medical errors be used while conducting the study. Finally, the Committee is required to submit a report of the results of the study and any recommended legislation to the 72nd Session of the Nevada Legislature.

A.C.R. 8 (File No. 14)

Assembly Concurrent Resolution No. 8 commemorates the birthday of Theodor Seuss Geisel, who is better known as Dr. Seuss, by recognizing March 2, 2001, as Read Across America Day in Nevada. The measure encourages children and adults to share the joy of reading.

A.C.R. 9 (File No. 16)

Assembly Concurrent Resolution No. 9 declares March 4 through March 10, 2001, as Women in Construction Week in Nevada. The resolution commends the National Association of Women in Construction for its efforts and programs to promote and support the advancement, visibility, and pride of women in the construction industry. The theme of this year's Women in Construction Week, "Under Construction . . . Building for Tomorrow," promotes awareness of the need for further advancement and acceptance of women taking an active role in the construction industry.

A.C.R. 10 (File No. 83)

Assembly Concurrent Resolution No. 10 relates to Medicaid eligibility for young adults who have "aged out" of foster care. The resolution urges the Department of Human Resources to review the federal Foster Care Independence Act of 1999 and to determine the feasibility of amending the State Medicaid Plan to create a new Medicaid eligibility group for young adults who have "aged out" of foster care. While in foster care, these children are eligible for Medicaid or other governmental health care programs until they reach 18 years of age.

A.C.R. 11 (File No. 21)

Assembly Concurrent Resolution No. 11 recognizes the dedicated and enthusiastic service provided by employees of the Legislature and the Legislative Counsel Bureau to the 2001 Session of the Nevada Legislature. Each employee of the Legislature and the Legislative Counsel Bureau who is employed on the last day of the 71st Session, and if requested to do so by the employee's supervisor, remains in that employment after the last day of the session until all tasks assigned to the employee during the session are completed, is awarded six days of administrative leave.

A.C.R. 12 (File No. 23)

Assembly Concurrent Resolution No. 12 memorializes long-time educator and native Nevadan Orsie S. Graves. The resolution highlights Mr. Graves' contributions to education and athletics at Sparks High School, the compassion and understanding he offered to students and friends, his community involvement, and his service to the nation during World War II. Mr. Graves passed away on May 10, 2000, at the age of 78. The resolution extends the condolences of the Legislature to his family and friends.

A.C.R. 13 (File No. 26)

Assembly Concurrent Resolution No. 13 designates March 21, 2001, as E Clampus Vitus Day at the Nevada Legislature. The measure offers praise and commendation to the Ancient and Honorable Order of E Clampus Vitus for its contributions to humankind and recognizes its members who continue to serve and protect the residents of the Silver State. In addition, the resolution notes the passing of Clamp Patriarch John W. Riggs, Sr.

The Ancient and Honorable Order of E Clampus Vitus was founded in West Virginia in 1845 and came to Nevada in 1860, when William Stewart founded Winnemucca Lodge Number 1 in what was then the Utah Territory. It is one of the longest surviving brotherhoods of men in the nation with a fundamental need to provide protection and kindness while advancing the noble cause of Clamperdom to residents of Nevada.

A.C.R. 14 (File No. 28)

Assembly Concurrent Resolution No. 14 commends all Nevada firefighters who fought wildland fires in Nevada and in other western states during the 2000 fire season. The resolution recognizes the heroic efforts of firefighters from the United States (U.S.) Department of the Interior, Bureau of Indian Affairs, Bureau of Land Management, Fish and Wildlife Service, and National Park Service; the U.S. Department of Agriculture, Forest Service; the State of Nevada's Division of Forestry, State Department of Conservation and Natural Resources; and State Fire Marshal Division, Department of Motor Vehicles and Public Safety as well as the professional firefighters from various other federal, state, and local agencies and the countless volunteers who joined together to fight fires during the 2000 fire season. Further, the measure expresses the gratitude of the residents of Nevada to the brave

men and women who put their lives on the line in the most difficult circumstances, working in unison with firefighters from other states and nations, to contain the fires in all the western states.

A.C.R. 15 (File No. 32)

Assembly Concurrent Resolution No. 15 memorializes native Nevadan and former Assemblyman John Frank Giomi. The resolution notes that Mr. Giomi served as Lyon County's representative in the Nevada State Assembly for seven regular and three special legislative sessions between 1955 and 1966. Mr. Giomi introduced and was instrumental in gaining passage of legislation on a variety of issues, including agricultural chemical regulation, livestock, federal water rights, veterans' affairs, and education funding. In addition, the measure highlights Mr. Giomi's legacy of service to the nation, the people of Lyon County, and the State of Nevada. Mr. Giomi passed away on June 17, 2000, at the age of 83. The resolution extends the condolences of the members of the Nevada Legislature to his family and friends.

A.C.R. 17 (File No. 33)

Assembly Concurrent Resolution No. 17 designates March 27, 2001, as Nevada Diabetes Awareness Day. The measure notes that many people with diabetes remain undiagnosed because of lack of education and information regarding the disease. The resolution commends the Nevada Diabetes Council and the Nevada Diabetes Association for Children and Adults for their efforts to reduce the effects of diabetes on the residents of Nevada by supplying them with resources and information regarding the disease.

A.C.R. 18 (File No. 34)

Assembly Concurrent Resolution No. 18 memorializes former Assemblywoman Jan Evans. The resolution notes that Mrs. Evans served for seven terms in the Nevada State Assembly, from 1987 until 2000, and during her tenure attained the distinction of highest-ranking woman in the Assembly as its Speaker Pro Tempore. Mrs. Evans worked diligently and passionately to secure passage of legislation on issues of importance to families, women, and children in Nevada, including the topics of child abuse, domestic violence, education, juvenile justice, and the rights of children. She possessed an innate ability to build consensus among people with diverse viewpoints and was quick to acknowledge the contributions of others. The measure recognizes Mrs. Evans' compassion, courage, and integrity and highlights her extensive community involvement and civic contributions. Mrs. Evans passed away on April 24, 2000, at the age of 62. The resolution extends the condolences of the Legislature to her family and friends.

A.C.R. 19 (File No. 36)

Assembly concurrent Resolution No. 19 commends former Nevada legislator James E. Wood for his public service. The resolution notes that Mr. Wood served in the Assembly from 1953 through 1970, for a total of six regular and six special sessions. While a member of the Legislature, Mr. Wood was instrumental in acquiring generous donations to benefit the University of Nevada, Reno, which helped establish the University of Nevada School of Medicine and build the Jot Travis Student Union building. In addition, Mr. Wood was involved in key legislation, including the Sales and Use Tax Act of 1955, considered to be a difficult but necessary piece of legislation. The 71st Session of the Legislature commends Mr. Wood for his many contributions to the State of Nevada and its residents.

A.C.R. 20 (File No. 51)

Assembly Concurrent Resolution No. 20 concerns pay equity in the workplace. The resolution designates April 3, 2001, as Equal Pay Day in Nevada and urges state and local governments and private employers to compensate all employees fairly based on an objective evaluation of their jobs, considering factors such as the skill, effort, responsibility, and working conditions required for each job. Further, the measure recognizes the leadership demonstrated by public and private employers in Nevada that promote and support policies to ensure fairness and equity for their employees.

A.C.R. 23 (File No. 52)

Assembly Concurrent Resolution No. 23 welcomes the exhibit “Una Storia Segreta” (A Secret Story) to the Las Vegas Art Museum. The measure notes that the freedoms of thousands of Italian Americans were unjustly disrupted and violated by the United States Government during World War II. “Una Storia Segreta” unveils the treatment received by certain Italian Americans during this period in the country’s history. The resolution extends the Nevada Legislature’s thanks to the Augustus Society, a nonprofit organization of Las Vegas professional and lay men and women of Italian-American heritage, for sponsoring the exhibit. Further, the Legislature encourages all Nevada residents to view the exhibit in order to promote greater awareness of the injustices endured by many Italian Americans and their families living in this state.

A.C.R. 24 (File No. 53)

Assembly Concurrent Resolution No. 24 memorializes long-time Clark County resident Julian Wallace. The measure notes that Mr. Wallace will be remembered for his membership in the Fraternal Order of Knights of Pythias and his commitment to the Pythian principles of “service to mankind” and “peace through understanding.” Also highlighted in the resolution is Mr. Wallace’s community involvement, including his leadership of Seniors United, a coalition of senior citizen activist groups, and his efforts on behalf of the City of Hope National Medical Center, an organization whose mission is the prevention, treatment, and cure of cancer and other life-threatening diseases. Mr. Wallace passed away on August 2, 2000, at the age of 87. The resolution extends the condolences of the members of the Nevada Legislature to his wife.

A.C.R. 25 (File No. 57)

Assembly Concurrent Resolution No. 25 memorializes former Assemblyman and philanthropist Harold E. Fitz, a resident and representative of Churchill County. The resolution notes that Mr. Fitz was appointed to fill a vacancy in the Nevada Assembly for the 1958 special session and was elected to serve another term in 1959. Highlighted in the measure are Mr. Fitz' extensive community involvement and his philanthropic contributions to higher education and various other causes. Mr. Fitz passed away on January 15, 2001, at the age of 98. The resolution extends the Nevada Legislature's deepest sympathy to the family and friends of Harold Fitz.

A.C.R. 26 (File No. 58)

Assembly Concurrent Resolution No. 26 commends the musical group R.E.M. for encouraging the prevention of teen suicide in its 1992 song "Everybody Hurts." The measure recognizes teen suicide as one of the most disruptive and tragic events a community can experience, and it commends the musical group R.E.M. for addressing this issue directly and for effectively suggesting a different perspective to persons who are contemplating suicide. In addition, the resolution urges Nevadans to take notice of the alarming prevalence of teen suicide in the state and to do all they can to help others hold on to life.

A.C.R. 27 (File No. 66)

Assembly Concurrent Resolution No. 27 designates April 28, 2001, as Workers Memorial Day in Nevada to honor and remember the workers who have succumbed to occupational diseases or been injured or killed as a result of work-related accidents. The resolution notes that each year, more than 60,000 workers die from job-related injuries and illness and another 6 million are injured. Nevada residents are urged to observe Workers Memorial Day by recognizing the need for strengthening safety and health protections in the workplace so that future work-related tragedies can be prevented.

A.C.R. 28 (File No. 70)

Assembly Concurrent Resolution No. 28 commends the efforts of the American Heart Association to reduce coronary heart disease and applauds its community outreach program, Operation Heartbeat. The resolution notes that Operation Heartbeat is a community-based program designed to decrease the number of deaths resulting from heart attack and sudden cardiac arrest by strengthening the "Chain of Survival," which is composed of four components that represent the sequence of events necessary to survive these health emergencies: (1) early access; (2) early cardiopulmonary resuscitation; (3) early defibrillation; and (4) early advanced care.

A.C.R. 29 (File No. 71)

Assembly Concurrent Resolution No. 29 memorializes long-time Clark County resident and former Nevada Assembly Speaker Paul W. May, Jr. The resolution notes that Mr. May was first elected to the Nevada Assembly in 1966 and served for a total of ten terms of office. During his tenure in the Nevada Legislature, Mr. May chaired the Assembly Standing Committee on Taxation for six regular sessions and was instrumental in gaining passage of the “tax shift” legislation that raised sales taxes and reduced Nevada’s property taxes to among the lowest in the nation. Also highlighted in the measure are Mr. May’s many community contributions, including his service to his country and his membership in numerous organizations. The resolution further notes that Mr. May was known for his dry wit and jovial nature, his willingness to do the unusual to accomplish the work of the Legislature, and his dedication to public service. Mr. May passed away on November 14, 2000, at the age of 72. The resolution extends the condolences of the Nevada Legislature to Mr. May’s family and friends.

A.C.R. 30 (File No. 72)

Assembly Concurrent Resolution No. 30 memorializes distinguished legislative advocate Richard L. Morgan. The resolution notes that during his tenure as Executive Director of the Nevada Education Association, Mr. Morgan worked with the Nevada Legislature to create the nation’s first collective bargaining law that included binding arbitration, to enact Nevada’s “Fair Dismissal Law” for teachers, and to transform the Public Employees’ Retirement System into the financially viable benefit program that exists today. The measure outlines the many important contributions of Mr. Morgan and notes that his singular example of coaching his pupils, children, colleagues, and legislators across the country to rise to their own personal bests has served as an inspiration to all. Mr. Morgan passed away on December 11, 1999, at the age of 71. The resolution extends the condolences of the Nevada Legislature to Mr. Morgan’s family and friends.

A.C.R. 32 (File No. 78)

Assembly Concurrent Resolution No. 32 memorializes former Assemblyman and civil rights leader Woodrow Wilson. The resolution notes that in 1966, Mr. Wilson was elected to the Nevada Assembly, becoming the first African American to serve in the Nevada Legislature. During his tenure in the Assembly, Mr. Wilson was instrumental in securing passage of the Nevada Fair Housing Law, which prohibits discriminatory practices in the sale of homes. Also highlighted in the resolution are Mr. Wilson’s extensive community contributions, including his service as Chairman of the Nevada Equal Rights Commission. The measure further notes that Mr. Wilson will be remembered as a man who worked hard to achieve equal justice for all and dedicated his life to helping African Americans throughout Nevada. Mr. Wilson passed away on December 25, 1999, at the age of 84. The Nevada Legislature expresses its profound sorrow regarding the loss of Mr. Wilson.

A.C.R. 33 (File No. 79)

Assembly Concurrent Resolution No. 33 designates May 20 through May 26, 2001, as U.S. Merchant Marine and U.S. Navy Armed Guard Remembrance Week. The measure notes that during World War II, the Merchant Marine transported troops and delivered 75 percent of all military equipment and supplies to battle fronts throughout the world, while the U.S. Navy Armed Guard provided gunnery protection and communication services to the Merchant Marine. The Nevada Legislature encourages all Nevadans to join in the observance of U.S. Merchant Marine and U.S. Navy Armed Guard Remembrance Week to coincide with National Maritime Day on May 22, 2001.

A.C.R. 34 (File No. 94)

Assembly Concurrent Resolution No. 34 recognizes May 16, 2001, as Peace Officers' Memorial Day in Nevada. During the week of May 13 through May 19, 2001, Nevada residents are urged to attend the ceremonies honoring those peace officers who gave their lives while preserving the safety of their communities, and to express appreciation to those who continue to face death every day in their dedication to making Nevada a safer place in which to live.

A.C.R. 35 (File No. 104)

Assembly Concurrent Resolution No. 35 authorizes and directs the State Controller to pay out of the Legislative Fund the sum of \$35 per service to the members of the clergy who have performed religious services for the Senate and the Assembly during the 71st Session of the Nevada Legislature.

A.C.R. 37 (File No. 113)

Assembly Concurrent Resolution No. 37 concerns the Disadvantaged Business Enterprise Program and contract compliance programs of Nevada's Department of Transportation (NDOT). The resolution commends NDOT for its efforts to bring diversity to the workplace, and it urges NDOT and Nevada's Department of Employment, Training and Rehabilitation (DETR) to create a statewide task force to find additional ways to increase the number of minorities, disadvantaged persons, and women in the skilled trades involved in highway construction. The measure also urges NDOT, DETR, and the Labor Commissioner to work with the State Apprenticeship Council, knowledgeable persons, and various organizations to achieve the goal of hiring minorities, disadvantaged persons, and women into the skilled trades involved in highway construction.

Further, the resolution urges NDOT to ensure that contractors continue to file the employment reports required by the equal employment opportunity policy of the Federal Highway Administration for federal-aid highway construction in Nevada. In addition, the measure urges the Department to ensure that subcontractors with contracts over \$10,000 submit such reports each year.

A.C.R. 38 (File No. 117)

Assembly Concurrent Resolution No. 38 endorses the support and expansion of programs that motivate students to learn more about the democratic system of government. The resolution requires the Director of the Legislative Counsel Bureau (LCB) to disseminate a copy of A.C.R. 38, along with a report entitled "Participatory Democracy in Nevada," to certain public officers, employees, organizations, associations, and residents of Nevada. The Director of LCB is further required to encourage those officers, organizations, associations, and other persons, to cooperate in developing new ideas and programs to increase the quality and extent of participatory democracy in the State of Nevada, including the enhancement of citizen participation in elections.

In addition, A.C.R. 38 urges various entities in the state to make recommendations regarding the adequacy of available resources to support programs necessary for citizen development. The resolution also urges the Nevada Association of Counties and the Nevada League of Cities to expand programs of this nature and, in cooperation with the Director of the Department of Cultural Affairs, to maintain a record of all successful programs of local governments involving citizens in the development of public policy and the improvement of the operations of government. Further, the resolution requires the Director of Department of Cultural Affairs to amend current regulations establishing the Advisory Committee on Participatory Democracy beyond its scheduled expiration date of December 31, 2002, and to prepare a report, in cooperation with LCB, for consideration by the 72nd Session of the Nevada Legislature.

A.C.R. 39 (File No. 107)

Assembly Concurrent Resolution No. 39 commends the Chief and staff of the State Printing Division of the Department of Administration for services rendered to the Nevada Legislature. The bill notes that the members of the staff of the State Printing Division have worked hard to meet the needs of the 71st Session of the Legislature, and their efforts have ensured the timely and efficient printing of all bills, resolutions, histories, indices, and journals. The measure extends the appreciation of the members of the Nevada Legislature to the Chief and staff of the State Printing Division for their dedication, cooperation, and exceptional work.

A.C.R. 40 (File No. 106)

Assembly Concurrent Resolution No. 40 requests that the Governor of the State of Nevada return Assembly Bill 302 of the 2001 Session to the Assembly for further consideration.

A.C.R. 41 (File No. 118)

Assembly Concurrent Resolution No. 41 expresses the appreciation of the members of the 71st Session of the Nevada Legislature to the staff of the Legislative Counsel Bureau for their dedication, cooperation, and exceptional work.

See also Assembly Concurrent Resolution No. 1 (File No. 5), Assembly Concurrent Resolution No. 2 (File No. 6), and Assembly Concurrent Resolution No. 3 (File No. 7) of the 17th Special Session.

Assembly Joint Resolutions—70th Session

A.J.R. 4—70th Session (File No. 109)

Assembly Joint Resolution No. 4 of the 70th Session proposes to amend the *Constitution of the State of Nevada* by repealing the constitutional rule against perpetuities. Currently, Section 4 of Article 15 provides that “No perpetuities shall be allowed except for eleemosynary purposes.” The resolution proposes to repeal this constitutional provision.

This measure was approved in identical form by both the 1999 and 2001 Sessions of the Nevada Legislature. The proposal will be submitted to the voters for final approval or disapproval at the 2002 General Election.

A.J.R. 13—70th Session (File No. 100)

Assembly Joint Resolution No. 13 of the 70th Session proposes to amend the *Constitution of the State of Nevada* to revise the term of office of a Supreme Court justice or district court judge who is appointed to fill a vacancy. The measure requires that an appointed justice or judge serve at least 12 months before that office is subject to a general election. This provision does not apply if the date of appointment is made within the 12-month period immediately preceding the expiration of the term of office.

This measure was approved in identical form by both the 1999 and 2001 Sessions of the Nevada Legislature. The proposal will be submitted to the voters for final approval or disapproval at the 2002 General Election.

A.J.R. 26—70th Session (File No. 101)

Assembly Joint Resolution No. 26 of the 70th Session proposes to amend the *Constitution of the State of Nevada* by adding another exemption from Nevada’s borrowing cap of 2 percent of the state’s total assessed valuation. The measure also exempts state contracts for public debt concerning the improvement, acquisition, and construction of facilities for public elementary and secondary schools.

This proposal was approved in identical form by both the 1999 and 2001 Sessions of the Nevada Legislature and will be submitted to the voters for final approval or disapproval at the 2002 General Election.

Senate Joint Resolutions

S.J.R. 1 (File No. 87)

Senate Joint Resolution No. 1 addresses rights of way across land administered by the Federal Government. The resolution expresses the Nevada Legislature's support for amending the Federal Land Policy and Management Act of 1976 (FLPMA) to require the identification, mapping, and recognition of rights of way for roads that existed under the provisions of Section 2477 of the *U.S. Revised Statutes*. The resolution explains that Section 2477 of the federal law was repealed when FLPMA was enacted, but Congress expressly recognized the continued validity of these "2477" rights of way. The text indicates that the United States (U.S.) Department of the Interior, Bureau of Land Management, and the U.S. Department of Agriculture, Forest Service, have failed to recognize these rights of way. The resolution therefore calls for amendment of FLPMA to require the federal agencies: (1) to contract with the relevant states to identify and map the rights of way; and (2) to officially recognize the validity of these "2477" rights of way.

This resolution is effective on May 18, 2001.

S.J.R. 2 (File No. 76)

Senate Joint Resolution No. 2 expresses the Legislature's opposition to designation of national monuments by the President without obtaining approval from the state and local governments in which the monuments are located. It points out that such a unilateral designation works against the creation of beneficial partnerships. The resolution further states that this type of unilateral action limits the ability of the state to manage its water resources and limits the opportunities for state and local governments to participate in managing the public lands within the state.

This resolution is effective on May 11, 2001.

S.J.R. 6 (File No. 17)

Senate Joint Resolution No. 6 provides the notice of disapproval from the Nevada Legislature to Congress and the President of the United States if Yucca Mountain is recommended as the site for a repository for spent nuclear fuel and high-level radioactive waste. The resolution notes that the Nuclear Waste Policy Act of 1982, 42 U.S.C. §§ 10101 et seq, as amended, provides for the submission of a notice of disapproval by the Legislature or Governor of the State of Nevada in the event the President recommends Yucca Mountain for development as a repository for spent nuclear fuel and high-level radioactive waste. The measure expresses the

Nevada Legislature's unyielding opposition to the development of Yucca Mountain as such a repository and to the storage or disposal of spent nuclear fuel and high-level radioactive waste in the State of Nevada; calls on President George W. Bush to veto any legislation that would attempt to locate a temporary or interim storage facility for spent nuclear fuel in Nevada; and requests that Spencer Abraham, the United States Secretary of Energy, abandon consideration of Yucca Mountain as a repository site.

Finally, the resolution prohibits the Federal Government and its agencies and instrumentalities from establishing a repository for spent nuclear fuel and high-level radioactive waste at Yucca Mountain without the prior expressed consent of the Nevada Legislature or a cession of jurisdiction pursuant to Chapter 328 of the *Nevada Revised Statutes*, and states that such consent and cession are withheld. Further, the Nevada Legislature declares that the resolution shall constitute notice of its disapproval pursuant to the Nuclear Waste Policy Act of 1982, as amended, should the President recommend to Congress that Yucca Mountain be developed as a repository for spent nuclear fuel and high-level radioactive waste.

This measure is effective on March 9, 2001.

S.J.R. 7 (File No. 125)

Senate Joint Resolution No. 7 urges the United States Department of State to approve the establishment of a Mexican Consulate in Las Vegas. The resolution outlines Nevada's rich Hispanic culture and history and emphasizes the significant increase in the Hispanic population, particularly in southern Nevada.

This resolution is effective on June 8, 2001.

S.J.R. 9 (File No. 24)

Senate Joint Resolution No. 9 urges Congress to declare the crash site near the summit of Mount Charleston as Silent Heroes of the Cold War National Monument. The resolution notes that on November 17, 1955, a C-54 military reconnaissance plane known as United States Air Force 9068 crashed on Mount Charleston while transporting scientific and technical personnel to secret Area 51 to work on the project to develop the U-2 aircraft. Because of the classified nature of the flight, the 14 men whose lives were lost in the crash were not appropriately honored until 1998, when the U-2 project received the Collier Trophy from the National Aeronautics Association for the advancement of aeronautic technology. The measure urges Congress to declare the crash site of United States Air Force 9068 near the summit of Mount Charleston as the Silent Heroes of the Cold War National Monument.

This measure is effective on March 19, 2001.

S.J.R. 13 (File No. 105)

Senate Joint Resolution No. 13 expresses the Legislature's strong support for applications for capital grant funding to assist in financing critically needed bus and bus-related projects in Nevada. In addition, the resolution requests each member of Nevada's Congressional Delegation to support and work toward obtaining full funding of the state's applications for grants from congressional appropriations to the Federal Transit Administration for these purposes.

This measure is effective on May 28, 2001.

S.J.R. 14 (File No. 69)

Senate Joint Resolution No. 14 urges Congress to dedicate the Old Spanish Trail and the Antonio Armijo Route of the Old Spanish Trail as a National Historic Trail. The resolution notes that such a designation would help ensure the protection and interpretation of the Old Spanish Trail in a consistent and coordinated manner; would encourage tourists to visit the communities, landscape features, and other resources along the trail; would help visitors gain a better understanding of a journey along the trail 100 years ago; and would enhance and promote knowledge concerning the early settlers and explorers who emigrated and led expeditions to the Western United States.

This measure is effective on May 7, 2001.

Senate Concurrent Resolutions**S.C.R. 1 (File No. 7)**

Senate Concurrent Resolution 1 recognizes February 6, 2001, as Ronald Reagan Day. The measure honors former President Ronald Wilson Reagan for his many contributions to the United States and celebrates his 90 years of life. Mr. Reagan served as California's Governor for eight years and was elected as the nation's fortieth President in 1980, serving two terms. The measure further notes that President Reagan was well known for his theory of supply-side economics, the goal of which was to generate growth by stimulating a greater supply of goods and services and thereby increase jobs. On February 6, 2001, Ronald Reagan celebrates his 90th birthday. Only two other former Presidents, John Adams and Herbert Hoover, lived to the age of 90.

S.C.R. 7 (File No. 61)

Senate Concurrent Resolution No. 7 encourages family resource centers to work closely with the Aging Services Division of Nevada's Department of Human Resources to provide public information regarding services available to assist senior citizens. Highlighted in the resolution is the ability of family resource centers to provide information to families with regard to a variety of issues. The measure notes that the mission of the Aging Services Division is to

develop, coordinate, and deliver a comprehensive support system to ensure that Nevada's senior citizens lead independent, meaningful, and dignified lives. The Division serves as a clearinghouse for information related to the problems of the aged and aging, and it prepares, publishes, and disseminates educational materials dealing with the welfare of older persons.

S.C.R. 10 (File No. 67)

Senate Concurrent Resolution No. 10 urges the Governor; the Lieutenant Governor; the Office of Science, Engineering, and Technology; Nevada's Commission on Economic Development; and the University and Community College System of Nevada (UCCSN) to coordinate their efforts to promote Nevada's economic development and diversification. Further, the resolution encourages the Commission on Economic Development to identify the target areas for economic development, including new technologies, and coordinate with the UCCSN, which must be prepared to facilitate these efforts with programs to train the necessary work force and to nurture new technologies. In addition, promotion of Nevada's university system as a center for research and development should be targeted as a primary tactic for competing with other states.

S.C.R. 12 (File No. 10)

Senate Concurrent Resolution 12 celebrates February 20, 2001, as Girls and Women in Sports Day in Nevada and recognizes athletics as an effective avenue through which girls and women in the United States may develop self-discipline, initiative, confidence, and leadership skills. The resolution acknowledges the need for increased opportunities for girls to participate in and pursue physical activity at both the community and scholastic level.

S.C.R. 13 (File No. 12)

Senate Concurrent Resolution No. 13 memorializes former Nevada legislator Archie Pozzi, Jr., who served in the Assembly from 1955 to 1966 and in the Senate from 1967 to 1974. The resolution notes that during his legislative career, Mr. Pozzi facilitated the enactment of a state sales tax to help pay for education, authored a bill for a land swap needed to start Western Nevada Community College, and helped to create Carson City's current form of consolidated government as a Capital District. Also noted in the resolution are Mr. Pozzi's service to his country during World War II and his civic contributions. Mr. Pozzi passed away on November 29, 2000.

S.C.R. 14 (File No. 13)

Senate Concurrent Resolution No. 14 commends Michele and John Laws for their work as advocates for abused and neglected children. The resolution notes that the Laws have dedicated many years to rescuing abused and neglected children in Clark County through their participation in the National Court Appointed Special Advocate Association and as foster parents. The couple was awarded the 1997 Judges' Award for Foster Parents of the Year in Clark County.

S.C.R. 15 (File No. 15)

Senate Concurrent Resolution No. 15 commemorates the 90th anniversary of the Las Vegas Chamber of Commerce. The resolution notes that the Las Vegas Chamber of Commerce is the fourth largest chamber of commerce in the nation, with a membership of more than 6,400 business professionals. The measure commends the Las Vegas Chamber of Commerce for its many contributions to the development of Las Vegas as the “City of the Century, Community of the Future” and for its efforts to maintain Las Vegas as the “Entertainment Capital of the World.”

S.C.R. 16 (File No. 18)

Senate Concurrent Resolution No. 16 memorializes attorney and businessman Virgil Henry Wedge, a native of Pioche, Nevada, who passed away on March 4, 2000, at the age of 87. Former Nevada Governor Bob Miller proclaimed March 22, 1989, Virgil H. Wedge Day in recognition of Mr. Wedge’s contributions to the economic development of northern Nevada. The resolution highlights Mr. Wedge’s service to his country during World War II and his many civic contributions.

S.C.R. 17 (File No. 62)

Senate Concurrent Resolution No. 17 urges the Commission on Mental Health and Developmental Services in cooperation with the Nevada Department of Education, local school districts, and the University and Community College System of Nevada to take the steps necessary to increase public awareness of certain eating disorders. The measure urges the development of educational materials and programs related to eating disorders such as bulimia nervosa, compulsive or binge eating, and anorexia nervosa. Further, the resolution calls upon schools and colleges in Nevada to use and distribute the materials throughout the state to increase awareness of these disorders. Finally, the measure calls upon the Commission to provide sufficient information within the educational materials to inspire support for future legislation to add these eating disorders to insurance coverage for mental health benefits.

S.C.R. 18 (File No. 88)

Senate Concurrent Resolution No. 18 urges certain nonprofit organizations, businesses, state and local governmental agencies, and school districts to implement or expand prevention and intervention programs to reduce the incidence of school and juvenile violence. Such approaches include programs concerning after-school activities, alternative classrooms, antibullying, asset building, prevention of child abuse and neglect, community-based efforts, firearms, gangs, mentoring, parental involvement, peer mediation, research and evaluation, and school staffing. The bill encourages community-wide efforts of support for all students to address the root causes of violence.

S.C.R. 19 (File No. 19)

Senate Concurrent Resolution No. 19 memorializes John R. “Jack” McCloskey, a newspaper columnist, editor, and publisher whose career spanned almost eight decades. The resolution notes that Mr. McCloskey, who was the longtime owner and editor of the *Mineral County Independent News*, was known by many to be an expert on Nevada’s economic, political, and social history. The measure highlights Mr. McCloskey’s professional achievements, including his induction into the Nevada Newspaper Hall of Fame in 1998 by the Nevada Press Association and his receipt of the Silver Makeup Rule Award. In addition, the resolution recognizes Mr. McCloskey’s service to his country during World War II; his invaluable contributions to the oral history program at the University of Nevada, Reno; and his appointment to serve as a Senator for the State of Nevada for one day in 1952 to fill a vacancy. Mr. McCloskey, a native of Goldfield, Nevada, passed away on October 13, 2000, at the age of 89.

S.C.R. 20 (File No. 22)

Senate Concurrent Resolution No. 20 commemorates the contributions of the citizens of Boulder City for various accomplishments, including the construction of the Hoover Dam. Further, it declares the week of March 11 through March 17, 2001, as Boulder City Days in recognition of the 70th anniversary of its founding.

S.C.R. 21 (File No. 25)

Senate Concurrent Resolution No. 21 memorializes former Nevada legislator Peter Ignacio Echeverria, Esq., a distinguished attorney who served in the Nevada Senate from 1959 to 1962. As Chairman of the Nevada Gaming Commission from 1973 to 1977, Mr. Echeverria opposed the licensing of Frank “Lefty” Rosenthal in Nevada’s casino industry, which led to a court battle that resulted in the affirmation of Nevada’s strict gambling laws. The measure recognizes Mr. Echeverria’s many community contributions, including his service to the nation during World War II. Mr. Echeverria, the son of a Basque sheepherder, passed away on July 5, 2000, at the age of 82. The resolution extends the condolences of the Legislature to his family and friends.

S.C.R. 22 (File No. 27)

Senate Concurrent Resolution No. 22 memorializes community servant and long-time lobbyist John W. Riggs, Sr. The resolution notes that Mr. Riggs was a staunch advocate for the recognition, commemoration, and preservation of historical places, people, and events throughout the West. As a lobbyist for the Nevada State Rifle and Pistol Association, he supported the right of individuals to keep and bear arms and was a proponent in 1995 of statutory revisions regarding the ability to carry a concealed weapon. The measure further highlights Mr. Riggs’ community involvement and his service to the nation during World War II. Mr. Riggs passed away on January 30, 2001, at the age of 77. The resolution extends the condolences of the Legislature to his family and friends.

S.C.R. 23 (File No. 30)

Senate Concurrent Resolution No. 23 commends Joseph N. Crowley on his 23 years of service as President of the University of Nevada, Reno. The measure pays special tribute to Dr. Crowley on the occasion of his departure in 2000 from the position of President of the University. Further, the measure notes that Dr. Crowley was the longest-serving President in the history of the University of Nevada, Reno and the longest-serving president at a single institution among the principal public universities in the nation. Outlined in the resolution are Dr. Crowley's extensive professional accomplishments; his many achievements throughout his affiliation with the University of Nevada, Reno; his community involvement; and his leadership in philanthropic fund-raising. The resolution expresses the gratitude of the Nevada Legislature to Dr. Crowley for his outstanding contributions to the University and to higher education throughout Nevada and extends its best wishes for his continued success as he assumes a position on the University's teaching faculty in the Department of Political Science.

S.C.R. 24 (File No. 115)

Senate Concurrent Resolution No. 24 urges the Commission on Tourism and the Commission on Economic Development to promote Nevada as a compassionate, family-oriented state that is a leader in alternative health care choices and a destination for persons seeking such alternatives.

S.C.R. 25 (File No. 35)

Senate Concurrent Resolution No. 25 congratulates Dr. John H. Seinfeld on his selection as the recipient of the 2001 Nevada Medal awarded by the Desert Research Institute and sponsored by Nevada Bell shareholders. The measure summarizes Dr. Seinfeld's professional accomplishments and recognizes his contributions to the understanding of urban and regional air pollution. In addition, the resolution commends Nevada Bell for its continued sponsorship of the Nevada Medal, which offers well-deserved recognition to persons who have demonstrated outstanding scientific, engineering, and technical achievement.

S.C.R. 26 (File No. 41)

Senate Concurrent Resolution No. 26 concerns prostate awareness. The resolution notes that the Nevada Legislature is committed to protecting men's health and saving lives by continuing to create greater public understanding of prostate cancer and the need for early detection, informed choices, and continued research. Further, the measure proclaims April 2, 2001, as Prostate Cancer Awareness Day and September 2001 as Prostate Cancer Awareness Month in Nevada.

S.C.R. 27 (File No. 44)

Senate Concurrent Resolution No. 27 memorializes distinguished civil rights leader and longtime Reno resident Bertha Woodard, who passed away on September 16, 1999, at the age of 83. The resolution honors Mrs. Woodard's rich legacy to Nevada and acknowledges the

breaking down of barriers and the dramatic change in racial outlook that resulted from her strength and enthusiasm. Highlighted in the measure are Mrs. Woodard's professional achievements and civic contributions, including her service as president of the Reno-Sparks chapter of the National Association for the Advancement of Colored People (NAACP) from 1971 until 1976. The resolution offers the Nevada Legislature's sincere gratitude and gratefulness for Mrs. Woodard's accomplishments and conveys its condolences to her family.

S.C.R. 28 (File No. 45)

Senate Concurrent Resolution No. 28 commends Stanley Fuke for his years of service to public schools and public school libraries in Clark County. The resolution notes that Mr. Fuke is a leader in the promotion of technology for the administration of libraries and the information resources they contain. Highlighted in the measure are Mr. Fuke's many professional accomplishments, including his induction into the Clark County School District's Excellence in Education Hall of Fame. In addition, the resolution lauds Mr. Fuke's child-centered approach in working to meet the literacy needs of all students, which serves to inspire the residents of the State of Nevada to work with schools and school libraries in every way possible to make them examples of excellence in the world of education.

S.C.R. 29 (File No. 48)

Senate Concurrent Resolution No. 29 designates April 5, 2001, as Kiwanis Day in Nevada. The resolution recognizes the dedication of Kiwanis toward helping others and the accomplishments achieved by Kiwanis members while serving their communities. The members of Kiwanis work toward six principles: (1) the primacy of spiritual values; (2) living by the Golden Rule; (3) adhering to high standards; (4) engendering strong citizenship; (5) building better communities through service; and (6) assisting in the formation of sound public opinion.

S.C.R. 30 (File No. 47)

Senate Concurrent Resolution No. 30 extends the congratulations of the Nevada Legislature to the Mineral County High School girls' basketball team for winning the 2000 and 2001 state basketball championships. The resolution notes that the team, known as the "Lady Serpents," has become the pride of Mineral County and is reputed to be Nevada's best girls' basketball team in any class.

S.C.R. 33 (File No. 54)

Senate Concurrent Resolution No. 33 commends Trauma Intervention Programs Inc. (TIP), TIP of Southern Nevada, and TIP volunteers who provide crisis services to people in adverse and sometimes tragic situations. The measure notes that TIP is the largest operator of emergency services volunteer programs in the nation. The organization was a recipient of the Innovations in State and Local Government Award from the Ford Foundation and the John F.

Kennedy School of Government at Harvard University in 1991. In addition, TIP was presented with the Crime Victim Service Award by United States Attorney General Janet Reno in 2000.

S.C.R. 34 (File No. 55)

Senate Concurrent Resolution No. 34 honors the University Studies Abroad Consortium as an organization that offers many professors who are employed in the University and Community College System of Nevada with an opportunity to teach abroad. In addition, the resolution notes that the Consortium provides college students being educated in the Nevada with an opportunity to study abroad and thereby expand their cultural horizons, gain valuable knowledge and insight into world affairs, learn foreign languages, and participate in internships.

S.C.R. 35 (File No. 56)

Senate Concurrent Resolution No. 35 commends former astronaut and United States Air Force Colonel Buzz Aldrin for his lifetime achievements. Highlighted in the resolution are Dr. Aldrin's extraordinary professional achievements and his many contributions to space exploration and the field of aeronautics. The measure notes that on July 20, 1969, Colonel Aldrin stepped out of the spacecraft *Apollo XI* onto the surface of the moon and stamped into millions of minds the lasting image of an earthling in his space suit, facing the United States flag. In addition, the measure welcomes Dr. Aldrin to Carson City and commends his efforts to help raise funds for the Jack C. Davis Observatory soon scheduled for construction on the campus of the Western Nevada Community College in Carson City. Further, the resolution extends the Nevada Legislature's thanks to Dr. Aldrin for making possible the creation of a new observatory where thousands of people can study and be entranced with the beauties of space.

S.C.R. 36 (File No. 68)

Senate Concurrent Resolution No. 36 memorializes legendary coach and teacher James "Bud" Hurin. The resolution notes that Mr. Hurin, who taught and coached at Mineral County High School in Hawthorne and at Stewart Indian School in Carson City, was considered a legend in Nevada high school basketball, winning a total of 511 games as a coach at both schools. In addition, the resolution highlights Mr. Hurin's service to the country during World War II. Mr. Hurin passed away on July 2, 2000, at the age of 75. The resolution extends the condolences of the Nevada Legislature to Mr. Hurin's family and friends.

S.C.R. 37 (File No. 74)

Senate Concurrent Resolution No. 37 commends Jennifer Johansson, a student at Bishop Manogue High School in Reno, who received the 2001 Prudential Spirit of Community Award. The resolution notes that Ms. Johansson earned the award by giving generously of her time and energy to raise money to fight Iodine Deficiency Disorder, the leading cause of mental

retardation among poor and uneducated people around the world. The measure commends Ms. Johansson for her leadership, initiative, generosity of spirit, and selfless endeavors in volunteering her time to the residents of the community and the State of Nevada. Further, the resolution extends the congratulations of the Nevada Legislature to Ms. Johansson for being chosen as a recipient of the 2001 Prudential Spirit of the Community Award.

S.C.R. 38 (File No. 75)

Senate Concurrent Resolution No. 38 memorializes long-time Nevada resident and former mining lobbyist Lee Smith. Highlighted in the resolution are Mr. Smith's professional accomplishments and extensive community contributions, including his involvement in the founding and continuing development of the McCaw School of Mines in Henderson, an interactive learning center that seeks to spark in elementary school students an interest in and enthusiasm for the history and economic contributions of mining in Nevada. The resolution notes that Mr. Smith will be remembered for his infectious laugh, his positive outlook on life, and his genuine interest in each person he met as well as for his contributions in joining the worlds of politics, industry, and education in the State of Nevada. Mr. Lee passed away on September 12, 1999, at the age of 71. The resolution extends the condolences of the Nevada Legislature to his family and friends.

S.C.R. 39 (File No. 80)

Senate Concurrent Resolution No. 39 recognizes the 150th anniversary of the establishment of permanent, non-Indian settlements in Dayton, Genoa, and Carson City, Nevada. The resolution highlights the events that led to the founding of permanent, non-Indian settlements in each of these communities. In addition, the measure applauds the efforts of those who have worked to honor the memory of the traders, explorers, and prospectors who led the way—and the men and women who followed—to work the mines, plant crops, raise livestock, and raise families in what is now the State of Nevada.

The Nevada Legislature recognizes that the celebrations planned by the communities of Dayton, Genoa, and Carson City renew the pride of Nevadans in the state and rekindle the spirit of adventure and courage of the state's early settlers. Further, the Legislature urges residents to join in celebrating Nevada's history during the many events planned to recognize the unique histories of Dayton, Genoa, and Carson City.

S.C.R. 40 (File No. 81)

Senate Concurrent Resolution No. 40 declares in accordance with the provisions of *Nevada Revised Statutes* 233B.0675 that certain regulations adopted by executive agencies to which the Legislative Commission has objected fail to conform to the statutory authority pursuant to which they were adopted or to carry out the intent of the Legislature in granting that authority. Regulations that will not become effective include:

- The regulation concerning the recovery of past costs of certain public utilities adopted by the Public Utilities Commission of Nevada (LCB File No. R172-99);
- A regulation of the Public Employees' Benefits Program (LCB File No. R100-00) concerning the option of large groups of participants to leave the program and obtain group insurance from another source; and
- The regulation of the State Environmental Commission (LCB File No. R104-00) concerning water quality standards for the Walker River and Walker Lake.

S.C.R. 41 (File No. 82)

Senate Concurrent Resolution No. 41 recognizes May 9, 2001, as Alzheimer's Disease Awareness Day. The resolution highlights the incidence of Alzheimer's disease in the United States, its impact on families, and the economic cost of caring for individuals who contract the disease. In addition, the measure expresses the Nevada Legislature's commitment to creating a greater public understanding of Alzheimer's disease and to supporting the need for continued research.

S.C.R. 42 (File No. 84)

Senate Concurrent Resolution No. 42 designates September 15 through 21, 2001, as Nevada Mediation Week. The resolution notes that celebrations of peacemaking efforts are scheduled throughout this week in Nevada to remind residents of the productive and satisfying options that mediation services provide and to encourage participation in this problem-solving alternative.

S.C.R. 43 (File No. 85)

Senate Concurrent Resolution No. 43 expresses the Nevada Legislature's support of the construction and operation of a performing arts center in southern Nevada that will encourage further economic and cultural development in the Las Vegas Valley. The resolution commends local government officials and community leaders for their efforts thus far to bring a performing arts center to southern Nevada. In addition, the resolution notes that the accomplishment of the goals and objectives set forth by the groups proposing the performing arts center will demonstrate that the supporters of this initiative are ready to move forward and seek a public means for funding the construction of the center, including the sale of revenue bonds.

S.C.R. 44 (File No. 89)

Senate Concurrent Resolution No. 44 memorializes prominent Douglas County rancher and third-generation Nevadan Brooks Park. The resolution notes that Mr. Park was known as a hardworking visionary and environmentalist whose perseverance, integrity, and sense of humor endeared him to others. Also highlighted in the resolution is the history of the Park family. Mr. Park passed away on January 27, 2000, at the age of 87. The measure extends the sympathy and condolences of the members of the Nevada Legislature to his family and friends.

S.C.R. 45 (File No. 90)

Senate Concurrent Resolution No. 45 memorializes award-winning author Robert Laxalt. Mr. Laxalt, the son of Basque immigrants, grew up in Carson City, where his mother, Therese, operated a boarding house, and in the surrounding hills his father worked as a shepherd. The resolution notes that the sensitivity and insight that were an integral part of Mr. Laxalt will live forever in his books, inspiring readers to develop an appreciation of their own unique heritage. The measure also notes that Nevadans, on seeing the state flower, may remember with pride the comparison Robert Laxalt made when he wrote, “How very much like the sagebrush the people are, at least in the hinterland that makes up most of Nevada, setting down roots and thriving in unlikely places, hardy and resilient, stubborn and independent, restrained by environment and yet able to grow free.”

The resolution also notes that Robert Laxalt founded the University of Nevada Press in 1961 and served as its director until his retirement in 1983. Further, the resolution states that Mr. Laxalt emerged as the principal voice of Basques in America and was one of the forces that led the University of Nevada, Reno, to become the major center for Basque studies in America. Also highlighted in the resolution are Mr. Laxalt’s service to his country during World War II and his many professional achievements. Mr. Laxalt passed away on March 23, 2001, at the age of 77. The measure extends the sympathy and condolences of the members of the Nevada Legislature to his family and friends.

S.C.R. 46 (File No. 91)

Senate Concurrent Resolution No. 46 recognizes the lifetime achievements of native Nevadan Jeanne L. Botts by urging the City of Sparks to name a park in her memory. Highlighted in the resolution are Ms. Botts’ professional achievements and her commitment to improving the public education system. The measure notes that in 1997, Ms. Botts facilitated the development and preparation of the Nevada Education Reform Act, which was sweeping legislation that provides for accountability of public schools and adopts rigorous academic standards. In addition, she served as the first Chief of the Legislative Bureau of Educational Accountability and Program Evaluation in the Legislative Counsel Bureau’s Fiscal Analysis Division and worked to secure remediation funding necessary to ensure that students were prepared to meet the new rigorous academic standards. Ms. Botts passed away on March 9, 2001, at the age of 52. The Nevada Legislature urges the City of Sparks to

recognize Ms. Botts' life-long accomplishments and contributions to public education by naming the proposed park at Wingfield Springs the "J. L. Botts Memorial Park" in her memory.

S.C.R. 47 (File No. 92)

Senate Concurrent Resolution No. 47 memorializes prominent Carson City optometrist Dr. William Van Patten. Highlighted in the resolution are Dr. Van Patten's professional achievements and community involvement. The measure notes that Dr. Van Patten was a man who filled many roles in a distinguished manner, and he will live forever in the hearts of those whose lives he touched. Dr. Van Patten passed away on February 17, 2000, at the age of 68. The measure extends the condolences of the members of the Nevada Legislature to his family and friends.

S.C.R. 48 (File No. 93)

Senate Concurrent Resolution No. 48 memorializes Dennis Kollar, former Deputy Director for the Peace Officers' Standards and Training Commission. Highlighted in the resolution are Mr. Kollar's professional achievements, including 32 years in the field of law enforcement, and his service to the country during the Vietnam War. The resolution notes that Mr. Kollar was a devoted father and an avid sports fan known for his wonderful sense of humor. Mr. Kollar passed away on April 19, 2001. The measure extends the condolences of the members of the Nevada Legislature to his family.

S.C.R. 49 (File No. 103)

Senate Concurrent Resolution No. 49 commemorates the contributions of legendary mail carrier John A. "Snowshoe" Thompson. The resolution notes that twice a month every winter from 1856 to 1876, Snowshoe Thompson made a daunting three-day trek from Placerville, California, to Mormon Station, later renamed Genoa, and upon delivery of his cargo and preparation of his load for the return journey, would reverse his course and return to Placerville. The measure also notes that in the course of his duties, Mr. Thompson often rescued prospectors caught in the snow. The resolution commemorates the contributions and the heroic deeds of Snowshoe Thompson during his years of service to the early pioneers of western Nevada and congratulates the Snowshoe Thompson Committee of the Greater Genoa Business Association for its efforts to honor this great man with a memorial in Genoa.

S.C.R. 51 (File No. 116)

Senate Concurrent Resolution No. 51 urges the State Department of Education and the State Board of Education to encourage school districts in Nevada to: (1) specify that systems to suppress fires in the engine compartments of school buses be included in the specifications for all purchases of new school buses; and (2) install such fire suppression systems in existing school buses that transport disabled students, to the extent financial resources are available.

S.C.R. 52 (File No. 122)

Senate Concurrent Resolution No. 52 commends Shelba Jean Gamble for her service as Administrative Assistant to the President of the University of Nevada, Reno. The measure highlights Mrs. Gamble's professional achievements during her quarter century of service at the University of Nevada, Reno, including serving as Administrative Assistant to Presidents Joseph Crowley and Stephen McFarlane. In addition, the resolution notes that Mrs. Gamble is admired and respected for her distinguished performance of a difficult and challenging job. The members of the Nevada Legislature pay special tribute to Mrs. Gamble on the occasion of her retirement from the University and extend their wishes for a happy and productive retirement.

S.C.R. 53 (File No. 108)

Senate Concurrent Resolution No. 53 requests that the Governor of the State of Nevada return Senate Bill 372 of the 2001 Session, which revises provisions concerning conservation of energy and use of renewable energy, to the Senate for further consideration.

See also Senate Concurrent Resolution No. 1 (File No. 9) of the 17th Special Session.

Senate Joint Resolutions—70th Session

S.J.R. 11—70th Session (File No. 102)

Senate Joint Resolution No. 11 proposes to amend the *Constitution of the State of Nevada* concerning property tax. The measure would authorize the Nevada Legislature to provide by law for an abatement of the tax upon or an exemption of part of the assessed value of a single-family residence occupied by the owner to avoid severe economic hardship to that person.

This resolution was approved in identical form by both the 1999 and the 2001 Sessions of the Nevada Legislature. The proposal will be submitted to the voters for final approval or disapproval at the General Election in 2002.

See also Senate Joint Resolution No. 1 (File No. 8) of the 17th Special Session.

17TH SPECIAL SESSION
June 14 and 15, 2001

A.B. 1 (Chapter 1)

Assembly Bill 1 provides for the integration of the state and local child welfare services. The measure transfers certain duties of the Division of Child and Family Services (DCFS) to counties whose population is 100,000 or more (Clark and Washoe Counties). These duties include case management functions for foster care and adoptions; emergency shelter care; family foster care; and other related child welfare programs. The functions and responsibilities in Nevada's other counties remain with the state. Assembly Bill 1 also includes personnel provisions to address the transfer of employees from the state to Clark and Washoe Counties.

In addition, A.B. 1 establishes mental health consortiums in Clark and Washoe Counties and in the region consisting of all counties whose population is less than 100,000. On or before January 1 of each year, each mental health consortium shall prepare a recommended plan for the provision of mental health services to emotionally disturbed children in its jurisdiction. The plan must include, among other items: (1) an assessment of the need for mental health services in the jurisdiction; (2) a description of the types of services to be offered to emotionally disturbed children; (3) criteria for eligibility for those services; and (4) the mechanisms to manage the money provided for those services.

Further, A.B. 1 creates a Legislative Committee on Children, Youth and Families. Among other responsibilities, the Committee shall: (1) study and comment upon issues related to the provision of child welfare services within this state, including licensing and reimbursement of providers of foster care, mental health services, and compliance with federal regulations; (2) receive progress reports and testimony from DCFS on the activities of each mental health consortium; (3) conduct investigations; (4) hold hearings; and (5) make recommendations to the Legislature concerning the manner in which the provision of child welfare services within this state may be improved.

Finally, A.B. 1 appropriates \$5,166,860 from the State General Fund to DCFS for one-time costs associated with the transfer of certain child welfare services from DCFS to Clark and Washoe Counties. In addition, \$1,015,497 in State General Fund support is included for Fiscal Year (FY) 2002 and \$5,619,610 for FY 2003 for ongoing costs to implement the integration of services.

Assembly Bill 1 was initially introduced as Assembly Bill 343 of the 71st Session on behalf of the Interim Study on Integration of State and Local Child Welfare Systems (A.C.R. 53). Representatives of DCFS, Clark County, Washoe County, and the judicial branch expressed support of the measure.

A.B. 2 (Chapter 2)

Assembly Bill 2 allows a state employee or his beneficiaries to be compensated for a portion of his sick leave accrued but not carried forward, upon his retirement, termination through no fault of his own, or death while in public employment. In such circumstances, the employee or beneficiary is entitled to payment for one-half of his hours of unused sick leave accrued but not carried forward plus an additional 60 hours.

In addition, A.B. 2 requires a public employee who is an emergency communications technician to be relieved from his normal duties for up to 15 calendar days each year to assist response agencies during an emergency or disaster, upon the approval of his employer, without loss of pay or vacation time. The bill specifies that the disaster or emergency must occur in Nevada or one of its five bordering states.

Assembly Bill 2 was originally introduced as Assembly Bill 122 of the 71st Session.

This measure is effective on July 1, 2001.

A.B. 3 (Chapter 3)

Assembly Bill 3 requires that an affidavit accompany an action submitted by an attorney on behalf of a complainant concerning professional negligence by a design professional. The affidavit must indicate that the attorney: (1) has reviewed the facts of the case; (2) has consulted with an expert who is believed to be knowledgeable in the relevant disciplines in the action; and (3) believes the action has a reasonable basis in law and fact.

The measure also requires that a report prepared by an expert be attached to the affidavit and include: (1) the résumé of the expert; (2) a statement that the expert is experienced in each discipline which is the subject of the report; (3) copies of nonprivileged documents reviewed in preparing his report; (4) the conclusions of the expert and the basis for the conclusions; and (5) a statement indicating the expert believes there is a reasonable basis for filing the action. In addition, the bill contains procedures for amending an action and establishes the bases upon which the court may dismiss an action against a design professional.

Assembly Bill 3 was originally introduced as Assembly Bill 133 of the 71st Session.

A.B. 4 (Chapter 4)

Assembly Bill 4 establishes a trust fund in the judicial retirement system for certain justices of the Nevada Supreme Court and district court judges. The bill requires that a system of retirement, disability, and death benefits be provided to such justices and judges and funded on an actuarial basis. In addition, the measure declares the policy of the Legislature that the judicial retirement fund is established to afford a degree of security to long-time justices of the Supreme Court and district judges of the state.

The judicial retirement system must be administered by the Public Employees' Retirement System and begin distribution of retirement benefits on January 1, 2003. The bill also provides a one-time appropriation in the amount of \$5 million to partially fund the accrued, unfunded pension liability of the system.

Assembly Bill 4 was originally introduced as Assembly Bill 232 of the 71st Session.

The enabling provisions of the bill and the appropriation are effective on June 15, 2001, with the majority of the bill being effective on January 1, 2003.

A.B. 6 (Chapter 5)

Assembly Bill 6 concerns the abatement of traffic noise in Clark County. The measure directs Nevada's Department of Transportation (NDOT) and Clark County to conduct a study of the abatement of traffic noise in Clark County, including an assessment of the need for abating traffic noise on both sides of U.S. Interstate 515 from Charleston Boulevard to Russell Road. The bill also requires NDOT and the City of Las Vegas to study the need for abating traffic noise along those sections of U.S. Interstate 515 and U.S. Interstate 95 within the boundaries of the City of Las Vegas. In addition, the measure requires that the results of these studies be reported to the Director of the Legislative Counsel Bureau on or before February 1, 2003, for transmittal to the 72nd Session of the Legislature. Each report must include a plan for the abatement of traffic noise, including the construction of sound barriers where required.

Assembly Bill 6 was originally introduced as Assembly Bill 424 of the 71st Session.

This bill is effective on June 15, 2001.

A.B. 8 (Chapter 11)

Assembly Bill 8 makes changes to provisions regarding the reporting of campaign contributions and expenditures. The measure stipulates that each candidate who is required to report election-related contributions and expenses must also file a separate reporting form that lists each in-kind campaign contribution in excess of \$100 received during each reporting period. The bill requires the Secretary of State and, when applicable, each city clerk to design the form so that a candidate may list each in-kind contribution as it is incurred. The measure specifies that the Secretary of State shall not require the candidate to list in-kind contributions on any other reporting form.

In addition, A.B. 8 eliminates provisions in Nevada's Campaign Practices Act requiring candidates to list all campaign expenses incurred and specifies that such expenses need only be reported if they are in excess of \$100. Finally, the measure requires that each report of in-kind contributions specify the date the contribution was received and declares that the

Secretary of State shall not require a candidate to provide separately the total amount of each expense related to office operations, volunteers, travel, advertising, staff and consultants, polling, special events, in-kind services, and miscellaneous expenditures.

Assembly Bill 8 was originally introduced as Assembly Bill 483 of the 71st Session.

This bill is effective on January 1, 2002.

A.B. 9 (Chapter 6)

Assembly Bill 9 requires that a proposal be submitted to the voters of Nevada at the General Election on November 5, 2002, to issue general obligation bonds to protect, preserve, and obtain the benefits of the property and natural resources of Nevada. The total bonding must not exceed \$200 million. The measure also creates the Fund to Protect Natural Resources in the State General Fund to be administered by the Director of the State Department of Conservation and Natural Resources and sets forth the administrative requirements for the fund.

The measure directs that the bond money be allocated as follows:

- \$27 million to the Division of State Parks of the State Department of Conservation and Natural Resources for property acquisition or capital improvements and renovations;
- \$27.5 million to the Division of Wildlife of the State Department of Conservation and Natural Resources for property acquisition, facility development and renovation, or habitat improvements;
- \$10 million to Clark County for development of a regional wetlands park at the Las Vegas Wash;
- \$25 million to the Las Vegas Springs Preserve in Clark County for planning and developing the preserve, providing wildlife habitat, and constructing support facilities;
- \$35 million to the Department of Cultural Affairs (formerly the Department of Museums, Library and Arts) to establish a museum at the Las Vegas Springs Preserve;
- \$10 million to Washoe County for enhancement and restoration of the Truckee River corridor; and

- \$65.5 million to the Division of State Lands in the State Department of Conservation and Natural Resources to provide grants for state agencies, counties, municipalities, or qualifying private nonprofit organizations for various programs. The programs include recreational trails, urban parks and greenbelts, habitat conservation plans, open spaces, and general natural resource protection projects. Of this amount, \$10 million is identified for enhancing and restoring the Carson River corridor and \$5 million is identified for developing the Lake Tahoe Path System. In addition, \$15 million is to be used for contracts or agreements under which nonprofit conservation organizations may acquire land and water for public benefit and natural resource projects. The measure provides that all grants issued by the Division of State Lands and any reallocations of these grant funds must be approved by the Interim Finance Committee.

Finally, the bill requires a 50 percent matching share from county governments for specific projects, which may include cash and in-kind contributions.

Assembly Bill 9 was originally introduced as Assembly Bill 615 of the 71st Session.

A.B. 10 (Chapter 7)

Assembly Bill 10 makes various changes to the formula for the distribution of certain revenues. The bill removes the allocation of excess revenues from the calculation of the base allocation for the distribution of certain revenues among certain local governments and special districts. In addition, A.B. 10 phases in a change to the formula used to calculate the excess allocation by giving progressively more weight to the proportionate share of a local entity's average growth in population and/or assessed valuation and less weight to the entity's base allocation.

In addition, A.B. 10 requires that for the fiscal year beginning on July 1, 2001, the amount of the allocation to the City of Henderson be increased by \$4 million. The bill further requires that this additional amount be included in the calculation of all future allocations to the City of Henderson.

Finally, A.B. 10 extends from July 1, 2001, to July 1, 2005, the date for expiration of the Legislative Committee to Study Distribution Among Local Governments of Revenue From State and Local Taxes. The measure also requires the Advisory Committee to the Legislative Committee to conduct a study of the effects of the formula for the distribution of certain revenues among certain local governments.

Assembly Bill 10 was originally introduced as Assembly Bill 653 of the 71st Session.

Some sections of this measure are effective on June 15, 2001, while other sections are effective on various other dates to accomplish the phased change to the distribution formula.

A.B. 11 (Chapter 8)

Assembly Bill 11 makes technical corrections to inappropriate or inaccurate provisions of the *Nevada Revised Statutes*.

The measure was originally introduced as Assembly Bill 666 of the 71st Session and was requested by the Legislative Commission at the recommendation of the Legislative Counsel. *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.”

This measure is effective on June 15, 2001.

A.B. 12 (Chapter 9)

Assembly Bill 12 authorizes a retail liquor store that holds a nonrestricted license to transfer an original package of liquor to another retail liquor store that also holds a nonrestricted license under certain circumstances. The measure specifies that such a transfer must not be deemed a sale. In addition, a person who transfers or receives alcoholic beverages in such a manner is not to be considered engaged in the business of wholesaling alcoholic beverages. Any person who transfers liquor in a manner not authorized by the bill is liable to the Department of Taxation for a civil penalty of not more than \$1,000 for each violation.

Assembly Bill 12 was originally introduced as Assembly Bill 669 of the 71st Session.

This bill is effective on June 15, 2001.

S.B. 1 (Chapter 10)

Senate Bill 1 appropriates \$70,000 from the State General Fund to the Legislative Fund for the costs of the 17th Special Session. The bill also provides that any remaining balance of the appropriation not committed for expenditure by June 30, 2001, reverts to the State General Fund.

This bill is effective on June 15, 2001.

S.B. 2 (Chapter 12)

Senate Bill 2 concerns funding for financial accountability software for public education. The bill appropriates \$304,127 to the Interim Finance Committee to continue contractual services with Fox River Learning, Inc. for the In\$ite Financial Analysis System for the State of

Nevada's public education system. Funding over the next biennium must be used to enhance the current system by including financial information on charter schools and revenue for all public schools in the state.

Senate Bill 2 was originally introduced as Senate Bill 109 of the 71st Session.

This measure is effective on June 15, 2001.

S.B. 3 (Chapter 13)

Senate Bill 3 makes various changes regarding education and educational personnel. The measure revises provisions governing teacher licensing and makes various changes regarding the professional development of teachers and administrators. In addition, the bill prohibits persons from making certain threats to pupils, charter school personnel, and school district personnel and clarifies provisions of proficiency examinations pursuant to *Nevada Revised Statutes* (NRS) 389.015 and standards-based examinations, pursuant to NRS 389.550.

Provisions Concerning Regional Professional Development Programs

The appropriation to continue funding the regional professional development programs (RPDPs) is contained within the school funding bill at \$4,695,530 in Fiscal Year (FY) 2001-2002 and \$5,500,775 in FY 2002-2003. Senate Bill 3 creates the Statewide RPDP Coordinating Council. The measure specifies the duties of the Council to include coordinating programs and services among the regions; adopting standards for establishing and approving effective, high-quality professional development programs; conducting long-range planning with regard to the professional development needs in the state; adopting common definitions, protocols, and reporting requirements for the purpose of conducting statewide evaluations of the program; and authorizing the Council to contract for administrative services to assist the Council, to be paid proportionately from the budgets of the various regions. Further, the bill provides that the governing boards created by Senate Bill 555 of the 1999 Legislative Session shall appoint the RPDP coordinator and specifies that a proportion of the coordinator's time may be paid from the RPDP budget. The duties of each governing board include budget review responsibilities with regard to the RPDP budget, oversight of the program's evaluation components, and responsibility for long-term and short-term program planning for the region. The act also specifies that each RPDP governing board shall meet at least twice a year and that a representative from the board, the program director, or a designee shall participate in the Statewide RPDP Coordinating Council. The Legislative Bureau of Educational Accountability and Program Evaluation is required to hire a consultant to conduct the evaluation component of the regional programs.

Provisions Concerning Teacher Licensure and National Board Certification

The bill establishes provisions concerning any money made available to Nevada's Department of Education by legislative appropriation for the purpose of reimbursing teachers for certain costs in acquiring national certification by the National Board for Professional Teaching

Standards. The general appropriations bill provides \$150,000 in each fiscal year of the biennium for this purpose. Teachers wishing to obtain such reimbursement must file a statement of intent with the school district at least one year prior to anticipated certification. Upon completion and certification, the school district shall notify the Department to reimburse the teacher up to \$2,000 of the costs directly related to applying for and receiving National Board for Professional Teaching Standards certification. The measure also amends the law to change the notification requirement for teachers to submit evidence that they have received certification by the National Board for Professional Teaching Standards for the purpose of acquiring the existing 5 percent salary benefit. Current law requires this notice to be completed by September 15 of each year; S.B. 3 revises this provision to require that teachers submit evidence by January 31. The bill also provides that the additional 5 percent be paid retroactively to the beginning of the contract for that school year.

Senate Bill 3 also revises current statutory requirements that limit teacher licensure to United States citizens by specifying that Nevada's Superintendent of Public Instruction may issue a license to teachers identified by a school district who hold temporary visas and who have academic qualifications that would otherwise qualify them for a license in a subject area that has been declared by the school district to be a high-need shortage subject area. Further, the Superintendent may declare that an emergency condition exists in the hiring and assignment of licensed personnel in specific licensure subject areas within a school district. The Superintendent may then authorize the district to hire and assign personnel, for a period not to exceed two years, who do not meet the specific licensure requirements set forth in regulation in the identified licensure subject area. During such period of time, the Commission on Professional Standards in Education must consider changes to licensure requirements that would address the emergency condition.

Statewide Testing Requirements and Accountability Reporting

Senate Bill 3 also revises Senate Bill 466 of the 1999 Legislative Session to delay implementation of the science portion of the high school proficiency test for two years, requiring that seniors graduating in the 2004-2005 school year must pass the science test to receive a standard diploma. In addition, beginning in the 2002-2003 school year, the act provides for the norm-referenced examinations (*TerraNova*), which are currently administered at Grades 4, 8, and 10, to be administered at Grades 4, 7, and 10. The new standards-based test will be administered in the 8th grade. One-shot funding for a new criterion-referenced test (CRT) was approved with the passage of Senate Bill 13, Chapter 23, *Statutes of Nevada 2001*, 17th Special Session (originally introduced as Senate Bill 459 of the 2001 Session). The State Board of Education is required to develop or purchase the examinations by December 1, 2002, pilot the test questions in the spring of 2002, and administer the examinations for the first time in the spring semester of 2003. Further, the high school proficiency examination must be developed, printed, and scored by a nationally recognized testing company in accordance with its established process. The bill also authorizes the staff of the Legislative Counsel Bureau to participate in the process for the review and

selection of a testing vendor. Any contract that the Department enters into with a testing vendor must include a provision that allows the vendor to respond to requests for certain information from the Legislative Counsel Bureau.

The bill requires the board of trustees of each school district to submit to the Superintendent of Public Instruction and the Department of Taxation by November 10 of each year, a report that includes information on the number and salaries of licensed and nonlicensed persons who are paid by the school district, the schedule of salaries for licensed employees, the number of teachers who have received a salary increase due to receiving National Board Certification, the number of pupils in the school district, the average daily attendance of part-time pupils enrolled in an adult high school diploma course of study, and school district expenditures.

Threats to Students and School Personnel

Finally, the measure provides that persons making threats of bodily harm or death to any pupil or school employee in a public or private school shall be guilty of a misdemeanor or, under certain circumstances, a gross misdemeanor, unless a greater penalty is provided by a specific statute.

The provisions of the bill concerning the need for and the creation of the RPDPs within statute are effective on June 15, 2001; all other sections are effective on July 1, 2001.

S.B. 4 (Chapter 14)

Senate Bill 4 makes various changes concerning the Department of Prisons. The bill changes the name of the Department from the “Department of Prisons” to the “Department of Corrections.”

In addition, S.B. 4 authorizes the Director of the Department to establish a system for offender management in each institution and facility; consisting of structured living programs for offenders and the management of units by staff with levels of custody, security, and privileges and opportunities for offenders based upon their assessed needs. Finally, the bill allows the Director to also develop and implement within each institution and facility a program of facility training for the correctional staff.

Senate Bill 4 was originally introduced as Senate Bill 193 of the 71st Session.

This measure is effective on July 1, 2001.

S.B. 5 (Chapter 15)

Senate Bill 5 makes various changes relating to insurance for motor vehicles. The bill requires that every motor vehicle that is registered or required to be registered in this state must be continuously covered by insurance satisfying the statutory insurance requirements while the motor vehicle is present or registered in the state. It also provides that an operator’s policy of

motor vehicle insurance (as opposed to an owner's policy) may only be issued to a person if the number of motor vehicles he owns is greater than the number of licensed drivers in his household and each licensed driver in the household is covered by an operator's policy.

The bill adds certain persons to whom the Department of Motor Vehicles may disclose information from its database on liability insurance coverage. These persons include a person who has suffered a loss or injury in an accident involving a motor vehicle or his authorized insurer or a representative of his authorized insurer who requests information for use in the accident report, including certain information for each motor vehicle involved in the accident, including the name and address of each registered owner, the name of the insurer, and the number of the policy of liability insurance.

The Department is also authorized to identify a motor vehicle, if manufactured during or after 1981, by using only the last eight digits of the vehicle identification number. In addition, the Department is authorized to use any information, including the name of the owner of a motor vehicle, to verify whether the motor vehicle is covered by a policy of liability insurance. However, the name of the owner may not be used as the primary matching criteria.

Senate Bill 5 was originally introduced as Senate Bill 303 of the 71st Session.

The provisions regarding the operator's policy and the information that may be used for insurance verification are effective on January 1, 2002. The remainder of the bill is effective on July 1, 2001.

S.B. 6 (Chapter 16)

Senate Bill 6 enacts provisions governing the establishment by a district court of a program for the treatment of mentally ill offenders. The measure authorizes a district court to establish an appropriate program for the treatment of mental illness and provides that a justice's court or a municipal court may transfer original jurisdiction to the district court if the case involves an eligible defendant. The district court may assign defendants to the program who suffer mental illness and who are found guilty or who tender a plea of guilty, guilty but mentally ill, or nolo contendere. The offense involved must not be one for which the suspension of sentence or the granting of probation is prohibited. In addition, a defendant is not eligible if the offense committed involved the use or threatened use of force or violence or if the defendant was previously convicted of a felony involving the use or threatened use of violence.

If the defendant is eligible, the court may suspend judgment of conviction and with the consent of the defendant, suspend further proceedings and place the defendant on probation. Terms and conditions of the probation must include attendance and successful completion of the program for the treatment of mental illness. If a defendant violates one of the terms or conditions, the court may enter a judgment of conviction and proceed accordingly. If the defendant fulfills the terms and conditions, the court must discharge him and dismiss the proceedings against him without adjudication of guilty. Such a dismissal is not a conviction for the purposes of employment; civil rights; or any statute, regulation, license, questionnaire, or

for any other public or private purpose. However, the conviction is applicable for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Three years after the defendant is discharged from probation, the court must order sealed all documents relating to the case.

Senate Bill 6 was originally introduced as Senate Bill 366 of the 71st Session.

S.B. 7 (Chapter 17)

Senate Bill 7 relates to funding for public safety. The bill appropriates \$50,000 from the State General Fund to the Peace Officers' Standards and Training Commission for an analysis of job tasks and a study of physical fitness validation for peace officers. The measure also appropriates \$562,569 from the State General Fund and \$442,019 from the State Highway Fund to the Department of Public Safety for the purpose of information technology upgrades. Specifically, this appropriation pertains to the National Crime Information Center's 2000 upgrade, Windows 2000, and the public safety database.

Senate Bill 7 was originally introduced as Senate Bill 445 of the 71st Session.

This measure is effective on June 15, 2001.

S.B. 8 (Chapter 18)

Senate Bill 8 revises certain provisions relating to state financial administration. The bill increases the per diem rate for certain public officials and employees on official business from \$69 to \$76 per day while in Nevada. The measure decreases the out-of-state rate from \$27 to \$26 per day, plus a reasonable room rate. On July 1, 2002, the in-state per diem rate increases from \$76 to \$84.

In addition, the measure appropriates \$11 million from the State General Fund to the Contingency Fund. Another \$2 million is appropriated to the Contingency Fund from the State Highway Fund. These latter funds may only be used for expenditures that may properly be made from the State Highway Fund.

The bill also makes a \$3.75 million appropriation from the State General Fund to the Interim Finance Committee (IFC) as of the effective date of the act, with a further appropriation of \$13.25 million on July 1, 2001. These funds are to assist state agencies, including the University and Community College System of Nevada, in paying for energy needs that exceed the amounts appropriated for those purposes. All other appropriations for energy needs must first be exhausted, and a request seeking funds from the additional appropriation must first be approved by the State Board of Examiners. The additional funds are available for either fiscal year of the biennium, and any unused portion reverts to the State General Fund.

Furthermore, S.B. 8 appropriates \$6.5 million for a one-time energy pool for school districts whose energy costs exceed the amounts budgeted for the next biennium. The State Board of Examiners is required to establish policies, procedures, and criteria for accessing these funds. The IFC must approve these policies and standards before they are implemented. The State Department of Education, the Budget Division of the Department of Administration, and the Fiscal Analysis Division of the Legislative Counsel Bureau must jointly review any request for these funds and make a recommendation to the State Board of Examiners. The Board shall then make a recommendation to the IFC. Any remaining balance at the end of the biennium reverts to the State General Fund.

Senate Bill 8 was originally introduced as Senate Bill 518 of the 71st Session.

Portions of the bill are effective on June 15, 2001. Other sections are effective on July 1, 2001, and July 1, 2002.

S.B. 9 (Chapter 19)

Senate Bill 9 appropriates \$5 million from the State General Fund to the Interim Finance Committee (IFC) for allocations to continue existing educational programs that are at risk of being terminated because of a lack of funding. The State Board of Examiners shall submit policies and procedures for the review of funding requests from school district administrators to the IFC for its approval. Requests for funds shall be jointly reviewed by the State Department of Education, the Budget Division of the Department of Administration, and the Fiscal Analysis Division of the Legislative Counsel Bureau. A recommendation shall be submitted to the State Board of Examiners, which must make a recommendation to the IFC. The IFC may approve all or a portion of the request. Money may only be allocated to existing educational programs that have exhausted all other means of funding and may not be used to negotiate teachers' salaries.

Senate Bill 9 was originally introduced as Senate Bill 588 of the 71st Session.

The measure is effective on July 1, 2001.

S.B. 10 (Chapter 20)

Senate Bill 10 supports statewide initiatives regarding literacy and reading proficiency. The measure makes a legislative declaration concerning state goals and priorities with regard to literacy and the acquisition of reading proficiency by Nevada students at an early grade level. The Legislature declares its support for: (1) the establishment of a reading and literacy partnership by the Governor and the State Department of Education in support of an application for federal grant funds; (2) professional development for teachers in providing

reading instruction; (3) the use of technology in support of professional development; (4) parent involvement in reading and literacy activities; (5) family literacy services; and (6) assessments of state progress in improving reading proficiency.

Senate Bill 10 was originally introduced as Assembly Bill 405 of the 71st Session.

This bill is effective on June 15, 2001.

S.B. 12 (Chapter 21)

Senate Bill 12 revises provisions relating to automobile driver education and training. The measure requires the State Board of Education to adopt regulations on the number of hours, the setting, and related matters for driver education in public schools. The bill further provides for the use of communications technology in driver training courses subject to regulations to be adopted by the Department of Motor Vehicles. Current statutory provisions on continuing education for instructors seeking to renew their licenses at a school for drivers are deleted, and the Department of Motor Vehicles is directed to adopt regulations for such training.

The measure also authorizes 15-year-olds to take driver education courses in public schools. Further, the bill provides that a driver who has held an instruction permit since the age of 15½ years and who has completed the required drivers' education course and behind-the-wheel experience must hold an instruction permit for at least three months in order to apply for a driver's license beginning at age 15 years, 9 months. To receive a driver's license between the ages of 16 and 17, the driver must have held an instruction permit for at least 60 days before applying for a license. Drivers between the ages of 17 and 18 must hold an instruction permit for at least 30 days prior to applying for a license.

The act prohibits a person under the age of 16 years from transporting passengers younger than 18 years of age, except for immediate family members, for 90 days after receiving a driver's license. For persons 16 years of age or older but less than 17 years, the act prohibits transporting passengers younger than 18 years, except for immediate family members, for 60 days after receiving a driver's license. Finally, for persons 17 years of age or older but less than 18 years, the act prohibits transporting passengers younger than 18 years, except for immediate family members, for 30 days after receiving a driver's license.

Senate Bill 12 was originally introduced as Assembly Bill 271 of the 71st Session.

Most of the bill is effective on October 1, 2001. Section 1, which relates to automobile driver education in public schools, and Sections 2 through 4, affecting the graduated driver's license, are effective on July 1, 2001.

S.B. 13 (Chapter 22)

Senate Bill 13 makes a one-time appropriation to the State Department of Education in the amount of \$1,106,265 to develop a new criterion-referenced test for public school pupils in Grade 8.

Senate Bill 13 was originally introduced as Senate Bill 459 of the 71st Session.

This bill is effective on June 15, 2001.

S.B. 14 (Chapter 23)

Senate Bill 14 of the 17th Special Session revises the districts for state legislators, Representatives in Congress, the Board of Regents of the University and Community College System of Nevada (UCCSN), and the State Board of Education.

Nevada State Senate

The measure retains a 21-member Senate and includes 19 Senate districts with an overall range of population deviation of 9.91 percent. The plan shifts one Senate seat from northern Nevada to Clark County to adjust for greater population growth in southern Nevada, and reallocates one seat to include parts of Clark County and portions of rural Nevada. The plan consists of 14 Senate districts wholly within Clark County and includes 6 districts entirely within the remaining 16 counties. The measure also establishes one Senate district that includes all of Churchill, Esmeralda, and Mineral Counties as well as portions of Douglas, Lyon, and Nye Counties and a portion of northern Clark County. All Senate districts in Washoe County and rural Nevada are single-member districts, while two of the districts in Clark County are two-member districts. This represents a reduction in the number of multimember districts from five to two. Each single-member district in the plan averages 95,155 residents, and each two-member district averages 190,310 people. The plan creates a Hispanic majority district of 60.18 percent and a Black or African-American influence district of 28.45 percent. Finally, the measure creates one open Senate district in Clark County that encompasses areas in the northeast and southeast part of the Las Vegas Valley and the eastern and southern portions of rural Clark County.

Nevada State Assembly

Senate Bill 14 retains a 42-member Assembly. Each district has just one member, and the overall range of deviation is 1.97 percent from the ideal population of 47,578 per district. The plan shifts three Assembly seats from northern Nevada to Clark County to adjust for greater population growth in southern Nevada. In Clark County, the plan creates 2 Assembly districts with a Black or African-American population of over 33 percent and 11 districts with a Hispanic or Latino population of over 25 percent. Two of these 11 districts have Hispanic majorities of 65.16 percent and 65.97 percent. Senate Bill 14 also creates six open Assembly seats in Clark County where no incumbents currently reside, one of which includes the

65.16 percent Hispanic majority district. The plan establishes 29 Assembly districts wholly within Clark County; 6 districts entirely within Washoe County; and 7 districts, some of which contain less populated parts of Washoe County, that include the remaining counties in the state.

Representatives in Congress

The measure also revises the districts for Nevada's Representatives in Congress. The measure creates a new third congressional district entirely contained within Clark County. Of the other two districts, one is wholly contained in Clark County, while the other encompasses the remaining 16 counties plus an additional 43,595 residents in Clark County. The plan contains an overall range of population deviation of zero percent (six people) from the ideal population of 666,086 per congressional district and complies with the equal population criteria established by the United States Supreme Court. The measure also adds to Chapter 304 of the *Nevada Revised Statutes* the definitions of "block," "block group," and "census tract" for purposes of reapportioning and redistricting congressional districts.

University Board of Regents

Senate Bill 14 creates a redistricting plan for the UCCSN Board of Regents that increases the size of the Board from 11 to 13 members. The 13 districts included in the plan have an overall range of population deviation of 2.5 percent from the ideal population of 153,712 per district. The plan creates nine districts entirely within Clark County; two districts wholly within Washoe County; one district encompassing Carson City, Douglas County, Lyon County, Storey County, and a portion of Washoe County; and one district that includes the remaining rural counties of the state. The measure creates two open seats in Clark County, one of which has a Hispanic majority of 55.11 percent. The plan also creates a Black or African-American influence district of 26.68 percent.

State Board of Education

The bill reduces the size of the State Board of Education from 11 to 10 members with an overall range of population deviation of 5.73 percent from the ideal population of 199,826 per district. The plan creates seven districts wholly contained within the boundaries of Clark County; one district entirely within Washoe County; one district encompassing Carson City, Douglas County, and a portion of Washoe County; and one district that includes northern Washoe County and the other 13 counties. In addition, the plan creates a Hispanic majority district of 53.09 percent as well as a 23 percent Black or African-American influence district in Clark County.

Additional Information

Senate Bill 14 clarifies that each State Senator, Regent, and member of the State Board of Education who was elected on November 3, 1998, or earlier shall serve the remainder of his or her term. The measure further specifies that if applicable, certain Senators shall represent the

new districts in which they reside beginning on November 6, 2002, through the expiration of their terms, and certain Regents and Board members shall represent the new districts in which they reside beginning on January 7, 2003. The initial terms of office for the one open Senate seat and the two open University Board of Regents seats are also set forth in the measure. Finally, the measure stipulates which state Senators and members of the UCCSN Board of Regents and State Board of Education may use the term “reelect” in campaign material at the election following the expiration of that incumbent’s term.

The portions of the measure that revise the districts of the Nevada Legislature are effective on January 1, 2002, for the purposes of nominating and electing members of the Legislature and on November 6, 2002, for all other purposes. The provisions in the bill that provide new definitions of census terminology and redraw the districts for Representatives in Congress are effective on January 1, 2002, for the purpose of nominating and electing representatives in the U.S. Congress and at 9 a.m. on January 3, 2003, for all other purposes. Furthermore, the portions of the measure that revise the districts for UCCSN Board of Regents and the State Board of Education are effective on January 1, 2002, for the purposes of nominating and electing members of both boards and on January 7, 2003, for all other purposes.

A.J.R. 1 (File No. 1)

Assembly Joint Resolution No. 1 proposes that the *Constitution of the State of Nevada* be amended concerning the system of county and township government and the compensation of certain elected officials. The resolution proposes to add a new section to Article 4 of the *Constitution of the State of Nevada* and new language to Sections 25, 32, and 33 of Article 4. The measure calls for the establishment of a seven-member Citizens’ Commission on Salaries for certain elected officials and sets forth the appointment procedures, qualifications for membership, and terms of office for members of the Commission. The resolution specifies that commissioners are entitled to receive a per diem allowance, travel expenses, and compensation equal to that received by members of the Commission on Judicial Discipline.

The measure requires the Commission to study the relationship of salaries to the duties of Nevada’s constitutional officers, members of the Legislature, Supreme Court justices, and district court judges and fix the salaries of these elected officials. In addition, the resolution specifies that the Commission may increase but not diminish the salary of an elected officer during his or her term of office and requires the Commission to file an initial salary schedule for elected officials with the Secretary of State no later than January 1, 2005, and every odd-numbered year thereafter. Before filing the salary schedule, the Commission must hold at least four meetings, subject to the provisions of Nevada’s Open Meeting Law, to receive public testimony on the schedule. The resolution also requires the Legislative Counsel Bureau to include in the *Nevada Revised Statutes* a copy of the most recent schedule of salaries established by the Commission and filed with the Secretary of State.

Furthermore, A.J.R. 1 proposes to amend Section 33 of Article 4 of the Constitution to specify that members of the Legislature shall receive a salary that is set by the Citizens' Commission on Salaries and shall be paid for each calendar day of service during any regular or special session of the Legislature.

The proposal repeals the requirement in Section 9, Article 15 of the Constitution that the Legislature fix the compensation of certain elected county officers and authorizes the Nevada Legislature to provide for either their election or appointment. Finally, the resolution proposes to amend the Nevada Constitution to remove the requirement that the system of county and township governments be uniform throughout the state and specifies that the board of county commissioners of each county shall determine the compensation of the county officers, including the compensation of county commissioners, in its respective county.

Assembly Joint Resolution No. 1 was originally introduced as Assembly Joint Resolution No. 14 of the 71st Session.

If Assembly Joint Resolution No. 1 is approved in identical form by the 2003 Session of the Nevada Legislature, it will be submitted to the voters for final approval or disapproval at the 2004 General Election.

A.C.R. 1 (File No. 5)

Assembly Concurrent Resolution No. 1 recognizes that a broad-based tax structure reflecting the diversity of Nevada's economy is desirable and worthy of study. The measure contends that Nevada's growth in public revenue has not kept pace with its rapid growth in population, causing a disparity between the increase in revenue from current sources and the rise in public spending. As a result, A.C.R. 1 states that revenue collections to fund education, long-term care of senior residents, and soaring energy costs are falling behind.

The resolution creates a Governor's Task Force on Tax Policy in Nevada consisting of six members: two members of the Task Force appointed by the Governor, two by the Senate Majority Leader, and two by the Speaker of the Assembly. The measure authorizes the Governor to appoint two additional members if desired. The resolution directs the Task Force to undertake the following duties: (1) identify specific taxes to be reviewed; (2) focus on broader tax policy issues and consider ways to reduce budgetary reliance on volatile or cyclical revenue streams; (3) solicit comments and suggestions for changes to Nevada's tax policy; (4) consider the desirability of lowering the state's sales and use taxes; and (5) develop proposals to carry out the state's need for additional revenue for state programs, to stabilize the tax base, and to reduce Nevada's long-term structural budget deficit. Finally, the Task Force may engage in a review of certain fees charged by state agencies and is authorized to make recommendations for future legislation.

Assembly Concurrent Resolution No. 1 was originally introduced as Assembly Concurrent Resolution No. 42 of the 71st Session.

A.C.R. 2 (File No. 6)

Assembly Concurrent Resolution No. 2 directs the Legislative Commission to conduct an interim study concerning misdemeanors. The measure explains that during the 1995 Legislative Session, legislation was enacted to provide categories for felonies and that the *Nevada Revised Statutes* (NRS) currently provides for two categories of misdemeanors. The measure further notes that a study to determine whether providing categories for misdemeanors and penalties commensurate with those categories would provide more consistency in criminal statutory provisions.

The resolution stipulates that the study consist of three members of the Assembly and three members of the Senate, with two legislators from each house who are members of the Standing Committees on Judiciary. Furthermore, the measure specifies that the committee: (1) analyze existing statutes concerning misdemeanors; (2) examine whether it is beneficial to amend the NRS to categorize misdemeanors; and (3) study the effect that categorizing misdemeanors would have on the courts of this state.

Finally, the resolution requires that any recommended legislation proposed by the committee must be approved by a majority of the committee members from both houses of the Legislature and requires that the Legislative Commission submit a final report of the results and recommendations from the study to the 72nd Session of the Nevada Legislature.

Assembly Concurrent Resolution No. 2 was originally introduced as Assembly Concurrent Resolution No. 3 of the 71st Session.

A.C.R. 3 (File No. 7)

Assembly Concurrent Resolution No. 3 directs the Legislative Commission to conduct an interim study of issues regarding the death penalty and related deoxyribonucleic acid (DNA) testing. The resolution explains that since the reinstatement of the death penalty, there have been nearly 700 executions in the United States, 8 of which have been in Nevada. The resolution stipulates that the national death row population exceeded over 3,700 prisoners in the year 2000 and explains that “DNA testing” was not widely available in criminal cases tried before 1994. This testing, the resolution explains, has emerged as a reliable forensic technique for identifying criminals and has exonerated more than 75 innocent men and women, including some incarcerated under a sentence of death.

The resolution requires the Legislative Commission to study during the 2001-2002 interim: (1) the costs of incarceration and prosecuting capital cases; (2) the number of prisoners executed versus those sentenced to death; (3) the impact of race, color, religion, national origin, gender, and economic status of defendants in capital cases; (4) whether defendants who are mentally retarded or under 18 years of age at the time of committing an offense should be sentenced to death; (5) the competency and expertise of attorneys and judges involved in capital cases; (6) a review of the ability of jurors to adequately understand the application of law in capital cases; (7) whether capital punishment serves as an effective deterrent against the

commission of murder; and (8) a review of the appeals process and the various phases of a capital trial. Furthermore, the study must examine the various issues pertaining to the use of DNA information and testing.

The measure specifies that the committee consist of four members of the Assembly and four members of the Senate, with two legislators from each house who are members of the Standing Committees on Judiciary. Finally, the resolution requires any recommended legislation proposed by the committee must be approved by a majority of the committee members from both houses of the Legislature and requires that the Legislative Commission submit a final report of the results and recommendations from the study.

Assembly Concurrent Resolution No. 3 was originally introduced as Assembly Concurrent Resolution No. 21 of the 71st Session.

S.J.R. 1 (File No. 8)

Senate Joint Resolution No. 1 proposes to amend the *Constitution of the State of Nevada* to provide requirements for enactment of property and sales tax exemptions. The measure prohibits the Legislature from enacting an exemption from any property or sales tax unless the Legislature: (1) determines that the exemption will achieve a bona fide social or economic purpose; (2) restricts the eligibility for the exemption solely to the intended beneficiaries of the exemption; (3) determines that the exemption will not have a material adverse effect on the finances of the state or any local government that would otherwise receive revenue from the tax; (4) determines that the exemption will not adversely impair the ability of the state to pay all interest and principal on any outstanding bonds or any other obligations; or (5) ensures that the requirements for claiming the exemption are as similar as practicable for similar taxpayers. The measure further requires the Legislature to review any such exemption at least once every six years to determine whether the purpose of the exemption is still valid and that the exemption is being used effectively.

Senate Joint Resolution No. 1 was originally introduced as Senate Joint Resolution No. 20 of the 70th Session then returned to the 71st Session of the Legislature for further consideration. Because this proposal was amended by the 2001 Session of the Nevada Legislature, the measure must be approved in identical form by the 2003 Session before it may be submitted to the voters of Nevada for final approval or disapproval at the 2004 General Election.

S.C.R. 1 (File No. 9)

Senate Concurrent Resolution No. 1 adopts the Joint Rules of the Senate and Assembly for the 17th Special Session of the Legislature.

STATE GOVERNMENT

A.B. 128 (Chapter 155)

Assembly Bill 128 revises existing provisions regarding interlocal contracts and leasing of state offices outside state buildings. The measure requires the Attorney General to approve any interlocal contract to which a state agency is a party, and any lease of a state office outside state buildings for form and compliance with the law.

A.B. 266 (Chapter 120)

Assembly Bill 266 makes various changes regarding notaries public. The bill prescribes a certificate sufficient for administering an oath or affirmation of office. In addition, the measure authorizes the Secretary of State to provide and charge a reasonable fee for the voluntary training of notaries and establishes the Notary Public Training Fund. The bill also allows the Secretary of State to enact regulations for the notarization of electronic or digital signatures. Further, the measure clarifies the method used to determine the commencement date of each notary appointment issued. Under the provisions of the bill, a notary is prohibited from notarizing a signature on a blank piece of paper and altering entries in a journal. The bill also prohibits the attachment of an apostille to a document that is improperly notarized. Lastly, the bill repeals obsolete provisions and conforms to other statutory language regarding notaries public.

A.B. 314 (Chapter 389)

Assembly Bill 314 provides that the State Controller may, upon the request of a state agency, act as the collection agent for that agency. In addition, a state agency may suspend business activities with a person who stops payment on a check or whose check is returned for insufficient funds for a debt owed the agency. Except where information in reports of debts owed to state agencies is declared by law to be confidential, A.B. 314 provides that the Controller shall make the reports available for public inspection and may make the information available on the Internet.

The bill also requires a person who owes a debt of more than \$200 to pay for the costs and fees incurred for the debt collection. This amount must not exceed 25 percent of the debt or \$25,000 whichever is less. In addition, the measure specifies that prejudgment or postjudgment interest on the debt must not be included in the calculation of the costs and fees related to the debt collection.

Further, this measure extends, from five to six years after the last recording of a judgment or certificate constituting a tax lien, the time during which the state may collect a debt. It also directs the Department of Taxation and the Division of Insurance to charge \$25 for each check returned to the Department for insufficient funds or stopped payment.

Finally, A.B. 314 authorizes the State Controller, in cooperation with the Department of Motor Vehicles and the Division of Wildlife, to develop a pilot program to improve debt collection through the suspension, cancellation, or refusal of vehicle registrations or licenses and permits issued by the state. The bill sets forth criteria for the pilot program.

This measure is effective on June 5, 2001.

A.B. 427 (Chapter 124)

Assembly Bill 427 revises certain provisions relating to contracts for state purchasing. This measure provides that all requests for proposals include minimum requirements the successful bidder must meet and that the state may not award a contract to a bidder who does not comply with those requirements. Finally, the award of a contract must be based on the best interests of Nevada as determined by the total scores assigned by the Chief of the Purchasing Division or by a state executive agency.

This bill is effective on July 1, 2001.

A.B. 536 (Chapter 224)

Assembly Bill 536 authorizes the Secretary of State to appoint an executive assistant, a chief deputy, a deputy of commercial recordings, a deputy of elections, and two additional deputies in the unclassified service of the state. The deputies may perform all the duties required of the Secretary of State. This measure also changes the position of Administrator of the Securities Division from an unclassified to a classified position. Finally, A.B. 536 prohibits the Secretary of State from underfilling or keeping vacant a classified position during the upcoming biennium as a result of or for the purpose of creating a new deputy position in the unclassified service.

This bill is effective on July 1, 2001.

A.B. 542 (Chapter 130)

Assembly Bill 542 makes certain changes regarding the personal property of state agencies as well as state purchasing. The measure provides that the value of personal property that must be inventoried by each state agency shall be established by regulation of the State Board of Examiners. In addition, the bill removes the requirement that written notice of opportunities to bid on the purchasing of supplies, materials, and equipment be mailed to potential vendors. Finally, A.B. 542 requires money received in repayment for federal donable surplus property to be deposited in the State Purchasing Fund rather than the State General Fund.

This bill is effective on July 1, 2001.

A.B. 556 (Chapter 240)

Assembly Bill 556 allows the State Board of Examiners to authorize its clerk to perform certain functions on behalf of the Board. These functions include approving stale claims, certain refunds, and the payment of claims from the reserve for the statutory contingency account. The bill provides that state agencies or persons aggrieved by a determination of the clerk may appeal to the Board.

In addition, A.B. 556 requires interlocal agreements to be made in writing if it is foreseeable that a participating public agency will be required to expend \$2,000 or more to carry out the agreement. Further, the measure increases the dollar amount of contracts with independent contractors—from less than \$750 to less than \$2,000—for which the State Board of Examiners may waive the requirement for a written contract. The bill also increases the amount of a contract the clerk of the Board may approve from \$5,000 to \$10,000.

This bill is effective on July 1, 2001.

A.B. 567 (Chapter 513)

Assembly Bill 567 revises provisions governing state financial administration. The bill authorizes a state agency to purchase property pursuant to a lease-purchase or installment-purchase agreement that extends beyond the current biennium. Before such a purchase may become effective, the bill requires that it be approved by the Legislature or Interim Finance Committee. In addition, the measure allows the interest on certain state securities to be paid more frequently than semiannually. The bill also provides a procedure for applying sales and use taxes to personal property transferred to the state pursuant to certain lease-purchase or installment-purchase agreements. Lastly, the measure authorizes the issuance of general obligation bonds to refinance existing obligations relating to the Southern Nevada Women's Correctional Facility.

This bill is effective on June 8, 2001.

A.B. 601 (Chapter 333)

Assembly Bill 601 requires the Legislature or Interim Finance Committee to approve long-term agreements entered into by state agencies for the purchase of unimproved, improved, or improvements to real property. The measure defines "long-term agreement" as an agreement to purchase property with a lease or by payment installments for a period that extends beyond the biennium in which the agreement was executed. Further, the bill allows the state or a state agency to acquire property that is the subject of an agreement at the end of the term.

The bill is effective on June 1, 2001.

S.B. 46 (Chapter 98)

Senate Bill 46 increases from \$100 to \$500 the fee that the Secretary of State may charge for providing special filing services in two hours or less. For other special filing services, including service within a 2- to 24-hour time frame, the measure specifies that a \$100 fee may be charged.

This bill is effective on July 1, 2001.

S.B. 356 (Chapter 464)

Senate Bill 356 requires the Secretary of State to post prominently a notice regarding documents filed with his office. The notice must be posted at each office location and on the Internet Web site, and must inform customers that: (1) the Secretary of State is not responsible for the content, completeness, or accuracy of any document filed in the Office; (2) customers should periodically review the documents on file in the Office to ensure that their documents are complete and accurate; and (3) any person who knowingly offers any false or forged instrument for filing is guilty of a category C felony. The bill also authorizes the Secretary of State to adopt regulations on procedures to prevent the filing of false or forged documents with his office.

This measure is effective on June 6, 2001.

S.B. 480 (Chapter 257)

Senate Bill 480 amends *Nevada Revised Statutes* 353.210 to extend from August 15 to September 1 of each even-numbered year the date for submittal of biennial budgets proposed by state agencies to the Legislative Counsel Bureau's Fiscal Analysis Division.

S.B. 489 (Chapter 575)

Senate Bill 489 relates to governmental administration and the State Treasurer. The bill makes various changes regarding the powers and duties of the State Treasurer. Specifically, the bill allows the State Treasurer to use a facsimile signature if certain safeguards are met and to employ an assistant treasurer. The measure also abolishes the Division of Unclaimed Property of the Department of Business and Industry, transfers its duties to the State Treasurer, and authorizes the State Treasurer to employ a deputy of unclaimed property.

The measure revises the time for the submission of the State Treasurer's annual report of operations to the Governor. The report must be filed within 60 days after the close of the fiscal year or the latest date established by the Legislature to close accounts for a fiscal year, whichever occurs later.

Further, the bill directs county treasurers and various water districts to submit certain public revenue and reports to the State Controller instead of to the State Treasurer. Lastly, the bill revises provisions to conform to the Uniform Disposition of Unclaimed Property Act.

The sections of this measure regarding the Division of Unclaimed Property are effective on June 13, 2001. The remainder of the bill is effective on July 1, 2001.

S.B. 492 (Chapter 173)

Senate Bill 492 revises the current statutory provisions for the Fund to Stabilize the Operation of the State Government, in order to clarify the original intent of the Legislature when it enacted and subsequently amended *Nevada Revised Statutes* 353.288. The measure directs the State Controller to deposit into the Fund a specific portion of the State General Fund's unrestricted balance at the end of each fiscal year. The amendatory provisions of the bill apply retroactively to the deposit required for Fiscal Year 1999-2000.

This bill is effective on May 28, 2001.

S.B. 530 (Chapter 417)

Senate Bill 530 makes various changes regarding the Southern Nevada Regional Planning Coalition. The bill extends from two years to five years the interval at which the Coalition must review certain land use plans of a governing body, regional agency, state agency, or public utility. The bill also requires each regional agency and state agency that is located within the region to ensure to the extent practicable that all related land use plans and decisions are consistent with the comprehensive regional plan developed by the Coalition and be certified as such.

The bill also authorizes the Coalition to make land use planning grants available to governmental entities that have received a certificate of conformance and to request the drafting of one legislative measure for each regular legislative session. Lastly, the measure authorizes the Coalition to adopt rules and bylaws regarding the attendance of members of the governing board at meetings.

This measure is effective on July 1, 2001.

Administrative Rules and Procedures

A.B. 60 (Chapter 484)

Assembly Bill 60 addresses meetings of state and local agencies. The measure requires a public body to post supplemental notice of its meetings on its Internet Web site, if it maintains one. However, this requirement does not apply if the public body cannot post a notice as a result of technical problems with the Web site.

This measure is not effective until July 1, 2003, to give public bodies ample time to comply with this measure.

A.B. 569 (Chapter 311)

Assembly Bill 569 provides that the statutes on state financial administration do not apply to various state boards created under Title 54 of the *Nevada Revised Statutes* or to their officers and employees.

This measure is effective on July 1, 2001.

S.B. 175 (Chapter 329)

Senate Bill 175 makes various changes to provisions relating to disabled persons. The bill exempts state and local governments from the competitive bidding process when entering into contracts with organizations that train and employ persons with a mental or physical disability, including but not limited to community-based training centers. In addition, the measure requires participating organizations to establish a fair market price for the contracted commodities and services based on market surveys. These surveys must be included with the submittal of the bid.

Further, the measure requires the Governor's Committee on Employment of People With Disabilities to establish a program to facilitate the purchase of commodities and services from qualifying organizations. The program must include methods for: (1) assisting interested governmental agencies and organizations in locating each other; (2) encouraging governmental agencies to purchase from these organizations; (3) collecting information for reporting purposes; and (4) reviewing and awarding contracts involving community-based training centers.

The bill allows the Governor's Committee to receive up to 4 percent of a contract for related program administration costs. Additionally, the Governor's Committee is required, upon request, to assist with the contract process and receive the contract payments for disbursement.

This bill is effective on July 1, 2001.

S.B. 202 (Chapter 554)

Senate Bill 202 makes various changes concerning state financial administration. The bill revises financial reporting requirements of the State Controller and specifies that the Controller must produce a comprehensive annual report for the Governor and Legislature. In addition, the measure changes the designation of certain funds and accounts and requires the State Controller to comply with generally accepted accounting principles when presenting funds in annual financial statements. The bill also makes changes regarding stale checks and extends the payment period from one to six years to reissue a stale voided check. Lastly, the bill repeals existing statutes regarding the minimum amount of warrants and the renewal of claims against the state.

This bill is effective on July 1, 2001.

S.B. 487 (Chapter 455)

Senate Bill 487 authorizes money from the State Permanent School Fund, the Millennium Scholarship Trust Fund, the Trust Fund for Public Health, and the Fund for a Healthy Nevada to be invested in common or preferred corporate stock that meets certain criteria. Further, the bill authorizes the investment of such money in pooled or commingled real estate funds or real estate securities and in mutual or common trust funds. The measure also requires that such investments be preceded with a judicial determination regarding their constitutionality.

Lastly, the measure requires the State Treasurer to contract with a professional financial manager to manage the equity investments. The State Treasurer must establish qualifications and selection criteria for such professionals.

The bill is effective on July 1, 2001.

S.C.R. 40 (File No. 81)

Senate Concurrent Resolution No. 40 declares in accordance with the provisions of *Nevada Revised Statutes* 233B.0675 that certain regulations adopted by executive agencies to which the Legislative Commission has objected fail to conform to the statutory authority pursuant to which they were adopted or to carry out the intent of the Legislature in granting that authority. Regulations that will not become effective include:

- The regulation concerning the recovery of past costs of certain public utilities adopted by the Public Utilities Commission of Nevada (LCB File No. R172-99);
- A regulation of the Public Employees' Benefits Program (LCB File No. R100-00) concerning the option of large groups of participants to leave the program and obtain group insurance from another source; and
- The regulation of the State Environmental Commission (LCB File No. R104-00) concerning water quality standards for the Walker River and Walker Lake.

Organization

A.B. 414 (Chapter 308)

Assembly Bill 414 provides that the Manager of the State Public Works Board serves at the pleasure of the Board and the Governor. Either the Board or the Governor may remove the Manager for inefficiency, neglect of duty, malfeasance, or other just cause.

This measure is effective on May 31, 2001.

S.B. 237 (Chapter 233)

Senate Bill 237 removes from Section 385.010 of *Nevada Revised Statutes* the provision stating that the State Department of Education includes the Commission on Postsecondary Education.

This bill is effective on July 1, 2001.

S.B. 300 (Chapter 49)

Senate Bill 300 deletes specific statutory references to the Bureau of Alcohol and Drug Abuse and replaces the agency name with that of the Health Division. The Bureau of Alcohol and Drug Abuse now operates within the Health Division.

The bill is effective on May 10, 2001.

S.B. 401 (Chapter 453)

Senate Bill 401 transfers the Office of Science, Engineering and Technology from the University and Community College System of Nevada (UCCSN) to the Office of the Governor and changes its name to the Office of Science, Innovation and Technology. The bill requires the Governor to appoint a director for the Office based on recommendations from the Chancellor of UCCSN and an assembled panel of experts. Further, the bill specifies that the director is a full-time position serving at the pleasure of the Governor and is not in the classified or unclassified service of the state.

The measure outlines the duties and responsibilities of the director, which include advising the Governor on matters related to science, innovation, and technology; coordinating with the Commission on Economic Development to enhance economic diversification; coordinating efforts to attract biotechnology companies to Nevada; establishing and implementing related policies; and reporting periodically on the programs and policies of the Office. Further, the bill allows the director to accept gifts, grants, and donations and creates an account for this purpose. The director may also serve as a member of the Nevada Technology Council.

The bill is effective on July 1, 2001.

S.B. 481 (Chapter 520)

Senate Bill 481 provides for the reorganization of the Department of Motor Vehicles and Public Safety into two departments—a Department of Motor Vehicles and a Department of Public Safety.

Most of the provisions of this bill are effective on June 8, 2001, for the purpose of authorizing any preliminary activities to ensure that the reorganization is carried out in an orderly fashion. Other provisions are effective on July 1, 2001. Certain provisions addressing motor fuel taxes and others concerning the Nevada Highway Patrol are effective on January 1, 2002.

S.B. 502 (Chapter 300)

Senate Bill 502 eliminates the state job training office. The measure deletes certain references to the state job training office and substitutes the Department of Employment, Training and Rehabilitation (DETR). The substitution affects the membership of the State Council on Libraries and Literacy and certain references to the program for the education and counseling of displaced homemakers.

The bill is effective on May 31, 2001.

S.B. 541 (Chapter 189)

Senate Bill 541 makes various changes to provisions concerning the Department of Museums, Library and Arts. The measure changes the name of the Department of Museums, Library and Arts to the Department of Cultural Affairs. The bill also consolidates all the state museums and historical societies into a statewide museums system. The act requires the Administrator of the Division of Museums and History to establish the qualifications of the museum directors and prescribe their powers and duties. The measure specifies that the Administrator may authorize or require a museum director to perform duties required for the operational needs of the facility, taking into account facility size, programs, and accreditation requirements. Further, the Administrator may carry out necessary organizational and administrative changes. The Board of Museums and History is authorized to increase its petty cash fund to \$500, establish a gift shop change account, and set fees for train rides. The bill also transfers the museum directors of the Nevada State Museum, the Nevada Historical Society, and the Nevada Museum and Historical Society from unclassified to the state classified service. Finally, the measure provides that abandoned property held by a museum or institution of the Division of Museums and History becomes the property of the Division.

The bill is effective on May 28, 2001.

State Employees

A.B. 95 (Chapter 147)

Assembly Bill 95 addresses the state personnel system. The measure provides that if the annual report on the performance of each permanent, classified employee is not filed by the due date, the performance of the employee is deemed to be standard.

This measure is effective on July 1, 2001.

A.B. 285 (Chapter 425)

Assembly Bill 285 creates within Nevada's Department of Personnel a five-member Committee on Catastrophic Leave. The members, who serve at the pleasure of the Governor, must include three members who are executive officers of state agencies and two members who represent labor. The measure also provides that a state employee who is aggrieved by a decision of an appointing authority regarding a request for the use of catastrophic leave may file a written appeal with the Committee. The Committee must expeditiously hold an informal hearing and render its decision within ten days after the hearing.

This measure is effective on July 1, 2001.

A.B. 386 (Chapter 307)

Assembly Bill 386 streamlines and modernizes the State of Nevada's personnel rules. It removes obsolete language from the list of state officers and employees serving in the unclassified service and clarifies that the occupational index applies only to classified positions. The bill requires supervisors to provide copies of annual performance evaluations to their employees and requires state agencies to notify the Director of the Department of Personnel of any separation, suspension, or reinstatement of an employee or any reduction or other change to a position.

Further, A.B. 386 provides that rules for screening tests for alcohol or controlled substances apply to both classified and unclassified positions.

Finally, this measure provides that a public employee who is an emergency communications technician must be relieved from his regular duties, upon a request for assistance from Nevada's Division of Emergency Management or a local organization for emergency management, during an emergency or disaster in Arizona, California, Idaho, Nevada, Oregon, or Utah. Such an employee may provide assistance for up to 15 days each year without loss of pay or vacation time.

This bill is effective on July 1, 2001.

A.B. 431 (Chapter 332)

Assembly Bill 431 directs the Public Employees' Retirement Board to conduct a study regarding lump-sum optional retirement programs to determine whether such programs would be beneficial for public employees and their employers. The Board must submit a final report to the Legislative Commission on or before August 1, 2002.

This measure is effective on July 1, 2001.

A.B. 555 (Chapter 490)

Assembly Bill 555 addresses the Public Employees' Retirement System (PERS). The measure establishes a reemployment program for a retired employee who accepts employment or an independent contract with a public employer. The retired employee must fill a position for which there is a critical labor shortage and, if he is receiving an actuarially reduced retirement benefit, must have attained the age at which he would qualify for full retirement benefits.

For the programs over which they have responsibility, the State Board of Examiners, the Supreme Court, the Board of Regents of the University and Community College System of Nevada, the State Department of Education, the governing body of a local government, and the Public Employees' Retirement Board shall designate the positions for which there are critical labor shortages.

Assembly Bill 555 directs the Public Employees' Retirement Board to conduct a study of the effects on PERS of reemployment under this act for the period between July 2001 and July 2004 and to submit the study to the interim Retirement Committee of the Legislature on or before December 31, 2004.

This measure also makes certain technical amendments to the statutes regarding PERS, addressing the administration of PERS, and the purchase of creditable service.

This measure is effective on July 1, 2001, and the reemployment provisions expire by limitation on June 30, 2005.

A.B. 558 (Chapter 353)

Assembly Bill 558 establishes for the next biennium the amount to be paid by the State of Nevada for group insurance for certain public employees, public officers, and retired public employees. The measure provides that the state's share of the cost of premiums or contributions for group insurance for each public officer or employee who elects to participate in the Public Employees' Benefits Program is: (a) \$357.50 per month for Fiscal Year (FY) 2001-2002; and (2) \$384.50 per month for FY 2002-2003. Further, the bill provides that the state's share of the cost of premiums or contributions for group insurance for each person who

is retired from the service of this state and continues to participate in the Public Employees' Benefits Program is: (1) \$202.34 per month for the FY 2001-2002; and (2) \$217.84 per month for FY 2002-2003.

This measure is effective on July 1, 2001.

A.B. 563 (Chapter 225)

Assembly Bill 563 authorizes the state to provide an additional deferred compensation plan for state employees and employees of political subdivisions. Additionally, employees may defer their compensation under one or more of the plans in the deferred compensation program.

This bill is effective on May 29, 2001.

A.B. 564 (Chapter 546)

Assembly Bill 564 addresses the Public Employees' Benefits Program (PEBP). This measure requires the Board of the PEBP to commingle the claims experience of active and retired state officers and employees and their dependents for the purposes of establishing actuarial data to determine rates and coverage. Further, A.B. 564 requires the Board to submit an annual report to the Director of the Legislative Counsel Bureau. The report must cover the amount paid by the PEBP in the preceding calendar year for the claims of active and retired state officers and employees and specifically the amount paid for claims of retired members who were provided medical or hospital service by Medicare or a similar plan.

Finally, this bill prohibits the Board of the PEBP from entering into a contract for the care of members and covered dependents unless provisions are made to offer all the services specified in the request for proposals and unless the rates set forth in the contract are based on the commingled claims experience of active and retired state workers and their dependents.

This measure is effective on January 1, 2002.

A.B. 604 (Chapter 286)

Assembly Bill 604 relates to awards for state employees. The bill requires the State Board of Examiners to establish by regulation a maximum amount of money that the Governor or the head of a state agency may spend on a service award. The measure defines "service award" as a suitable symbol, other than money, for faithful and exceptional public service. Further, the bill deletes redundant language pertaining to "longevity awards."

The bill is effective on July 1, 2001.

A.B. 673 (Chapter 571)

Assembly Bill 673 concerns salaries for state employees. The measure establishes the maximum salaries for state employees in the unclassified service and certain state employees in the classified medical service and makes appropriations to allow state agencies to fund these salary levels. In addition, the bill makes appropriations to provide state employees with a salary increase of approximately 4 percent in each year of the 2001-2003 biennium. The bill appropriates money to fund the cost of one additional step in the state's employee compensation schedule for classified employees. Assembly Bill 673 appropriates \$39.9 million in State General Fund money for Fiscal Year (FY) 2001-2002 and \$65.4 million for FY 2002-003. The measure also appropriates \$10.5 million in State Highway Fund money for FY 2002 and \$15.3 million for FY 2003.

The legislation also provides for: (1) a credential-related pay increase for State Gaming Control Board employees; (2) pay increases for classified and professional employees of the University and Community College System of Nevada; (3) for conditional purposes, pay increases for certain engineers and correctional officers; and (4) certain pay increases for adult and youth parole and probation personnel.

Finally, the measure contains the "trigger" mechanism for potential salary increases in FY 2002-2003 for teachers and other school district education personnel. An amount that is approximately 1 percent for such an increase is to be transferred to the Distributive School Account for contingent appropriations should unappropriated state revenues exceed projections by \$154 million. Should these revenues exceed \$194 million, the amount transferred would be sufficient for an increase of approximately 2 percent.

This measure is effective on July 1, 2001.

S.B. 75 (Chapter 110)

Senate Bill 75 clarifies that all employees of the State Printing Division in the Department of Administration must be classified except for compositors, assistant compositors, bindery operators, assistant bindery operators, pressmen, and assistant pressmen. The measure also provides for an appeal process with the Department of Personnel for Printing Division employees who dispute the grade or classification of their position.

This bill is effective on May 22, 2001.

S.B. 298 (Chapter 200)

Senate Bill 298 extends from 30 days to 60 days the period of time for a retiree to opt into the Public Employees' Benefits Program. The measure also requires the Board of the Public Employees' Benefits Program to appoint an attorney who specializes in employee benefits to conduct a biennial review of the program. In addition the bill allows, rather than requires, the Board to establish rates and coverage for employees or retirees participating in the program

from other public agencies. Further, the bill requires that a certified public accountant audit the program on an annual basis. Lastly, the measure establishes a separate checking account for disbursement deposits and for the payment of claims.

This bill is effective on May 29, 2001.

S.B. 349 (Chapter 281)

Senate Bill 349 allows an unmarried member of the Public Employees' Retirement System (PERS) to designate a survivor beneficiary to receive payments if the member is unmarried at the time of his or her death. The survivor beneficiary is entitled to receive a cumulative benefit of at least \$450 per month, beginning on the first day of the month following the death of the member. Under certain circumstances, the survivor beneficiary may elect to receive a lump sum refund instead of a monthly allowance.

In addition, S.B. 349 changes the method of calculating the monthly retirement allowance. For each year of service earned on or after July 1, 2001, the allowance is determined by multiplying the member's average compensation by 2.67 percent, instead of the current multiplier of 2.5 percent.

This measure also changes from 30 to 25 years the number of years of service a police officer or fireman must have in order to retire at any age.

Finally, this measure provides survivor beneficiary benefits to Supreme Court justices and district court judges similar to those benefits provided to members of PERS under this measure.

The change in the number of years of service a police officer or fireman must have in order to retire at any age and the change in the multiplier for calculating the monthly allowance are effective on July 1, 2001. The other provisions of this act are effective on January 1, 2002.

S.B. 561 (Chapter 191)

Senate Bill 561 makes various changes concerning the Division of Internal Audits in the Department of Administration. The bill requires the Chief of the Division of Internal Audits to appoint and establish the powers and duties of a manager of internal controls. The measure requires that the manager be a licensed certified public accountant and have at least four years of progressively responsible experience in professional auditing. Further, the bill provides that the manager be in the unclassified service of the state and serve at the pleasure of the Chief of the Division.

In addition, the bill exempts certain agencies from receiving training and assistance from the Division. These agencies include certain statutorily created boards, the University and Community College System of Nevada, the Public Employees' Retirement System, the Housing Division of the Department of Business and Industry, and the Colorado River Commission.

This measure is effective on July 1, 2001.

S.B. 556 (Chapter 591)

Senate Bill 556 relates to persons who disclose improper governmental actions. The bill prohibits reprisal or retaliatory action against an officer or employee of a local government who discloses improper governmental action. The measure requires a local government to establish an appeals process for whistleblowers who have been subject to a retaliatory action. Under the provisions of the bill, whistleblowers are protected against retaliatory action by the appeals process for up to two years after the initial disclosure. However, if retaliatory action occurs, the measure requires the whistleblower to file an appeal within 60 days of that action.

In addition, S.B. 556 adds a definition of the term "disclose" or "disclosure" to the whistleblower statutes. "Disclose" or "disclosure" means the reporting by a state or local government officer or employee of governmental action that the person reasonably believes in good faith is improper.

S.B. 579 (Chapter 527)

Senate Bill 579 revises the compensation paid to certain employees of the Nevada Senate and Assembly by establishing a base amount and providing for periodic cost of living adjustments. In addition, the base amount paid to an employee is to be increased cumulatively by one step of 5 percent for each regular legislative session worked, not to exceed 9 steps, if the employee has performed his or her duties in a satisfactory manner. Finally, S.B. 579 provides that these employees are entitled to be compensated for overtime during periods before the commencement of a session and after adjournment of a session sine die in the same manner as provided for employees of the Legislative Counsel Bureau.

See also Assembly Bill 2 (Chapter 2) of the 17th Special Session.

TAXATION

A.B. 361 (Chapter 122)

Assembly Bill 361 revises provisions governing the tax on net proceeds of minerals. The measure requires that the annual statement provided to the Department of Taxation by each mining operation must include a statement showing claimed deductions from the gross yield for the prior calendar year, rather than during the statement period. Assembly Bill 361 also requires that the Department use this statement in its computation of gross yield and net proceeds of the preceding calendar year. In addition, the bill makes other necessary changes to reporting procedures and dates.

This measure is effective on May 22, 2001.

A.B. 465 (Chapter 352)

Assembly Bill 465 relates to taxes and certain highway improvement projects. The bill authorizes the use of room tax revenue proceeds for certain highway improvement projects located wholly or partially outside the boundaries of the State of Nevada. In addition, the bill requires that qualifying highways be within 30 miles of the state boundary. The measure also specifies that the highway improvement project must connect Nevada to an interstate highway and provide significant economic benefits.

This bill is effective on June 5, 2001.

A.B. 501 (Chapter 223)

Assembly Bill 501 relates to the distribution of taxes to school districts. The bill provides for a change to the method of calculating a school district's share of the governmental services tax (previously referred to as the motor vehicle privilege tax). When calculating the tax rate for a school district, if the sum of the rate for the district's debt service and the rate levied for capital projects is greater in any fiscal year than the rate for Fiscal Year 1978-1979, the higher rate will be used to determine the applicable debt service rate.

A.B. 656 (Chapter 74)

Assembly Bill 656 allows a business whose tax is less than \$25 per calendar quarter to pay the tax annually rather than quarterly with the approval of the Department of Taxation. The tax must be paid on or before the last day of July immediately following the fiscal year. Additionally, if a business ceases operation before the end of the fiscal year, the tax must be paid on or before the last day of the month immediately following the calendar quarter in which the business ceases operation. Finally, A.B. 656 makes it clear that a business paying taxes annually must provide a statement of the number of equivalent full-time employees employed by the business for each calendar quarter.

This measure is effective on July 1, 2002.

S.B. 59 (Chapter 13)

Senate Bill 59 changes the name of the “vehicle privilege tax” to “governmental services tax” and changes the title of Chapter 371 of the *Nevada Revised Statutes* from “Vehicle Privilege Tax Law” to “Governmental Services Tax Law.” The change in the designation of the vehicle privilege tax to governmental services tax clarifies the purpose of the tax on motor vehicles, which is to assist in funding local governmental services such as schools and fire and police departments.

This bill is effective on July 1, 2001; however, sections of the bill concerning the issuance of a certificate of eligibility by the State Contractors’ Board if certain taxes, including the governmental services tax, have been paid is effective on October 1, 2003.

S.B. 70 (Chapter 252)

Senate Bill 70 revises provisions governing the classification of manufactured homes as real property for the purpose of property taxes. The bill permits a manufactured home to become real property if it is permanently affixed to land owned by the owner of the home. The county assessor must place the home on the tax roll as real property if certain conditions are met. With certain exceptions, the assessor must place a manufactured home on the tax roll as real property regardless of whether these conditions are met if on or after July 1, 2001, the home is permanently affixed to a residential lot pursuant to an ordinance required by *Nevada Revised Statutes* 278.02095. In addition, the owner of a manufactured home must surrender the certificate of ownership to the Manufactured Housing Division before a building department may issue a permit to place the home on a lot.

This measure is effective on July 1, 2001.

S.B. 124 (Chapter 38)

Senate Bill 124 requires the allocation and remittance of money collected from certain taxes to be made directly to incorporated cities. The measure revises various motor vehicle fuel tax statutes to allow the proceeds of those taxes allocated to a city to be sent directly to the city rather than through the county treasurer. In addition, S.B. 124 provides that the provisions of the act may not be applied to modify pledged revenues in any way that would impair outstanding obligations of a county or city.

This bill is effective on July 1, 2001.

S.B. 156 (Chapter 328)

Senate Bill 156 increases and provides for the adjustment of the amount of the exemptions from property and vehicle privilege taxes for veterans and veterans' organizations. The bill increases on a graduated scale, from \$1,000 up to \$1,750 for Fiscal Year (FY) 2003-2004, the exemption available to certain veterans from either property taxes or vehicle privilege taxes. Effective on July 1, 2004, the exemption increases to \$2,000. Beginning with the 2005-2006 FY, this amount must be adjusted annually based on the Consumer Price Index (CPI) for All Items. The bill also increases and provides the future adjustment of exemptions available to certain disabled veterans. Finally, the bill increases certain tax exemptions for veterans' organizations and increases the maximum amount that the State Treasurer may accept for credit to the Veterans' Home Account.

Most of the provisions of Senate Bill 156 are effective on July 1, 2001. The provisions concerning the \$2,000 exemption and the subsequent adjustments based on the CPI are effective on July 1, 2004.

S.B. 203 (Chapter 77)

Senate Bill 203 makes various changes relating to ad valorem taxes to pay for the operation of regional facilities. The bill authorizes the boards of county commissioners of at least two counties to levy an ad valorem tax to pay the costs of operating a regional facility that provides services related to public safety, health, or criminal justice, including a regional facility as defined in *Nevada Revised Statutes* 62.845 for the commitment of children who have been adjudicated delinquent. In addition, the bill exempts ad valorem taxes levied to pay the operating costs of certain regional facilities from the limitation upon revenue from such taxes. The measure also requires that an administrative entity created to operate a regional facility that receives revenue from ad valorem taxes levied to pay the costs of operating such a facility must establish a separate fund to account for such revenue.

This bill is effective on July 1, 2001.

S.B. 221 (Chapter 334)

Senate Bill 221 relates to rental taxes on transient lodging and special assessment levies. The measure authorizes the Reno City Council to create by ordinance a local improvement district and to levy a special assessment within that district for certain capital improvement projects that are approved by the Truckee Meadows Tourism Facility and Revitalization Steering Committee. The measure: (1) sets forth the criteria for the ordinance and for levying the special assessment if the district is created; (2) specifies the authority of the Reno City Council concerning these items; (3) authorizes the Council to impose an additional tax on the rental of transient lodging in certain areas of Reno; and (4) revises the distribution of certain proceeds to ensure that they are dedicated to applicable projects. Finally, the measure authorizes the Reno Redevelopment Agency to enter into a contract with certain Reno businesses and exempts the contract from selected competitive bidding processes.

This measure is effective on June 1, 2001.

S.B. 222 (Chapter 254)

Senate Bill 222 authorizes the Nevada Tax Commission to enter an agreement with any county fair and recreation board or the governing body of any county, city, or town for the continuing exchange of information concerning taxpayers.

This measure is effective on May 30, 2001.

S.B. 227 (Chapter 335)

Senate Bill 227 provides for a partial abatement of the taxes payable by a business that generates electricity from renewable energy and locates or expands its operations in Nevada. The bill grants an abatement for ten years of 50 percent of the taxes payable on real and personal property. (This provision expires by limitation on June 30, 2005.) The bill also grants a sales tax abatement for eligible machinery and equipment for a period of two years.

Further, if a business locates or expands its operations in Nevada and includes as a primary component the processing of or the generation of electricity from recycled material, the bill replaces the existing rules on exemptions from taxes on real and personal property. The bill provides that the Commission on Economic Development may grant a partial abatement of real property taxes, not to exceed 50 percent of the taxes payable, for up to ten years.

Finally, for other businesses that locate or expand their operations in Nevada, S.B. 227 places a limit on property tax abatement, set at 50 percent of the annual taxes payable on personal property for up to ten years.

This measure is effective on July 1, 2001.

S.B. 273 (Chapter 330)

Senate Bill 273 exempts from the taxes imposed by Chapter 374 of *Nevada Revised Statutes*, including the Local School Support Tax and certain analogous taxes, gross receipts from the sale of, and the storage, use, or other consumption in this state of any product or system designed or adapted to use renewable energy to generate electricity and its integral components. The bill specifies that “renewable energy” includes biomass, fuel cells, geothermal energy, solar energy, waterpower, and wind.

This bill is effective on July 1, 2001, for the purpose of adopting regulations to carry out the provisions of the measure, and on January 1, 2002, for all other purposes. This act expires by limitation on June 30, 2003.

S.B. 376 (Chapter 331)

Senate Bill 376 makes various changes to the provisions governing the assessment, collection, and payment of taxes. Specific revisions apply to the Senior Citizens’ Property Tax Assistance Act, tax exemptions for nonresidents, donations of computer equipment to schools, the assessment of furnishings for time-share projects, the property tax exemption for widows, exemptions for property owned by public airports, overpayment of taxes, deficient and delinquent payment of taxes, special taxes on certain livestock, and duties of the county recorder.

The measure further includes manufactured homes in the provisions currently in state law for mobile homes. These provisions include the classification and conversion of mobile homes to real property, the inclusion of certain personal property and mobile homes on the secured tax roll, and the expiration of a lien on mobile homes.

Finally, S.B. 376 transfers various responsibilities related to the collection of special taxes on animals to the State Department of Agriculture and repeals provisions establishing the committees for assessing livestock.

The bill is effective on July 1, 2001, for all provisions except those that transfer certain responsibilities to the State Department of Agriculture, revise special taxes levied on livestock, and repeal the committees for assessing livestock, which are effective on July 1, 2004. Under S.B. 376, the current personal property tax exemption for computer equipment donated to a school expires by limitation on June 30, 2003.

S.B. 381 (Chapter 337)

Senate Bill 381 clarifies the responsibilities of a wholesale dealer of products made from tobacco, other than cigarettes, in regard to the payment of taxes for such products. The bill further revises the method by which sales of these products are reported to the Department of Taxation and by which taxes on the sales of these products are remitted to the Department. Finally, the measure removes from state law certain requirements concerning invoices relating to the retail sale of products made from tobacco.

This measure is effective on July 1, 2001.

S.B. 389 (Chapter 256)

Senate Bill 389 amends *Nevada Revised Statutes* 365.565 to increase from \$85,000 to \$130,000 the maximum amount that may be paid to the Civil Air Patrol Account from the Account for Taxes on Aviation Fuel.

This bill is effective on July 1, 2001.

S.B. 499 (Chapter 239)

Senate Bill 499 eliminates the Parks Marina Development Fund and reallocates the use of revenue collected from the tax on motor vehicle fuel paid on fuel used in watercraft. The measure specifies that such revenue must be used for the improvement of outdoor recreational facilities located in any state park that includes a body of water used for recreational purposes and for the payment of the costs incurred, in part, for the administration and enforcement of laws relating to watercraft. In addition, the bill eliminates the expenditure of the portion of the fuel tax revenue placed in the Wildlife Account on facilities located in state-owned wildlife management areas. The measure clarifies that any money received in the Wildlife Account in excess of the amount authorized by the Nevada Legislature must be retained in the account rather than transferred to the Parks Marina Development Fund.

The bill stipulates that the portion of the fuel tax revenue provided to Nevada's Division of State Parks, State Department of Conservation and Natural Resources, may be expended for the improvement, operation, and maintenance of boating facilities and other outdoor recreation facilities located in any state park that includes a body of water used for recreational purposes. Finally, the measure makes technical changes to Section 97 of Chapter 224, *Statutes of Nevada 1999*.

This bill is effective on July 1, 2001.

S.B. 527 (Chapter 422)

Senate Bill 527 revises provisions governing contraband cigarettes, cigarette dealers, and the enforcement of statutes regarding cigarettes. The bill exempts duty-free sales enterprises and persons importing cigarettes for personal use from provisions governing the licensing of

cigarette dealers and the taxation of cigarettes. Further, the measure specifies that cigarette revenue stamps must be designed to identify the dealer who affixed the stamp and requires certain cigarette dealers to file a report with Nevada's Department of Taxation if during the preceding month that dealer affixed cigarette revenue stamps upon cigarette packages imported into the United States. The measure also stipulates that a retail or wholesale dealer of cigarettes shall not affix a revenue stamp or meter machine impression upon cigarette packages that have been imported, manufactured, or packaged in violation of federal law.

The bill sets forth procedures for sheriffs and peace officers that seize contraband cigarettes to notify the Department of Taxation of such seizures. Finally, the measure provides for the transmittal of certain seized cigarettes to the Department, requires the disposal by the Department of those seized cigarettes, and requires the destruction by law enforcement personnel of seized cigarettes that are not transmitted to the Department.

The measure is effective on July 1, 2001.

S.B. 528 (Chapter 282)

Senate Bill 528 amends current law to exempt from taxation the sales of medical devices to a qualified governmental entity, regardless of whether the person using the medical device or the governmental entity that purchases the device is deemed to be the holder of title to the device if: (1) the medical device is ordered or prescribed by a health care provider, within the scope of his practice, for use by the person to whom it is provided; (2) the medical device is covered by Medicaid or Medicare; and (3) the purchase of the medical device is made pursuant to a contract between the governmental entity and the person who sells the medical device. In addition, this bill defines, "Medicaid," "Medicare," and "provider of health care."

This measure is effective on May 31, 2001.

Property Tax

A.B. 433 (Chapter 167)

Assembly Bill 433 makes various changes relating to property taxes. The measure provides guidelines for determining the amount of time certain property is leased or used by a person. For the purpose of determining the amount of tax to be levied, the bill clarifies that a person has possession at all times of property that is independent, durable, and exclusive of rights held by others in the property other than the rights of the owner. The bill also clarifies that

property is not leased or used by a person who possesses or occupies the property solely for the purpose of holding the property for another person. In addition, the measure provides definitions for “independent,” “durable,” and “exclusive.”

Further, A.B. 433 clarifies that real property and tangible personal property used for housing and related facilities for low-income persons are exempt from taxation if the portion of property qualifies as a low-income unit and is part of a qualified low-income housing project funded in part by federal money for the year the exemption applies.

Finally, the Nevada Tax Commission is required by regulation to create an application form for the exemption.

This bill is effective on May 28, 2001.

S.B. 64 (Chapter 5)

Senate Bill 64 authorizes the payment of taxes assessed upon personal property in installments under certain circumstances. This measure adds a new provision to *Nevada Revised Statutes* (NRS) 361.483 to allow taxes assessed upon personal property to be paid in four approximately equal installments. To qualify for installment payments: (1) the total personal property taxes assessed must exceed \$10,000; (2) the taxpayer must return a written statement of personal property pursuant to NRS 361.265 to the county assessor no later than July 31; (3) the taxpayer must file a written request to be billed in quarterly installments with the county assessor or county treasurer, including a copy of the written statement of personal property required pursuant to NRS 361.265; and (4) the business must have been in existence for at least three years if the personal property assessed is the property of a business. The provisions of this bill do not include taxes assessed on migratory property.

This measure is effective on July 1, 2001.

S.B. 70 (Chapter 252)

Senate Bill 70 revises provisions governing the classification of manufactured homes as real property for the purpose of property taxes. The bill permits a manufactured home to become real property if it is permanently affixed to land owned by the owner of the home. The county assessor must place the home on the tax roll as real property if certain conditions are met. With certain exceptions, the assessor must place a manufactured home on the tax roll as real property regardless of whether these conditions are met if on or after July 1, 2001, the home is permanently affixed to a residential lot pursuant to an ordinance required by *Nevada Revised Statutes* 278.02095. In addition, the owner of a manufactured home must surrender the certificate of ownership to the Manufactured Housing Division before a building department may issue a permit to place the home on a lot.

This measure is effective on July 1, 2001.

S.B. 238 (Chapter 336)

Senate Bill 238 makes various changes relating to tax on the transfer of real property. The measure establishes the same Taxpayers' Bill of Rights for the real property transfer tax that has been established for taxes collected by the Department of Taxation and assigns the same responsibilities to county recorders that are required for taxes collected by the Department. Responsibilities include preparation and distribution of a pamphlet on the Taxpayers' Bill of Rights, instructions on the rights and responsibilities of taxpayers, timely responses to written requests of taxpayers, and refunds to taxpayers of tax overpayments, with interest.

The measure further sets forth the basic principles that a county recorder must follow when administering the tax and provides specific requirements for collecting taxes, issuing refunds, granting waivers, issuing warrants and certificates of delinquency, conducting audits, hearing appeals, taking legal actions, and undertaking other enforcement procedures. Finally, S.B. 238 makes various changes to Chapter 375 of *Nevada Revised Statutes* pertaining to the tax on transfers of real property.

Certain provisions of this measure are effective on October 1, 2001, for the purposes of establishing the Taxpayers' Bill of Rights, setting forth the collection and audit procedures of county recorders, and making certain statutory changes. All other provisions are effective on January 1, 2002.

S.B. 574 (Chapter 526)

Senate Bill 574 transfers responsibility for the state's property tax assistance program from the Department of Taxation to the Department of Human Resources. The bill does not change the program in any other manner.

Sales and Use Tax**A.B. 243 (Chapter 159)**

Assembly Bill 243 proposes to exempt from sales and use taxes the sale of farm machinery and equipment and provides an exemption from certain analogous taxes for such items. The measure requires that a proposal to amend the Sales and Use Tax Act of 1955 be submitted to the registered voters of Nevada at the November 5, 2002, General Election. The bill specifies that the proclamation and notice to the voters must be substantially in the form specified in the bill. Approval of this proposal by the voters would provide an exemption from sales and use taxes on the gross receipts from the sale and the storage, use, or other consumption of farm machinery and equipment employed for the agricultural use of real property.

If the question is approved by the voters, the amendment to the Sales and Use Tax Act of 1955 becomes effective on January 1, 2003. Further, A.B. 243 amends the Local School Support Tax law and the City-County Relief Tax law to provide the same tax exemption. If a majority of the votes cast do not support approval of the question, the amendment to the Sales and Use Tax Act of 1955 does not become effective.

This bill is effective on May 28, 2001, for the purpose of adopting any regulations necessary to carry out the provisions of this measure, and on July 1, 2002, for all other purposes.

A.B. 455 (Chapter 364)

Assembly Bill 455 enacts the Simplified Sales and Use Tax Administration Act. The bill authorizes the Nevada Tax Commission to enter into an agreement with other states to establish standards for certification of a certified service provider for sales tax functions. The agreement also includes standards for a certified automated system to calculate, determine remittances, and make a record of related transactions and standards for the performance of multistate sellers. However, this measure prohibits the Nevada Tax Commission from entering into the agreement unless the agreement sets requirements concerning uniform standards, registration, regulatory relief, and member compliance. In addition, an advisory council must be formed for consultation purposes. The bill also defines a “certified service provider” and sets forth provider duties and liabilities. In addition, the act expands the definition of the term “retailer maintaining a place of business in this state” to include Internet Web sites and/or other electronic means of communications.

Further, A.B. 455 requires that if a political subdivision of the state enters into a contract with a person selling tangible personal property in the state who has not obtained a permit as a seller within the state or county as specified within statute, the contract must include a provision requiring the person to obtain the required permit and agree to collect and pay the sales taxes imposed pursuant to statutes on the sale of tangible personal property in the State of Nevada. The bill prohibits any cause of action against a member state or political subdivision and specifies that no provision of the agreement invalidates or amends Nevada law. Finally, the measure recognizes that a simplified sales and use tax system will reduce and over time eliminate the burden and cost for all vendors to collect Nevada’s sales and use tax.

Most sections of the bill are effective on June 5, 2001. The sections concerning the functions of the certified service provider, the certified automated system, and the nature of the agreement are effective on the date the State of Nevada becomes a member of the streamlined sales and use tax agreement.

A.B. 657 (Chapter 141)

Assembly Bill 657 proposes to exempt from sales and use taxes certain items used by professional racing teams or sanctioning bodies and provides an exemption from certain other taxes for such items. The measure requires that a proposal to amend the Sales and Use Tax Act of 1955 be submitted to the registered voters of Nevada at the November 5, 2002, General

Election. The bill specifies that the proclamation and notice to the voters must be substantially in the form specified in the bill. Approval of this proposal by the voters would provide an exemption from sales and use taxes on engines and chassis, including replacement parts and components for the engines and chassis, of professional racing vehicles that are owned, leased, or operated by professional racing teams.

If the question is approved by the voters, the amendment to the Sales and Use Tax Act of 1955 becomes effective on January 1, 2003. Further, A.B. 657 amends the Local School Support Tax law and certain analogous taxes on retail sales to provide the same tax exemption. If a majority of the votes cast do not support approval of the question, the amendment to the Sales and Use Tax Act of 1955 does not become effective.

The provisions of A.B. 657 pertaining to the ballot question are effective on May 24, 2001. Amendments to Chapter 374 of *Nevada Revised Statutes* are effective on May 24, 2001, for the purpose of adopting any regulations necessary to carry out the provisions of Section 9 of the bill, and on October 1, 2001, for all other purposes.

TRANSPORTATION

A.B. 7 (Chapter 201)

Assembly Bill 7 requires that signs for school crossing zones be uniform in size and color and designate the hours during which the reduced speed limit applies. The bill also repeals a provision that allows automatic traffic control devices to be used in place of school crossing and school zone signs.

A school zone consists of those sections of streets that are adjacent to school property. The speed limit in a school zone is 15 miles per hour during the specified hours of the school day. A school crossing zone consists of those sections of street that pupils cross while following a designated walking route to school. Speed limits in those zones are 25 miles per hour. Under current law if a traffic light is in place at an intersection in a school zone or school crossing zone, it is not necessary to also mark those areas with signs indicating the reduced speed limit. This bill repeals that exemption and requires that speed limit signs be posted even when a traffic light is in place.

A.B. 86 (Chapter 117)

Assembly Bill 86 provides that when Nevada's Department of Transportation contracts with a railroad to construct or repair a highway on the railroad's property, the contract may provide that the railroad is not required to furnish a bond or that the Department will not retain that part of the contract amount to ensure successful completion of the project.

This bill is effective on May 22, 2001.

A.B. 175 (Chapter 536)

Assembly Bill 175 requires Nevada's Department of Transportation (NDOT) to establish along frequently traveled highways a system of communication for the public to receive information concerning highway conditions and to report accidents, fires, or other emergencies. The bill appropriates \$500,000 from the State Highway Fund to NDOT for the establishment and maintenance of an emergency system of call boxes located on Interstate Highway No. 15 from the boundary of the State of California to Lake Mead Drive in Clark County, Nevada. Any remaining balance of this appropriation must not be committed for expenditure after June 30, 2003, and reverts to the State Highway Fund.

This measure is effective on June 13, 2001.

A.B. 534 (Chapter 243)

Assembly Bill 534 increases the membership of the Regional Transportation Commission in Lyon County. The measure provides that in counties with two cities and fewer than 100,000 inhabitants, the regional transportation commission is increased from three to five members. The board of county commissioners must appoint three of these members, including one who is a representative of the public. The governing boards of the cities each appoint one member.

This bill is effective on July 1, 2001.

A.B. 641 (Chapter 532)

Assembly Bill 641 amends the Multistate Highway Transportation Agreement. It provides that each state is entitled to not more than two representatives on the cooperating committee and designates the chairmen of the Senate and Assembly Standing Committees on Transportation or their designees to represent Nevada on that committee. Under the previous agreement, Nevada had one representative (the Director of the Department of Transportation). The bill also expands the purposes of the agreement and removes obsolete provisions. Finally, the bill appropriates funds for travel, per diem, and membership dues.

This bill is effective on July 1, 2001.

S.B. 26 (Chapter 273)

Senate Bill 26 creates the Fund for Aviation as a trust fund in the State Treasury administered by the Director of Nevada's Department of Transportation (NDOT). The bill allows the Director to apply for and accept any gift, bequest, grant, appropriation, or donation from any source for deposit in the fund. In addition, the measure contains provisions governing the investment and expenditure of money in the fund, and it provides that no more than 1 percent of the money may be used to pay the costs of administering the fund.

The bill allows the Director of NDOT to adopt regulations for the expenditure of money in the fund to award grants to a county, city, or other local government in Nevada for obtaining matching money for federal programs and any other programs relating to airports or for the planning, establishment, development, construction, enlargement, improvement, or maintenance of any airport, landing area, or air navigational facility owned or controlled by the local government. In adopting these regulations, the Director must determine the order of priority for the expenditures by considering, among other things, the following: (1) the project's purpose; (2) the costs and benefits of the project; and (3) the effect of the project on

the environment, safety, security, infrastructure, and capacity of the airport. Before adopting a regulation or awarding a grant, the Director must consult with the Nevada Aviation Technical Advisory Committee and any person who represents a public airport in the state.

The provisions of this bill do not apply to an airport or facility owned or controlled by Clark County or the Airport Authority of Washoe County.

S.B. 119 (Chapter 271)

Senate Bill 119 concerns taxicabs transporting elderly and permanently handicapped persons in certain counties. The measure requires the Taxicab Authority to adopt regulations establishing a program for transportation by taxicab of elderly persons and permanently handicapped persons in Clark County or any other county that has enacted an ordinance approving its inclusion within the jurisdiction of the Authority. This program must require the Administrator of the Taxicab Authority to establish a telephone number for elderly and handicapped persons to register complaints regarding taxicab service. In addition, the bill requires taxicab companies to provide the following information to any person who identifies himself as an elderly or handicapped person when requesting a taxicab within the company's allocated service area: (1) the estimated time to expect the arrival of the taxicab; and (2) the telephone number to report complaints.

This bill is effective on July 1, 2001.

S.B. 190 (Chapter 32)

Senate Bill 190 removes the provision that sets \$40,000 as the amount in the Motor Vehicle Revolving Account, which is used for making change in the main and branch offices of the Department of Motor Vehicles (DMV). Further, the bill requires the State Board of Examiners to determine the amount of money to be deposited in the account. This measure provides the DMV greater flexibility by allowing it to request the State Board of Examiners to increase the money in the account rather than having to request the Legislature to revise the statute.

This measure is effective on July 1, 2001.

S.B. 219 (Chapter 421)

Senate Bill 219 changes the provisions governing the disposal of surplus real property by Nevada's Department of Transportation (NDOT). The measure revises the manner in which NDOT is required to dispose of certain real property no longer needed for highway purposes after receiving approval by the Department's Board of Directors.

The bill revises certain provisions requiring public notice, appraisal, and direct sale procedures. It also removes the provision requiring such procedures when the proposed purpose for which the property was acquired is later abandoned by NDOT. Furthermore, the

measure changes the provision governing when part of the property is no longer needed for highway purposes and the Department determines that the property was acquired for less than its fair market value. The bill provides that if a person who is entitled to purchase the property by direct sale believes that the Department's appraisal is higher than fair market value, he may file an objection according to procedures set forth by the Department. The Department must also establish procedures for making a final determination of fair market value in those cases. Finally, S.B. 219 revises the existing law to make it apply to the property or any portion of the property and removes the provision requiring that the Department must determine that such property was acquired for less than its fair market value.

This bill is effective on June 5, 2001.

S.B. 323 (Chapter 88)

Senate Bill 323 pertains to financing the construction of a super speed ground transportation system connecting southern Nevada with southern California. The measure authorizes the California-Nevada Super Speed Ground Transportation Commission to issue bonds, notes, obligations, or other evidences of borrowing to finance the construction of a super speed ground transportation system. The bill provides that these bonds and other obligations may be secured by a pledge of the Commission's property, revenue of the system, and money available to the Commission from federal funds, public or private companies, or any local government in California or Nevada.

The measure also allows the Commission to enter into agreements concerning financing the system and to issue obligations to refund other obligations. The Commission is not authorized to obligate the State of Nevada or the State of California, or any political subdivision thereof, unless the governmental body has obligated itself to the Commission through an intergovernmental agreement. The bill also contains provisions concerning the distribution of the Commission's property upon its dissolution and provisions regarding the enforcement of liens and security interests relating to the Commission's obligations.

In addition, the bill amends the statutory definition of "super speed ground transportation system" by increasing the existing speed requirement from a system capable of speeds of at least 180 miles per hour to a system capable of sustained speeds of at least 240 miles per hour. In addition, the bill adds the provision that the system must use magnetic levitation technology.

This bill is effective on July 1, 2001; however, its provisions authorizing the Commission to issue bonds and other obligations expire by limitation one year after the Governor declares the completion of the system or on the date all borrowing is retired, whichever is later.

S.B. 374 (Chapter 91)

Senate Bill 374 requires the erection and maintenance of handicapped parking signs by owners of private property and governmental entities having control over the property where handicapped parking spaces are located. The bill requires such an owner of private property or the governmental entity to erect and maintain the required signs for: (1) a handicapped parking space; (2) a space for the exclusive use of a vehicle with a side-loading wheelchair lift; or (3) a parking space immediately adjacent to a parking space for a side-loading wheelchair lift and used for loading and unloading a wheelchair, whichever is applicable.

This bill is effective on May 17, 2001.

S.B. 396 (Chapter 323)

Senate Bill 396 changes various traffic laws. The measure requires the driver of a slow-moving vehicle on a two-lane highway to turn off the roadway in certain circumstances. When a driver has five or more vehicles following in a line behind him and passing is unsafe, he must turn off at the nearest designated turnout or wherever there is enough space for a safe turnout. A violation of this provision is a misdemeanor. Further, the measure requires Nevada's Department of Transportation (NDOT) to include, whenever practicable, turnouts for slower vehicles in plans, designs, construction, and maintenance of two-lane highways.

The bill also revises the law requiring that vehicles must display lighted lamps and illuminating devices at certain times of day and under certain circumstances by adding a provision requiring the use of such lights when directed by an official traffic control device. In addition, S.B. 396 revises the provisions requiring a special permit for the movement or parking on highways of vehicles exceeding the maximum legal limits for size, weight, or load. The bill authorizes NDOT or a local law enforcement agency to allow a person to move such a vehicle to and from the site of an emergency without obtaining a special permit ahead of time.

The provisions of this bill do not apply to offenses committed before October 1, 2001.

S.B. 522 (Chapter 377)

Senate Bill 522 clarifies the use of certain money in the State Highway Fund and the distribution of the basic governmental services tax. This measure authorizes the Department of Motor Vehicles (DMV) to use money in the State Highway Fund that is provided by legislative authorization. In addition, it provides that all money received or collected by DMV for the basic governmental services tax must be deposited in the Local Government Tax Distribution Account to the credit of the county for which the tax was collected.

This bill is effective on June 5, 2001.

S.B. 524 (Chapter 559)

Senate Bill 524 authorizes the Department of Motor Vehicles (DMV) to establish a program for the electronic submission and storage of documents relating to the registration and title of vehicles. If the DMV establishes such a program, it must adopt regulations that include at least the following provisions: (1) the acceptable type of electronic transmission; (2) the process and fee, if any, for a person to submit an application to participate in the program; (3) the criteria for determining the approval of an application to participate in the program; (4) the standards for ensuring the security and integrity of the process for issuing and renewing certificates of registration, ownership, and title, including the procedure for audits of the program; (5) the terms, conditions, and restrictions on program participation; (6) the contents of a written agreement on file with DMV before a participant may submit a document by electronic means, including, among other things, means of assuring that information is complete, truthful, and accurate; (7) the conditions under which program participation may be revoked; (8) the method that DMV will use for storing the submitted electronic documents; (9) the technology required to carry out the program; and (10) any other regulations needed to carry out the program. Furthermore, the bill provides that such electronic submission or storage of documents is not valid unless all original documents required pursuant to federal regulations governing odometer information have been properly executed and submitted to the DMV.

The bill allows DMV to accept gifts and grants from any source, including donations of equipment, materials, labor, and any other items, to establish and maintain such a program for the electronic submission and storage of vehicle registration documents. In addition, the measure authorizes any person approved to participate in a program established under this legislation to submit by electronic means a document required to be submitted for the issuance or renewal of a certificate of registration, certificate of ownership, or certificate of title. Furthermore, the bill allows DMV to waive the requirement for the signature of a natural person on certain documents submitted by electronic means. Finally, this measure provides that a document submitted by electronic means under these provisions and accepted by DMV shall be deemed an original document in administrative and judicial proceedings.

This bill is effective on July 1, 2001.

A.C.R. 37 (File No. 113)

Assembly Concurrent Resolution No. 37 concerns the Disadvantaged Business Enterprise Program and contract compliance programs of Nevada's Department of Transportation (NDOT). The resolution commends NDOT for its efforts to bring diversity to the workplace, and it urges NDOT and Nevada's Department of Employment, Training and Rehabilitation (DETR) to create a statewide task force to find additional ways to increase the number of minorities, disadvantaged persons, and women in the skilled trades involved in highway construction. The measure also urges NDOT, DETR, and the Labor Commissioner to work

with the State Apprenticeship Council, knowledgeable persons, and various organizations to achieve the goal of hiring minorities, disadvantaged persons, and women into the skilled trades involved in highway construction.

Further, the resolution urges NDOT to ensure that contractors continue to file the employment reports required by the equal employment opportunity policy of the Federal Highway Administration for federal-aid highway construction in Nevada. In addition, the measure urges the Department to ensure that subcontractors with contracts over \$10,000 submit such reports each year.

S.J.R. 13 (File No. 105)

Senate Joint Resolution No. 13 expresses the Legislature's strong support for applications for capital grant funding to assist in financing critically needed bus and bus-related projects in Nevada. In addition, the resolution requests each member of Nevada's Congressional Delegation to support and work toward obtaining full funding of the state's applications for grants from congressional appropriations to the Federal Transit Administration for these purposes.

This measure is effective on May 28, 2001.

See also Assembly Bill 6 (Chapter 5) of the 17th Special Session.

Drivers' Licenses and Vehicle Registration

A.B. 6 (Chapter 143)

Assembly Bill 6 requires that the Department of Motor Vehicles adopt regulations authorizing the holder of a Class A noncommercial license to drive any combination of vehicles under 70 feet in length with a gross weight rating of 26,000 pounds or less. The gross weight rating of the towed vehicle may not exceed the gross weight rating of the towing vehicle. The holder of a Class A license is authorized by statute to drive these combinations of vehicles until the Department adopts regulations.

This bill is effective on May 24, 2001.

A.B. 113 (Chapter 355)

Assembly Bill 113 requires the Department of Motor Vehicles (DMV) to issue special license plates for the support of rodeos. These plates may not be issued until the Department receives at least 250 applications. In addition to taxes and other fees, a person to whom these plates are issued will pay \$35 upon initial issuance and \$10 upon renewal. This measure requires an additional fee of \$25 for the initial issuance and \$20 upon renewal to support rodeos. The fees

collected are to be divided equally between the Reno Rodeo Foundation and the Nevada High School Rodeo Association. The Nevada High School Rodeo Association may, in turn, grant a part of those funds to other high school rodeo associations in Nevada.

This measure also requires the DMV, in cooperation with the Pyramid Lake Paiute Tribe, to design and issue special license plates and souvenir license plates for the support of the protection and restoration of the natural environment of the Lower Truckee River and Pyramid Lake. These plates may not be issued until the Department receives at least 250 applications. In addition to taxes and other fees, a person to whom these plates are issued will pay \$35 upon initial issuance and \$10 upon renewal. An additional fee of \$25 for the initial issuance and \$20 upon renewal must be paid to support projects relating to the Lower Truckee River and Pyramid Lake. The fees collected are to be distributed to the Pyramid Lake Paiute Tribe and may only be used for the following: (1) protecting, restoring, and enhancing water quality and natural resources of the Lower Truckee River and Pyramid Lake; (2) paying or matching grants for economic development projects in the area surrounding the Lower Truckee River and Pyramid Lake; and (3) paying for the construction of a fairgrounds or rodeo arena at the Pyramid Lake Indian Reservation and providing financial support for establishing a rodeo team at Pyramid Lake High School. Until October 1, 2006, 25 percent of the special license plate fees must be used for these purposes.

This bill is effective on October 1, 2001. If the Department does not receive at least 250 applications for these special plates, the bill expires by limitation on October 1, 2005.

A.B. 229 (Chapter 379)

Assembly Bill 229 amends the statutes relating to special license plates. The bill provides that beginning on January 1, 2003, when the Legislature enacts a statute for the creation of a special license plate, it will also provide that the Department of Motor Vehicles must not issue the plate unless it receives at least 1,000 applications. Further, applications must be filed within two years of the time that the bill creating the special plate becomes effective.

This measure also changes, from 25 percent to \$35, the amount of the fee for the initial issuance of a special license plate, not including any additional fee to generate financial support for a particular cause or organization, that must be deposited for credit to the Revolving Account for the Issuance of Special License Plates.

A. B. 242 (Chapter 339)

Assembly Bill 242 eliminates continuing education requirements for driving instructors who only prepare applicants to take the examination for a commercial driver's license. At present, these instructors are required to take six credits of continuing education every five years in order to renew their instructors' licenses.

This bill is effective on July 1, 2001.

A.B. 476 (Chapter 125)

Assembly Bill 476 revises provisions concerning the reinstatement of registration that has been suspended for lack of insurance. Current law provides that when the registration on a motor vehicle has been suspended for failure to maintain insurance coverage, the owner must pay a reinstatement fee of \$250. Assembly Bill 476 allows the Department of Motor Vehicles to charge a fee of \$50 or waive the fee entirely in cases where extenuating circumstances prevented the owner from complying with the law. The Department must adopt regulations defining the circumstances that warrant the reduction or waiver of the fee.

This bill is effective on July 1, 2001.

A.B. 643 (Chapter 384)

Assembly Bill 643 provides for the issuance of special license plates to support the preservation of the history of atomic testing in Nevada. The Department of Motor Vehicles (DMV) must cooperate with the Nevada Test Site Historical Foundation or its successor in designing the license plates, but the Department shall not design, prepare, or issue these special license plates until it receives at least 250 applications. In addition to other registration and license fees and taxes, applicants must pay a special plate fee of \$35 and an additional fee of \$25 to support the preservation of the history of atomic testing in Nevada. When the plates are renewed each year, the recipient must pay a special renewal fee of \$10 and an additional fee of \$20 to support preserving the history of atomic testing. The DMV shall deposit the proceeds from the fees collected to support the history of atomic testing with the State Treasurer for credit to the State General Fund, and the State Treasurer shall distribute these fees on a quarterly basis to the Nevada Test Site Historical Foundation or its successor for its programs and activities in support of preserving the history of atomic testing in Nevada.

In addition, A.B. 643 provides for the issuance of special license plates to support preserving the federal lands surrounding Las Vegas, promoting community stewardship, enriching visitors' experience, and enhancing the quality of life of residents. The DMV must cooperate with the Outside Las Vegas Foundation or its successor in designing the license plates, but the Department shall not design, prepare, or issue these special license plates until it receives at least 250 applications. In addition to other registration and license fees and taxes, applicants must pay a special plate fee of \$35 and an additional fee of \$25 to support the preservation of the federal lands outside Las Vegas and related activities. When the plates are renewed each year, the recipient must pay a special renewal fee of \$10 and an additional fee of \$20 to support preserving those federal lands. The DMV shall deposit the proceeds from the fees collected to support preserving the federal lands surrounding Las Vegas with the State Treasurer for credit to the State General Fund, and the State Treasurer shall distribute these fees on a quarterly basis to the Outside Las Vegas Foundation or its successor for its programs and activities in support of preserving those lands, promoting community stewardship, enriching visitors' experience, and enhancing the quality of life of local residents.

Assembly Bill 643 also requires the DMV to issue special license plates for antique trucks and truck-tractors. To qualify for these plates, a vehicle must be at least 25 years old and have a manufacturer's rated carrying capacity of at least one ton. The trucks may not be used for general transportation but must be used only in exhibitions, shows, and parades. The bill establishes a fee of \$15 for issuing the plates and \$5 for annual renewal. These fees are in lieu of other registration fees and taxes. The cost of the die for producing the plate must be paid from private sources, and the plate may not be issued until the Department receives at least 250 applications.

The bill also amends the law regarding disabled veterans' plates. It provides that vehicles displaying these plates and being driven by the veteran or carrying him as a passenger may park in handicapped spaces without displaying a handicapped placard.

The provisions regarding handicapped veterans' plates are effective on July 1, 2001. The other provisions of the bill are effective on October 1, 2001; however, the amendatory provisions expire by limitation on October 1, 2005, if by that date the DMV has received fewer than 250 applications for the issuance of the special license plates pursuant to this measure.

A.B. 646 (Chapter 134)

Assembly Bill 646 authorizes the Department of Motor Vehicles to allow inspection stations to renew vehicle registrations. Under current law, a limited number of stations are allowed to renew registrations as a pilot program. The bill requires the Department to adopt regulations for licensing inspection stations, including the fee for this service.

This bill is effective on July 1, 2001, for the purpose of allowing the Department to adopt regulations. For other purposes, it is effective on January 1, 2002.

S.B. 54 (Chapter 316)

Senate Bill 54 provides for the issuance of special license plates for the appreciation of animals. The Department of Motor Vehicles shall not design, prepare, or issue these special license plates until it receives at least 250 applications for the plates. In addition to other registration fees and taxes, applicants must pay a special plate fee of \$35 and a fee of \$25 to fund animal shelters or animal adoption programs approved by the county commission in each county. When the plates are renewed each year, the recipient must pay a special renewal fee of \$10 and a fee of \$20 to fund animal adoption or spay and neuter programs. The proceeds from the fees collected to fund these programs must be distributed to each county based on the fees collected for the special license plates issued for vehicles registered in the county. The county may grant funds to nonprofit organizations to carry out these programs.

This bill is effective on July 1, 2001; however, its amendatory provisions expire by limitation on July 1, 2005, if by that date the Department has received fewer than 250 applications for the issuance of the special license plates pursuant to this measure.

S.B. 77 (Chapter 99)

Senate Bill 77 provides for the issuance of special license plates to support the reconstruction, maintenance, improvement, and promotion of the V&T Railroad. The Department of Motor Vehicles (DMV) must cooperate with the Northern Nevada Railway Foundation or its successor in designing the license plates to include a depiction of a locomotive of the V&T Railroad and the phrase “The Virginia & Truckee Lives.”

In addition to other registration fees and taxes, applicants must pay a special plate fee of \$35 and a fee of \$25 to support the V&T Railroad. When the plates are renewed each year, the recipient must pay a special renewal fee of \$10 and a fee of \$20 to support the V&T Railroad. The proceeds from the fees collected to support the railroad must be transmitted to the fund of the Tricounty Railway Commission of Carson City and Lyon and Storey Counties, and these fees must be used only for the reconstruction, maintenance, improvement, and promotion of the V&T Railroad.

This measure also provides for the issuance of souvenir license plates that the Northern Nevada Railway Foundation or its successor may resell. The DMV must receive at least 250 applications for the special license plates before those plates or the souvenir plates may be designed, prepared, or issued.

This bill is effective on October 1, 2001; however, its amendatory provisions expire by limitation on October 1, 2005, if by that date the DMV has received fewer than 250 applications for the issuance of the special license plates pursuant to this measure.

S.B. 257 (Chapter 324)

Senate Bill 257 concerns special license plates for volunteer firefighters and professional full-time salaried firefighters. The measure provides for the issuance of special license plates recognizing current or former service as volunteer firefighters. The Department of Motor Vehicles (DMV) must cooperate with the Nevada State Firefighters’ Association or its successor in designing the license plates, but the DMV shall not design, prepare, or issue these special license plates until it receives at least 250 applications. Each application for these plates must be accompanied by documentation that provides proof of the identity of the applicant and his current or former service as a volunteer firefighter in Nevada.

In addition, S.B. 257 revises the provisions relating to special license plates indicating employment as a current or former professional firefighter. The bill changes the reference from “professional firefighter” to “professional full-time salaried firefighter.” In addition, the bill provides that professional firefighters employed by state or federal fire fighting agencies such as the Bureau of Land Management and Nevada’s Division of Forestry qualify for the plates.

This bill is effective on July 1, 2001; however, its amendatory provisions expire by limitation on July 1, 2005, if by that date the DMV has received fewer than 250 applications for the issuance of the special license plates pursuant to the measure.

S.B. 260 (Chapter 321)

Senate Bill 260 revises provisions governing drivers' licenses and identification cards. The measure provides that a high school student who is at least 15 years of age may take a course of driver's education. At present, this course is open only to sophomores, juniors, and seniors. In addition, the bill requires the Department of Motor Vehicles to issue a rectangular-shaped driver's license or identification card that bears a front view colored photograph of the licensee or holder of the identification card. The photograph and any information included on the license or identification card must be placed in a manner which ensures that the longer edges of the rectangle serve as the top and bottom of the license or identification card if the person is 21 years of age or older and in a manner which ensures that the shorter edges of the rectangle serve as the top and bottom of the license or identification card if the person is under 21 years of age. The bill removes the existing requirement for a profile view photograph on licenses and identification cards issued to persons under 21 years of age.

Further, S.B. 260 revises the requirements governing the use of special background colors to be used on a driver's license issued to an insulin-dependent diabetic or an epileptic. The bill allows the Department to issue such a driver's license with a specially colored border around the photograph instead of the special background color.

This measure is effective on July 1, 2001.

S.B. 414 (Chapter 96)

Senate Bill 414 authorizes the limited issuance of special license plates to commemorate the 100th anniversary of the founding of the City of Las Vegas in 2005. The Department of Motor Vehicles (DMV) must cooperate with the Board of Museums and History of Nevada's Department of Cultural Affairs in designing the license plates, but DMV shall not design, prepare, or issue these special license plates until it receives at least 250 applications.

In addition to other registration and license fees and taxes, applicants must pay a special plate fee of \$35 and an additional fee of \$25 to pay for a celebration of the 100th anniversary of the founding of the City of Las Vegas and projects commemorating the history of the City. When the plates are renewed each year, the recipient must pay a special renewal fee of \$10 and an additional fee of \$20 to pay for the celebration of the anniversary and historical preservation projects. In addition, the bill provides that the additional fees required for the initial issuance and renewal of these plates must not be charged after December 31, 2005.

The DMV shall deposit the proceeds from the fees collected to commemorate the 100th anniversary of the City of Las Vegas with the State Treasurer for credit to the State General Fund, and the State Treasurer shall distribute these fees on a quarterly basis to the City Treasurer of the City of Las Vegas to be used to pay for: (1) the anniversary celebration to be held in the year 2005; and (2) projects commemorating the history of the City of Las Vegas, including, among other things, historical markers, tours of historic sites, and improvements to or restoration of historic buildings or structures.

The measure provides that DMV shall not issue these commemorative license plates after December 31, 2005, and it shall not issue replacements for those plates after December 31, 2010.

This bill is effective on October 1, 2001; however, its amendatory provisions expire by limitation on October 1, 2003, if by that date the DMV has received fewer than 250 applications for the issuance of the special license plates pursuant to this measure.

S.B. 523 (Chapter 188)

Senate Bill 523 amends the laws governing the registration of vehicles and the licensing of drivers and driving instructors. The bill allows the Department of Motor Vehicles (DMV) to release photographs from drivers' license records only to authorized federal, state, and local governmental entities; law enforcement agencies; and representatives of the Welfare Division or the Office of the State Public Defender. Further, the measure provides that the Department may not release personal information from license and registration files for use in bulk surveys and marketing unless the person authorizes the release.

In addition, the bill authorizes the Department to issue a temporary permit for a period of up to 60 days. At present, these permits can be issued for a period of not more than ten days. The measure also allows a dealer or wholesaler to use a dealer reassignment of title form even though all the spaces provided on the reverse side of the certificate of ownership have not been filled.

Senate Bill 523 also requires automobile dealers and long-term lessors, when entering into a contract for sale or lease of a new, used, or rebuilt vehicle, to affix a temporary placard to the rear of the vehicle. Only one temporary placard may be issued. The temporary placard must be: (1) in the form prescribed by the DMV; (2) made of a material appropriate for the use on the exterior of a vehicle; (3) free from foreign materials; (4) clearly visible from the rear of the vehicle; and (5) include a date of expiration. In addition, the period the vehicle can be operated with the temporary placard is extended to 30 days after the execution of the contract.

Further, the measure allows the DMV to adopt provisions of the drivers' license agreement and subsequent revisions of that agreement by regulation. The bill also expands the time period within which a person must notify the Department of an address or name change from 10 days to 30 days.

In addition, the bill amends the law relating to the removal of demerit points by attending traffic school. Under the provisions of the bill, the Department must notify a driver when he has received three, rather than six, demerit points. The measure also clarifies that demerit points may not be removed if a driver attends traffic school to fulfill the terms of a plea bargain. Finally, S.B. 523 removes the requirement that an applicant for a license to operate a school for training drivers hold a driving instructor's certificate issued by the Department of Education.

This bill is effective on May 28, 2001.

S.B. 524 (Chapter 559)

Senate Bill 524 authorizes the Department of Motor Vehicles (DMV) to establish a program for the electronic submission and storage of documents relating to the registration and title of vehicles. If the DMV establishes such a program, it must adopt regulations that include at least the following provisions: (1) the acceptable type of electronic transmission; (2) the process and fee, if any, for a person to submit an application to participate in the program; (3) the criteria for determining the approval of an application to participate in the program; (4) the standards for ensuring the security and integrity of the process for issuing and renewing certificates of registration, ownership, and title, including the procedure for audits of the program; (5) the terms, conditions, and restrictions on program participation; (6) the contents of a written agreement on file with DMV before a participant may submit a document by electronic means, including, among other things, means of assuring that information is complete, truthful, and accurate; (7) the conditions under which program participation may be revoked; (8) the method that DMV will use for storing the submitted electronic documents; (9) the technology required to carry out the program; and (10) any other regulations needed to carry out the program. Furthermore, the bill provides that such electronic submission or storage of documents is not valid unless all original documents required pursuant to federal regulations governing odometer information have been properly executed and submitted to the DMV.

The bill allows DMV to accept gifts and grants from any source, including donations of equipment, materials, labor, and any other items, to establish and maintain such a program for the electronic submission and storage of vehicle registration documents. In addition, the measure authorizes any person approved to participate in a program established under this legislation to submit by electronic means a document required to be submitted for the issuance or renewal of a certificate of registration, certificate of ownership, or certificate of title. Furthermore, the bill allows DMV to waive the requirement for the signature of a natural person on certain documents submitted by electronic means. Finally, this measure provides that a document submitted by electronic means under these provisions and accepted by DMV shall be deemed an original document in administrative and judicial proceedings.

This bill is effective on July 1, 2001.

S.B. 525 (Chapter 250)

Senate Bill 525 revises the statutes governing the replacement of license plates. The measure extends from June 30, 2001, to June 30, 2003, the reversion date of an appropriation made in the 1999 Legislative Session for the Registration Division of the Department of Motor Vehicles (DMV) to redesign existing standard license plates and issue new replacement license plates. In addition, the bill requires the DMV, on or before December 31, 2002, to replace all previously issued bighorn license plates with the redesigned plates or any other type of plate for which the registrant is eligible.

This bill is effective on May 30, 2001.

S.B. 578 (Chapter 563)

Senate Bill 578 concerns certain fees charged by the Department of Motor Vehicles. The measure reduces from \$1,000,000 to \$500,000 the amount of money in the reserve of the Account for the Verification of Insurance, which consists of fees paid to the Department of Motor Vehicles for the reinstatement of motor vehicle registrations suspended for failure to comply with the insurance verification law. The bill requires the State Controller to transfer any amount in the account that exceeds \$500,000 to the State Highway Fund on June 30 of each year.

In addition, S.B. 578 revises the provision that limits increases to the fees charged for drivers' licenses and identification cards. The bill removes the \$1 limit on the amount of any increase in the fees and requires the Department to increase by regulation the fees as necessary to cover the actual cost of the production of photographs for drivers' licenses and identification cards.

This measure is effective on July 1, 2001.

Driving Under the Influence**A.B. 21 (Chapter 483)**

Assembly Bill 21 relates to treatment programs for persons convicted of driving under the influence. The bill requires persons convicted of a second offense of driving under the influence of intoxicating liquor or a controlled substance within seven years to attend a mandatory alcohol and drug abuse treatment program. This measure also extends from six months to one year the maximum amount of time a person may be ordered to participate in a treatment program.

A.B. 315 (Chapter 390)

Assembly Bill 315 requires a person convicted of a first offense of driving under the influence of intoxicating liquor to attend a program of treatment when the offender's concentration of alcohol in the blood or breath is 0.18 or more.

Motor Vehicles and Motor Carriers

A.B. 83 (Chapter 145)

Assembly Bill 83 increases the maximum axle weight allowed for vehicles used in mass transit from 20,000 to 29,000 pounds if the vehicle has tires not less than 20 inches wide, is used in an approved demonstration project, and receives a permit issued by Nevada's Department of Transportation. The Department may issue the permit after evaluating the vehicle and finding that its operation is in the best interest of the Department.

A.B. 171 (Chapter 208)

Assembly Bill 171 makes several technical changes to the existing law regarding repair of motor vehicles. First, A.B. 171 replaces the word "automobile" in Section 487.035 of *Nevada Revised Statutes* (NRS) with the words "motor vehicle." This change extends the protections of the law to owners of recreational vehicles, motor homes, and similar vehicles. Second, the measure exempts from the requirement to register to operate a garage certain businesses that already are licensed under other provisions of Nevada's laws. Third, the bill requires that the Department of Motor Vehicles (DMV) waive the fee for the issuance or renewal of registration for certain businesses that are licensed under other provisions of NRS. These businesses include inspection stations; maintenance stations; certain manufacturers, distributors, sealers, or rebuilders; and automobile wreckers, salvage pools, and body shops.

Finally, A.B. 171 authorizes the DMV to revoke or refuse to renew a certificate of registration of a person who fails to comply with an order of a court that relates to the repair of a motor vehicle. The bill requires that the Department provide the person with a notice and hearing before it may revoke or refuse to renew the certificate of registration.

A.B. 320 (Chapter 391)

Assembly Bill 320 amends certain laws relating to the sale of motor vehicles. The bill requires the Department of Motor Vehicles to retain for at least one year the originals of certificates of ownership and powers of attorney that are submitted to the Department.

In addition, A.B. 320 amends the laws relating to bonds posted by motor vehicle dealers and brokers. The bill eliminates a provision that limited recovery on these bonds to the retail value of the motor vehicle and provides that the bond must cover breaches of consumer contracts and deceptive trade practices. In addition, the bill requires dealers to procure a separate bond for each place of business outside the county where the dealer's principal place of business is located and for each business that the dealer operates under a different name.

The bill is effective on June 5, 2001, and applies to any broker's license or dealer's license issued or renewed after December 31, 2001.

A.B. 383 (Chapter 394)

Assembly Bill 383 prohibits the driver of a motor vehicle from permitting passengers to ride in the bed of a truck under certain circumstances. The measure provides that a driver, when operating a vehicle on a multilane highway within a county with a population of 100,000 or more, may not allow a passenger under 18 years of age to ride in the cargo space of the vehicle. The cargo space includes the bed of a pickup or flatbed truck, but the prohibition does not apply if the bed is covered by a camper shell or slide-in camper. A violation of this provision may be punished by a fine of \$35 to \$100. Such a violation does not constitute a moving violation, reckless driving, or negligence or causation in a civil action.

S.B. 478 (Chapter 481)

Senate Bill 478 authorizes the State Department of Conservation and Natural Resources to develop and carry out a program to provide incentives to encourage the use of clean burning fuel in motor vehicles. The Department may only provide the program within the limits of funding available for this purpose following consultation with the Department of Business and Industry.

The bill also provides that the program may include a public education component regarding the program and the benefits of using clean burning fuel in motor vehicles. Finally, S.B. 478 allows the State Department of Conservation and Natural Resources to adopt regulations necessary to carry out the program.

Transportation Fees and Taxes

A.B. 460 (Chapter 594)

Assembly Bill 460 changes the provisions governing the remittance of fees collected by rental car agencies. The bill requires that the proceeds of the fee on rental cars be remitted by lessors to the state each quarter rather than at the end of each year. Furthermore, this measure allows a short-term lessor to collect from its customers a recovery surcharge for the vehicle licensing fees and taxes it paid in the preceding year. This surcharge shall not exceed 3.5 percent of the total amount for which the passenger car was leased, excluding any taxes or fees imposed by a governmental entity. The bill also changes the name of the rental car fee to the “governmental services fee.”

This measure is effective on January 1, 2002.

S.B. 39 (Chapter 287)

Senate Bill 39 expands the purposes for which the proceeds of certain taxes on fuel for aircraft may be used. The measure allows a governmental agency to use the proceeds of certain taxes on fuel for jet or turbine-powered aircraft to pay for the cost of promoting the use of an airport, including without limitation increasing the number and availability of flights at the airport.

This bill is effective on July 1, 2001.

S.B. 503 (Chapter 139)

Senate Bill 503 increases the service charge assessed by the Department of Motor Vehicles for dishonored payments. The bill provides that the service charge for dishonored checks and other forms of payment be increased from \$10 to \$25 and broadens the liability for dishonored payments to include any other person responsible for payment of the fee.

This bill is effective on July 1, 2001.

S.B. 557 (Chapter 338)

Senate Bill 557 relates to motor vehicle fuel taxes. The measure revises the distribution formula concerning the amount of revenue that is allocated to each county in Nevada pursuant to an excise tax on certain motor vehicle fuel. The bill specifies the responsibilities of the Department of Taxation and the Department of Motor Vehicles related to the amounts that must be distributed to counties. Further, the measure establishes the duties of Nevada's Department of Transportation (NDOT) concerning the total mileage of improved roads or streets maintained by counties and incorporated cities. The bill also identifies the rights of such entities concerning the NDOT's estimates and sets forth the responsibilities of certain committees and subcommittees concerning the motor vehicle fuel tax and the mileage of the applicable roads and streets. Finally, the measure provides that certain legislative committees have specific duties under this act.

The bill is effective on July 1, 2001.

VARIOUS OTHER BILLS

A.B. 33 (Chapter 203)

Assembly Bill 33 validates a trust created for the care of animals that are alive at the time of a settlor's death. This measure also provides that the excess amount in a trust must be distributed to the person who would have otherwise taken the trust property if a court determines that the value of such a trust exceeds the amount required to care for the animal. Finally, A.B. 33 allows a person having demonstrated interest in the welfare of the animal to petition the court to be appointed as trustee if a trustee was not designated or if that person requests removal of the trustee.

A.B. 165 (Chapter 207)

Assembly Bill 165 adopts and declares the "Silver State Fanfare" as the official state march.

A.B. 267 (Chapter 215)

Assembly Bill 267 provides for the creation of a statue of Sarah Winnemucca for placement in the National Statuary Hall Collection in the United States Capitol. The measure establishes a Committee for the Creation of a Statue of Sarah Winnemucca. The bill also provides for the appointment of members to the Committee and directs the Committee to choose an artist to create the statue. Finally, A.B. 267 requires the Department of Cultural Affairs to provide clerical and administrative personnel for the Committee.

This measure is effective on May 29, 2001.

A.B. 446 (Chapter 219)

Assembly Bill 446 revises provisions related to unarmed combat. The measure defines the terms "manager," "sanctioning organization," and "unarmed combatant." Assembly Bill 446 adds a new section to Chapter 467 of the *Nevada Revised Statutes* that: (1) authorizes the Nevada Athletic Commission to require a sanctioning organization or a television network that televises professional contests of unarmed combat in this state to register with the Commission; (2) requires the Commission to adopt regulations governing such registration; and (3) authorizes the Commission to require an applicant for such registration to pay certain costs and make certain deposits related to the proceedings for issuance of the registration.

This bill also authorizes the Commission to deny, for any cause deemed sufficient by the Commission, an application for a license or an application by a promoter for a permit to conduct, hold, or give contests or exhibitions of unarmed combat where an admission fee is received. The Commission also is authorized to grant a limited, restricted, or conditional license.

This bill is effective on July 1, 2001.

S.B. 29 (Chapter 10)

Senate Bill 29 ratifies technical corrections to the *Nevada Revised Statutes* (NRS) and *Statutes of Nevada 1999*. The measure includes technical corrections made to the laws passed by the 1999 Legislature, which are often required due to multiple amendments of the same section of the law. In addition, S.B. 29 revises the date portion of multiple forms contained in NRS to reflect the current century and keep the NRS current.

This measure is effective on April 2, 2001.

S.B. 152 (Chapter 39)

Senate Bill 152 designates the soil series known as Orovada series, classified as coarse-loamy, mixed, superactive, mesic Durinodic Xeric Haplocambids, as the official state soil of the State of Nevada.

S.B. 170 (Chapter 582)

Senate Bill 170 creates the Nevada Cultural Fund as a special revenue fund to be administered by the State Arts Council in support of arts and humanities throughout the state. The measure sets forth the duties and responsibilities of the Council, identifies the projects and programs to be funded, and requires the Council to adopt necessary regulations for the use of the funds. Finally, the bill directs the Council to report to each session of the Legislature the amount of money expended, the purposes for which money was expended, and the sources from which the money was obtained.

This measure is effective on June 14, 2001.

S.B. 347 (Chapter 43)

Senate Bill 347 designates a state tartan designed by Richard Zygmunt Pawlowski. The colors and design of the tartan represent the unique and bountiful features of Nevada and are described and displayed in S.B. 347.

The measure is effective on May 8, 2001.

S.B. 474 (Chapter 140)

Senate Bill 474 makes technical changes to Article 9 of the Uniform Commercial Code, which addresses secured transactions in personal property. The measure revises the scope of Article 9 to exclude transfers by governmental entities. The bill sets forth the procedure for amending a “pre-effective-date financing statement,” which is defined as a financing statement filed before July 1, 2001. In addition, S.B. 474 provides that where the laws governing agricultural liens under Article 9 specify the applicable law, that provision governs, and a contrary agreement as to the applicable law is effective only to the extent permitted by law. Senate Bill 474 clarifies the definitions of chattel paper, original debtor, and proceeds.

Additional technical changes include clarifications with regard to cross-references to other sections of the law and elimination of certain language where the issue is addressed by other sections of the uniform law.

This bill is effective at 12:01 a.m. on July 1, 2001.

VETOED BILLS

A.B. 481 (Vetoed)

Assembly Bill 481 prohibits the driver of a motor vehicle from operating a sound amplification system in the vehicle in a manner that allows the sound to emanate beyond a distance of 25 feet from the vehicle. This measure does not apply to sound amplification systems operated to request assistance or warn of hazardous situations or those operated by authorized emergency vehicles, vehicles utilizing a sound amplification system in parades or other authorized processions, or vehicles advertising a business, such as ice cream trucks.

(Veto sustained on May 30, 2001.)

S.B. 56 (Vetoed)

Senate Bill 56 creates the Legislative Oversight Committee on Transportation composed of four legislative members appointed by the Majority Leader of the Senate and the Speaker of the Assembly, including at least one member from each house who served on the Standing Committees on Transportation in the previous session. The Committee has the authority to review transportation issues within the state; receive reports from the Nevada's Department of Transportation (NDOT) regarding money deposited into and expenditures made from the State Highway Fund, the General Fund, and any other fund related to transportation; consult with and make recommendations to the Board of Directors of NDOT; and recommend legislation. The measure further stipulates that the Committee shall not request the preparation of more than five legislative measures. The salaries and expenses of the Committee must be paid from the State Highway Fund.

The bill also explains that it is the intent of the Nevada Legislature for the Board of Directors of NDOT to consult with the Legislative Committee on Transportation in carrying out its duties.

S.B. 415 (Vetoed)

Senate Bill 415 requires the Legislative Auditor to conduct an audit of Nevada's Department of Transportation (NDOT) and its Board of Directors. The audit must include without limitation an assessment of: (1) the procedures used to develop and adopt plans for projects, including an evaluation of the criteria used to select projects and determine their appropriate financing; and (2) the management of the Department's real property, including rights of way, real property designated for highway expansion, and surplus property.

The measure requires the Legislative Auditor to prepare not later than February 3, 2003, a final written audit report to be presented to the Senate and Assembly Standing Committees on Transportation, the Audit Subcommittee, and the Legislative Commission.

The bill also provides that NDOT, upon request of the Legislative Auditor, transfer the sum of \$10,000 from its budget to the Audit Division of the Legislative Counsel Bureau to carry out the audit. Any remaining balance of the money transferred must not be committed for expenditure after February 3, 2003, and reverts to the State Highway Fund.

(Veto sustained on June 3, 2001.)

S.B. 536 (Vetoed)

Senate Bill 536 mandates creation of a regional air pollution control agency in Clark County. The bill requires that Clark County and the cities within the county enter into a cooperative agreement to create a regional air pollution control agency. The measure provides the basic guidelines for the agreement and outlines the authorities of the regional agency.

NUMERIC INDEX

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SENATE STANDING COMMITTEES

Seventy-First Session—2001

(The Chairman is named first, the Vice Chairman is named second, then members are listed alphabetically by majority and minority party.)

COMMERCE AND LABOR

Townsend, O'Connell, Rhoads, Amodei, Shaffer, Schneider, Carlton

FINANCE

Raggio, Rawson, Jacobsen, O'Donnell, Neal, Coffin, Mathews

GOVERNMENT AFFAIRS

O'Connell, Raggio, O'Donnell, Porter, Neal, Titus, Care

HUMAN RESOURCES AND FACILITIES

Rawson, Washington, Townsend, Amodei, Mathews, Schneider, Wiener

JUDICIARY

James, Porter, McGinness, Washington, Titus, Wiener, Care

LEGISLATIVE AFFAIRS AND OPERATIONS

Porter, James, Raggio, Rawson, Titus, Mathews, Wiener

NATURAL RESOURCES

Rhoads, Jacobsen, McGinness, James, Shaffer, Coffin, Carlton

TAXATION

McGinness, Rhoads, Townsend, O'Connell, Neal, Coffin, Schneider

TRANSPORTATION

O'Donnell, Amodei, Jacobsen, Washington, Shaffer, Care, Carlton

PRESIDENT PRO TEMPORE

Lawrence E. Jacobsen

MAJORITY FLOOR LEADER

William J. Raggio

ASSISTANT MAJORITY FLOOR LEADER

Raymond D. Rawson

MAJORITY WHIP

Maurice E. Washington

ASSISTANT MAJORITY WHIP

Mark E. Amodei

MINORITY FLOOR LEADER

Dina Titus

ASSISTANT MINORITY FLOOR LEADER

Bernice Mathews

MINORITY WHIP

Valerie Wiener

ASSEMBLY STANDING COMMITTEES

Seventy-First Session—2001

(The Chairman is named first, the Vice Chairman is named second, then members are listed alphabetically by majority and minority party.)

COMMERCE AND LABOR

Dini, Buckley, Arberry, Giunchigliani, Goldwater, Leslie, Oceguela, Parks, Perkins, Beers, Gibbons, Hettrick, Humke, Nolan

CONSTITUTIONAL AMENDMENTS

Price, Mortenson, McClain, Oceguela, Parks, Berman, Brower, Gustavson

EDUCATION

Williams, Parnell, Chowning, Collins, de Braga, Koivisto, Manendo, Smith, Angle, Cegavske, Gustavson, Von Tobel

ELECTIONS, PROCEDURES, AND ETHICS

Giunchigliani, Price, Anderson, Bache, Buckley, Dini, Freeman, Perkins, Beers, Brower, Hettrick, Von Tobel

GOVERNMENT AFFAIRS

Bache, Lee, Freeman, Mortenson, Neighbors, Parnell, Price, Smith, Williams, Berman, Brown, Gibbons, Humke, Von Tobel

HEALTH AND HUMAN SERVICES

Koivisto, McClain, Freeman, Leslie, Manendo, Parnell, Smith, Williams, Angle, Berman, Gibbons, Tiffany

JUDICIARY

Anderson, Manendo, Buckley, Claborn, Collins, Koivisto, McClain, Oceguela, Ohrenschall, Angle, Brower, Carpenter, Gustavson, Nolan

NATURAL RESOURCES, AGRICULTURE, AND MINING

de Braga, Collins, Bache, Claborn, Lee, Mortenson, Neighbors, Ohrenschall, Brown, Carpenter, Humke, Marvel

TAXATION

Goldwater, Neighbors, Anderson, Arberry, Freeman, Mortenson, Parks, Price, Brower, Brown, Carpenter, Marvel, Tiffany

TRANSPORTATION

Chowning, Ohrenschall, Claborn, Collins, Lee, McClain, Oceguela, Smith, Carpenter, Cegavske, Gustavson, Nolan

WAYS AND MEANS

Arberry, Giunchigliani, Chowning, de Braga, Dini, Goldwater, Leslie, Parks, Perkins, Beers, Cegavske, Hettrick, Marvel, Tiffany

SPEAKER

Richard D. Perkins

SPEAKER PRO TEMPORE

Wendell P. Williams

MAJORITY FLOOR LEADER

Barbara E. Buckley

ASSISTANT MAJORITY FLOOR LEADER

David R. Parks

MAJORITY WHIP

Bernard Anderson

ASSISTANT MAJORITY WHIP

Sheila Leslie

ASSISTANT MAJORITY WHIP

Mark Manendo

SPEAKER EMERITUS

Joseph E. Dini, Jr.

MINORITY FLOOR LEADER

Lynn C. Hettrick

ASSISTANT MINORITY FLOOR LEADER

Barbara K. Cegavske

MINORITY WHIP

Greg Brower

ASSISTANT MINORITY WHIP

Kathy A. Von Tobel