

**NEVADA LEGISLATURE**

SEVENTY-THIRD SESSION  
2005

TWENTY-SECOND SPECIAL SESSION  
JUNE 7, 2005

**SUMMARY OF LEGISLATION**



PREPARED BY  
RESEARCH DIVISION  
LEGISLATIVE COUNSEL BUREAU



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## INTRODUCTION

The 2005 Regular Session of the Nevada Legislature considered 1107 bills—580 from the Assembly and 527 from the Senate. Of this total, 513 bills were approved. The Governor signed 510 bills and vetoed three bills. During the 22nd Special Session, 12 bills were introduced. Of these, 11 bills were enacted into State law.

The 73rd Legislative Session adjourned Sine Die at 2:29 a.m. on June 7th. The governor called the 22nd Special Session shortly thereafter. The Special Session adjourned Sine Die at 12:44 p.m. on June 7th.

The *Summary of Legislation* reviews each of the bills and joint and concurrent resolutions passed by the 2005 Regular and the 22nd Special Session. 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 2005 Regular Session and the 22nd Special Session are effective on October 1, 2005.**

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.

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 “Numeric Index” for a complete list of 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 73rd Legislative Session.

Research Division  
Legislative Counsel Bureau  
September 2005



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## APPROPRIATIONS AND AUTHORIZATIONS

### **A.B. 40 (Chapter 161)**

Assembly Bill 40 adds “community triage center” to the list of medical facilities subject to licensure and regulation by the State Board of Health. The bill defines a community triage center as a facility providing 24-hour medical assessments and short-term monitoring services to mentally ill persons and alcohol and drug abusers. In addition, the measure appropriates \$370,000 from the State General Fund to the Division of Mental Health and Developmental Services to establish a mental health screening and stabilization component for a community triage center in Clark County.

The bill is effective on May 26, 2005, for the purpose of appropriating funds and adopting regulations. The remainder of the bill is effective on July 1, 2005.

### **A.B. 93 (Chapter 244)**

Assembly Bill 93 requires that unexpended money appropriated from the State General Fund to the State Distributive School Account during the 20th Special Session for Fiscal Year (FY) 2004-2005 must revert to the State General Fund on or before September 16, 2005.

This bill also provides a supplemental appropriation in the amount of \$7,912,640 from the State General Fund to the State Distributive School Account for unanticipated expenses in FY 2004-2005 for providing health insurance subsidies to retired school district employees.

This bill is effective on June 3, 2005.

### **A.B. 94 (Chapter 22)**

Assembly Bill 94 makes a supplemental appropriation of \$79,602 to the State Department of Conservation and Natural Resources to cover an unanticipated shortfall in money for the Fiscal Year 2004-2005. Of this, \$28,090 is appropriated for costs associated with terminal leave, \$36,532 is appropriated to cover tort insurance premiums, and \$14,980 is appropriated for updating certain joint funding agreements.

This measure is effective on April 13, 2005.

### **A.B. 95 (Chapter 23)**

Assembly Bill 95 makes a supplemental appropriation of \$15,204 from the State General Fund to the Department of Business and Industry for an unanticipated shortfall in salaries in the Nevada Athletic Commission budget. Specifically, the appropriation is \$7,963 for Fiscal Year (FY) 2003-2004, and \$7,241 in FY 2004-2005.

This measure is effective on April 13, 2005.

**A.B. 96 (Chapter 15)**

Assembly Bill 96 appropriates money from the State General Fund to restore balances in three specific accounts. The bill appropriates \$3.5 million to the State Claims Account, \$500,000 to the Emergency Account, and \$3 million to the Reserve for Statutory Contingency Account.

This measure is effective on April 6, 2005.

**A.B. 97 (Chapter 26)**

Assembly Bill 97 appropriates \$20,000 from the State General Fund to the Account for the Governor's Portrait, for costs associated with the preparation and framing of a portrait of Governor Kenny C. Guinn. Any funds remaining after June 30, 2007, must revert to the State General Fund.

This measure is effective on April 25, 2007.

**A.B. 98 (Chapter 287)**

Assembly Bill 98 appropriates \$1,213,174 from the State General Fund to the Motor Pool Division of the Department of Administration to purchase additional vehicles. The money must be committed for expenditure no later than June 30, 2007.

This measure is effective on June 6, 2005.

**A.B. 101 (Chapter 245)**

Assembly Bill 101 makes an appropriation of \$365,000 from the State General Fund to the Department of Administration for allocation to the Nevada Commission for National and Community Service to match federal funding for continuation of its programs dedicated to promoting citizen volunteerism.

The Nevada Commission for National and Community Service must submit an expenditure report to the Interim Finance Committee on or before December 15, 2006, and, upon request, make available any records, confidential or otherwise, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated.

This measure is effective on June 3, 2005.

**A.B. 103 (Chapter 248)**

Assembly Bill 103 appropriates \$1,000,000 from the General Fund to the Department of Administration to be allocated to the Nevada Rural Hospital Partners for the establishment of a pool for loans for rural health care providers. "Rural" areas include counties whose populations are less than 100,000 and portions of other counties that are designated as rural by the Nevada Office of Rural Health of the University of Nevada, School of Medicine.

The Nevada Rural Hospital Partners must submit an expenditure report to the Interim Finance Committee on or before December 15 of each even-numbered year and, upon request,

make available any records, confidential or otherwise, that the Legislative Auditor deems necessary to conduct an audit of the use of the appropriated money.

This measure is effective on June 3, 2005.

**A.B. 104 (Chapter 153)**

Assembly Bill 104 appropriates \$67,900 from the State General Fund to the Western Interstate Commission for Higher Education for upgrades in information technology for its accounting system. Any remaining balance of the appropriation must not be committed for expenditure after June 30, 2007, and must be reverted to the State General Fund on or before September 21, 2007.

The bill is effective on May 26, 2005.

**A.B. 105 (Chapter 154)**

Assembly Bill 105 appropriates \$290,000 from the State General Fund to the State Department of Agriculture for the acquisition of equipment for the State Sealer of Weights and Measures. Any remaining balance of the appropriation must not be committed for expenditure after June 30, 2007, and must be reverted to the State General Fund on or before September 21, 2007.

The bill is effective on May 26, 2005.

**A.B. 106 (Chapter 86)**

Assembly Bill 106 appropriates \$862,077 from the State General Fund to the State Department of Conservation and Natural Resources to be allocated as follows: \$462,077 for the preparation of the new offices for occupancy; \$250,000 for the replenishment of the Account for the Channel Clearance, Maintenance, Restoration, Surveying and Monumenting Program; and \$150,000 to the Division of Water Resources for litigation costs. Any remaining balance of the appropriation for the preparation of new offices for occupancy must not be committed for expenditure after June 30, 2007, and must be reverted to the State General Fund on or before September 21, 2007.

The bill is effective on May 12, 2005.

**A.B. 107 (Chapter 19)**

Assembly Bill 107 makes a supplemental appropriation of \$1,400 to the Nevada System of Higher Education for matching money for the National Direct Student Loan Program for Fiscal Year 2004-2005.

The measure is effective on April 6, 2005.

**A.B. 175 (Chapter 446)**

Assembly Bill 175 appropriates funds from the State General Fund to the Division of Mental Health and Developmental Services of the Department of Health and Human Services for Southern Nevada Adult Mental Health Services as follows:

- \$552,827 for Fiscal Year (FY) 2005-2006 and \$1,191,450 for FY 2006-2007 to increase the number of community residential placements by 90 during the biennium.
- \$7,050,938 through the next biennium for the purchase of additional acute psychiatric crisis placements.
- \$737,093 for FY 2005-2006 and \$1,210,757 for FY 2006-2007 to support the Mental Health Court in Clark County by providing additional staff and supported living arrangements for approximately 75 additional persons.
- \$900,000 for FY 2005-2006 and \$900,000 for FY 2006-2007 for the support of a community triage center. Expenditures are contingent upon issuance of a request for proposals for the selection of one or more contractors to operate the center and upon receipt of specified matching funds from local governments and hospitals.

The measure appropriates funds from the State General Fund to the Division of Mental Health and Developmental Services for Northern Nevada Adult Mental Health Services as follows:

- \$382,643 for FY 2005-2006 and \$816,236 for FY 2006-2007 to support the Mental Health Court in Washoe County by providing additional staff and supported living arrangements.
- \$500,000 for FY 2005-2006 and \$500,000 for FY 2006-2007 for the support of a community triage center. Expenditures are contingent upon issuance of a request for proposals for the selection of one or more contractors to operate the center and upon receipt of specified matching funds from local governments and hospitals.

In addition, the bill appropriates from the State General Fund \$100,000 for FY 2005-2006 and \$100,000 for FY 2006-2007 to the Division of Mental Health and Developmental Services for rural clinics to support a Mental Health Court in Carson City by providing additional staff and supported living arrangements. The measure stipulates that appropriations made by the bill are not intended to finance ongoing expenditures of State agencies, nor may the appropriations be included as base-budget expenditures in the proposed 2007-2009 *Executive Budget*.

The bill is effective on July 1, 2005, except the appropriation for additional acute psychiatric crisis placements, which is effective on June 15, 2005.

**A.B. 176 (Chapter 444)**

Assembly Bill 176 reserves up to \$350,000 annually from the Fund for a Healthy Nevada for allocation by the Director of the Department of Health and Human Services (DHHS). Of this total, \$200,000 is to be allocated to: (1) provide funding to finance assisted living facilities certified by the Housing Division; and (2) fund such facilities and assisted living supportive services provided pursuant to certain provisions of the Medicaid waiver. The remaining \$150,000, if available, must be allocated by the Aging Services Division to provide funding through grants or contracts for existing or new programs that provide dental benefits to certain persons who are Nevada residents and 62 years of age or older.

The measure requires DHHS to submit an annual report regarding grants for existing or new programs that assist senior citizens with independent living and existing or new programs that provide dental benefits to certain persons who are Nevada residents and 62 years of age or older.

The provisions related to the \$200,000 reserve of revenue in the Fund for a Healthy Nevada are effective on June 15, 2005. All other provisions are effective on July 1, 2005.

**A.B. 458 (Chapter 298)**

Assembly Bill 458 authorizes the issuance of general obligations bonds in the amount of \$16.8 million during the 2006-2007 biennium, for ongoing implementation of Nevada's Environmental Improvement Program (EIP) in the Lake Tahoe Basin. Projects specifically funded by this measure pertain to shorezone and stream restoration, forest restoration, and water quality/erosion control. The measure also provides contingency funding to complete certain environmental projects for which insufficient funds were appropriated. Prior approval by the Interim Finance Committee is not necessary for the Division of State Lands, State Department of Conservation and Natural Resources, to utilize the contingency funds for carrying out the EIP as previously approved. Prior approval is necessary if the cost of the project is increased and offset by reducing the amount authorized for another EIP project, or if funding is requested for a project not otherwise listed in the measure.

Assembly Bill 458 also extends the deadline for issuance of the bonds from June 30, 2007, to June 30, 2010.

Finally, the bill clarifies the manner in which money from the proceeds of previously issued bonds must be administered by requiring that: (a) the proceeds from the issuance of these bonds must be separately accounted for the State General Fund, (b) the interest income must be credited to the account, and (c) the money must not revert to the State General Fund, but must instead be carried forward to the next fiscal year.

The measure is effective on July 1, 2005.

**A.B. 532 (Chapter 246)**

Assembly Bill 532 extends the reversion date from June 30, 2005, to September 21, 2007, for an appropriation made by the 2003 Legislature from the State Highway Fund to the Department of Administration for information technology projects designated for the digital microwave project.

The bill is effective on June 3, 2005.

**A.B. 533 (Chapter 247)**

Assembly Bill 533 extends from June 30, 2005, to June 30, 2007, the reversion date of an appropriation made from the State Highway Fund by the 2003 Legislature for the State radio systems. The bill also provides that any remaining balance from the sum appropriated in 2003 from the State General Fund for the State radio systems must not be allocated by the Interim Finance Committee after June 30, 2005, and reverts to the State General Fund after all payments of money committed have been made.

This measure is effective on June 3, 2005.

**A.B. 534 (Chapter 297)**

Assembly Bill 534 authorizes the Board of Regents of the Nevada System of Higher Education to issue revenue bonds in an amount not to exceed \$20 million to finance parking facilities at the Community College of Southern Nevada and not to exceed \$10 million to finance a residence hall at the Western Nevada Community College.

In addition, the bill authorizes an increase in the maximum principal amounts of revenue bonds authorized for issuance for construction of facilities as follows:

- At the University of Nevada, Reno from \$176 million to \$276,855,000; and
- At the University of Nevada, Las Vegas from \$199 million to \$339,055,000.

The measure is effective on June 6, 2005.

**A.B. 561 (Chapter 288)**

Assembly Bill 561 extends from June 30, 2005, to June 30, 2007, the reversion date for the State General Fund appropriation approved by the 20th Special Session for the organization called Fighting Aids in Our Community Today (FACT). The amount of the appropriation was \$250,000, for expenses related to certain HIV/AIDS services in the West Las Vegas area. Additionally, A.B. 561 extends from December 15, 2004, to December 15, 2006, the date by which FACT must provide a financial expenditure report to the Interim Finance Committee.

This measure is effective on June 6, 2005.

**A.B. 571 (Chapter 295)**

Assembly Bill 571 establishes the State contribution and retiree subsidy amounts for group insurance provided by the Public Employees' Benefits Program for state employees and retirees during the 2005-2007 biennium. For state employees, the contribution is decreased from \$558.07 per month in Fiscal Year (FY) 2004-2005 to \$481.19 per month in FY 2005-2006. It is subsequently increased to \$500.20 in FY 2006-2007. If the State's share exceeds the actual cost, the balance must be credited to the Fund for the Public Employees' Benefits Program.

The rate for retirees represents the base rate, which may be modified depending on the number of years of service of the individual retiree. The base subsidy for retirees increases from \$316.26 per month in FY 2004-2005, to \$321.27 per month in FY 2005-2006, and \$336.97 per month in FY 2006-2007.

This measure is effective on July 1, 2005.

**A.B. 575 (Chapter 433)**

Assembly Bill 575 appropriates \$125,552,187 and \$137,922,619 in Fiscal Years (FYs) 2005-2006 and 2006-2007, respectively, for continued support of Nevada's Class Size Reduction (CSR) Program. This money must be used to pay for the salaries and benefits of at least 2,107 teachers hired to reduce pupil-teacher ratios in the first year and 2,197 teachers in the second year. These provisions continue the CSR Program within the Distributive School Account and maintain the separate expenditure category within that account. Funding must be allocated to school districts 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.

The measure provides that school districts are allowed to carry out any legislatively approved alternative programs for flexibility in 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, a school district must receive approval of its written plan from the Superintendent of Public Instruction, evaluate the effectiveness of its program, and ensure that the combined ratio of pupils per teacher in the aggregate of Kindergarten through Grade 3 does not exceed the combined ratio in those grades in the 2002-2003 school year.

The CSR appropriation for Fiscal Year 2006-2007 takes effect July 1, 2006; other provisions of the bill, including the appropriation for FY 2005-2006, take effect on July 1, 2005.

**A.B. 576 (Chapter 434)**

Assembly Bill 576 is the General Appropriations Act to support Nevada State Government during the 2005-2007 biennium. This measure makes appropriations from the State General Fund and the State Highway Fund for all State agencies and the Nevada System of Higher Education (NSHE). The bill appropriates over \$3.7 billion during the biennium, including approximately \$1.8 billion for Fiscal Year (FY) 2005-2006 and \$1.91 billion for

FY 2006-2007. The State Highway Fund appropriations total \$109 million in FY 2005-2006 and \$107.5 million in FY 2006-2007. The measure also contains provisions authorizing some agencies to access State funding contingent upon federal funding actions and transfers involving certain programs.

This measure—the General Appropriations Act—along with the General Authorizations Act (Senate Bill 522), the salary bill (Assembly Bill 577), the school funding bills, and the capital improvements program bill (Senate Bill 524) are the final result of the deliberations by the money committees (Assembly Committee on Ways and Means and the Senate Committee on Finance). The General Appropriations Act and other appropriations bills considered throughout the Session delineate the amount of the State General Fund support approved by the Legislature for the operation of Nevada State Government for the 2005-2007 biennium. A summary of the major program decisions linked to these appropriations follows:

**Attorney General**—The Legislature approved \$24.08 million from the State General Fund for the Office of the Attorney General for the biennium, including \$1 million in FY 2005-2006 to fund legal costs for activities to prevent the location of a federal nuclear waste repository at Yucca Mountain. An additional \$1 million is included in the High-Level Nuclear Waste account to fund ongoing scientific research and legal work related to Yucca Mountain.

**Judicial Branch**—The measure also contains State General Fund support for the Judicial branch totaling \$44.1 million for the biennium. The funding provides for additional support staff and includes \$2.2 million over the biennium to enhance the Senior Justice/Senior Judge Program to assist in addressing caseload issues in district courts statewide.

**Department of Administration**—\$31.7 million in State General Fund support and \$7.5 million in State Highway Fund support is included for the Department for the biennium. The State General Fund portion includes \$1.9 million to provide ongoing operational support of the Integrated Financial System, the Nevada Executive Budget System, and the enterprise Electronic Payment System. Additionally, \$16.2 million from the State General Fund and \$7.3 million from the State Highway Fund is provided for 19 information technology projects.

**Department of Taxation**—The measure also contains \$66.8 million in State General Fund support for the operations of the Department, which includes \$21.5 million to continue the development, implementation, and support of the Unified Tax System.

**K-12 Education**—The majority of funding for public schools is considered in two separate education funding bills: one for the Distributive School Account (A.B. 525), which contains funding for basic support, teacher training and incentives, early childhood education, and other programs; and the other for continued support of the Class-Size Reduction program (A.B. 575). The final Department of Education budgets include \$9.95 million for educational technology and \$12.4 million to continue the signing bonus program for new teachers. In addition, \$8.5 million is provided to continue the statewide testing program, including the High School Proficiency Examination (HSPE). The money committees issued a letter of intent instructing the Department to review the results of the HSPE during the interim, study the

passing rates by population, and develop a plan for improvement based upon findings from the study. The findings will be reported to the Interim Finance Committee and the Legislative Committee on Education. The measure includes \$400,000 for ongoing State support of the System for Accountability Information in Nevada, which will be utilized to enhance data-driven decision-making in Nevada.

**Nevada System of Higher Education (NSHE) (Formerly University and Community College System of Nevada)**—Under the measure, the NSHE will receive State General Fund support, excluding funds for cost of living increases, totaling \$1.12 billion for the biennium. System-wide, full-time equivalent student enrollments are projected to reach 63,412 in FY 2005-2006 and 66,961 in FY 2006-2007, representing increases of 5.5 percent and 5.6 percent, respectively. The funding in the bill is predicated upon these enrollment projections and maintains the formula funding level at 84.09 percent as recommended by the Governor. The money committees approved several enhancements to the NSHE budgets, including:

- Expansion of the number of physician trainees by 17 per year (34 total) in the School of Medicine’s residency and fellowship training programs; and
- Addition of eight professional and two classified staff for the Medical School in support of the Lou Ruvo Center for Alzheimer’s Disease and Brain Aging.

Funding for remedial enrollments was shifted from the universities to the State college and community colleges effective FY 2006-2007. The money committees did not approve the Governor’s recommendation to remove funding for the Desert Research Institute’s (DRI) cloud seeding program, and instead added the funding needed to make the program part of DRI’s ongoing operating budget. In addition, funding was provided for two-grade increases for the university police officer series and to increase average salaries for faculty at the Community College of Southern Nevada.

**Department of Health and Human Services, Director’s Office**—The budget for the Director’s Office includes funding for a statewide suicide awareness and prevention program and a public information officer. Also, \$200,000 in State General Funds is provided for start-up costs associated with establishing a problem gambling program. In addition, \$3.6 million was approved to support various recommendations developed during the interim by the Legislative Committee on Persons with Disabilities to serve additional clients in the Personal Assistance Services, Traumatic Brain Injury, and Independent Living Services programs. The approved budget also includes a rate increase for providers of Personal Assistance Services in the Community Based Services, Senior Services, and Medicaid programs from \$17 per hour to \$18.50 per hour over the biennium. The Fund for a Healthy Nevada account included reductions in State General Fund support for the Senior Rx Program, based on significant declines in expenditures resulting from the transition of the program from a fully-insured program to a self-insured program during the current fiscal year. Although the State General Fund support for the program is reduced from \$4.3 million to \$1.6 million over the biennium, the total funding approved for the program is sufficient to

serve an average of 9,560 members during FY 2005-2006 and 10,067 members during FY 2006-2007.

**Division of Health Care Financing and Policy**—The bill contains approval for a total of \$843.6 million in State General Fund support for the Division over the biennium. This funding (together with the \$1.97 billion in revenue authorized in S.B. 522), provides for caseload growth in the Medicaid program projected at approximately 184,000 average monthly recipients for FY 2005-2006 and 193,300 average monthly recipients for FY 2006-2007. The approved funding provides for the additional costs associated with redesigning the current delivery system for behavioral health services, allowing for earlier interventions for children, adults and families to avoid the escalation of undiagnosed and untreated mental illnesses. The redesign allows nonpublic providers to provide behavioral health services to address unmet behavioral health needs, in addition to expanding access. Funding was also approved to expand the number of waiver slots for the Community Home-Based Initiative Program (CHIP), the physically disabled, and the adult group care waivers over the upcoming biennium. The expansion will address growth in population, as well as the projected waiting lists. Funding was also approved to allow enrollment in the Nevada Check-Up program to increase to approximately 29,300 children per month for FY 2005-2006 and to approximately 31,200 children per month for FY 2006-2007.

The measure also approved funding to carry out the provisions of A.B. 493 of the 2005 Regular Session to expand health care coverage based upon receipt of a Health Insurance Flexibility and Accountability (HIFA) initiative waiver from the federal government. Once approved, the HIFA waiver will expand health care coverage to three low-income populations currently not served: pregnant women with incomes from 133 percent of the federal poverty level (FPL) up to 185 percent of the FPL; employees and their spouses who work for small employers and have household incomes less than 200 percent of the FPL; and Medicaid coverage for a single catastrophic event for qualified persons with incomes up to 150 percent of the FPL. The cost for health insurance coverage for employees working for small employers will be shared by the employee, the employer, and the State. The expansion will be financed through a combination of State General Funds, proceeds received from property tax levies from the Indigent Supplement Fund, and federal Title XIX and Title XXI funds.

**Division of Mental Health and Developmental Services**—A total of \$359.7 million in State General Fund support was approved for the Division over the biennium. The State General Fund support, combined with other revenue sources, will fund existing and projected caseload increases for the mentally ill and mentally retarded, as well as rate increases of three percent in FY 2005-2006 and five percent in FY 2006-2007 paid to supported-living arrangement and community training service providers.

The measure contains State General Fund appropriations of \$2.1 million in FY 2005-2006 and \$16.3 million in FY 2006-2007 for the Southern Nevada Adult Mental Health Services to expand the acute inpatient hospital capacity from 131 beds to 217 beds and to fund

new positions to staff the expanded facility. A total of 150 beds are located in the new Rawson-Neal Hospital scheduled to open in May 2006; 28 beds are in Building 1300 on the Desert Regional Center campus; and 39 beds are to continue in the existing inpatient facility until the scheduled December 2006 completion of the fourth pod of the new hospital. The money committees also approved State General Fund appropriations of \$430,622 over the biennium to establish a psychiatric residency program in southern Nevada.

For the Northern Nevada Adult Mental Health Services, funding is provided to continue the Mental Health Court program approved by the 2001 and 2003 Legislatures. As part of the Rural Clinics program, funding is provided to establish and staff a new clinic in Laughlin. Also approved are State General Fund appropriations totaling \$2 million over the biennium, including new positions to reduce staffing ratios for outpatient counseling services and to provide service coordination for youth and adolescents who are diagnosed as severely emotionally disturbed (SED). Increased funding also was approved for the Desert, Sierra, and Rural Regional Centers to accommodate increased caseloads for services, including community residential placements and jobs and day training, to mentally retarded citizens throughout the State. Bed reduction was also approved, placing clients into community housing and training programs. Sixty individuals currently residing in private institutional care facilities funded in the Medicaid budget will transition to community residential placements in the three regional center budgets. These actions further reinforce the State's effort to comply with the U.S. Supreme Court's *Olmstead* decision (*Olmstead v. L.C.* [527 U.S. 581 (1999)]).

**Health Division**—Assembly Bill 576 includes State General Fund support for the Division of approximately \$51.8 million over the 2005-2007 biennium. The funding includes \$27 million for the Early Intervention Services program. Of the total, \$10.3 million is to address caseload increases and reduce the waiting lists at the Las Vegas and Reno clinics. Also approved was approximately \$3.5 million for the AIDS Drug Assistance Program, including funds for projected caseload growth. The measure also provides \$7.3 million in State General Fund support for the Bureau of Alcohol and Drug Abuse, coupled with \$38 million in federal funding, which will be used for substance abuse prevention and treatment services. Approximately \$3 million in State General Fund support was approved for childhood vaccines.

**The Division of Welfare and Supportive Services**—The measure provides State General Fund support in the amount of \$138.9 million over the biennium for the Division. State General Funds totaling \$49.2 million over the biennium were approved for the Temporary Assistance to Needy Families (TANF) budget, primarily to support projected caseloads. Funding reflects projections for reducing TANF caseloads for the upcoming biennium. State General Funds totaling \$18.1 million over the biennium, combined with federal funds of \$57.1 million, were approved to support childcare-related expenses for eligible clients.

**Division for Aging Services**—The bill also approved \$19.9 million in State General Fund support for the Division. The funding approved will support increased caseloads, reduce the waiting lists for the CHIP and the Adult Group Care waiver, and provide additional staff to reduce the Elder Protective Services caseloads. Tobacco settlement monies previously allocated to the Senior Services program will be redirected to Grants for Independent Living for issuance

to programs that promote independent living for seniors. The funding approved will also support the projected growth in the Senior Citizens' Property Tax Assistance program.

**Division of Child and Family Services**—The Executive Budget recommended, and the Legislature approved, the continuation of child welfare integration and the reorganization and realignment of child welfare services, resulting in separate regional budget accounts for Clark County, Washoe County, and rural Nevada. A total of \$91.4 million in State General Fund support for the biennium was approved for child welfare services, including new positions to address caseload increases and to reduce the child welfare staff-to-client caseload ratios. The approved funding also includes \$6 million in State General Fund support for projected caseload increases in foster care, higher levels of care, and adoption subsidies, and \$2.1 million for provider rate increases for higher levels of care.

In youth corrections, the measure contains \$10.7 million over the next biennium for the continued operation of the 96-bed Summit View Youth Correctional Center. The State resumed operation of the facility with State staff in January 2004. The measure also contains \$2.3 million for new staff for the Nevada Youth Training Center and the Caliente Youth Center to reduce the direct care staff-to-client ratio and to provide one new academic teacher for students with disabilities for the Nevada Youth Training Center.

The bill also contains a total of \$1.2 million in State General Fund support for new positions for Southern Nevada Child and Adolescent Services and Northern Nevada Child and Adolescent Services to reduce waiting lists for services in the Outpatient, Early Childhood and Children's Clinical Services mental health programs. The act also contains funding for the conversion of the Wraparound in Nevada program from contract staff to State staff. The conversion adds 66 new State positions and requires the addition of \$482,350 in State General Fund support. The program is an alternative to traditional mental health services and will continue to provide children diagnosed with SED with a "wrap" of intensive intervention services.

**Department of Corrections**—The bill also contains State General Fund support for the Department totaling \$423.3 million for the biennium. The funding approved will provide for housing an average of 11,465 inmates in FY 2005-2006 and 11,896 inmates in FY 2006-2007. The funding allows for the reopening the Southern Nevada Correctional Center for "youthful offenders" in August 2006. The facility budget was approved with 165 new positions and State General Funds of \$15.2 million during the biennium. Additional positions were approved for support services (medical services, administration, correctional programs, store fund, and inmate welfare) for the Southern Nevada Correctional Center operation. As a result of reduced federal funding, \$1.5 million in State General Funds for the biennium was approved to continue two substance abuse programs and one reentry program administered through the Correctional Programs budget. Additionally, the money committees approved \$4.2 million in State General Funds over the upcoming biennium for the new Casa Grande Transitional Housing Facility scheduled to open and begin operations in December 2005 and which will house up to 400 inmates.

**Department of Public Safety**—Assembly Bill 576 includes \$92.9 million in State General Funds and \$117.4 million in State Highway Funds over the biennium for the Department. Significant programs include: \$3.3 million in State General Funds to continue the six narcotics task forces that were previously funded entirely by federal grants and forfeiture funds; and \$620,000 over the biennium for the Division of Parole and Probation to expand the use of residential confinement and implement a new “blended” approach for this program. Additionally, new positions were approved for projected growth in caseloads.

**Department of Public Safety—Homeland Security**—The measure includes budget transfers and additional staff for the transfer of the Office of Homeland Security from the Governor’s Office to the Department of Public Safety.

**Department of Motor Vehicles (DMV)**—The bill approves State Highway Fund appropriations in the amount of \$44 million in FY 2006 and \$43.7 million in FY 2007 to support the operations of the Department. The funding levels approved are under the 22 percent cap required by statute. Approximately \$1.5 million was approved to continue the use of kiosks in DMV field offices and expand kiosk technology to rural locations.

**Department of Conservation and Natural Resources**—The Legislature approved State General Fund appropriations for the Department totaling \$51.9 million over the biennium. The money committees approved State General Fund appropriations totaling \$1.8 million over the biennium to support the Division of Water Resources’ efforts to reduce water rights caseload backlogs, for significant technology improvements in order to process water right transactions more expeditiously, and to provide better access to Division records by the public via the Internet.

**Department of Wildlife**—The money committees approved State General Fund appropriations for the Department of Wildlife totaling \$2.54 million over the biennium. The increase in State General Fund support reimburses the Department for the difference between full-value and reduced-value licenses sold to youth, seniors, disabled citizens, and Native Americans, and to fund \$150,000 in sage grouse habitat projects.

**Office of Veterans’ Services**—The measure includes \$6.1 million in State General Fund support over the biennium for the Office and for the operations of the Veterans’ Home. The funding includes additional staff to provide direct assistance to the growing population of an estimated 270,000 veterans in Nevada, including outreach services and assistance to the women veterans’ population, as well as support for the two veterans’ cemeteries located in Boulder City and Fernley.

Sections of A.B. 576 appropriating certain funds from FY 2004-2005 to the Interim Finance Committee, the Supreme Court, and the Legislative Fund take effect on June 15, 2005. The balance of the measure is effective on July 1, 2005.

**See also Assembly Bill 1 (Chapter 6) of the 22nd Special Session.**

**A.B. 577 (Chapter 435)**

Assembly Bill 577 establishes the maximum salaries for State employees in the unclassified service and certain State employees in the classified service; it also provides for salary increases for other State employees. In order to allow the State agencies to fund these salary levels, A.B. 577 appropriates \$39.1 million in State General Fund money in Fiscal Year (FY) 2005-2006 and \$73.8 million in FY 2006-2007. In addition, the measure appropriates approximately \$9.1 million in State Highway Fund money in FY 2005-2006, and nearly \$16 million in FY 2006-2007.

The appropriations include sufficient funding to provide State employees with a salary increase of approximately 2 percent in the first year of the biennium, and an increase of approximately 4 percent in the second year of the biennium. Further, the bill authorizes adding an additional step in the State's compensation schedule. To fund these increases, the measure makes separate appropriations from the State General Fund for classified State employees; classified and professional employees of the Nevada System for Higher Education; and employees of the Legislative Counsel Bureau. Contingent upon receiving matching funds from California, funding also is appropriated from the State General Fund for the same salary increases for employees of the Tahoe Regional Planning Agency. Separate appropriations are made from the State Highway Fund to fund the salary increases and additional step for classified workers in the Department of Motor Vehicles, the Department of Public Safety, and the Transportation Services Authority. Finally, the measure provides for a 2-grade pay increase for certain law enforcement, correctional officer, nursing, dispatch, and youth correctional personnel. Additional funding is appropriated from the State General Fund and the State Highway fund for this purpose.

This measure is effective on July 1, 2005.

**A.B. 580 (Chapter 482)**

Assembly Bill 580 contains numerous provisions and related appropriations with regard to various programs and projects in Nevada. Major sections of the bill are summarized in the following categories:

**Children and Child Support**—The measure establishes procedures to ensure that an obligation for child support follows the child to the person who has lawful physical custody of the child. The bill also appropriates \$150,000 from the State General Fund for a legislative study to contract with a qualified, independent consultant to conduct a performance audit of the enforcement and collection of child support by the Division of Welfare and Supportive Services and the district attorneys in Nevada. In other study-related sections, the measure requires the Legislative Commission to contract with an independent consultant to carry out certain duties and prepare a report concerning the health, safety, welfare, and civil and other rights of children who are under the care of certain governmental entities or private facilities.

**Education Provisions**—Assembly Bill 580 contains various provisions relating to education. The measure:

- Appropriates \$10 million over the 2005-2007 biennium from the State General Fund to the Department of Education for grants to school districts that adopt a program of performance pay and compensation for the recruitment, retention, and mentoring of licensed personnel. The Nevada Department of Education is required to develop a formula for identifying at-risk schools;
- Requires that each school district undergo a review of its financial management principles every six years; an appropriation of \$300,000 is provided. The review must consider management of finances, facilities, personnel, and other operations;
- Makes an appropriation of almost \$7.4 million to the Department of Education for purchasing portable classrooms for full-day kindergarten;
- Appropriates \$2 million to the Department of Education for the establishment of technical skills advisory committees and for the support of career and technical education programs;
- Provides funding for pilot programs to offer alternative education settings for disruptive pupils;
- Provides, through an appropriation, that the Department of Education establish a grant program to school districts for pilot programs to teach the English language to prekindergarten children who have limited English proficiency;
- Requires increased salaries for certain speech pathologists employed by school districts;
- Appropriates funds to the Clark County Public Education Foundation, Inc., and the Washoe County School District Educational Foundation, Inc., for new programs and the expansion of outreach efforts;
- Requires the Department of Education to release for public dissemination certain portions of the high school proficiency examination, and provides for funding to prepare a replacement exam;
- Appropriates funds to the Department of Education for the support of certain nonprofit public broadcasting stations;
- Appropriates funds to the Women’s Research Institute of Nevada at the University of Nevada, Las Vegas;
- Makes an appropriation to the Division of State Library and Archives for grants to local libraries for library collections;

- Appropriates funds to establish a Homework Help Center at the West Las Vegas Library; and
- Appropriates funds for the M2 Foundation for Kids to enhance educational programs for children.

**Office of Minority Health**—The bill creates an Office of Minority Health in the Department of Health and Human Services (DHHS). A manager of the Office is appointed by the Director of DHHS. The primary purpose of the Office is to improve access to care for minority populations in underserved rural and urban areas. Additionally, the Office will help with the development and distribution of culturally appropriate and sensitive educational material. It will also be responsible for coordinating public awareness messages and health promotion programs for minorities. The bill also provides for a nine-member advisory committee appointed by the Governor whose members reflect the ethnic and geographical diversity of the State.

**Patriot Relief Account**—Other provisions of the bill establish various benefits for members of the Nevada National Guard who are called into active service. Specifically, the measure creates the Patriot Relief Account in the State General Fund and appropriates \$500,000 in each year of the biennium to the Account. The Patriot Relief Account is administered by the Office of the Military, and the Adjutant General must adopt regulations necessary to carry out the program. The Account may be used to provide reimbursement to eligible National Guard members for the costs of certain life insurance premiums and textbooks required for courses in which the National Guard member is enrolled at the Nevada System of Higher Education. In addition, the Account may be used to provide monetary relief from economic hardships experienced by eligible National Guard members. These provisions also extend the existing state instrumentality exemption from sales taxes to members of the National Guard and members of their immediate families. Public employees or officers performing active military service are entitled to civil leave with pay reduced by the amount of military pay received.

**Other Administrative Provisions**—The bill requires the Governor to compile a “Nevada Report to Taxpayers” on the status of state finances. The report shall be made available to the public on the Internet. The bill also appropriates funds for expenses related to preparation of the report. Other provisions create an Account for the Control of Weeds, and provide an appropriation to the account. The measure also establishes a “2-1-1” statewide nonemergency information and referral telephone system concerning health, welfare, human, and social services. Further, the bill requires the Director of the Department of Health and Human Services to include in the State Plan for Medicaid a provision that an independent foster care adolescent is eligible for Medicaid; appropriations to several divisions of the Department are included to carry out the provisions of the bill. Other appropriations include: funds to Clark County for a pilot project to provide discounted medical services for uninsured workers; money to the Health Division for a power generator for the bioterrorism laboratory; and funding for expenses relating to the design, engineering, and construction of an academic Medical Center with an organ transplant center in Clark County. Finally, A.B. 580 appropriates funds to Clark County for capital projects designed to assist homeless persons.

Sections of the bill making appropriations from surplus funds from the 2003-2005 biennium are effective on June 17, 2005. Other funding sections are effective on July 1, 2005. Provisions that sunset on June 30, 2007, include this measure's revisions to statutes concerning: child support orders; the Office of Minority Health; the State "2-1-1" information system; the school district financial management review process; increased pay for certain school psychologists; the Patriot Relief Account; Medicaid extensions to certain foster care adolescents; and the Account for Control of Weeds.

**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 2005 Legislative Session.

This bill is effective on February 9, 2005.

**S.B. 89 (Chapter 285)**

Senate Bill 89 makes a supplemental appropriation of \$361,620 from the State General Fund to the Health Division of the Department of Health and Human Services for an unanticipated shortfall associated with the maintenance of effort requirement for the Substance Abuse Prevention and Treatment Block Grant.

This measure is effective on June 6, 2005.

**S.B. 90 (Chapter 106)**

Senate Bill 90 makes a supplemental appropriation of \$2,893,433 from the State General Fund to the Department of Health and Human Services. Of this sum, \$2,410,118 is appropriated for unanticipated operating expenses at the emergency hospital annex of the Desert Regional Center and \$483,315 for unanticipated revenue shortfalls for rural clinics.

This measure is effective on May 18, 2005.

**S.B. 91 (Chapter 133)**

Senate Bill 91 makes a supplemental appropriation of \$3,719,069 from the State General Fund to the Department of Corrections to be allocated as follows: \$90,000 for operating expenses; \$23,000 for maintenance expenses; \$532,252 for inmate-driven expenses; \$1,850,384 for utility expenses; and \$1,223,433 for expenses relating to the takeover of the Southern Nevada Women's Correctional Facility.

The bill is effective on May 24, 2005.

**S.B. 92 (Chapter 85)**

Senate Bill 92 appropriates \$35,000 from the State General Fund to the Department of Public Safety for unanticipated out-of-state travel, in-state travel, and operating expenses for Fiscal Year 2004-2005 for dignitary protection. The appropriation is supplemental to an appropriation made in 2003 (Chapter 327, *Statutes of Nevada*).

The bill is effective on May 12, 2005.

**S.B. 93 (Chapter 180)**

Senate Bill 93 appropriates \$1,300,000 from the State Highway Fund to the Department of Motor Vehicles for unanticipated costs related to electronic payments in Fiscal Year 2004-2005 in administrative services.

This measure is effective on May 31, 2005.

**S.B. 94 (Chapter 27)**

Senate Bill 94 appropriates \$12 million from the State General Fund to the Contingency Fund to restore the balance in the Contingency Fund that is attributable to the State General Fund. Similarly, the bill appropriates \$964,701 from the State Highway Fund to the Contingency Fund to restore the balance in the Contingency Fund that is attributable to the State Highway Fund. The latter appropriation must be accounted for separately and may only be used for certain purposes.

This measure is effective on April 25, 2005.

**S.B. 95 (Chapter 452)**

Senate Bill 95 relates to state financial administration. The measure excludes the aggregate balances in the Disaster Relief Fund and the Emergency Assistance Subaccount from the calculations related to the balance of the Fund to Stabilize the Operation of State Government. Further, the bill increases the amount to be subtracted from the percentage of the unrestricted balance of the State General Fund that is transferred to the Fund to Stabilize the Operation of State Government. The amount to be subtracted is increased from 5 percent to 10 percent of all appropriations made from the State General Fund for the operation of all departments, institutions, and agencies of State government and the funding of schools.

Further, S.B. 95 repeals provisions enacted in 1997 related to transfers to the Emergency Assistance Subaccount. The measure also repeals provisions enacted in 2003 relating to transfers to the Fund to Stabilize the Operation of State Government and creating the Fund for Tax Accountability.

Finally, the bill appropriates \$37 million to the Fund to Stabilize the Operation of State Government for Fiscal Year (FY) 2005-2006 and \$34 million in FY 2006-2007.

The provisions repealing earlier measures are effective on June 17, 2005, and as to the repeal of the provisions enacted in 2003, the bill applies retroactively to January 1, 2005. The remaining provisions are effective on July 1, 2005, except that the appropriation for FY 2006-2007 is effective on July 1, 2006.

**S.B. 96 (Chapter 253)**

Senate Bill 96 provides an appropriation of \$31,250 from the State General Fund to the Office of the Governor to update the State's Energy Assurance Plan as required by federal guidelines.

The measure is effective on June 6, 2005.

**S.B. 99 (Chapter 234)**

Senate Bill 99 appropriates \$3,000 from the State General Fund to the Department of Administration for litigation costs incurred by the Interstate Commission for Adult Offender Supervision. Any remaining balance of the appropriation must not be committed for expenditure after June 30, 2007, and must be reverted to the State General Fund on or before September 21, 2007.

The bill is effective on June 3, 2005.

**S.B. 100 (Chapter 301)**

Senate Bill 100 appropriates \$20,000 from the State General Fund for the conversion of offices to meeting and training rooms at the Nevada Supreme Court.

The measure is effective on June 6, 2005.

**S.B. 101 (Chapter 453)**

Senate Bill 101 appropriates \$1,772,861 from the State General Fund to the Legislative Counsel Bureau for the following purposes:

- \$130,842 for reproducing out-of-print publications;
- \$1,091,235 for information technology upgrades;
- \$335,000 for building improvements and an emergency generator; and
- \$215,784 for costs associated with the State Printing Office.

The measure further requires that the Legislative Counsel Bureau solicit bids for all construction contracts associated with these appropriations.

This measure is effective on June 17, 2005.

**S.B. 102 (Chapter 235)**

Senate Bill 102 appropriates \$60,000 from the State General Fund to the Office of Veterans' Services to pay for construction costs of a shelter to protect state-owned vehicles. Any remaining balance of the appropriation must not be committed for expenditure

after June 30, 2007, and must be reverted to the State General Fund on or before September 21, 2007.

The bill is effective on June 3, 2005.

**S.B. 103 (Chapter 302)**

Senate Bill 103 makes an appropriation of \$859,140 from the State General Fund to Nevada's Department of Cultural Affairs for the development, renovation, and expansion of the Southern Nevada Railroad Museum.

This measure is effective on June 6, 2005.

**S.B. 104 (Chapter 236)**

Senate Bill 104 appropriates \$1,012,482 from the State General Fund to the Department of Corrections for the purchase of 48 replacement vehicles. Any remaining balance must not be committed for expenditure after June 30, 2007, and must be reverted to the State General Fund on or before September 21, 2007.

The bill is effective on June 3, 2005.

**S.B. 105 (Chapter 392)**

Senate Bill 105 appropriates from the State General Fund to the University of Nevada School of Medicine the sum of \$10 million for support of its partnership with the Nevada Cancer Institute and Center of Excellence to expand research, treatment, education, and teaching opportunities in Nevada.

This measure is effective on June 13, 2005.

**S.B. 108 (Chapter 41)**

Senate Bill 108 appropriates \$87,590 from the State General Fund to the Department of Education. This supplemental appropriation covers unanticipated expenses the Department incurred during Fiscal Year 2004-2005 to comply with the Individuals with Disabilities Education Act.

This measure is effective on May 9, 2005.

**S.B. 314 (Chapter 454)**

Senate Bill 314 authorizes the transfer of \$2,037,773 from the Fund for the Promotion of Tourism to state and local governmental entities to support certain cultural, historical, and tourist-related activities in Nevada. The following transfers are specifically authorized:

- \$600,000 to the Department of Cultural Affairs for the restoration and preservation of the exterior of the Lear Theater in Reno;

- \$41,773 to Nevada’s Division of State Parks, Department of Conservation and Natural Resources, for costs associated with the Elgin Schoolhouse;
- \$200,000 to the Western Folklife Center for the National Cowboy Poetry Gathering;
- \$220,000 to the Atomic Testing Museum in Las Vegas for educational programs;
- \$650,000 to the Interim Finance Committee for allocation to the Reno-Sparks Convention and Visitors Authority to implement the Truckee River Recreational Master Plan;
- \$26,000 to the University of Nevada Fleischmann Planetarium and Science Center in Reno for costs of equipment; and
- \$300,000 to the Division of State Parks to provide for and display historical interpretive signs for the California Trail Wayside Sites in eight northern Nevada counties.

All transfers included in this measure are effective on July 1, 2005, except the transfer of \$300,000 for the California Trail Wayside Sites projects, which is effective on July 1, 2006.

**S.B. 496 (Chapter 28)**

Senate Bill 496 provides funding in the amount of \$935,098 for design of the Las Vegas Readiness Center for the Office of the Military. Project funding includes an appropriation of \$617,578 from the State General Fund to the State Public Works Board and authorization of \$317,520 from federal sources. Any remaining balance after June 30, 2007, must be reverted to the State General Fund.

This measure is effective on May 3, 2005.

**S.B. 504 (Chapter 70)**

Senate Bill 504 appropriates \$5 million from the State General Fund to the Legislative Fund. The appropriation funds a portion of the operating costs for the 73rd Session of the Nevada Legislature.

This measure is effective on May 10, 2005.

**S.B. 510 (Chapter 252)**

Senate Bill 510 makes an appropriation of \$673,900 from the State General Fund to the State Public Works Board for arbitration costs associated with the design and construction of the Southern Nevada Veterans’ Home.

This measure is effective on June 6, 2005.

**S.B. 511 (Chapter 251)**

Senate Bill 511 appropriates \$436,000 from the State General Fund to the Department of Education for signing bonuses for teachers.

This measure is effective on June 6, 2005.

**S.B. 512 (Chapter 286)**

Senate Bill 512 makes a supplemental appropriation of \$23,545,019 from the State General Fund to the Department of Health and Human Services for unanticipated expenses for the support of the Nevada Medicaid Program and the Nevada Check-Up Program.

This measure is effective on June 6, 2005.

**S.B. 517 (Chapter 291)**

Senate Bill 517 extends from June 30, 2005, to June 30, 2007, the reversion date for certain one-time appropriations provided to the Division of State Parks in 1997. This bill also authorizes the Division of State Parks to carry forward into the 2005-2007 biennium money authorized by the Legislature in 2001 for park improvements.

This measure is effective on June 6, 2005.

**S.B. 521 (Chapter 397)**

Senate Bill 521 makes appropriations from the State General Fund to the Division of Parole and Probation of the Department of Public Safety and to the State Board of Parole Commissioners for the installation and service of closed-circuit security systems in offices occupied by each entity.

This bill is effective on July 1, 2005.

**S.B. 522 (Chapter 510)**

Senate Bill 522 is known as the General Authorization Act. The measure provides the authority for agencies to collect and expend revenue other than funds appropriated from the State General Fund or the State Highway Fund, and includes federal funds, gifts, grants, interagency transfers, service fees, and certain other funds. The total authorized funding recommended for approval by the Legislature for ongoing operations is approximately \$7.3 billion, including the Distributive School Account.

During testimony concerning the *Executive Budget*, the two money committees—the Senate Committee on Finance and the Assembly Committee on Ways and Means—received detailed testimony concerning programs for the funding contained in S.B. 522. A summary of the major program decisions linked to this funding authority follows:

**Department of Information Technology**—Revenues in the amount of \$65.1 million were authorized, including new positions for the Department’s security unit and for cyber security training of state employees to assist in mitigating vulnerabilities with the state’s technology utilization. Staff was reallocated to a new project oversight unit and 45 programming, database administration, and technical support positions were transferred to the Welfare Division and the Division of Child and Family Services. The measure also approved funding for expanding the mainframe capacity to address projected increases in computing resources utilization over the 2005-2007 biennium.

**Education, K-12**—Senate Bill 522 also approved \$544 million in federal revenue over the upcoming biennium. Of this amount, \$218 million is for continued implementation of the federal No Child Left Behind Act (NCLBA). In addition, federal NCLBA funds will be utilized to enhance the state accountability data system to provide better information to educational personnel for support of data-driven decision-making for improving the academic achievement of pupils. Finally, new positions include a charter school consultant who will focus on the needs of special education pupils and a new testing consultant for the state writing examination.

**Nevada System of Higher Education (NSHE) (formerly University and Community College System of Nevada)**—The measure authorized about \$375 million of the total \$1.52 billion for the 2005-2007 biennium. Several enhancements to the NSHE budgets were approved including: doubling the number of physician trainees to a total of 34 in the School of Medicine’s residency and fellowship training programs and additional staff for the Medical School in support of the Lou Ruvo Center for Alzheimer’s Disease and Brain Aging. Also approved was the continuation of fee waivers for members of the Nevada National Guard. Direct appropriations in the university intercollegiate athletics budgets were made in lieu of athletic fee waivers. The measure also approved a funding shift for remedial enrollments from the universities to the state college and community colleges effective Fiscal Year 2006-2007.

**Commission on Tourism**—Total revenues authorized for the agency include \$33 million for the biennium from room tax receipts. The funds will be utilized to develop a new interactive marketing program, increase television commercials, and expand and further develop other program areas to generate the best return on investment for the state as a whole. In addition, room tax revenues will be utilized to support the Reno-Tahoe Winter Games, museums, parks, and wildlife programs.

**Health and Human Services, Director’s Office**—In closing the Fund for a Healthy Nevada budget, the money committees approved the Governor’s recommendation to expend tobacco settlement funds totaling \$468,156 in FY 2005-2006 and \$465,227 in FY 2006-2007 to provide disabled individuals with a prescription drug benefit. The program is funded with 2.5 percent of the tobacco settlement funds allocated to the Fund for a Healthy Nevada. Although the program was originally created by the 2003 Legislature, the Title XIX waiver required for the program was not obtained from the federal government. The requirement to obtain the waiver was removed by the 2005 Legislature through the enactment of Assembly Bill 495.

**Division of Health Care Financing and Policy**—The measure approves a total of \$1.97 billion in authorized revenue for the Division of Health Care Financing and Policy over the 2005-2007 biennium. The approved funding provides for caseload growth in the Medicaid program projected at approximately 184,000 average monthly recipients for FY 2005-2006 and 193,300 average monthly recipients for FY 2006-2007. Also approved was funding for the additional costs associated with redesigning the current delivery system for behavioral health services and to expand the number of waiver slots for the Community Home-Based Initiative Program (CHIP), the physically disabled, and the adult group care waivers over the upcoming biennium. Funding was also approved to allow enrollment in the Nevada Check-Up program

to increase to approximately 29,300 children per month for FY 2005-2006 and to approximately 31,200 children per month for FY 2006-2007.

The measure also approved funding to carry out the provisions of A.B. 493 of the 2005 Session to expand health care coverage based upon receipt of a Health Insurance Flexibility and Accountability (HIFA) initiative waiver from the federal government. Once approved, the HIFA waiver will expand health care coverage to three low-income populations currently not served: pregnant women with incomes from 133 percent of poverty up to 185 percent of poverty; employees and their spouses who work for small employers that have household incomes less than 200 percent of poverty; and Medicaid coverage for a single catastrophic event for qualified persons with incomes up to 150 percent of poverty. The cost for health insurance coverage for employees working for small employers will be shared by the employee, the employer, and the state. The expansion will be financed through a combination of State General Funds, proceeds received from property tax levies from the Indigent Supplement Fund, and federal Title XIX and Title XXI funds.

**Division of Mental Health and Developmental Services**—Senate Bill 522 also authorized funding of \$157 million. The additional funds will support existing and projected caseload increases for the mentally ill and mentally retarded citizens served by the Division. Additionally, the money committees approved rate increases for supported living arrangement and community training service providers. The Legislature approved expenditures for the Southern Nevada Adult Mental Health Services totaling \$2.2 million in FY 2005-2006 and \$17.4 million in FY 2007 to expand the acute inpatient hospital capacity from 131 beds to 217 beds, including 150 beds in the new Rawson-Neal hospital scheduled to open in May 2006; 28 beds at the Desert Regional Center campus; and 39 beds in the existing inpatient facility. Funding of \$430,622 in the 2005-2007 biennium was approved to establish a psychiatric residency program in southern Nevada.

For the Northern Nevada Adult Mental Health Services, funding was approved to continue the Mental Health Court program approved by the 2001 and 2003 Legislatures. With regard to the Rural Clinics program, the funding was provided to establish a new clinic in Laughlin, Nevada. The authorization includes additional positions to reduce staffing ratios for outpatient counseling services and service coordination for a total of 647 youth and adolescents who are diagnosed as severely emotionally disturbed. Increased funding was approved for the Desert, Sierra, and Rural Regional Centers to accommodate increased caseloads for services, including community residential placements and jobs and day training, to mentally retarded citizens throughout the state. Bed reduction was also approved, placing clients into community housing and training programs. Sixty individuals currently residing in private institutional care facilities funded in the Medicaid budget will transition to community residential placements in the three regional center budgets. These actions further reinforce the state's effort to comply with the U.S. Supreme Court's *Olmstead* decision (*Olmstead v. L.C.* [527 U.S. 581 (1999)]).

**Health Division**—The budgets for the Health Division include authorized revenues in the amount of \$294.1 million. The funding includes \$94.1 million to serve 60,000 eligible participants per month in the Women, Infants and Children food supplement program, \$38 million for the Bureau of Alcohol and Drug Abuse for substance abuse prevention and treatment services, and \$11.5 million for the Early Intervention Services program, formerly known as the Special Children’s Clinics. Authorized revenues plus State General Fund support will address projected caseload increases and will reduce the existing waiting lists at the Las Vegas and Reno clinics. The money committees also approved \$27.3 million in federal funding to continue public health preparedness programs throughout the state and \$21.9 million for various programs involving HIV prevention and education, HIV/AIDS surveillance and monitoring, and HIV/AIDS comprehensive care services.

**The Division of Welfare and Supportive Services**—The Legislature approved authorized revenues in the amount of \$328.9 million over the 2005-2007 biennium for the Division of and supportive services, including \$42.1 million in federal Temporary Assistance for Needy Families (TANF) block grant funds and \$49.2 million in State General Funds over the 2005-2007 biennium for the TANF budget, primarily to support projected caseloads. The money committees approved reducing TANF caseloads for the upcoming biennium from the caseloads recommended in the *Executive Budget*, for a savings of approximately \$6 million in federal TANF funding over the biennium.

**Ageing Services Division**—The Division’s \$57 million in authorized funding in this measure includes approximately \$42.7 million in federal funds and \$11.5 million in Tobacco Settlement funds. Funding will allow services for 1,474 clients in the CHIP in FY 2005-2006 and 1,515 CHIP clients in FY 2006-2007. Funding also allows for a caseload reduction for Elder Protective Services and returned Tobacco Settlement revenues previously allocated to the Senior Services program will be used for grants for independent living. Funds also were approved for an increase in the Personal Assistance Services rate from \$17 per hour to \$18.50 per hour over the biennium and to eliminate patient liability co-payments from the CHIP Medicaid waiver.

**Division of Child and Family Services**—The Division’s budgets were closed by approving a total of \$172.3 million in authorized revenues over the 2005-2007 biennium. Included in that amount is \$90 million for statewide child welfare services. Together with State General Fund support, the funding continues child welfare integration; provides for increased welfare and foster care licensing caseload projections; implements a reduction in the foster care staff to client ratios; and provides for projected increases in foster care, higher levels of care, and adoption subsidy caseload payments. Authorization was also approved for \$2.5 million in federal child welfare IV-E and Medicaid revenue that will support provider rate increases for both residential and nonresidential care for youth in the foster care system. Additionally, \$6.5 million over the biennium in federal child welfare funds will be passed through to Washoe County for child protective services activities. Grants for Victims of Domestic Violence were increased to nearly \$3.3 million per year. The program is funded through assessments on marriage licenses and ceremonies.

Authorized revenues for child and adolescent mental health services in Northern Nevada and Southern Nevada Child and Adolescent Services total \$32.3 million over the biennium. The approved funding, together with State General Fund support, continues existing mental health programs and includes new positions to reduce waiting lists for mental health services and for Medicaid utilization management services. A total of \$3.4 million in Medicaid revenue was approved over the biennium for the conversion of the Wraparound in Nevada (WIN) Program from contract employees to state employees. The WIN program is an alternative to traditional mental health services that will continue to provide children diagnosed with a severe emotional disturbance with a “wrap” of intensive intervention services.

**Department of Employment, Training and Rehabilitation**—The money committees approved \$244.6 million in authorized revenues for the Department of Employment, Training and Rehabilitation for the 2005-2007 biennium. The funding includes new positions and operating and maintenance costs for the Department’s new administration building in Las Vegas. In addition, \$3.4 million was approved to address increases in projected caseloads for disability determinations. The money committees also approved \$2.8 million to provide employment and training services for job seekers and to increase the funding for skills enhancement training for employed and unemployed workers.

**Department of Motor Vehicles**—The funding approved includes revised revenue projections in the Pollution Control account that allows the Department to maintain a \$1 million reserve level and provide for excess reserve grants of approximately \$2 million over the biennium if requested by the counties. The authorization also approved funding to meet the demand for a two-day turnaround in the processing of salvage titles as mandated in A.B. 325 of the 2003 Legislative Session, and to support the Department’s responsibilities as it relates to registered vehicle repair facilities and the investigation of disputes.

**Department of Wildlife**—The Legislature approved total funding, less interagency transfers, of \$71.2 million over the 2005-2007 biennium for the Department of Wildlife. Additionally, the measure approves transfers of lodging tax receipts of \$400,000 each year from the Commission on Tourism to support the agency’s efforts in drawing non-resident sportsman and boating visitors to Nevada.

**Nevada Department of Transportation**—The bill authorizes \$661.8 million in funds and the Legislature authorized an additional bond authority of \$200 million in FY 2007 to finance major construction projects throughout the state, such as the Carson City freeway, the I-580 extension in northern Nevada, and the U.S. 95 widening in southern Nevada. To address construction, maintenance, and administrative needs throughout the Department, the measure approves additional state highway funds to add 22 new positions. An additional \$48.8 million is authorized for upgrades to the Department’s mobile fleet and maintenance and improvements to buildings and grounds.

**Veterans’ Services**—The bill adds six new positions to provide direct assistance to the growing population of an estimated 270,000 veterans in Nevada plus support for the two veterans’ cemeteries located in Boulder City and Fernley.

Authority is given on June 17, 2005, to the Division of Forestry to carry forward certain unexpended funds into the next fiscal year; otherwise the bill is effective July 1, 2005.

**S.B. 525 (Chapter 450)**

Senate Bill 525 apportions State Distributive School Account funds for public schools for the 2005-2007 biennium. The measure appropriates \$724.1 million and \$825.6 million, respectively, for each year of the 2005-2007 biennium—\$1.550 billion total—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 \$4,424 to \$4,486 for Fiscal Year (FY) 2005-2006, and further increase the rate to \$4,696 per pupil for FY 2006-2007. As a result of the property tax relief measure passed earlier in the 2005 Legislative Session, S.B. 525 provides for a recalculation of the basic support guarantee for both fiscal years based upon actual ad valorem collections certified by the Department of Taxation.

The number of special education units is increased from the current level of 2,708 to 2,835 in the first year of the biennium, and to 2,953 in the second year. The unit costs are \$34,433 and \$35,122, respectively, for those fiscal years. Each year, 40 discretionary units are reserved for allocation by the State Board of Education to address school district shortfalls, and charter schools may apply to Nevada’s Department of Education for reserved units. In addition to the 40 discretionary units, the measure adds 5.92 units and 6.15 units for FYs 2006 and 2007, respectively, for gifted and talented pupils to participate in programs incorporating educational technology.

The school funding provisions also contain an allocation of \$181.7 million for textbooks, supplies, and instructional hardware. Of the amount allocated for basic support as a whole, \$88.3 million in FY 2005-2006 and \$93.4 million in FY 2006-2007 must be spent for those purposes in accordance with amounts determined by the Department of Education within a specified formula. Additionally, S.B. 525 establishes a base level of \$50,000 per year from the DSA for each school district for special student counseling services in elementary grades.

Of the total appropriated, the bill’s school funding provisions also allocate:

- \$39.9 million over the biennium for adult education programs, including those in prison facilities;
- \$13.9 million over the biennium to support remedial education programs;
- \$20.4 million during the biennium for regional professional development programs to train teachers and administrators and for the Nevada Early Literacy Intervention Program as established and operated by each regional program’s governing body. The measure also includes an additional \$200,000 to the Legislative Counsel Bureau to evaluate the effectiveness of the regional professional development programs;
- \$200,000 for the Statewide Council for the Coordination of Regional Training Programs to provide additional training opportunities for educational administrators in Nevada;

APPROPRIATIONS AND AUTHORIZATIONS (continued)

- \$6.2 million during the biennium (\$3.03 million in FY 2005-2006 and \$3.15 million in FY 2006-2007) for competitive grants to school districts and community-based organizations for early childhood education programs;
- \$34.6 million over the biennium (\$16.13 million in FY 2005-2006 and \$18.43 million in FY 2006-2007) for the purchase of retirement credits for experienced teachers in low-performing schools to receive a one-fifth retirement credit offset through the Public Employees' Retirement System (PERS);
- \$19.1 million over the biennium for the purchase of retirement credits for teachers in certain "high impact" subjects (such as mathematics, science, special education, and English as a second language), and school psychologists to receive a one-fifth retirement credit offset through PERS;
- \$17.6 million over the biennium to fund health insurance subsidies for retired school employees; and
- \$4 million to the Interim Finance Committee for the 2005-2007 biennium for allocation to school districts that incur unexpected expenses related to employee health insurance.

The measure also requires Nevada school districts to coordinate federal, state, and local funds with state education reform efforts.

Finally, the school funding provisions of the bill authorize \$269.9 million of other revenues to be received and expended for the state support of public education for the 2005-2007 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.

Senate Bill 525 is effective on July 1, 2005.

**See also Assembly Bill 4 (Chapter 3) of the 22nd Special Session.**

**See also Assembly Bill 7 (Chapter 5) of the 22nd Special Session.**

**See also Senate Bill 1 (Chapter 7) of the 22nd Special Session.**

**See also Senate Bill 2 (Chapter 8) of the 22nd Special Session.**

## **CAPITAL IMPROVEMENTS AND PUBLIC WORKS**

### **A.B. 83 (Chapter 229)**

Assembly Bill 83 clarifies that a contractor or subcontractor on a public work is only required to pay a workman or mechanic who is not subject to a collective bargaining agreement overtime compensation at the rate of one and one-half times the prevailing rate of wages for each overtime hour worked on the public work. For overtime hours worked for the contractor or subcontractor on a project other than the public work, the rate of overtime compensation to be paid to the workman or mechanic is one and one-half times the regular wage rate for that work.

In addition, A.B. 83 provides that a contractor or subcontractor on a public work may discharge his obligation to pay the wages of the workmen on the public work in part by making contributions to a third person pursuant to a fund, plan, or program in the name of the workman.

The bill is effective on July 1, 2005.

### **A.B. 156 (Chapter 232)**

Assembly Bill 156 clarifies that a design professional may not add a public body as a named insured on an insurance policy unless the policy permits such an addition. Also, the bill provides that if the insurance company chooses not to defend the design professional, he must reimburse the public body for attorney's fees and costs to the extent of his liability, as determined by the court.

### **A.B. 204 (Chapter 13)**

Assembly Bill 204 provides funding for three capital improvement projects totaling \$15,702,793. The projects include an addition to and renovation of the state computer facility, design, and construction of a 40-bed addition to the psychiatric hospital at Southern Nevada Adult Mental Health Services, and construction of the State Emergency Operations Center. Funding for the projects include \$13,080,921 in general obligation bonds, \$1.4 million from the State General Fund, and \$1,221,872 in securities settlement funds.

The bill is effective on March 30, 2005.

### **S.B. 107 (Chapter 372)**

Senate Bill 107 requires local governments, the Buildings and Grounds Division of the Department of Administration, and the Nevada System of Higher Education, to compile reports on the capital improvements owned, leased, or operated by the entity filing the report. The reports must be prepared for each fiscal year in such detail as is required by generally accepted accounting principles. The measure also requires the State Public Works Board to prepare a report on the construction of state buildings financed by bonds or other obligations.

On or before February 1 of each year, the reports must be submitted to the Director of the Legislative Counsel Bureau for distribution to each regular session of the Legislature and local governments must submit their reports to the Department of Taxation. The measure also requires capital improvement plans of local governments to include the estimated or actual revenues and expenditures for each project and the estimated or actual date for completion.

Finally, the bill also permits certain budget hearings of local governments, other than cities, counties, or school districts, to be held on either the third Thursday in May or the Friday following the third Thursday in May.

**S.B. 114 (Chapter 12)**

Senate Bill 114 specifies that hiring preferences must be applied by both contractors and public bodies that employ persons in the construction of public works. The bill also clarifies that hiring preferences given to persons who are citizens of the State of Nevada and who were honorably discharged from military service apply to persons honorably discharged from any branch of the Armed Forces of the United States, a reserve component thereof, or the National Guard.

The measure is effective on July 1, 2005.

**S.B. 426 (Chapter 508)**

Senate Bill 426 revises provisions relating to public financial administration and creates an advisory group to conduct an interim study concerning lease-purchase and installment-purchase agreements by public entities. The advisory group must submit a report of the results and any recommendations for legislation to the Director of the Legislative Counsel Bureau no later than September 1, 2006, for transmission to the 74th Session of the Nevada Legislature.

The measure provides that if the estimated cost of any contract for construction work for the Nevada System of Higher Education (NSHE) is greater than \$100,000, then the laws governing employment and prevailing wages for public works projects apply even if the construction work does not qualify as a public work.

The measure further requires annual energy savings resulting from the retrofit of a public building to meet or exceed the total annual contract payments made by the State or local government. Additionally, the measure provides certain documents furnished to a public body by a bidder on a public work may be transmitted and stored electronically if the transmission ensures that the documents are exclusively accessible to the bidder.

Senate Bill 426 also revises provisions applicable to performance contracts for cost-saving measures in buildings occupied by State agencies. The bill requires financing for performance contracts to be approved by the State Board of Examiners for State agency projects and by the Board of Regents for NSHE projects.

Further, the measure includes a description of the components of a financial-grade operational audit and further defines the scope of a comprehensive audit. The measure prohibits a qualified service company from directly paying a third-party consultant and allows a third-party consultant to receive a pre-negotiated fee from the using agency if the third-party consultant recommends against execution of the performance contract. Senate Bill 426 also changes the requirement for verification of the savings from annually to after completion of the contract and one year later. In addition, the 15-year contract term is calculated based on the date on which the work required by the performance contract is completed.

Consistent with current State law regarding lease-purchase and installment-purchase contracts, the bill incorporates an exemption from property taxes and statutory limits on damage awards for properties that are the subject of such contracts and clarifies that prevailing wage laws apply to such projects. Additionally, it changes the definition of “state agency” to make provisions relating to lease-purchase and installment-purchase agreements applicable to the NSHE if payments under the agreement will be made with state appropriations; however, the NSHE may not enter into more than three such agreements during Fiscal Year (FY) 2005-2006 and FY 2006-2007. The measure also adds new categories of projects under these provisions to include alteration, repair, or remodeling projects.

Senate Bill 426 also sets forth the provisions and presumptions applicable to the issuance of obligations to refund, pay, or discharge outstanding obligations, and for the refunding of obligations.

The measure is effective on July 1, 2005. Certain provisions relating to the NSHE’s use of lease-purchase and installment-purchase contracts expire by limitation on June 30, 2007. The provisions concerning energy retrofits on public buildings and projects expire by limitation on May 1, 2013.

**S.B. 467 (Chapter 424)**

Senate Bill 467 makes various changes to provisions concerning public works and contracting. The measure redefines the number of projects an applicant for public works must successfully complete to maintain prequalification status. In addition, the measure permits a public body, under certain circumstances, to let a contract without competitive bidding if no bids are received in response to an advertisement, provided the bid is finally awarded to the lowest responsive responsible bidder.

The measure also clarifies the prohibition against awarding contracts to unlicensed contractors and to persons not properly licensed. Senate Bill 467 further clarifies and specifies conditions under which local governments can request bidding data from bidders and defines a “first tier subcontractor” as a subcontractor who contracts directly with a primary contractor to provide labor, materials, or services for a project.

Finally, the measure removes numerous provisions that set forth when local governments may use the design-build method but adds a requirement for a public body to give prior approval to

the use of a design-build team. The measure also raises the threshold for eligibility of a project for design-build from an estimated cost in excess of \$5 million to an estimated cost in excess of \$10 million.

**S.B. 524 (Chapter 398)**

Senate Bill 524 is known as the Capital Improvement Program (CIP) bill. The measure provides for the implementation of Nevada's 2005-2007 CIP and includes funding in the amount of approximately \$402.8 million. The program will be funded primarily through appropriations from the State General Fund totaling \$81.8 million and the issuance of \$211.8 million in general obligation bonds. Senate Bill 524 also authorizes the utilization of \$15.5 million in federal funds for projects for the Office of the Military and the Office of Veterans' Services and provides for the utilization of \$29 million in estate tax revenue and \$62.7 million in donations and other funding for the projects approved for the Nevada System of Higher Education. Additionally, the bill appropriates \$1.5 million from the State Highway Fund for projects for the Department of Motor Vehicles and the Department of Public Safety.

The measure also provides approximately \$23.9 million for various maintenance projects for existing state facilities, approximately \$15.7 million for studies, advance planning, and design projects and approximately \$19 million for statewide projects, including roofing repairs, repaving projects, and fire, life safety, and accessibility projects. The maintenance projects include approximately \$13.1 million for the Department of Corrections for sewage treatment upgrades, replacement of doors, locks, and control panels, and chiller plant renovations at various facilities.

In addition, S.B. 524 includes a 15.85-cent property tax levy for debt service in each year of the 2005-2007 biennium for general obligation bonds issued to finance the CIP. The bill includes an additional 1.15-cent levy that must be used exclusively for the repayment of bonded indebtedness issued as a result of the approval by the voters of Question No. 1 on the November 2002 ballot. The approval of Question No. 1 by the voters requires the issuance of \$200 million in bonds to protect, preserve, and obtain the benefits of the property and natural resources of the state. The total property tax levy of 17 cents remains unchanged from the levies approved for the 2003-2005 biennium. The levies above the historic 15-cent levy (two cents) are not subject to the \$3.64 local government property tax cap.

Major construction projects in the 2005-2007 CIP include the following:

- \$8.6 million to fund the removal of the exterior tile of the Grant Sawyer State Office Building in Las Vegas and to install a new building exterior. The State Public Works Board must obtain Interim Finance Committee approval for the type of new building exterior prior to expending funding for installation.
- \$15.8 million for construction of the Knowledge Center at the University of Nevada, Reno (UNR) to supplement funding approved by the 2001 Legislature for this facility. The additional funding will accommodate inflationary increases in construction costs

and will allow the facility to be completed without needing to further cut completion costs.

- \$15.8 million for construction of the Science and Engineering Complex at the University of Nevada, Las Vegas (UNLV). This funding supplements design and construction funding approved for this project by the Legislature in 2001 and 2003.
- \$11.4 million in state funds and authorizes receipt of approximately \$14.9 million in federal funds for construction of a military readiness center in Las Vegas that will house five Nevada National Guard units. Funding for initial design of the facility was approved by the 2003 Legislature and completion of the design was funded in S.B. 496 of the 2005 Session.
- \$40 million in state funds and authorizes receipt of approximately \$23.3 million in donations for the design and construction of a College of Urban Affairs building at UNLV. The Legislature approved a larger facility than recommended by the Governor to provide sufficient space to accommodate all the departments within the College of Urban Affairs.
- \$40.3 million for two additional housing units and a guard tower at High Desert State Prison. The funding also provides for the design costs for a third housing unit.
- \$25 million for a new classroom building on the West Charleston Campus of the Community College of Southern Nevada. An additional \$15 million in funding over the amount recommended by the Governor was approved to increase the size of the facility to accommodate the need for additional classrooms.
- \$14.6 million in state funds and \$500,000 in donations to construct a new Electrical and Industrial Technology building at Great Basin College in Elko. The 2001 Legislature approved funding for the initial design of this facility.

The bill also includes funding for the following construction projects that were not included in the Governor's recommended 2005-2007 CIP:

- \$9 million in estate tax funding to substitute for \$9 million in agency funds authorized by the 2001 Legislature for the Nevada State College academic and student services building.
- \$17.87 million (\$14.4 million in estate tax, \$3 million in federal funds, and \$470,000 in donations) for a Cave Automated Virtual Environment facility at the Desert Research Institute.
- \$11 million for phase one of an automotive technology building at the Cheyenne campus of the Community College of Southern Nevada.

CAPITAL IMPROVEMENTS (continued)

- \$10 million for a building addition to the existing student services complex at UNLV.
- \$50 million (\$18 million in donations) for a science and math education center at UNR.
- \$1.5 million for advance planning of an academic medical center in Las Vegas.

Certain sections appropriating funds to the State Public Works Board for various maintenance and improvement projects are effective July 1, 2005; the balance of the measure is effective on June 13, 2005.

## COMMERCE

### **A.B. 19 (Chapter 336)**

Assembly Bill 19 makes it a deceptive trade practice to issue a gift certificate with an expiration date unless the date or relevant contact information to inquire about an expiration date is plainly and conspicuously printed on the certificate. The bill also prohibits imposing a service fee unless specific facts are prominently printed, including the amount, cause, and frequency of the fee, as well as the duration of inactivity that will trigger the fee if it is based on inactivity. Regardless of the notice provided, this measure prohibits imposing a service fee: (a) in excess of \$1 per month; or (b) in the first 12 months after issuance. Because these practices are considered deceptive trade practices, violation is subject to civil and criminal penalties.

Finally, A.B. 19 exempts certain gift certificates from these provisions, including those issued as part of an award, promotional, rebate, incentive, or reward program; those issued by a licensed gaming establishment; and those sold at a reduced price to an employer or nonprofit organization if the expiration date is not more than 30 days from the date of sale.

The provisions of this measure apply to gift certificates issued on or after October 1, 2005.

### **A.B. 464 (Chapter 330)**

Assembly Bill 464 prohibits possession of an unstamped cigarette package by any person other than a wholesale dealer. Manufacturers and wholesale dealers are required to provide periodic reports of shipments of cigarette packages to the Department of Taxation. The Department is authorized to adopt regulations establishing the reporting requirements and the procedures for submitting the reports. The bill prescribes procedures for accepting, mailing, or shipping orders of cigarettes in compliance with state licensing and reporting requirements. Certain retail dealers, wholesale dealers, and manufacturers must be licensed. Assembly Bill 464 authorizes the Department to impose civil penalties for failure to comply with these laws and criminal penalties for actions intended to defraud the State. Lastly, all personal property and specific conveyances used in the commission or attempted commission of a crime are subject to forfeiture.

The provisions authorizing the adoption of regulations are effective on June 10, 2005. The provision relating to a license issued by the Department is effective on July 1, 2007, and the provisions relating to engaging in business as a wholesale dealer are effective on January 1, 2006.

### **S.B. 30 (Chapter 145)**

Senate Bill 30 authorizes the city council of a general law city in Clark County, with a population less than 50,000 (currently only the City of Mesquite), to impose and collect a surcharge on local telephone service within the city for the enhancement of the service for reporting an emergency. The measure declares that the city may not impose a surcharge unless the city council first adopts a five-year master plan for the enhancement of the system that

includes a cost estimate and proposed sources of funding. The monthly surcharge must not exceed 25-cents for each access line. Senate Bill 30 also sets forth a mechanism for resolving disputes between a customer and the telephone service provider over the amount collected for the surcharge.

If a surcharge is imposed, the measure requires the city council to establish an advisory committee to develop a plan to enhance the telephone system and oversee any money allocated to the system. Finally, the city council must create a special revenue fund for the deposit of money collected through the surcharge. The money in the fund must be used to enhance the telephone system so that the number and address from which a call is received by the system can be determined. These funds may also be used for the necessary operational, training, purchasing, leasing, and maintenance costs of the system.

The measure is effective on May 24, 2005.

**S.B. 41 (Chapter 282)**

Senate Bill 41 provides that, in the case of a lien on a motor vehicle for charges for towing, storing, and related administrative fees, after the first 30 days, if the amount of the lien does not exceed \$2,500, it is a first lien. If the amount is \$2,500 or more, it is a second lien.

**S.B. 201 (Chapter 233)**

Senate Bill 201 repeals and replaces provisions of Article 1 of the Uniform Commercial Code (UCC) by enacting new general provisions relating to the construction, application, and subject matter of the UCC. In addition, S.B. 201 repeals and replaces provisions of Article 7 of the UCC governing documents of title and enacts provisions providing rules for electronic documents of title.

The provisions of the bill apply to a document of title that is issued or a bailment that arises on or after October 1, 2005, and do not apply to a right of action that has accrued before October 1, 2005. The new provisions relating to Article 1 of the UCC have been adopted in 8 states, and are pending in 11 states, including Nevada. The new provisions relating to Article 7 have also been adopted by 8 states, and are pending in 12 states, including Nevada.

**S.B. 457 (Chapter 497)**

Senate Bill 457 allows for the transfer of liquor in original packaging between affiliated retail liquor stores if the transfer takes place within the same wholesaler marketing area as originally sold or between marketing areas of affiliated wholesalers who consent in writing to allow the transfer. The wholesalers must market the same brand being transported. Further, the bill provides for civil remedy for any violations of this act, including penalties up to \$1,000 and damages.

In addition, S.B. 457 requires that employees of certain establishments that sell or serve alcoholic beverages complete an alcoholic beverage awareness program certified by the Commission on Postsecondary Education. This requirement applies only in a jurisdiction that

is located in a county whose population is 100,000 or more (Clark and Washoe Counties), and has existing requirements and standards for the education of persons who sell or serve alcoholic beverages at such an establishment. The bill requires that after July 1, 2007, every employee who sells or serves alcoholic beverages or performs the duties of a security guard must, on or before July 31, 2007, successfully complete an alcoholic beverage awareness program certified by the Commission. Further, the bill prohibits any other agency, board, commission, or local government from adopting any additional requirements or standards for the education of persons employed to sell or serve alcoholic beverages.

The measure also allows a county liquor board or incorporated city the discretion to deny or refuse to renew the license of an owner or operator of an establishment who has violated the provisions of this bill more than three times during any 24-month period. Finally, the bill provides that a law enforcement agency whose officer discovers a violation of these provisions must report the violation to the Department of Taxation, and the Department is required to impose an administrative fine against the owner or operator.

This bill is effective on June 17, 2005.

## **Corporations, Partnerships, and Other Business Associations**

### **A.B. 334 (Chapter 486)**

Assembly Bill 334 requires governmental entities and any person doing business in Nevada that owns, licenses, or maintains computerized data that includes personal information to notify the resident, owner, or licensee of the personal information if any breach of the computer security system is discovered. The act also provides a cause of action for persons injured by security breaches for recovery of actual damages and related attorney fees.

Additionally, A.B. 334 provides that if the Social Security number of a person is required on government documentation that is filed or recorded on or after January 1, 2007, it must be kept confidential by the government agency except as necessary to carry out a specific state or federal law or for the administration of a public program or for use on a federal or state grant application. The measure also requires the Chief of the Hearings Division to adopt regulations providing for the redaction of personal identifying information from documents relating to the filing of workers' compensation claims.

Finally, the bill adds "spyware" to the definition of computer contaminants so that a person who willfully and without authorization introduces spyware into a computer, system, or network is guilty of a misdemeanor. The measure declares that "spyware" does not include an Internet browser, instant messaging software, parental controls, and authentication software.

This measure is effective on January 1, 2007.

**See also Assembly Bill 1 (Chapter 6) of the 22nd Special Session.**

**S.B. 44 (Chapter 365)**

Senate Bill 44 allows a buying club that is a subsidiary of a business entity to authorize its parent company to serve as the trustee of the buying club's trust accounts. In order to serve as a trustee, the parent company must meet certain requirements and post security in the amount of \$250,000 with the Consumer Affairs Division. The posted security must be held in trust for the benefit of any buyer harmed by the failure of an affiliate organization to comply with the terms of the buyer's membership contract.

The bill also requires that certain rights of buying club members be disclosed in the membership contract. Finally, S.B. 44 provides that, if the buying club moves its place of business, a member may not rescind the membership as long as the club continues to offer the same categories of goods and services using a substantially equivalent home ordering service.

**S.B. 189 (Chapter 326)**

Senate Bill 189 provides that if a vehicle manufacturer or distributor changes the "area of prime responsibility" of a dealer, the change constitutes a modification of the dealer's franchise. Additionally, the measure defines a dealer's "area of primary responsibility" as the geographic region within which a dealer is responsible for selling, servicing, and representing the products of a manufacturer or distributor pursuant to a franchise agreement.

This bill also adds the following to the list of unfair acts and practices on the part of a manufacturer, distributor, or factory branch: (1) requiring a dealer to agree to a term or condition of a franchise agreement that violates state law; and (2) preventing or prohibiting a dealer from appealing the results of certain audits, or requiring that such an appeal be conducted at a location other than the dealer's place of business.

**S.B. 199 (Chapter 128)**

Senate Bill 199 adopts the revised Uniform Partnership Act. The measure allows an existing partnership or a future partnership to elect to be governed by the provisions of the existing Partnership Act or the provisions of the revised Act, as adopted by this bill. Senate Bill 199 establishes a partnership as a separate legal entity, and not merely as an aggregate of partners; and also expands the fiduciary duties of partners to each other by providing for express obligations of loyalty, due care, and good faith. Senate Bill 199 also makes various other changes to partnerships, as recommended by the Uniform Law Commissioners, and addresses technical changes to carry out the recommendations.

This measure is effective on July 1, 2006.

**S.B. 338 (Chapter 459)**

Senate Bill 338 makes various technical revisions related to business associations. The bill enacts provisions that acknowledge and facilitate the formation of real estate investment trusts. The bill also revises provisions governing voting rights and the use of proxies to clarify that a proxy governs unless revoked at the shareholder meeting or a notice of extinguishment is provided to the corporation.

The measure further clarifies the rules governing treatment of fractional shares of stock, and defines procedures pertaining to dissenters' rights. The bill also authorizes a limited liability company to create series of members' interests with separate rights, powers, and duties. Finally, the bill imposes certain disclosure requirements on domestic or foreign limited liability companies who engage in land transactions with local governmental entities.

**S.B. 347 (Chapter 485)**

Senate Bill 347 prohibits the establishment or possession of a financial forgery laboratory and provides a penalty for any violations. The bill also enhances penalties for crimes involving personal identifying information that are committed against older persons or vulnerable persons.

The bill requires the issuer of a credit card to provide certain notice, including its policies and procedures regarding identity theft and the legal rights and responsibilities of cardholders, before issuing a credit card. The bill also provides that a public body's Web site is prohibited from disclosing personal information unless required by law.

The measure also requires data collectors that maintain records containing personal information to implement and maintain reasonable security measures to protect the information from unauthorized access or use, and the data collectors must immediately provide notification concerning any breach of security involving that information. Further, a business must not transfer a customer's personal information outside of the secure system unless the business uses encryption to ensure the security of the transmission. Finally, a business that maintains records containing personal information regarding customers must take reasonable steps to destroy the records when the business decides to no longer maintain the records.

The sections of the bill creating a crime and enhancing penalties are effective on October 1, 2005. The sections of the bill concerning credit card issuers, data collectors, and businesses are effective on January 1, 2006. The section prohibiting a business from transferring certain personal information that is not encrypted outside its secure system is effective on October 1, 2008.

**See also Assembly Bill 1 (Chapter 6) of the 22nd Special Session.**

**S.B. 382 (Chapter 163)**

Senate Bill 382 authorizes a fiduciary to form a corporation, limited-liability company, or other entity, and allows the fiduciary to transfer trust property to the entity. The measure also authorizes an entity that acts as a fiduciary or trustee to be owned or controlled by the trust, if the trust instrument authorizes the trust to own an affiliate. Lastly, the bill extends the time within which a nonvested property interest must vest or terminate, to a period within 150 years after its creation.

**S.B. 453 (Chapter 468)**

Senate Bill 453 revises provisions concerning the timing, form, and contents of various filings by certain business entities. The bill also clarifies that unit-owners' or homeowners' associations must comply with certain requirements before the Secretary of State may accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation.

Additionally, the bill provides that a person who knowingly files a forged or false record may be subject to civil liability. The measure defines "record" as an inscribed or tangible medium that is filed pursuant to any provision of Title 7 of the *Nevada Revised Statutes* or Article 9 of the *Uniform Commercial Code*.

Senate Bill 453 also prohibits a notary public from willfully notarizing the signature of a person in certain circumstances. Finally, the measure establishes certain fees, including an expedited one hour service fee, charged by the Office of the Secretary of State for services provided to business entities.

**S.B. 488 (Chapter 383)**

Senate Bill 488 requires a local government to give trade associations and businesses that are likely to be affected by a proposed rule at least 15 working days to submit arguments as to whether the rule will impose a significant economic burden or directly restrict the formation, operation, or expansion of the business. If no responses are received, a rebuttable presumption is created that the proposed rule will not impose a burden or restrict businesses. Senate Bill 488 further requires that the adoption of a proposed rule cannot appear on an agenda for action by a local government unless a business impact statement has been prepared and is available for public inspection when the agenda is posted.

This measure also requires any state agency wishing to hold a workshop on or act upon a regulation to prepare a statement that identifies the methods used by the agency in determining the impact of a proposed regulation on a small business.

This measure is effective on July 1, 2005.

**S.B. 489 (Chapter 375)**

Senate Bill 489 prohibits a person, for compensation, from transferring or assigning any right or interest in a motor vehicle if the motor vehicle is subject to a lease contract, retail installment contract, or a security agreement that prohibits the transfer or assignment of any right or interest in the motor vehicle. This prohibition does not apply to a party to the lease contract, retail installment contract, or security agreement. A violation is a gross misdemeanor.

The bill also expands a private right of action for victims of consumer fraud to include victims of unlawful transfer or assignment of an interest in motor vehicles and establishes civil and

criminal statutes of limitation for certain deceptive trade practices. Finally, S.B. 489 increases the amount of civil and criminal penalties for engaging in certain deceptive trade practices.

The section expanding a private right of action applies to a firm or a natural person, or any officer or managing agent of any corporation or association who engaged in a deceptive trade practice before October 1, 2005, if the applicable statute of limitations has commenced but has not yet expired. The section establishing civil and criminal statutes of limitations applies to a cause of action that has accrued before October 1, 2005, if the applicable statute of limitations has commenced but not yet expired, or that accrues on or after October 1, 2005.

## **Economic Development**

### **S.B. 229 (Chapter 198)**

Senate Bill 229 provides that a person who intends to locate or expand a business within an economically depressed area, a redevelopment area, an area eligible for a community development block grant, or an enterprise community established pursuant to federal law may submit a request to the appropriate local governing body for the endorsement of an application to the Commission on Economic Development for a partial abatement of certain sales and use taxes, personal property taxes, and some sales and use tax deferrals. The governing body shall provide notice of the request to the Board of Trustees of the school district in which the business would operate. In addition, the governing body shall develop procedures for evaluating whether such tax abatements would be beneficial for the economic development of the county, city, or town.

If the governing body endorses the application, the applicant may submit it to the Commission on Economic Development, which shall approve the application provided the applicant satisfies numerous requirements designed to ensure the business' long-term success and viability. The measure provides that, in order to receive the partial tax abatements, a minimum investment of \$500,000 is required by the applicant for a new business and a minimum of \$250,000 in capital equipment investment is required for an expanding business. If the Commission approves the application for partial abatement, it shall forward a certificate of eligibility for the abatement to the Department of Taxation, the Nevada Tax Commission, and, if applicable, to the appropriate county treasurer.

Senate Bill 229 sets forth similar request and application procedures for tax abatement and economic development incentives for the location or expansion of a grocery store within the Southern Nevada Enterprise Community. Finally, the measure authorizes the Commission on Economic Development to adopt regulations relating to the minimum level of benefits that a business must provide to its employees to qualify for abatement and may set forth additional regulations as necessary to carry out this program of tax incentives for economic development.

### **S.B. 306 (Chapter 477)**

Senate Bill 306 expresses the intent of the Legislature to assist in the promotion of economic development and tourism in the State of Nevada and sets forth new statutory provisions known

as the Tourism Improvement District Law. The measure authorizes the governing body of a municipality to create, by ordinance, a tourism improvement district in order to acquire, improve, equip, operate, and maintain an economic development project within the district boundaries. The project may be owned by the municipality, another governmental entity, any other person, or any combination thereof. Prevailing wage provisions apply to the construction, improvement, repair, or demolition of any project within the district that is paid for using bonded funds or a reimbursement agreement.

The measure stipulates that a portion of the sales tax increment received in the district, not to exceed 75 percent, may be applied to the costs of certain infrastructure, tourism, entertainment, and land improvements within the district. The sales tax increment area created by the ordinance automatically terminates at the end of the fiscal year on the 20th anniversary of the approval of the ordinance.

This bill is effective on July 1, 2005. Provisions concerning the pledge of money to property located within an existing improvement district do not apply to any pledge made before July 1, 2005. The terms of any ordinance adopted to create a Tourism Improvement District do not require the distribution of any money remitted to the State before July 1, 2006, unless the Department of Taxation determines that it is reasonably feasible to make such a distribution.

## **Financial Institutions and Procedures**

### **A.B. 243 (Chapter 29)**

Assembly Bill 243 adds investment management and custody accounts held by a trust company or by the trust division of a bank to the securities that may be transferred under the Uniform Transfer on Death Security Act.

### **A.B. 257 (Chapter 121)**

Assembly Bill 257 prohibits certain financial institutions from including in a loan agreement a provision allowing the institution to obtain as satisfaction money from an unrelated account if the money in the account is from Social Security payments, including retirement and survivors' benefits, supplemental security income benefits, and disability insurance benefits in certain circumstances, unless the agreement specifically authorizes an automatic withdrawal. This prohibition applies to agreements entered into or renewed on or after October 1, 2005. In addition, A.B. 257 adds these types of payments as a new exemption from a writ of execution.

### **A.B. 340 (Chapter 409)**

Assembly Bill 340 creates a new chapter in Title 52 of *Nevada Revised Statutes* to regulate "refund anticipation loans," which are defined as loans offered by a lender, or through a facilitator, based on a customer's anticipated federal income tax refund. The measure requires a facilitator of a refund anticipation loan to disclose certain information concerning the loan, including:

- fees and charges imposed for the loan;
- time frames for processing tax refunds; and
- that the actual amount of the tax refund determined by the Internal Revenue Service may be less than the anticipated refund.

A facilitator is prohibited from:

- misrepresenting a material fact or condition of a loan;
- failing to promptly process a loan application;
- engaging in fraudulent, unfair or unethical conduct;
- arranging for a security interest in any property other than the anticipated refund; or
- offering a loan that exceeds the anticipated refund when all fees and charges are included.

A person who knowingly and willfully violates these prohibitions is guilty of a misdemeanor. Additionally, a violation of the provisions of this measure constitutes a deceptive trade practice for purposes of civil and administrative remedies and penalties.

**A.B. 384 (Chapter 414)**

Assembly Bill 384 establishes a new chapter of *Nevada Revised Statutes* (NRS) that provides for the uniform regulation of services that include check-cashing, deferred deposit loans, short-term high interest loans, and title loans. The bill repeals Chapter 604 of NRS, which governs check cashing and deferred deposit services. Any person operating a business that offers loan services is required to be licensed with the Commissioner of Financial Institutions.

A licensee is prohibited from certain acts, including making a loan that exceeds 25 percent of the expected gross monthly income of the customer; making more than one loan to a person under certain circumstances; and garnishing wages of a customer on active military duty.

In addition, A.B. 384 limits the amount that may be collected on a default loan and requires a licensee to offer a repayment plan before commencing collection procedures. A customer may make a partial payment or pay a loan in full at any time without any additional charges or fees. The bill limits the amount a licensee may collect on a check presented if the account has insufficient funds or has been closed.

This measure prohibits licensees from threatening a person who issued a check with criminal prosecution unless the district attorney determines that the person intended to commit fraud by issuing a check on a deposit account that the person knew was closed or did not exist.

Licenses may not engage in deceptive advertising or deceptive trade practices. Finally, a customer may commence a civil action if a licensee commits certain violations.

The bill is effective on July 1, 2005.

**See also Assembly Bill 1 (Chapter 6) of the 22nd Special Session.**

**S.B. 80 (Chapter 391)**

Senate Bill 80 allows a consumer to request a credit reporting agency to place a security freeze on his report and establishes the rights and responsibilities of consumers concerning the security freeze. A freeze prohibits the release of a consumer report to most other persons without express permission of the consumer. A reporting agency may charge a consumer a reasonable fee for placing or removing a security freeze. Reporting agencies are authorized to increase fees based on changes to the Consumer Price Index of All Urban Consumers. The measure does not apply to certain companies that issue reports of fraud, and certain compilers and resellers of credit information.

A credit reporting agency may release a consumer report to governmental agencies and certain other persons even if a security freeze has been placed. The bill also clarifies that a security freeze requested by the consumer does not adversely impact a consumer's credit rating or standing. Lastly, the bill provides that a victim of identity theft cannot be charged a fee to place or remove a security freeze.

**S.B. 198 (Chapter 439)**

Senate Bill 198 revises provisions of Articles 3 and 4 of the *Uniform Commercial Code*. The revisions govern: (1) the transfer and enforcement of a lost, destroyed, or stolen negotiable instrument to clarify that the party seeking to enforce such an instrument does not have to be in possession of the instrument at the time it was lost; (2) the payments by a person on a negotiable instrument after the instrument has been transferred when the person has not received notice of the transfer; and (3) the responsibilities of banks with respect to telephonically generated checks. The bill also makes various changes to accommodate and address electronic transactions.

**S.B. 255 (Chapter 200)**

Senate Bill 255 allows out-of-state depository institutions controlled by a bank holding company to acquire an existing branch of a depository institution in Nevada without merging with or acquiring the Nevada depository institution that owns the branch.

**S.B. 270 (Chapter 127)**

Senate Bill 270 clarifies the definition "financial organization" for purposes of determining which entity is required to report certain abandoned property. Additionally, the measure authorizes the Administrator of Unclaimed Property to require that reports of 15 or more items of abandoned property be filed on diskette. The bill also authorizes the Administrator to transfer certain property to a veterans' or military museum if the property has military or

military historical value. Finally, the measure allows the Administrator to require a person, with a claim exceeding \$1,000 which is based upon an original instrument, to furnish a bond and indemnify the State.

This measure is effective on July 1, 2005.

**S.B. 391 (Chapter 422)**

Senate Bill 391 changes the definition of a financial institution for the purpose of the Modified Business Tax on Financial Institutions. Additionally, this measure allows the Administrator of the Securities Division and the Commissioner of Financial Institutions to impose various penalties if a person fails to pay the Modified Business Tax on Financial Institutions, including revoking, suspending, or denying a license. Further, S.B. 391 allows the Administrator of the Securities Division to provide information or evidence obtained in connection with an investigation to the Department of Taxation.

This measure is effective on July 1, 2005.

**S.B. 431 (Chapter 427)**

Senate Bill 431 makes various changes to the regulation of financial institutions. It modifies the requirements for a license to operate a financial institution. The Commissioner of Financial Institutions may deny licensure if an applicant has committed or participated in an act that would be grounds for suspension or revocation of the license. In addition, the Commissioner has the authority to require an applicant to submit fingerprints. The bill also modifies the circumstances for which the Commissioner of Financial Institutions may revoke a license or otherwise punish a licensee for violations of various chapters pertaining to financial institutions.

The bill includes a new requirement that the Commissioner must approve the use or modification of a business name. It increases the maximum amounts of certain fees collected by the Commissioner, and allows the Commissioner to set the amounts to be charged by regulation. The measure also provides that a financial institution's license application shall be deemed withdrawn if the documentation needed to complete the application is not received within a certain period.

Senate Bill 431 gives the Commissioner of Financial Institutions the explicit authority to charge a licensee a penalty if it fails to submit any required report in the time prescribed by statute. It also explicitly allows the Commissioner to assess fines on:

- Collection agencies;
- Trust companies;
- Development corporations;
- Economic development companies;

- Check and money order printers and transmitters; and
- Unlicensed persons engaging in any of these activities for which a license is otherwise required.

In addition, the Commissioner is given the authority to investigate certain financial businesses and examine or audit their books, accounts, and records.

The bill also makes various changes to the licensing and regulation of check-cashing and deferred deposit services, including specifying that a licensee must obtain a \$5,000 surety bond for each branch location it operates. It revises certain definitions pertaining to financial institutions, check-cashing and deferred deposit services, and rates of interest.

Finally, S.B. 431 modifies the licensing requirements for collection agencies, debt adjusters, thrift companies, and credit unions, and provides for additional regulation of these businesses by the Commissioner of Financial Institutions.

**See also Assembly Bill 1 (Chapter 6) of the 22nd Special Session.**

## **Professions and Occupations (see also Health Care)**

### **A.B. 34 (Chapter 10)**

Assembly Bill 34 increases from \$30,000 to \$35,000 the maximum amount of money that may be paid from the Recovery Fund administered by the State Contractors' Board for individual claims. Additionally, the bill increases from \$200,000 to \$400,000 the total amount of money that may be paid from the Recovery Fund for claims made against a single contractor.

This bill is effective on July 1, 2005, and its provisions apply retroactively to claims arising on or after January 1, 2004.

### **A.B. 193 (Chapter 335)**

Assembly Bill 193 exempts an owner of a planned unit development from the provisions regulating contractors if the owner enters into a contract with one or more licensed general contractors for the installation of a project within the planned unit development.

The bill is effective on July 1, 2005.

### **A.B. 203 (Chapter 94)**

Assembly Bill 203 authorizes the State Board of Osteopathic Medicine to employ or appoint hearing officers or a panel to conduct disciplinary hearings. The definition of "unprofessional conduct" is expanded in this bill.

This bill requires an applicant to submit to the Board an affidavit stating that he has completed the required continuing medical education in lieu of verified evidence. However, the Board is

required to request verified evidence of completion of continuing medical education from at least one-third of the applicants for renewal of a license each year. Failure of an applicant to provide the Board with such verified evidence is grounds for disciplinary action.

A licensed osteopathic physician is authorized to have his license placed in inactive status and an inactive license fee is imposed. Such a licensee is not required to annually renew his license, but may renew his license by complying with certain requirements including providing the Board with verified evidence that he has completed the required continuing medical education. This bill increases various fees relating to the practice of osteopathic medicine to be collected by the Board.

This bill is effective on July 1, 2005.

**See also Assembly Bill 1 (Chapter 6) of the 22nd Special Session.**

**A.B. 250 (Chapter 325)**

Assembly Bill 250 creates the Board of Massage Therapists consisting of eight members appointed by the Governor and selected from certain counties, including a non-voting advisory member of law enforcement from Clark County. The bill empowers the Board to license and regulate massage therapists, establish continuing education requirements, collect fees, and perform background checks and other associated duties.

If a licensee is charged with a crime involving violence, prostitution, or any other sexual offense, the appropriate law enforcement agency shall report the charge to the executive director of the Board, who shall immediately suspend the license on a temporary basis. The Board must hold a hearing and render a final decision on the suspension within 15 days.

Even if an applicant does not meet the statutory qualifications for licensure by the Board, the Board may license an applicant who holds a current massage therapy license issued by a local government before July 1, 2007, if the applicant has a criminal background investigation approved by a local law enforcement agency. If the applicant does not have the background check, the applicant must provide a complete set of fingerprints and written permission to submit them to the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation.

Until July 1, 2007, a practitioner licensed by a local government may continue to practice under the local license. After July 1, 2007, all massage therapy practitioners must be licensed by the Board.

**A.B. 260 (Chapter 438)**

Assembly Bill 260 requires a person who practices environmental health to possess certain qualifications and to be registered with the Board of Registered Environmental Health Specialists. A person who does not hold a certificate of registration on July 1, 2005, but who is actively engaged in the practice of environmental health in this State on that date, must apply

to the Board by July 1, 2006, in order to be eligible for the issuance of a certificate of registration without meeting the education and examination requirements. However, the person is not required to hold a certificate of registration until July 1, 2007. Thereafter, any person who practices without being registered is guilty of a misdemeanor.

The bill also creates a registration category for environmental health specialist trainee and specifies the qualifications for registration as well as the conditions under which a person may practice in this category.

All applicants for registration are required to submit fingerprints and written permission for the Board to conduct background investigations.

The bill is effective on July 1, 2005.

**A.B. 496 (Chapter 463)**

Assembly Bill 496 establishes a procedure for coordinating licensure as a massage therapist through a local government and licensure as a cosmetologist through the State Board of Cosmetology. To reduce duplication during the application process, the Board and local government are required to share certain background information about the applicant.

The bill also establishes a limited license to practice cosmetology that allows a person to practice in Nevada for up to ten days at a time but not more than five times in any one year.

**A.B. 501 (Chapter 331)**

Assembly Bill 501 provides that the Nevada State Contractors' Board may initiate disciplinary action for certain unfair business practices by contractors. In addition, it extends the statute of limitations for certain misdemeanor offenses to two years and authorizes the Board to deny licensure or take disciplinary action for certain criminal offenses in other jurisdictions. The measure also provides that a financial statement either: (1) prepared by a certified public accountant; or (2) submitted in a format prescribed by the Board together with an affidavit that verifies the accuracy of the financial statement, may be used to satisfy certain financial responsibility requirements of the Board. The measure revises provisions relating to fraudulent or deceitful acts by imposing an administrative fine that must be paid prior to the issuance or renewal of a license, plus interest on any unpaid fine. Lastly, the amount that the Board may charge for administrative fines is increased and interest is allowed to be collected for unpaid fines. The Board is required to adopt regulations establishing criteria for determining the amount of the fine.

The bill is effective on June 10, 2005.

**A.B. 537 (Chapter 139)**

Assembly Bill 537 clarifies that a claimant or any contractor, subcontractor, supplier, or design professional may submit a question or dispute to the State Contractor's Board concerning any matter that may affect or relate to a constructional defect.

The bill is effective on May 24, 2005.

**A.B. 540 (Chapter 259)**

Assembly Bill 540 requires the Division of Industrial Relations to adopt regulations establishing procedures and certification requirements for the operation of tower and mobile cranes. The adopted procedures and requirements do not apply to operators of electric or utility line trucks or any other persons employed or contracted by a utility, nor do they apply to the operators of aerial or lifting devices used for the purpose of lifting persons.

This measure is effective on June 6, 2005, for the purpose of adopting regulations, and on January 1, 2007, for all other purposes.

**S.B. 47 (Chapter 80)**

Senate Bill 47 provides that certain fees payable to the Board of Athletic Trainers are not refundable. The bill also requires the board to appoint a seven member advisory committee composed of:

- Two members of the Nevada Physical Therapy Association who are licensed physical therapists in this state;
- Two members of the Nevada Athletic Trainers Association who are licensed athletic trainers in this state;
- Two members who are actively engaged in business or practice as personal trainers or fitness instructors; and
- One member of the general public who is not a:
  1. licensed physical therapist or athletic trainer in this state;
  2. member of either association; or
  3. personal trainer or fitness instructor.

The advisory committee is charged with:

- Establishing a registry of personal trainers and fitness instructors;

- Holding not less than five public meetings for the purpose of establishing recommendations concerning legislation that may be necessary for regulation of personal trainers and fitness instructors; and
- Making periodic reports to the Legislature, with a final report due on or before January 15, 2009.

Senate Bill 47 is effective on July 1, 2005.

**S.B. 59 (Chapter 75)**

Senate Bill 59 increases the number of members on the State Board of Professional Engineers and Land Surveyors from seven to nine, and requires that six of those members be practicing or instructing engineers. The bill also allows applicants to take the licensing examination on the principles and practices of engineering before meeting the active experience requirements for licensure. However, the applicant is not qualified for licensure until all additional requirements for licensure are met. The measure further specifies that attainment of a master's or doctorate degree in engineering is the equivalent to two years of active experience for purposes of professional examinations and licensure. The bill also restricts the aggregate number of years that can be waived by academic degrees for these purposes.

The bill is effective on May 10, 2005, for the purpose of appointing additional board members, and on October 1, 2005, for all other purposes.

**S.B. 85 (Chapter 21)**

Senate Bill 85 requires an applicant for licensure to practice dentistry to either:

- Successfully complete a clinical examination given by the Board of Dental Examiners of Nevada, which includes a practical examination that demonstrates the applicant's skill in dentistry; or
- Present a certificate from the Western Regional Examination Board indicating the applicant has passed a clinical examination administered by that board, within the five years immediately preceding the application.

The bill also authorizes the dental board to issue various types of dental and dental hygienist licenses to applicants without a clinical examination, if certain conditions are met.

Finally, S.B. 85 provides that the dental board shall not issue any additional temporary licenses to practice dentistry on or after July 1, 2006. Any person who holds a temporary license on July 1, 2006, may continue to practice under that license until December 31, 2008, or the person is issued or denied a permanent license, whichever period is shorter.

The bill is effective on July 1, 2005.

**S.B. 134 (Chapter 271)**

Senate Bill 134 addresses certain services for deaf and hearing impaired individuals. The bill declares realtime captioning to be a learned profession and makes providers of realtime captioning services subject to regulation.

The bill establishes qualifications for performing realtime captioning services, including certification as a court reporter by the Certified Court Reporters' Board of Nevada or a similar certification offered by the National Court Reporters Association. The measure also exempts certain providers of realtime captioning services from these qualifications and creates a penalty for unqualified persons who perform realtime captioning services.

The bill provides that certain certification requirements and penalties do not apply until July 1, 2007, to a person who is currently engaged in the practice of interpreting in a public school or private school pursuant to the three-year waiver if the person makes satisfactory and deliberate progress toward complying with the certification requirements. Lastly, S.B. 134 requires the Legislative Committee on Persons with Disabilities to study during the interim the needs of the deaf and hearing impaired and requires the School Board of Trustees to review the salaries paid to interpreters.

Sections of this bill that provide for a study of the deaf and hearing impaired, and for a review of salaries paid to interpreters are effective on July 1, 2005. Most of the remaining provisions of the bill are effective on October 1, 2005.

**S.B. 135 (Chapter 177)**

Senate Bill 135 provides that an applicant may qualify for a certificate to practice as an interior designer if he has, more than five years before applying, completed a program in interior design culminating in at least bachelors degree.

The bill is effective on May 31, 2005.

**S.B. 152 (Chapter 214)**

Senate Bill 152 provides that the State Board of Physical Therapy Examiners shall approve any school or educational curriculum taught at a school if the school is accredited by an accrediting agency recognized by the Board. The bill also provides that an applicant who meets the statutory qualifications for licensure is temporarily exempt from licensure and may practice physical therapy during the period of exemption if the applicant:

- Has submitted a completed application for the first time and the application has been approved by the Board;
- Has not previously failed an examination for licensure; and

- Practices under the supervision of a licensed physical therapist in accordance with applicable statutes and regulations and any other requirements imposed by the Board during the period of exemption.

The exemption begins the day the Board notifies the applicant of the exemption and continues until the date of the examination if the applicant does not take the examination, or the date the Board notifies the applicant of the results of the examination.

Additionally, the bill provides that an applicant shall only use the title “graduate of physical therapy” while practicing under a temporary exemption and is subject to the disciplinary authority of the Board as though already licensed.

Senate Bill 152 also authorizes the Board to establish a fee of not more than \$150 to consider approval of a course of study or training, and authorizes the Board, after notice and hearing, to impose a civil penalty of not more than \$5,000 for the unauthorized practice of physical therapy.

### **S.B. 163 (Chapter 501)**

Senate Bill 163 requires that the meetings of occupational and professional licensing boards be held in the State of Nevada if the meeting is subject to the open meeting law and business is conducted during the meeting. The bill also requires written notice of a meeting of a regulatory body to state whether the meeting will be conducted by audio or video teleconference and to specify teleconference locations. Interested parties attending a meeting by teleconference must be allowed to participate in such a meeting. Except as otherwise provided by specific statute, the bill requires a licensee to submit to a regulatory body a complete set of fingerprints and written permission to submit them to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation. Willful failure to comply is grounds for additional disciplinary action.

Senate Bill 163 also changes effective dates of provisions that require applicants for professional and occupational licenses to submit social security numbers and child support documentation and require boards to suspend a license for failure to pay child support.

In addition, S.B. 163 requires a pharmacist to transfer a prescription to another pharmacist at the request of a patient, in accordance with regulations adopted by the State Board of Pharmacy. A pharmacist may not transfer a prescription in violation of:

- Any law or regulation of this state;
- Federal law or regulation; or
- A contract for payment by a third party if the patient is a party to that contract.

The bill is effective on July 1, 2005.

**S.B. 250 (Chapter 99)**

Senate Bill 250 makes various changes to the provisions governing the practice of dentistry and dental hygiene including:

- Authorizing all members of the Board of Dental Examiners of Nevada to participate in grading examinations for licensing of dentists, except for the clinical examination portion, which must only be graded by members who are dentists;
- Authorizing the performance of certain procedures, such as dispensing certain teeth whitening agents, by persons who are not licensed as dentists, with Board approval;
- Providing that the standard of proof in disciplinary proceedings is “substantial evidence”;
- Establishing criteria for issuance of a limited license to practice dentistry or dental hygiene;
- Authorizing two or more boards of county commissioners to submit a joint request that the Board waive certain licensure requirements for an applicant intending to practice in rural areas of those counties that are underserved by Board licensees; and
- Authorizing the Board to increase the maximum amount of certain licensure fees and to establish biennial renewal of licenses.

Portions of the bill concerning biennial renewal of licenses and increases in fees are effective on May 16, 2005. The remaining sections are effective on July 1, 2005.

**S.B. 257 (Chapter 91)**

Senate Bill 257 requires a practitioner of accountancy to retain all documentation related to an opinion, report, or other attestation for at least seven years after it is delivered to the client. If the attestation is part of a pending investigation or disciplinary action against a practitioner, the documentation must be retained until the practitioner is notified in writing that the investigation or disciplinary proceeding has been concluded. Each practitioner must establish a policy for retention and destruction of documentation related to an attestation.

The bill also requires that any change in documentation related to an attestation must identify each person making or approving the change and the date of the change. The documentation must contain sufficient detail to enable a person reviewing the changed documentation to understand the timing and reasoning for, as well as the nature and extent of, the change.

Additionally, S.B. 257 revises experience and testing requirements to be eligible for a certificate as a certified public accountant. The bill also requires the Board of Accountancy to post on its website the names of all accountants and business entities holding licenses, certificates, registrations, or permits. Finally, the measure repeals certain obsolete provisions

relating to registered public accountants who were originally grandfathered as certified public accountants in 1960.

The bill is effective on July 1, 2005.

**S.B. 276 (Chapter 225)**

Senate Bill 276 defines “contested case” and provides that a final decision of a licensing board approving or denying the issuance or renewal of a license is not a contested case. The bill also defines “regulatory body” and lists those bodies that are exempt from the new chapter of *Nevada Revised Statutes* created by the bill.

The measure extends civil immunity to a person who provides information related to a contested case if the person acted in good faith and without malicious intent. Additionally, it extends civil immunity to governmental officers and entities that make a decision or take action in connection with occupational and professional licensing if they meet the same good faith standard.

Senate Bill 276 establishes procedures for contested cases, including post-hearing proceedings. The procedures include rules of professional conduct for attorneys who represent persons involved in contested cases. The measure provides that a prosecuting attorney has the burden of proof in a contested case and that the standard of proof is substantial evidence.

The bill provides that if a regulatory body revokes a license, it must specify in its order the time period during which the licensee may not apply for reinstatement. That period must not be less than one nor more than ten years. Finally, the measure establishes procedures for a reinstatement application.

**See also Assembly Bill 1 (Chapter 6) of the 22nd Special Session.**

**S.B. 278 (Chapter 92)**

Senate Bill 278 requires occupational safety and health professionals using the titles of Associate Safety and Health Manager (ASHM) or Certified Safety and Health Manager (CSHM) to be accredited by the Institute for Safety and Health Management. Unauthorized use of the designations constitutes a misdemeanor.

**S.B. 300 (Chapter 417)**

Senate Bill 300 provides that the rights and obligations of a prime contractor and an owner also apply between a prime contractor and lower-tiered contractors. An owner may not withhold a retention amount that exceeds 10 percent of any payment. However, an owner may require compliance with a lien release procedure before making a payment. A prime contractor may correct a condition or reason for withholding and may stop work after giving at least 10 days notice if:

- The prime contractor in good faith and for reasonable cause disagrees with a withholding;

- The owner fails to issue a change order within 30 days after the prime contractor requests one; or
- The change order is unreasonable and the owner fails to give written notice specifying why it is unreasonable.

If an owner fails to issue a change order or specify in writing why it is unreasonable:

- The agreement price must be increased by the amount in the requested change order;
- The time for performance must be extended as sought in the change order;
- The prime contractor may submit a bill for labor, material, equipment, or services; and
- The owner shall pay the bill with the next payment made to the prime contractor.

The prime contractor is entitled to collect certain payments and costs from an owner if the agreement is terminated. Additionally, except as otherwise provided, unpaid amounts are payable within 30 days after occupancy or availability for intended use. The prime contractor must provide either a notice of availability or a certificate of occupancy issued by the appropriate authority. Any provision that requires a prime contractor to waive any of the foregoing rights is against public policy and unenforceable.

The bill is effective on July 1, 2005.

**S.B. 332 (Chapter 347)**

Senate Bill 332 modifies the licensing requirements for a real estate salesman, broker-salesman, and broker. This bill allows the licensing examination to be waived for persons licensed in another state, territory, or the District of Columbia and also allows reciprocal licensing. In addition, a licensee from another jurisdiction may receive credit toward educational requirements as a result of work experience. Senate Bill 332 revises the provisions requiring applicants to submit fingerprint cards for licensure as a salesman, broker-salesman, broker, qualified intermediary, appraiser, inspector, or sales agent.

The measure allows the Administrator of the Real Estate Division to charge and collect any costs and fees incurred for conducting an audit of a licensee. Failure to remit payment for those costs is grounds for disciplinary action.

Senate Bill 332 prescribes qualifications for a sales manager of an owner-developer and places restrictions on the compensation a salesman or broker-salesman may receive while licensed under an owner-developer.

The bill specifies that a licensed residential appraiser may not perform an appraisal of a complex property and extends from three to five years the period for which a disciplinary

action may be brought against a licensee. Finally, the measure requires the Commission of Appraisers of Real Estate to adopt regulations concerning the education and experience required for certificate or license issuance or renewal.

The sections of the bill pertaining to the submission of fingerprint cards are effective on June 10, 2005. The sections pertaining to sales managers operating under the license of an owner-developer are effective on January 1, 2006. The remaining sections are effective on October 1, 2005.

**S.B. 333 (Chapter 506)**

Senate Bill 333 revises provisions governing the practice of cosmetology and certain other professions. The bill authorizes issuance of a license as a student instructor under certain conditions. It also permits a cosmetological establishment to lease space to, or employ, a barber. However, the barber remains subject to the jurisdiction of the State Barbers' Health and Sanitation Board. Similarly, space may be rented to any other professional, including a provider of health care. Each professional remains subject to the jurisdiction of the regulatory body that governs the professional's practice.

The measure authorizes the State Board of Cosmetology to permit a cosmetology school to offer a course or program in the field of massage therapy. The school must obtain all licenses, authorizations and approvals required by state and local law to offer such a course or program. The school is also required to post a surety bond with the Board. In addition, the Board has exclusive jurisdiction over the authorization and regulation of the program offered by the school and the school is not required to obtain any other license or approval to offer the course.

The bill increases certain minimum amounts of classroom instruction for a cosmetology student before the student may commence working on members of the public. Finally, S.B. 333 repeals two existing provisions of law. The first repealed provision relates to issuance of temporary educational permits to conduct temporary demonstrations and exhibitions of cosmetological techniques. The second repealed provision prohibits practice of another profession in a cosmetological establishment.

**S.B. 335 (Chapter 495)**

Senate Bill 335 revises provisions governing the practice of barbering and cosmetology. The measure authorizes a district court to issue an injunction if a person violates a provision of the chapter regulating barbers. The bill also authorizes the State Barbers' Health and Sanitation Board to issue a citation containing a cease and desist order to a person who violates the chapter. Additionally, the measure authorizes the board to assess an administrative fine if a person violates the provisions respecting unlicensed practice of barbering. Furthermore, S.B. 335 makes it unlawful for a person to engage in certain deceptive practices that create or tend to create the impression in the public that a person is a licensed barber or operating a licensed barber shop.

Additionally, S.B. 335 authorizes a cosmetological establishment to lease space to or employ a barber. However, the barber remains subject to the jurisdiction of the State Barbers' Health and Sanitation Board. An establishment may also rent space to any other professional, including a provider of health care. Each professional remains subject to the jurisdiction of the regulatory body which governs that profession's practice. The bill increases certain minimum amounts of classroom instruction required before a cosmetology student may work on members of the public. Lastly, S.B. 335 allows a temporary exemption from licensure for a licensed barber from another state.

Portions of the bill relating to the licensing of a barber or apprentice are effective on June 17, 2005. All other provisions are effective on July 1, 2005.

**S.B. 428 (Chapter 283)**

Senate Bill 428 prohibits the admission of a person as a party to an administrative proceeding in a contested case involving the grant, denial, or renewal of a license if the person does not have a direct financial interest in the license. This provision does not preclude the admission of any person who participates in the administrative proceedings as the agent or legal representative of an agency.

This measure further requires that if the proceeding involves a petition for judicial review or cross-petition for judicial review of a final decision of the State Contractors' Board or of an agency or hearing officer in a contested case involving the grant, denial, or renewal of a license, then the district court shall dismiss from the proceeding any agency or person who was not a party to the administrative proceeding for which the petition for judicial review was filed.

**S.B. 434 (Chapter 478)**

Senate Bill 434 prohibits a person, for a fee, from directly or indirectly performing or offering to perform work concerning a residential swimming pool or spa, including acting as a consultant or supervisor, without holding an appropriate license, certificate or permit. The bill also directs the State Contractors' Board to adopt regulations providing classifications of licensing that authorize a pool and spa contractor to perform potable water plumbing and gas line installations in connection with pools and spas.

Certain pool contractors must meet performance and bonding requirements before performing work concerning a residential pool or spa. In addition, the bill requires a residential pool contractor to post with the Board a consumer protection bond or a cash deposit. The contractor may be relieved of this obligation if he has acted in that capacity in this state for not less than five consecutive years, and presents evidence to the Board supporting such relief.

This bill is effective on June 17, 2005, for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this measure, and on July 1, 2005, for all other purposes.



## CONSTITUTIONAL AMENDMENTS

### A.J.R. 8 (File No. 86)

Assembly Joint Resolution No. 8 proposes to amend the *Constitution of the State of Nevada* to specify that the number of signatures required on a petition for initiative or referendum will be determined when a copy of the petition is filed with the Secretary of State before circulating the petition for signatures.

If approved in identical form during 2007 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2008 General Election.

### A.J.R. 10 (File No. 76)

Assembly Joint Resolution No. 10 proposes to amend the *Constitution of the State of Nevada* to provide that a person must be a resident of the State for 30 days before an election to be eligible to vote in that election.

If approved in identical form during the 2007 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2008 General Election.

### A.J.R. 16 (File No. 66)

Assembly Joint Resolution No. 16 proposes to amend the *Constitution of the State of Nevada* to provide requirements for the enactment of property and sales tax exemptions. The Legislature shall not enact an exemption from any ad valorem tax on property or excise tax on the sale, storage, use, or consumption of tangible personal property sold at retail unless the exemption:

- Will achieve a bona fide social or economic purpose and the benefits are expected to exceed any adverse effects on services to the public; and
- Will not impair the ability of the State or a local government to pay all interest and principal on any outstanding bonds or any other obligations when due.

If the Legislature enacts an exemption, the Legislature shall:

- Ensure that the requirements for claiming the exemption are similar for similar classes of taxpayers; and
- Provide a specific date on which the exemption will cease to be effective.

If approved in identical form during the 2007 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2008 General Election.

**A.J.R. 13—72nd Session (File No. 31)**

Assembly Joint Resolution No. 13 of the 72nd Session proposes to amend the *Constitution of the State of Nevada* to allow the Nevada Legislature to call itself into a special session. This measure provides that a special session of the Legislature may be convened, on extraordinary occasions, by a petition signed by two-thirds of the members of each House of the Legislature. This resolution specifies that during a special session, the Legislature may only consider matters for which it was called into session. Finally, A.J.R. 13 of the 72nd Session limits special sessions called by the Legislature or the Governor to 20 calendar days.

This measure was approved in identical form during both the 2003 and 2005 Sessions of the Nevada Legislature. The proposal will be submitted to the voters for final approval or disapproval at the 2006 General Election.

**S.J.R. 11—72nd Session (File No. 74)**

Senate Joint Resolution No. 11 of the 72nd Session proposes to amend the *Nevada Constitution* to provide that members of the Nevada Legislature are paid for each day of service during regular and special sessions. Additionally, S.J.R. 11 proposes another amendment to provide “reasonable allowances” to legislators for expenses incurred for postage, express charges, newspapers, telecommunications, and stationery.

The measure was approved in identical form by the 2003 and 2005 Sessions of the Nevada Legislature. The proposal will be submitted to the voters for final approval or disapproval at the 2006 General Election.

**See also Assembly Joint Resolution No. 1 (File No. 8) of the 22nd Special Session.**

## COURTS AND JUDICIAL PROCEDURES

### A.B. 17 (Chapter 3)

Assembly Bill 17 repeals the requirement that an attorney, other than a public defender or deputy public defender, appointed to represent an indigent defendant must report to the State Public Defender regarding the representation.

This bill is effective on March 11, 2005.

### A.B. 55 (Chapter 8)

Assembly Bill 55 increases the amount of the bond required for justices of the peace from a range of \$1,000 to \$5,000 to a range of \$10,000 to \$50,000. The bill also requires the bond to be furnished at the expense of the county.

This measure is effective on July 1, 2005.

### A.B. 78 (Chapter 123)

Assembly Bill 78 makes various changes concerning the administration of estates. The measure increases the limitation on commission fees for the sale of personal property, other than for the sale of a manufactured home or a motor vehicle, to 25 percent of the proceeds of the sale unless, before the sale, the court approves a higher percentage. The bill provides that the commission fees for the sale of a manufactured home or a motor vehicle must not exceed 10 percent of the proceeds of the sale.

In addition, A.B. 78 expands the manner in which a public administrator may prove death so that any proof of death is sufficient for the administrator to obtain the deceased person's account information, and provides that the financial institution may charge a fee, not to exceed \$2, to provide this information.

Assembly Bill 78 also increases to \$20,000 the value of an estate that may be administered by a public administrator without letters of administration. Finally, the bill provides that any trustee of a living trust created by a deceased patient is entitled to obtain health care records of that patient.

The bill is effective on May 18, 2005.

### A.B. 79 (Chapter 32)

Assembly Bill 79 revises the penalty for contempt of court. The measure gives the court the option of requiring a person found in contempt to pay reasonable expenses, including attorney's fees, incurred by a party as a result of the contempt.

### A.B. 91 (Chapter 68)

Assembly Bill 91 revises the terminology in existing law to refer to money paid to court reporters as compensation instead of fees. The bill also increases the compensation paid

to court reporters, and provides compensation for court reporters who deliver transcripts on a daily basis if the court determines that the services of more than one court reporter are necessary. The bill also requires each court reporting firm to appoint a person affiliated with the firm as the firm's designated representative.

Assembly Bill 91 also increases the fees relating to the issuance or renewal of a certificate of registration as a court reporter or a license as a court reporting firm, and expands the grounds for denial, suspension, or revocation of a certificate or license. Further, the bill removes the condition that the temporary practice of court reporting be limited to a single proceeding. Finally, the bill provides that a person who wishes to temporarily engage in the practice of court reporting submit certain information to the Certified Court Reporters' Board of Nevada concerning his or her qualifications.

**A.B. 157 (Chapter 53)**

Assembly Bill 157 authorizes a senior municipal court judge or a senior justice of the peace who formerly served as a municipal court judge to serve temporarily in any municipal court in the State regardless of whether the judge is a resident of the city in which the municipal court to which he is assigned is located. The bill also authorizes a senior justice of the peace to serve temporarily in any justice's court in the State regardless of whether he is a resident of the township or county in which the justice's court to which he is assigned is located.

**A.B. 166 (Chapter 58)**

Assembly Bill 166 revises certain provisions relating to offers of judgment in civil actions. The measure revises the formulas for determining whether a party received a more favorable judgment. In cases where a party made a settlement offer that precluded a separate award of costs, the bill clarifies that the court must compare the amount of the offer with the sum of the judgment and the taxable costs incurred by the claimant before service of the settlement offer. The bill also defines a "claimant" as a plaintiff, counterclaimant, cross-claimant, or third-party plaintiff.

**A.B. 237 (Chapter 149)**

Assembly Bill 237 authorizes most justice's courts to issue an order for protection against domestic violence in all counties except Washoe County and in the townships of Henderson, Las Vegas, and North Las Vegas.

Further, a justice's court may not issue an order for protection against domestic violence if a party to the action is also a party in another action pending in a district court.

The bill is effective on January 1, 2006.

**A.B. 468 (Chapter 122)**

Assembly Bill 468 increases the threshold amount for submitting an action in district court to nonbinding arbitration from \$40,000 to \$50,000. The maximum number of jurors who may serve on short trials in district court is also increased from six to eight persons.

The bill repeals the existing requirement that the Nevada Supreme Court establish a mandatory short trial program for certain types of cases in justices' courts, and instead it requires the Court to adopt similar rules and procedures to limit the length of jury trials in justices' courts. Finally, the bill reduces the maximum number of persons who may serve on a jury in a civil trial in justices' court from eight to six persons, and also reduces from three to two the number of related preemptory challenges.

The measure is effective on May 18, 2005.

**A.B. 469 (Chapter 56)**

Assembly Bill 469 eliminates the exception under which a court may set aside a forfeiture of bail when a defendant reappears before the court and only presents evidence that the surety did not in any way cause or aid the absence of the defendant.

The bill is effective on May 9, 2005.

**A.B. 486 (Chapter 138)**

Assembly Bill 486 revises provisions governing the \$50 million bond limitation in civil actions concerning manufacturers of tobacco products so that the limitation applies to affiliates of signatories of the Master Settlement Agreement as well as the signatories themselves and their successors in interest. Additionally, the total cumulative sum of all bonds required from all the appellants involved in the action must not exceed \$50 million. The bill further authorizes a court to require an appellant to post a bond in an amount that does not exceed the full amount of the judgment.

The bill is effective on July 1, 2005.

**S.B. 27 (Chapter 110)**

Senate Bill 27 increases the number of alternate jurors that may be called in a criminal case, from four to six, and provides for three preemptory challenges if there are five or six alternate jurors impaneled.

This measure is effective on July 1, 2005.

**S.B. 164 (Chapter 90)**

Senate Bill 164 protects the confidentiality of personal identifying information of parents and children involved in paternity cases. The measure removes the requirement that names, dates of birth, social security numbers, drivers' license numbers, and case number information be included in paternity court records which are available to the public. The court must continue to obtain and provide such personal information to the Division of Welfare and Supportive Services, but must ensure the confidentiality of the social security numbers of parents and children.

This measure is effective on May 12, 2005.

**S.B. 177 (Chapter 69)**

Senate Bill 177 allows a client of a legal aid program who desires to prosecute or defend a civil action to indicate to the court that he is such a client. If the court finds that a person is a legal aid client, the person must be allowed to proceed as an indigent litigant and not be required to pay the filing fees and costs.

In addition, the bill authorizes a board of county commissioners to impose an additional filing fee not to exceed \$15 to fund programs for arbitration and other methods of alternative dispute resolution. Senate Bill 177 also increases from \$5 to \$10 the maximum fee that boards of county commissioners may impose upon the commencement of civil actions in district court or justice court to offset the cost of providing pro bono programs and free legal services to abused or neglected children and victims of domestic violence.

**S.B. 195 (Chapter 436)**

Senate Bill 195 increases from 33 to 37 the number of district judges in the Eighth Judicial District (Clark County). One of the additional judges must preside in family court, thereby increasing the number of family court judges from 12 to 13. The new district judges will be selected at the General Election on November 7, 2006, and will take office on January 1, 2007, for a term of two years.

Senate Bill 195 also provides an appropriation of \$335,105 from the State General Fund to the District Judges' Salary Account to cover salaries associated with the new judges.

The provisions of this measure concerning the election of the new judges are effective on October 1, 2005. The requirements to increase the number of judges and provide the relevant appropriation are effective on January 1, 2007.

**S.B. 234 (Chapter 332)**

Senate Bill 234 revises the qualifications to be a candidate for the office of Supreme Court justice, district judge, or justice of the peace. For the office of Supreme Court justice, a person must have been licensed and admitted to practice law in this State, another state, or the District of Columbia for not less than 15 years, at least 2 years of which must have been in this State. For the office of district court judge, the candidate must be similarly licensed for at least 10 years, 2 years of which must have been in this State.

In addition, for candidates for the office of justice of the peace, if licensure is currently required for the office, the candidate must have been licensed and admitted to practice law for at least 5 years. This requirement does not apply to any person who held the office of justice of the peace on June 30, 2005. Further, the bill does not affect the current term of any Supreme Court justice, district judge, or justice of the peace who is serving in that office on October 1, 2005.

Finally, the bill urges the Nevada Supreme Court to conduct a study and make recommendations to the 74th Session of the Legislature concerning whether the State would benefit from the establishment of an intermediate appellate court.

**S.B. 266 (Chapter 89)**

Senate Bill 266 relates to commencement of actions. This bill deletes the provision of existing law requiring findings of fact or conclusions of law entered by a court that dismisses an action for lack of subject matter jurisdiction be deemed binding in the court where the action is recommenced.

**S.B. 369 (Chapter 449)**

Senate Bill 369 extends existing provisions concerning senior justices and senior judges in Nevada who accept reemployment as a justice of the Nevada Supreme Court or as a district judge. These provisions were adopted in 2001, and are set to expire on June 30, 2005. Senate Bill 369 extends the expiration date to June 30, 2009. Specifically, the bill provides that a retired justice or judge may accept reemployment and receive compensation for serving as a senior justice or judge of the Nevada Court System. In doing so, he does not forfeit any retirement allowances for the duration of the employment, and he may earn additional retirement service credit for the time spent acting as a senior justice or senior judge.

The measure further requires the Public Employees' Retirement Board to conduct an experience study on the Judicial Retirement System of the employment of senior justices and judges for the period from July 1, 2005, through July 1, 2008, and submit a report to the Interim Retirement and Benefits Committee of the Nevada Legislature.

This measure is effective on July 1, 2005. The reemployment provisions expire on June 30, 2009.

**S.B. 438 (Chapter 280)**

Senate Bill 438 authorizes justices of the peace and municipal court judges to participate in the Judicial Retirement System (JRS) if participation is allowed by their respective local governments. If a judge or justice of the peace elects to participate in the JRS, the Public Employees' Retirement Board must transfer the accrued liability and service credit earned by the judge or justice of the peace from the Public Employees' Retirement Fund to the JRS. The service so transferred must be accredited under the JRS as if performed in the Public Employees' Retirement System.

The bill is effective on July 1, 2005.

**S.B. 442 (Chapter 109)**

Senate Bill 442 requires the Supreme Court to appoint two justices of the peace or two municipal judges to sit on the Commission on Judicial Discipline for formal public proceedings against a justice of the peace or a municipal judge, respectively.

**S.B. 450 (Chapter 269)**

Senate Bill 450 authorizes a court imposing a temporary or extended order for protection against stalking, aggravated stalking, harassment, domestic violence, and for the protection of children to direct the person who has allegedly committed the crime to comply with any restriction the court deems necessary to protect the victim or to protect any other person named in the order including a member of the family or the household of the victim. The bill also provides that an extended order may be granted only after notice of the petition for the order and hearing has been served upon the adverse party and a hearing is held on the petition.

The bill is effective on July 1, 2005.

## CRIMINAL JUSTICE (See also Courts)

### **A.B. 470 (Chapter 113)**

Assembly Bill 470 removes the requirement for corroboration of the testimony of an alleged victim in crimes involving prostitution in order to convict the defendant.

### **S.B. 282 (Chapter 476)**

Senate Bill 282 defines a “facility for transitional living for released offenders” as a type of facility for the dependent. The bill requires the State Board of Health to adopt standards and regulations for the licensure of at least three types of these facilities, including:

- Facilities that only provide a housing and living environment;
- Facilities that provide a housing and living environment and provide or arrange for the provision of certain supportive services; and
- Facilities that provide a housing and living environment, provide or arrange for the provision of certain supportive services, and provide or arrange for the provision of alcohol and drug abuse programs.

The measure specifies that, except for facilities operated by a governmental entity, each alcohol and drug abuse program operated or provided by such a facility must be certified by the Health Division of the Department of Health and Human Services. In addition, the bill provides that the fact that a facility is located near property being sold, leased, or rented is not material to the transaction and need not be disclosed by the seller, lessor, or landlord.

Finally, S.B. 282 makes various changes concerning restoration of civil rights for certain convicted persons and reduces the time that a person must wait before he may petition the court to have his criminal records sealed for certain offenses.

The provisions of the bill concerning the restoration of civil rights, the sealing of criminal records, and the implementation date for possession of a license to operate or maintain a facility for transitional living for released offenders are effective on June 17, 2005. The remaining provisions concerning regulation of facilities for transitional living are effective on June 17, 2005, for the purpose of adopting regulations, and on October 1, 2005, for all other purposes.

### **S.B. 331 (Chapter 179)**

Senate Bill 331 requires the Attorney General to be an ex officio voting member of the Advisory Commission on Sentencing and serve as the Chairman of the Commission. The bill authorizes the Attorney General to provide the Commission with the necessary staff to carry out the duties of the Commission. The measure also adds the Director of the Department of Corrections and a public defender as members of the Commission.

**S.B. 489 (Chapter 375)**

Senate Bill 489 prohibits a person, for compensation, from transferring or assigning any right or interest in a motor vehicle if the motor vehicle is subject to a lease contract, retail installment contract, or a security agreement that prohibits the transfer or assignment of any right or interest in the motor vehicle. This prohibition does not apply to a party to the lease contract, retail installment contract, or security agreement. A violation is a gross misdemeanor.

The bill also expands a private right of action for victims of consumer fraud to include victims of unlawful transfer or assignment of an interest in motor vehicles and establishes civil and criminal statutes of limitation for certain deceptive trade practices. Finally, S.B. 489 increases the amount of civil and criminal penalties for engaging in certain deceptive trade practices.

The section expanding a private right of action applies to a firm or a natural person, or any officer or managing agent of any corporation or association who engaged in a deceptive trade practice before October 1, 2005, if the applicable statute of limitations has commenced but has not yet expired. The section establishing civil and criminal statutes of limitations applies to a cause of action that has accrued before October 1, 2005, if the applicable statute of limitations has commenced but not yet expired, or that accrues on or after October 1, 2005.

**Crime and Punishment**

**A.B. 6 (Chapter 33)**

Assembly Bill 6 increases the threshold age for imposing a death sentence from 16 years to 18 years so that a person may not be sentenced to death for a crime that was committed when the person was under the age of 18.

This bill is effective on May 3, 2005. The bill also applies retroactively to a death sentence that has not yet been carried out that was imposed upon a person who was under the age of 18 years at the time the crime was committed.

**A.B. 21 (Chapter 51)**

Assembly Bill 21 prohibits a civil compromise of a misdemeanor offense of battery that constitutes domestic violence and of a misdemeanor violation of an order for protection against domestic violence.

This bill is effective on May 9, 2005.

**A.B. 92 (Chapter 35)**

Assembly Bill 92 increases the time that a misdemeanor sentence may be suspended from one year to two years.

**A.B. 123 (Chapter 95)**

Assembly Bill 123 creates a new crime for unlawfully possessing an electronic stun device or using such a device on another person for any purpose other than self-defense. Possession of an electronic stun device by a person who has been convicted of a felony and has not received a pardon, is a fugitive from justice, has been judicially declared incompetent or insane, or has been admitted to a mental facility during the preceding five years is prohibited. The bill also prohibits a child from possessing an electronic stun gun device. A child who violates this provision commits a delinquent act and is subject to the jurisdiction of the juvenile court. Further, A.B. 123 prohibits a person from selling, giving, or otherwise providing an electronic stun device to any person he knows is prohibited from possessing an electronic stun device. These prohibitions do not apply to a peace officer acting within the scope of his public duties. Finally, the bill provides penalties for violations of these provisions.

The bill is effective on May 12, 2005.

**A.B. 124 (Chapter 156)**

Assembly Bill 124 prohibits the operation of an audiovisual recording device in a motion picture theater. A person convicted of knowingly operating such a device with the intent to record a motion picture exhibited in a theater is guilty of a misdemeanor for a first offense and a Category D felony for a second offense.

The bill authorizes owners and lessees of theaters and their employees to detain a person suspected of violating these provisions in certain circumstances. The detention must be in a reasonable manner, for a reasonable length of time, and for the purpose of informing a peace officer. Immunity from liability for the detention is provided for the owner, lessee, or employee unless the detention is unreasonable under all of the circumstances. However, the person is not entitled to immunity unless notice of the crime and the authorization to detain is posted conspicuously on the premises of the theater.

**A.B. 190 (Chapter 257)**

Assembly Bill 190 creates a new crime to prohibit a person from entering upon property of another person, or upon his own property which is leased or rented to another person, with the intent to surreptitiously conceal himself on the property and peer, peep, or spy through a window, door, or other opening of a dwelling on the property. The bill provides that law enforcement officers, building inspectors, and employees of a public utility are exempt from these provisions while performing their duties. Further, the bill provides penalties for violating these provisions.

**A.B. 256 (Chapter 63)**

Assembly Bill 256 establishes the crime of vehicular homicide, which is committed when a person who has previously committed at least three offenses of driving under the influence of intoxicating liquor or a controlled or prohibited substance drives while under the influence and proximately causes the death of another person. The bill also establishes the crime of homicide by vessel, which is committed when a person who has previously committed at least three

offenses of operating a vessel under the influence operates a vessel while under the influence and proximately causes the death of another person. Further, the bill specifies penalties for these crimes and provides that the number of offenses is determined in the same manner as for driving under the influence; however, the offenses are not restricted to offenses committed within the immediately preceding seven years.

The bill is effective on October 1, 2005. Sections of the bill relating to a blood alcohol concentration of 0.08 expires by limitation on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways. The sections of the bill concerning a blood alcohol concentration of 0.10 become effective on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways.

**A.B. 295 (Chapter 40)**

Assembly Bill 295 provides that a driver commits the crime of vehicular manslaughter if he proximately causes the death of another person through an act or omission that constitutes simple negligence. The penalty for the crime is a misdemeanor. The bill requires the Department of Motor Vehicles to revoke the drivers' license, permit, or privilege of the person for one year and to cause an entry of the conviction to be made upon the person's driving record.

**A.B. 465 (Chapter 310)**

Assembly Bill 465 prohibits a person from intentionally allowing a child to be present in any conveyance or upon any premises where a controlled substance other than marijuana is illegally being used, sold, exchanged, bartered, supplied, prescribed, given away, administered, or manufactured. The bill further specifies the crime is a Category A, B, or C felony with penalties based upon the circumstances.

Assembly Bill 465 also provides that if a person who violates these provisions has not been previously convicted of any offense related to controlled substances, the court, without entering a judgment of conviction, may suspend the proceedings and place the person on probation with terms and conditions that include attendance and successful completion of an educational program or, in the case of a person dependent upon drugs, of a program of treatment and rehabilitation. Upon violation of the terms and conditions of probation, the court may enter a judgment of conviction against the person and proceed pursuant to which he was charged. Upon fulfillment of the terms and conditions of probation, the court must discharge him and dismiss the proceedings against him. Further, discharge and dismissal may occur only once with respect to any person.

**A.B. 474 (Chapter 64)**

Assembly Bill 474 expands the definition of a “sports official” to include any person who serves as a timekeeper, inspector, or judge for the purpose of exemption from civil liability for certain acts or omissions while officiating a sporting event. The bill also specifies penalties for a person who is convicted of assault or battery that is committed upon a sports official based on the performance of his duties at a sporting event. Finally, the bill extends the time to 20 days for paying certain licensing fees to the Nevada Athletic Commission.

**A.B. 528 (Chapter 254)**

Assembly Bill 528 enumerates circumstances in which a threat or intimidation is covered by the crime of intimidating or threatening public officers, public employees, and certain other persons. The bill specifies that the enumerated circumstances must not be construed as prohibiting a person from making a good faith statement of an intention to report misconduct or malfeasance by a public officer or employee.

**A.B. 531 (Chapter 266)**

Assembly Bill 531 provides an additional or alternative penalty if a person sustains substantial bodily harm or death during the discovery or cleanup of the premises where certain controlled substances were unlawfully manufactured or compounded. In the case of substantial bodily harm, the person who committed the offense shall be punished by imprisonment in the State prison for a term equal to, and in addition to, the term of imprisonment prescribed by statute for the offense. The sentence runs consecutively with the sentence prescribed by statute for the offense. In the case of death, the offense shall be deemed a Category A felony and the person who committed the offense shall be punished by imprisonment in the State prison:

- For life without the possibility of parole;
- For life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served; or
- For a definite term of 50 years, with eligibility for parole beginning when a minimum of 20 years has been served.

The bill is effective on June 6, 2005.

**S.B. 36 (Chapter 196)**

Senate Bill 36 extends to service animals in training existing statutes that prohibit a person from beating or killing a service animal or unlawfully allowing any animal he controls to interfere with the use of a service animal. The bill makes a person civilly liable for these violations against a service animal or service animal in training and requires a court to order that certain restitution be made to the victim in addition to criminal penalties. The measure also prohibits a person from fraudulently misrepresenting an animal as a service animal or service animal in training. A violator is guilty of a misdemeanor punishable by a fine of not more than \$500.

Senate Bill 36 makes places of public accommodation and operators of public transportation liable for actual damages, punitive damages, and reasonable attorney's fees for: (1) refusing access or service to a person accompanied by a service animal or service animal in training; or (2) charging an additional fee or deposit when a person is accompanied by a service animal or service animal in training. This bill prohibits a place of public accommodation from requiring proof that an animal is a service animal or service animal in training. A place of public accommodation may ask what tasks the animal is trained or being trained to perform and ask a person to remove an animal that is out of control or poses a threat to the health or safety of others.

The bill prohibits a landlord from refusing to rent a dwelling to a person with a disability solely because an animal will be residing with the person, if the animal assists, supports, or provides services to the person. The landlord may request proof that the animal performs a function that relieves the effects of the person's disability. The bill makes other technical corrections to provisions governing service animals and blind persons.

**S.B. 86 (Chapter 18)**

Senate Bill 86 allows courts to authorize counseling for persons who commit domestic violence offenses, and allows evaluations of persons convicted of certain alcohol or drug offenses, to be conducted in another state if the person resides in Nevada but the nearest location at which counseling or an evaluation may be conducted is in the other state.

This measure is effective on July 1, 2005.

**S.B. 150 (Chapter 262)**

Senate Bill 150 provides that every person who deliberately reports that a crime has been committed, knowing the report is false, is guilty of a misdemeanor if the report causes a law enforcement agency to conduct a criminal or internal investigation.

The bill is effective on July 1, 2005.

**S.B. 205 (Chapter 147)**

Senate Bill 205 makes it unlawful for a person to remove, possess, sell or offer, or attempt to sell a tomb, monument, gravestone, fence, building, or other structure placed in a cemetery unless the person has obtained written authorization from certain specified entities. The measure makes it unlawful for a person to deposit material in or upon a cemetery without written consent from the cemetery owner. The bill provides that a person who commits any of these acts is guilty of a category E felony and authorizes the payment of restitution for those acts under certain circumstances.

This measure specifies that anyone who willfully disturbs the contents of any grave, tomb, or crypt in a cemetery is responsible for payment of any costs to reinter or redeposit the contents and that any money paid for restitution must also be used for this purpose.

**S.B. 287 (Chapter 275)**

Senate Bill 287 prohibits a parent, legal guardian, or other person who is responsible for a child who is 7 years of age or younger from knowingly and intentionally leaving the child in a motor vehicle under certain circumstances. A person who violates this provision is guilty of a misdemeanor. The bill allows a court to suspend and dismiss the proceedings if the person completes an educational program satisfactory to the court. Further, the bill authorizes a prosecuting attorney to inquire into and inspect sealed records concerning such an offense in certain circumstances.

**S.B. 449 (Chapter 126)**

Senate Bill 449 provides that a person who enters a building or vehicle with the intent to obtain money or property by false pretenses is guilty of burglary.

This measure is effective on May 19, 2005.

**S.B. 456 (Chapter 44)**

Senate Bill 456 specifies certain acts that constitute involuntary servitude including, but not limited to, knowingly subjecting another person to forced labor by causing or threatening to cause physical harm to the person, physically restraining or threatening to physically restrain the person, or abusing or threatening to abuse the law or legal process. Additionally, the bill specifies acts that constitute assisting a person in holding another person in involuntary servitude. These acts include recruiting, harboring or transporting another person with knowledge that the person will be held in involuntary servitude. The bill also specifies penalties for violations of these provisions.

**Juvenile Crime and Delinquency****A.B. 6 (Chapter 33)**

Assembly Bill 6 increases the threshold age for imposing a death sentence from 16 years to 18 years so that a person may not be sentenced to death for a crime that was committed when the person was under the age of 18.

This bill is effective on May 3, 2005. The bill also applies retroactively to a death sentence that has not yet been carried out that was imposed upon a person who was under the age of 18 years at the time the crime was committed.

**A.B. 47 (Chapter 299)**

Assembly Bill 47 relates to the juvenile justice system. The measure requires the screening of children who are either: (1) taken into custody and detained waiting for a detention hearing; or (2) adjudicated delinquent and committed to a regional or state facility. The screening must evaluate whether the child is in need of mental health services or abuses alcohol or drugs.

The bill requires local and regional facilities for detaining children to use a screening method approved by the Division of Child and Family Services. Any approved method must be

resubmitted for approval every 5 years, and it must be based upon research and be reliable and valid for identifying children in need of services or who abuse alcohol or drugs. Facilities must submit their methods for approval on or before July 1, 2006.

If the Division does not approve a facility's method and the facility does not submit a new method for approval within 90 days, the Division must notify the board of county commissioners and the chief judge of the judicial district for appropriate action to be taken.

Assembly Bill 47 is effective on June 6, 2005, for the purposes of adopting regulations. The remainder of the bill is effective on October 1, 2005.

**A.B. 205 (Chapter 31)**

Assembly Bill 205 revises provisions concerning the Fund for the Compensation of Victims of Crime. The bill authorizes a compensation officer during an investigation to obtain investigative and police reports relating to a juvenile from a court or law enforcement agency without a court order. Further, the bill specifies any such reports obtained by a compensation officer concerning a juvenile are confidential and must not be disclosed unless ordered by a court.

The bill is effective on May 3, 2005.

**Pardons, Parole, and Probation**

**S.B. 137 (Chapter 42)**

Senate Bill 137 expands the list of persons who may conduct an investigation of a defendant being considered for probation and who may verify information relating to the economic hardship of a person placed on probation to include all employees of the Division of Parole and Probation of the Department of Public Safety. Further, the bill provides that upon entry of an order by the court, a person is deemed accepted for probation and must submit a signed document concerning the conditions of his probation to the Division. The bill also provides that all information obtained in the discharge of official duty by any employee of the Division is privileged.

The bill is effective on May 9, 2005.

**S.B. 445 (Chapter 509)**

Senate Bill 445 provides that any person applying to have a fine or forfeiture remitted, a punishment commuted, a pardon granted, or his civil rights restored must submit an application to the State Board of Pardons Commissioners in accordance with procedures established by the secretary of the Board, and the person is not required to pay a fee. A person who is granted a full, unconditional pardon by the Board is restored to all civil rights. Further, upon being granted a pardon, the Board must give the person an official document stating that he has been granted a pardon, and if the person has not been granted a full,

unconditional pardon, the official document must state all of the limitations on his restoration of civil rights.

The bill is effective on June 17, 2005.

## **Sexual Offenses**

### **S.B. 341 (Chapter 507)**

Senate Bill 341 revises the provisions relating to persons convicted of certain sexual offenses and revises the requirements for providing notices and information relating to sex offenders and offenders convicted of a crime against a child. The measure also defines psychosexual evaluations for sex offenders requiring lifetime supervision. Additionally, the bill requires sex offenders to consent to warrantless searches as a condition of probation or suspension of sentence.

The bill authorizes an employer to obtain information concerning sex offenders and offenders convicted of a crime against a child from the Central Repository for Nevada Records of Criminal History, and requires the Central Repository to provide certain information to nonprofit organizations without charge. The measure also requires the Department of Public Safety to establish and maintain a community notification Web site to provide certain information to the public concerning certain sex offenders. Further, the bill provides a civil remedy for a person injured by another person who uses the information obtained from the Web site in violation of these provisions.

The bill provides that sex offenders and offenders convicted of a crime against a child may not renew their drivers' licenses, commercial drivers' licenses, or identification cards if they are not in compliance with the registration requirements, and states that sex offenders and offenders convicted of a crime against a child must renew their drivers' licenses, commercial drivers' licenses, or identification cards on an annual basis.

The measure directs the Chairman of the State Gaming Control Board to conduct a hearing and suspend a gaming employee who is a sex offender or offender convicted of a crime against a child and who is not in compliance with the requirements concerning offender registration.

Lastly, the measure requires that before the State Board of Parole Commissioners may consider releasing on parole a prisoner who was convicted of a sexually motivated offense, a panel consisting of the Administrator of the Division of Mental Health and Developmental Services, the Director of the Department of Corrections, and a licensed psychologist or licensed psychiatrist must certify that the prisoner does not represent a high risk to reoffend.

The provisions of the measure relating to psychosexual evaluations, search and seizure, and notification requirements are effective on July 1, 2005. The remainder of the measure is effective on July 1, 2006.

## **Victims of Crime**

### **A.B. 267 (Chapter 324)**

Assembly Bill 267 expands the criminal provisions governing the abuse, neglect, exploitation, and isolation of older persons to include vulnerable persons. A “vulnerable person” is defined as a person 18 years of age or older who suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage, or mental illness. A vulnerable person is also defined to include an adult who has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living. The bill also provides that clergymen, practitioners of Christian Science, religious healers, and attorneys are not required to report the abuse, neglect, exploitation, or isolation of persons who are 60 years of age or older.

### **S.B. 271 (Chapter 48)**

Senate Bill 271 expands the list of applicable crimes for which a person may obtain a fictitious address from the Secretary of State to include the crime of stalking. The measure also authorizes a pupil who is a participant in the fictitious address program, or whose parent or guardian is a participant in the program, to attend any public school in the state.

This measure is effective on May 9, 2005.

### **S.B. 304 (Chapter 321)**

Senate Bill 304 authorizes the Attorney General to issue identity theft passports to victims of identity theft upon application through any law enforcement agency. A person who is issued an identity theft passport may present it to a law enforcement agency to help prevent the arrest or detention of the person for an offense committed by another person using his personal identifying information, or to a creditor to aid in the investigation of any fraudulent account that is opened in his name or any fraudulent charge that is made against an account in his name. The bill further authorizes the Attorney General to adopt regulations relating to the issuance of identity theft passports and authorizes the Attorney General to accept gifts, grants, and donations to carry out these provisions. Finally, the bill appropriates \$24,156 for Fiscal Year (FY) 2005-2006 and \$11,554 for FY 2006-2007 from the State General Fund to the Office of the Attorney General for expenses relating to the implementation of these provisions

The provisions relating to the appropriation are effective on July 1, 2005. Other provisions of the bill are effective on June 8, 2005, for the purpose of adopting regulations, and on January 1, 2006, for all other purposes.

## EDUCATION

### **A.B. 76 (Chapter 47)**

Assembly Bill 76 allows a school district board of trustees to adopt a policy to exempt pupils who are physically or mentally unable to attend school from the 10-day limitation on absences. Pupils exempt for health-related reasons must complete course-work requirements to receive course credit or promotion to the next grade.

The measure is effective on May 9, 2005.

### **A.B. 109 (Chapter 354)**

Assembly Bill 109 revises provisions governing the statewide system of accountability and regional training programs for professional development of teachers and administrators. The bill provides that the technical assistance partnership, established to assist a school designated as demonstrating need for improvement, may require the school to submit plans and strategies that will assist the school in improving pupil achievement. The measure requires that the school support team established to assist a school demonstrating need for improvement for three consecutive years must prepare a monthly progress report. The progress report must be submitted to the Nevada Department of Education and each employee of the school.

The measure designates the four school districts that receive the appropriations for the Regional Professional Development Program to be fiscal agents for the regional programs. The regional governing boards, and not the local boards of trustees, are authorized to operate the regional professional development training programs and early literacy intervention programs.

The measure is effective on July 1, 2005.

### **A.B. 154 (Chapter 328)**

Assembly Bill 154 revises provisions governing the statewide system of accountability for schools and school districts. The measure authorizes the State Board of Education, the school district boards of trustees, and school principals to prepare summaries of their annual accountability reports, which may be posted on their respective Web sites; each principal must also provide written copies to parents and guardians of pupils in the school. The State Board and each board of trustees must report annually on remediation programs and on substitute teachers. School districts must also report on charter schools sponsored by the district and the State Board. However, the aggregated information concerning the school district included in the annual report must only include information on charter schools sponsored by the school district.

Schools previously designated as demonstrating need for improvement may be re-designated as exemplary turnaround schools under certain circumstances. Preliminary and final school designations for all schools are provided; dates for designating year-round multi-track schools are also specified.

The measure repeals the requirements for additional test administrations due to testing irregularities or testing fewer than the minimum percentage of pupils. Invalidated test scores must be reported and the pupils counted toward the total number tested. The bill provides that the state writing test be administered to pupils in grade 5 instead of grade 4. Beginning in the 2007-2008 school year, the science portion of the high school proficiency exam will be administered to pupils in grade 10.

The measure provides that all fees collected pursuant to the provisions of the Private Elementary and Secondary Education Authorization Act must be credited to the appropriate account of the Department of Education and not the State General Fund.

Provisions relating to the determination of adequate yearly progress and the format for the summary reports are effective on June 10, 2005. All other provisions are effective on July 1, 2005.

**A.B. 180 (Chapter 490)**

Assembly Bill 180 requires the State Board of Education and each board of trustees to include in their annual accountability reports information on remediation programs and on substitute teachers. School districts must also report on charter schools sponsored by the district and by the State Board. The measure provides that the aggregated information concerning the school district included in the annual report must only include information on charter schools sponsored by the school district. The boards of trustees must provide written notice that the annual report is available on the district's Web site and must provide written copies upon request.

The measure authorizes the State Board of Education to deny an application to form a charter school, at which time it must provide written notice of the application deficiencies. By removing the previous requirement that they first be denied by a school district board of trustees of a school district before seeking State Board sponsorship, the measure enables charter school applicants to submit written requests for sponsorship directly to the State Board of Education.

Each charter school governing body member must submit an affidavit indicating that he has read and understands materials relating to the responsibilities of the governing board, if the Department of Education provides those materials. A person who holds a valid teacher's license with an administrative endorsement may be employed as a charter school administrator. The period during which a licensed teacher on leave of absence from a school district to work at a charter school may return to a guaranteed comparable teaching position in the district is reduced from six years to three years.

A charter school that is sponsored by a school district in a county with a population of 100,000 or more (Clark and Washoe Counties) must enroll pupils from the district before enrolling pupils residing in other districts. If space is available after the charter school enrolls resident

pupils, it may, under certain conditions, enroll children who reside outside the school district but within two miles of the charter school.

The measure specifies that data in the automated system of accountability information system maintained by the Department of Education must be used for improving pupil achievement and classroom instruction.

Finally, the measure provides that persons who are issued a special qualifications license to teach shall comply with all applicable statutes and regulations and are entitled to all benefits, rights, and privileges conferred by a license to teach.

The provisions of the measure relating to the authority granted to the State Board of Education to deny applications to form charter schools and to the special qualifications license are effective on June 17, 2005. All other provisions are effective on July 1, 2005.

**A.B. 182 (Chapter 43)**

Assembly Bill 182 allows a parent or legal guardian of a public school pupil who has asthma or anaphylaxis to request authorization for the pupil to self-administer prescribed medications for those conditions while on the school grounds, a school bus, or participating in school-sponsored activities. If the request contains certain specified information—including a statement signed by a physician that indicates the diagnosis and states that the pupil is capable of self-administering such medications—the principal or, if appropriate, the school nurse must approve the request. The authorization, which is renewable, is valid for one year.

The bill provides immunity from liability to the school district, public school, and employees or agents thereof, for injury or death to the pupil resulting from self-administering or failing to self-administer such medication.

The bill is effective on July 1, 2005.

**A.B. 202 (Chapter 217)**

Assembly Bill 202 contains a legislative declaration that all persons in public schools are entitled to maintain their own beliefs and to respectfully disagree without resorting to violence or harassment. It requires the Department of Education to adopt a policy for safe and respectful learning environments, which must include training for school personnel to promote positive pupil relationships. In the process of adopting this policy, the Department must consider policies currently in place in school districts.

The measure further requires each school district board of trustees to adopt a policy to conform to the Department policy. The districts must report policy violations resulting in personnel actions or pupil suspensions or expulsions to the Superintendent of Public Instruction, who must submit a compilation of these reports to the Nevada Attorney General.

School officials are prohibited from interfering with the disclosure of information relating to violations. No cause of action may be brought against a person who reports a violation unless that person acted with malice.

Provisions relating to reporting by the school districts and the Superintendent of Public Instruction are effective on July 1, 2006. All other provisions are effective on July 1, 2005.

**A.B. 231 (Chapter 132)**

Assembly Bill 231 requires the regional planning coalition in Clark County and the regional planning commission in Washoe County to conduct a study of safe walking routes to public schools. The study must include an evaluation of existing paths and sidewalks within one mile of public schools, recommendations for improvements, and a review of current programs in the county to ensure safe walking routes.

The regional planning entities shall submit their reports to the 2007 Legislature.

The measure is effective on July 1, 2005.

**A.B. 411 (Chapter 300)**

Assembly Bill 411 requires the Nevada Association of School Boards to study the feasibility and necessity of the use of safety restraints by pupils on school buses. The study must include, without limitation: (1) a determination whether safety restraints are necessary to enhance the safety of pupils on school buses; (2) a plan for the installation of appropriate safety restraints in school buses and implementation of requirements for pupils to wear the safety restraints, and a time frame for carrying out the plan; (3) the costs of implementing the plan; (4) the manner by which school districts may enforce the use of safety restraints by pupils; and (5) recommendations for appropriate disciplinary action for pupils who refuse to wear the safety restraints or who use the restraints in an unsafe manner. Finally, the measure requires the Nevada Association of School Boards to submit a written report of the study and any recommendations to the 2007 Legislature on or before February 1, 2007.

This measure is effective on July 1, 2005.

**A.B. 518 (Chapter 151)**

Assembly Bill 518 authorizes a school district board of trustees to prescribe the minimum attendance requirements for pupils enrolled in kindergarten or first grade. The bill requires the parent or guardian of a child enrolled in kindergarten or first grade to sign a statement acknowledging that they have read and understand the policy concerning attendance and the policy concerning withdrawal of pupils from kindergarten or first grade. Pupils must comply with these requirements to be promoted to the next higher grade.

The measure further authorizes the Superintendent of Public Instruction, at the request of the boards of trustees of school districts, to authorize additional days or minutes of instruction for

certain programs of remedial education. The policy regarding enrollment in remedial education programs must apply only to those programs that are fully funded by the school district. If the board adopts such a policy, it must include criteria for placement in the program, procedures to report a pupil's progress, and an appeal process.

The measure is effective on July 1, 2005.

**A.B. 526 (Chapter 343)**

Assembly Bill 526 revises provisions governing the appropriation and apportionment of funds for school districts that participate in the National School Lunch Program. In addition to the appropriation for nutrition programs, an appropriation must be made in an amount required as a matching grant from the State for participation in the program. The amount appropriated to a participating school district must be a reduction in the basic support appropriation through the Distributive School Account.

The measure provides that each school district that does not meet certain class-size reduction ratios must request a variance from the State Board of Education. Districts must meet one of the following class-size reduction ratios:

- 15 pupils to 1 teacher per class in kindergarten and grades 1 through 3;
- The ratio prescribed in conjunction with an appropriation for the support of the class-size reduction program; or
- The ratio prescribed by a legislatively approved alternative class-size reduction plan.

The measure includes a declaration that the Legislature intends to eliminate the use of team-teaching for the purpose of class-size reduction not later than the 2011-2012 school year, unless a school district does not have sufficient financial resources to provide the necessary classroom space. The Legislature further encourages each school district board of trustees to support bonds for the construction of additional classrooms necessary for the elimination of team-teaching, if the district has sufficient debt service remaining within the statutory cap and the district has first met the needs related to increased pupil enrollment and school renovation.

The measure is effective on June 10, 2005.

**S.B. 202 (Chapter 93)**

Senate Bill 202 provides a school district with flexibility in scheduling the three contingent school days required in existing law for use in the event of a natural disaster, inclement weather, or an accident that necessitates the closing of a majority of the facilities within the school district. The school district may schedule the three contingent school days as full school days, an equivalent number of minutes of instruction added to any school day, or any combination of school days and minutes of instruction as long as the total minutes of

instruction equal at least three school days. If minutes of instruction are added to a school day, at least 30 minutes must be added to the school day.

This measure is effective on May 12, 2005.

**S.B. 214 (Chapter 410)**

Senate Bill 214 requires the Nevada Department of Education to monitor school-level testing discrepancies on the various statewide tests administered in the same grade. The Department must investigate any significant discrepancies and report to the Legislative Committee on Education, as well as any affected school district. The measure also requires the Department to report any variation between proficiency rates for the statewide criterion-referenced tests and the percentage considered proficient in the National Assessment of Education Progress (NAEP). The Department is directed to participate in any national study to benchmark Nevada's academic standards against the NAEP standards, if the study is available at no cost.

The measure requires that school and district improvement plans include appropriate changes in curriculum and teaching methods. The measure provides that school district improvement plans must promote strategies that are successful in improving pupil achievement. Each Regional Professional Development Program (RPDP) governing body is required to review school and district improvement plans to identify overall training needs. Further, the measure clarifies that the RPDP coordinator is hired by the region's governing body and that the coordinator's salary is set by that body.

The measure also requires the Department to notify charter schools about significant legislation affecting education, including legislation adopted during a special legislative session. Charter schools are then required to inform parents and teachers about the information contained in the Department's communication.

Finally, the measure requires the Department to prescribe the form and content of an educational involvement accord to be used by each school in compliance with existing parental involvement statutes. Each board of trustees must adopt a policy providing for the development and distribution of the accord. The Department is also to prescribe a code of honor relating to cheating, which must be made available to the public at each school, including charter schools.

The measure is effective on July 1, 2005.

**S.B. 404 (Chapter 437)**

Senate Bill 404 creates a nine-member Commission on Educational Excellence. Members are appointed by the governor including three teachers, two of which have experience in providing instruction at public elementary schools that have been successful in school improvement efforts; two principals of public elementary schools, one who has experience in administering such efforts; two school district administrators (one urban, one rural); and a parent. The Superintendent of Public Instruction also serves as a voting member. The Governor selects the

chair from the appointees. The bill also creates the Trust Fund for Educational Excellence within the State General Fund, administered by the Superintendent of Public Instruction.

The Commission establishes a program for educational excellence for kindergarten through 6th grade; identifies effective programs, practices, and strategies for improving academic achievement and proficiency; reviews plans for improvement; evaluates and ranks any grant requests; and defines grant distribution criteria. Public schools and school districts are authorized to participate in the program for educational excellence. The Commission must establish specific levels of expected improvement for participants including measurable progress for improvement, and it also must provide for sanctions or conditions that must be put into place, including a review of school leadership changes, as a condition for any future funding. If funding is made available for school improvement or remediation in grades 7 through 12, the Commission is authorized to include these grades within its program. Additionally, the measure requires the Commission to prepare an annual report that describes the activities of the Commission and an analysis of the progress of certain school districts and public schools in their efforts to improve pupil achievement.

Senate Bill 404 also provides that the Legislative Committee on Education (LCE) make recommendations to the Commission concerning effective programs, practices, and strategies for improving academic achievement and proficiency. Staff of the Legislative Counsel Bureau, at the direction of the LCE, provides advice and technical assistance to the Commission while the Department of Education provides administrative staff support.

The provisions of the measure relating to the appointment of the Commission are effective on June 15, 2005. The remaining portions of the bill are effective on July 1, 2005.

#### **S.B. 460 (Chapter 457)**

Senate Bill 460 authorizes school districts in a county whose population is less than 100,000 (all counties except Clark and Washoe) to develop plans for alternative pupil-teacher ratios for grades one to six. The bill further requires that all school districts that implement class-size reduction flexibility to evaluate the effectiveness of the alternative program of flexibility. The evaluation must include a determination of the effect of the program on: (1) team teaching; (2) pupil discipline; and (3) the academic achievement of pupils.

This measure is effective on July 1, 2005.

### **Charter Schools and Other Nontraditional Schools**

#### **A.B. 162 (Chapter 411)**

Assembly Bill 162 authorizes a charter school to transfer to another sponsor. A sponsor may not prescribe additional requirements as a condition of charter renewal, unless those requirements are specifically authorized by law. A charter school formed to serve at-risk pupils may give preference to a sibling of an enrolled pupil or to a pupil who resides within two miles of the charter school.

The measure provides specific authority for the governing body of a charter school to decide all terms and conditions of employment except that a charter school teacher on leave of absence from a school district will continue to be covered by the district's collective bargaining agreement with respect to district employment status. Finally, A.B. 162 provides that an individual with a graduate degree may be issued a teaching license under certain conditions.

Provisions regarding pupil enrollment and teacher employment are effective on June 14, 2005. All other provisions are effective on July 1, 2005.

**A.B. 168 (Chapter 320)**

Assembly Bill 168 grants the State Board of Education the discretion to approve or deny an application to form a charter school. The bill further provides that, in the event the State Board denies an application, it must provide written notice of the reasons for the denial and deficiencies in the application. An applicant must be granted 30 days after receipt of the notice to correct the deficiencies and to resubmit the application.

The measure also requires the Superintendent of Public Instruction to submit a written report to the Director of the Legislative Counsel Bureau on or before January 1 of each odd-numbered year. The report must include: (1) a list of each application to form a charter school that was received by a school district or the State Board during the preceding biennium; (2) the educational focus of each charter school; (3) the current status of the application; and (4) in the event the application was denied, the reason for the denial.

The measure is effective on June 8, 2005.

**A.B. 388 (Chapter 309)**

Assembly Bill 388 changes the name of the State Board for Occupational Education to the State Board for Career and Technical Education and provides that it shall prescribe the endorsement of career and technical education for a high school diploma. A qualified pupil who successfully completes the program of career and technical education must be awarded a high school diploma with the endorsement. A pupil may receive more than one endorsement on a diploma, if applicable.

The measure provides that, to the extent money is available, the Department of Education may provide grants to school districts and charter schools to maintain and expand programs of career and technical education. If a school district has established a program for career and technical education, the district's superintendent must appoint an advisory technical skills committee whose duties include development of curriculum and work-based experiences.

The Legislative Committee on Education must establish a subcommittee to study the effectiveness of career and technical high schools in Nevada. The Department of Education must launch a public awareness campaign related to the availability and success of career and technical high schools.

The measure is effective on July 1, 2005.

**S.B. 56 (Chapter 480)**

Senate Bill 56 permits a committee to form a charter school to apply directly to the State Board of Education for sponsorship without any limitations. The time for review of applications by a school district is expanded from 30 to 45 days. The measure amends the process for revoking a charter by requiring a sponsor to take action no later than 90 days after notice of intent to revoke is provided to the charter school. Further, the bill sets forth notice requirements and limitations, and also provides that the parties may agree, in writing, to waive the deadlines.

The bill provides that a charter school dedicated to providing educational programs and opportunities for at-risk pupils must submit an annual report to the sponsor containing demographic information about the school's students. Senate Bill 56 authorizes the State Board of Education to request payment for administrative expenses associated with sponsorship in the amount of 2 percent of the school's apportionment in the first year of a charter school's operation, and 1.5 percent in the second and subsequent years. The measure also provides that charter schools sponsored by the State Board shall receive the sum of the basic support per pupil in the county in which the pupil resides, plus the local funds available per pupil and all other funds available for public schools in that county. The provisions for retesting of students in certain circumstances are amended so that a charter school, rather than the school district, is responsible for the cost of retesting its students.

The measure clarifies that members of the governing body are deemed public officers subject to Chapter 281 of *Nevada Revised Statutes*. Senate Bill 56 also requires the Nevada Department of Education to provide training for governing body members in education law and other statutory provisions relevant to governing body members and charter schools.

Senate Bill 56 reduces to three years the period of time a licensed teacher at a charter school may take a leave of absence from a school district. The bill requires an applicant for employment at a charter school to submit fingerprints for the purpose of obtaining the applicant's criminal history. A person with a criminal history may be employed by the charter school if the Superintendent of Public Instruction determines that the conviction is unrelated to the applicant's job duties. The measure also changes the deadlines for filing written agreements related to certain enrollments in programs of distance education and permits university or college faculty to teach distance education courses in the core academic subjects.

Finally, the measure expands the items that must be included in each school district's accountability report by requiring that the report include certain information regarding the number of long-term and short-term substitute teachers employed to work at each elementary, middle, junior high, and high school within the district. In addition, the report must include a compilation of programs of remedial study that are purchased with any funding provided by the State. The bill also requires that certain persons be notified of the posting of the report on the Internet, and revises certain report distribution requirements to act in accordance with access to the Internet version of the report.

This bill is effective on July 1, 2005. The section of the bill that requires a charter school dedicated to providing educational programs and opportunities for at-risk pupils to submit an annual report to the sponsor containing demographic information about the school's students expires by limitation on June 30, 2006.

**S.B. 221 (Chapter 503)**

Senate Bill 221 permits homeschooled children to participate through a public school in interscholastic activities and events in addition to those that are governed by the interscholastic association that is currently formed to govern high school athletics. The measure provides that homeschooled children are subject to the same rules for eligibility and participation that apply to public school students. A homeschooled child must be allowed to participate through the public school that the child is otherwise zoned to attend.

In addition, the measure revises the provisions governing the nonprofit association that controls, supervises, and regulates all interscholastic athletic events and other interscholastic events in the public schools. The measure designates the name of the association as the Nevada Interscholastic Activities Association.

The measure is effective on June 17, 2005.

**S.B. 367 (Chapter 396)**

Senate Bill 367 expands the options for a pupil who is suspended or expelled from a public school. In addition to the existing option of homeschooling, the bill allows for such a pupil to be enrolled in a program of independent study, a program of distance education, or in a charter school.

The measure authorizes the formation of a charter school to serve students with severe disciplinary problems who need a specific educational program. It also provides charter school governing bodies with the same authority as school district boards of trustees to enroll suspended or expelled pupils in independent study or distance education courses, if the charter school offers the applicable program. Charter school governing bodies are authorized to access the pupil records relating to the suspension or expulsion.

The measure is effective on July 1, 2005.

**S.B. 461 (Chapter 481)**

Senate Bill 461 authorizes the development of a public school for profoundly gifted students to be located on the campus of a university within the Nevada System of Higher Education. The measure establishes a definition for profoundly gifted. The university school for profoundly gifted pupils, in addition to other items, provides a full-time alternative program of education for profoundly gifted pupils who have been identified as possessing the abilities and skills necessary for advanced academic work, including accelerated middle school, junior high school, high school, and early university entrance.

In addition to other items, S.B. 461 establishes a governing body for the university school for profoundly gifted students. The governing body consists of nine members including the president of the university campus on which the school is located (ex-officio member), the Superintendent of Public Instruction, three members appointed by the Governor, and four members appointed by the school's operating authority.

Finally, the measure requires the governing body to submit a report regarding the status of the school to the Superintendent of Public Instruction, the State Board of Education, and the Director of the Legislative Counsel Bureau for transmission to the 74th Session of the Nevada Legislature.

This measure is effective on July 1, 2005.

## **Higher Education**

### **A.B. 280 (Chapter 319)**

Assembly Bill 280 requires the Board of Regents of the Nevada System of Higher Education (NSHE) to work with the State Board of Education and the Council to Establish Academic Standards for Public Schools to ensure that teacher education students are instructed in Nevada high school academic standards.

The measure specifies that, in order to receive a diploma, a student must satisfy the requirements for graduation as set forth in the catalog in effect at the time the student: (1) first enrolls in the university or college; or (2) graduates, whichever the student elects. Additionally, A.B. 280 requires that all credits earned toward an associate's degree at a community college in the NSHE automatically transfer to another NSHE institution. The measure further requires that a student with an associate's degree must be enrolled as a junior, pursuant to the policy of the Board of Regents. Students at any NSHE institution must be provided access to library facilities at the other institutions.

The provision concerning requirements for graduation is effective on July 1, 2005. All other provisions are effective on June 8, 2005.

### **A.B. 395 (Chapter 194)**

Assembly Bill 395 makes unlawful the use or attempted use of a false or misleading degree or honorary degree in connection with admission to any higher education institution or with any business, employment, or public office. A degree or honorary degree is false or misleading if it states that the person named has completed an academic program when the person has not, it is offered as his own by a person who did not complete the academic program, or it is sold on the basis of life experiences, as provided in the measure. Any person who uses the false or misleading degree is guilty of a misdemeanor and is subject to a civil penalty of up to \$5,000 or imprisonment in the county jail for not more than six months for each violation, or by both a fine and imprisonment.

The prohibition applies to private entities and public postsecondary educational institutions in Nevada or elsewhere.

The measure is effective on July 1, 2005.

**A.B. 527 (Chapter 119)**

Assembly Bill 527 changes the name of the University and Community College System of Nevada to the Nevada System of Higher Education. The *Nevada Revised Statutes* are amended throughout to include state colleges within the System.

The measure is effective on May 18, 2005.

**S.B. 32 (Chapter 374)**

Senate Bill 32 requires a student or a family of a student to reside in Nevada for at least 12 months prior to the student's enrolling at an institution of the Nevada System of Higher Education (NSHE) to qualify for free tuition. The minimum period of residency to qualify for free tuition is increased from 6 months to 12 months prior to matriculation for a student whose family does not reside in Nevada. The measure further requires the Board of Regents to prescribe by regulation a definition of "matriculation" for purposes of determining such residency requirements.

This measure expands the granting of free tuition to employees of the NSHE, who take classes other than during their regular working hours, and members of the Armed Forces of the United States. To be eligible for student loans, a nursing student must be a bona fide resident of the State for at least 6 months prior to the student's matriculation in the System, pursuant to the definition prescribed by the Board of Regents. Finally, this measure requires that the term "bona fide resident" be construed in accordance with policies established by the Board of Regents, to the extent that those policies do not conflict with any statute.

The measure provides that increasing the residency requirement from 6 months to 12 months does not affect the Board of Regents' current obligation to refund the overcharges to qualified students. It also provides that a student who is a resident of Nevada for 6 months but not the required 12 months at the start of the Fall 2005 semester will be deemed to be a resident for tuition purposes.

This measure is effective on July 1, 2005.

**S.B. 133 (Chapter 197)**

Senate Bill 133 repeals the requirement that accredited institutions adhere to the cancellation and refund policy prescribed by the United States Department of Education or the institution's accreditation body and makes the refund policy that is applicable to non-accredited private postsecondary educational institutions applicable to all private postsecondary educational institutions.

Senate Bill 133 increases the percentage of the program that a student may have completed and still remain eligible for a refund from 40 percent to 60 percent. Additionally, the measure shortens the period for issuing a refund from within 60 working days to 15 calendar days. The bill further requires an institution to issue a separate refund to students for any unused books, educational supplies, or equipment. In addition, the measure removes one of the two separate provisions in existing law, which requires an institution to include a description of the refund policy of the institution in its catalog or brochure.

The bill requires that all institutions and entities authorized to employ one or more agents, regardless of licensure, must file a surety bond in the amount of \$10,000 or a greater amount determined by the Commission on Postsecondary Education. Finally, the measure eliminates the requirement that institutions must file a surety bond if the school participates in certain federal student assistance programs and the default rate of the institution exceeds the maximum allowable default rate prescribed by federal law.

This measure is effective on May 31, 2005.

**S.B. 149 (Chapter 317)**

Senate Bill 149 entitles each member of the Board of Regents to receive a salary of \$80 for attendance at each meeting of the Board. This bill also establishes certain requirements governing the establishment and use of an account for use by a member of the Board of Regents to pay for hosting expenditures of the member to promote the Nevada System of Higher Education.

This measure is effective on July 1, 2005.

**S.B. 156 (Chapter 303)**

Senate Bill 156 encourages the Board of Regents to establish a program of agronomy, horticulture, landscape ecology, and design and plant sciences within the College of Agriculture of the University of Nevada, Reno.

This measure is effective on July 1, 2005.

**S.B. 193 (Chapter 192)**

Senate Bill 193 revises provisions relating to the authority and operations of the Committee on Anatomical Dissection, under the Nevada System of Higher Education (NSHE), which receives certain dead human bodies and distributes them for medical education and research. The bill requires the Committee to adopt regulations concerning persons and entities eligible to receive dead bodies. The measure prohibits a person or entity from receiving a dead body for medical science unless the Committee has determined the person or entity's eligibility to do so and makes a violation of this provision a gross misdemeanor. The bill also reduces from 60 days to 30 days the time period the Committee must retain a dead body before allowing its use for medical science.

In addition, S.B. 193 makes procedural changes to: (1) add an osteopathic physician to the Committee's membership; (2) require the Committee to meet at least twice a year; (3) provide for the election and term of a chairperson and secretary; (4) require the Committee to prepare an annual budget; and (5) increase the Committee's reporting requirements to include biennial reports to the Governor and the Legislature. Finally, S.B. 193 requires the Committee to collect certain fees from the NSHE educational institutions, any other medical school in the State, and other entities eligible to receive a body for medical science.

**See also Senate Bill 4 (Chapter 10) of the 22nd Special Session.**

## **Personnel Governance**

### **A.B. 108 (Chapter 136)**

Assembly Bill 108 deletes a requirement that the State Board of Education maintain a list of hearing officers to hear cases involving demotion, dismissal, or refusal to reemploy licensed educational personnel and cases involving the suspension or revocation of an educational license. In place of the list, A.B. 108 provides that the State Superintendent of Public Instruction must request the appointment of a hearing officer from the Hearings Division of the Department of Administration. Alternatively, the employee and the superintendent may agree to select an arbitrator provided by the American Arbitration Association or a representative of an alternative dispute resolution organization to hear the case.

The measure is effective on July 1, 2005.

### **A.B. 206 (Chapter 46)**

Assembly Bill 206 establishes a special qualifications license to be issued to a person holding a master's or doctoral degree who has work experience related to the subject to be taught. The Commission on Professional Standards in Education shall adopt regulations requiring an applicant either to pass a subject matter examination or to hold a valid license, issued by a professional licensing board in any state, that is directly related to the subject area of the graduate degree held by the applicant.

The measure is effective on July 1, 2005.

### **S.B. 368 (Chapter 218)**

Senate Bill 368 requires the plans to improve the achievement of pupils to include strategies for the professional development of teachers and administrators that directly address the needs of pupils. The bill specifies that scheduled professional development days must have as a primary focus the improved achievement of pupils enrolled in the school district.

Additionally, the measure requires the governing body of each regional training program, in making an assessment of training needs for the professional development of teachers and administrators, to review certain plans to improve the achievement of pupils.

This measure is effective on July 1, 2005.

## **School Facilities**

### **A.B. 70 (Chapter 165)**

Assembly Bill 70 encourages the board of trustees of each school district to adopt or revise its policies governing the use of school facilities by certain community groups that are dedicated to the furtherance and benefit of the mission of the school district in order to minimize costs to the district and the community groups. The measure further encourages the board of trustees of each school district to ensure that such policies are applied as consistently as possible by all schools in their districts.

The measure is effective on July 1, 2005.

### **S.B. 286 (Chapter 87)**

Senate Bill 286 encourages the Clark County School District to construct a career and technical high school within the Southern Nevada Enterprise Community and, to the extent feasible, to complete the facility by August 2008.

This measure is effective on May 12, 2005.



## ELECTIONS

### A.B. 89 (Chapter 116)

Assembly Bill 89 authorizes a county or city clerk to designate a facility owned or leased by the county or city as an auxiliary facility at which electors may register to vote. If an auxiliary facility is designated, voter registration also must be carried out at the office of the county or city clerk.

This bill is effective on July 1, 2005.

### A.B. 314 (Chapter 403)

Assembly Bill 314 requires that a person appointed by the Governor or Legislature to a new term or to fill a vacancy in a public office must reside in the district he will represent for at least six months before being appointed.

### A.J.R. 10 (File No. 76)

Assembly Joint Resolution No. 10 proposes to amend the *Constitution of the State of Nevada* to provide that a person must be a resident of the State for 30 days before an election to be eligible to vote in that election.

If approved in identical form during the 2007 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2008 General Election.

## **Campaign Practices**

### A.B. 499 (Chapter 469)

Assembly Bill 499 concerns elections. The bill repeals provisions prohibiting a person from making a false statement of fact concerning a candidate or a question on a ballot. The measure also repeals provisions prohibiting a person from willfully impeding the success of the campaign of a candidate or the passage or defeat of a question on a ballot.

### S.B. 224 (Chapter 504)

Senate Bill 224 requires nonprofit corporations and political action committees to submit names, addresses, and telephone numbers of their officers to the Secretary of State before soliciting, receiving, or making contributions to affect the outcome of an election or ballot question. The measure also requires a person or a group that advocates the passage or defeat of a statewide initiative or referendum measure to submit their names, addresses, and telephone numbers to the Secretary of State before circulating an initiative or referendum petition, soliciting or receiving contributions, or making an expenditure. Senate Bill 224 requires the Secretary of State to post this information on his Internet Web site.

The measure also adds a campaign contribution and expenses reporting requirement for certain petition proponents and circulators. Specifically, S.B. 224 requires every person or group of

persons who receives or expends more than \$10,000 in initiating or circulating a statewide initiative or referendum to report contributions received and expenditures made over \$100.

The bill requires an initiative or referendum petition to address only one subject and matters necessarily connected with that subject. The measure also requires an explanation of the effect of the petition to appear on each signature page of the petition. Further, S.B. 224 requires the Secretary of State to consult with the Fiscal Analysis Division of the Legislative Counsel Bureau to determine whether an initiative or referendum petition will have a financial impact, and requires the Fiscal Analysis Division to prepare a fiscal note if there is a financial impact. The bill also requires the Secretary of State to post a copy of the initiative or referendum petition, the description of the effect of the petition proposal, and the fiscal note on his Internet Web site.

Senate Bill 224 allows the description of an initiative petition to be challenged in a district court not later than 30 days after a petition is initially placed on file with the Secretary of State. The bill clarifies that the legal sufficiency of an initiative or referendum petition may be challenged by filing a complaint with the district court not later than seven days after the Secretary of State certifies the petition as qualified for the ballot.

The measure clarifies when a person who registers to vote using a mail-in application form is deemed registered to vote. In addition, S.B. 224 allows county and city clerks in certain jurisdictions to prepare the arguments for and against an initiative or referendum petition if the governing board of the jurisdiction is unable to appoint committees to prepare the arguments for and against an initiative or referendum petition.

Senate Bill 224 also clarifies provisions addressing the gathering of signatures in public buildings. Specifically, the measure requires the public officer or employee in control of the public building to designate a location at the building for petition circulation. The public officer or employee must also submit an annual notice to the Secretary of State and the appropriate county election officer which sets forth the area designated for petition signature gathering. Finally, the measure stipulates that a person who is denied the right to gather signatures at a public building may appeal that decision to the Secretary of State. If the Secretary of State determines the violation occurred, he shall extend the deadline for filing the petition for a period of time equal to the time the person was denied the use of the public building, but in no event may the deadline be extended more than five days. A decision of the Secretary of State may be appealed to the First Judicial District Court, which may also exercise the same extension remedy.

## **Election Procedures**

### **A.B. 455 (Chapter 376)**

Assembly Bill 455 changes the date for the primary election from the first Tuesday in September to the twelfth Tuesday before the general election. To accommodate this change, the measure makes minor adjustments to certain dates relating to the mailing of absentee and

mail ballots and vacancies in nonpartisan nominations. The bill makes changes concerning voter registration forms by permitting a county clerk to record the control numbers from the voter registration forms and the name of the person or association requesting the forms. The control number for a voter registration form must be included on the portion of the form an elector keeps as his proof of registering to vote. The bill makes it a category E felony to destroy an application to register to vote that has been signed by an elector and clarifies the manner in which a person may assist a person in completing the application.

Assembly Bill 455 makes several changes relating to initiative and referendum petitions. The measure stipulates that a person who is denied the right to gather signatures at a public building may appeal that decision to the Secretary of State. If the Secretary of State determines the violation occurred, he shall extend the deadline for filing the petition for a period of time equal to the time the person was denied the use of the public building, but in no event may the deadline be extended more than five days. A decision of the Secretary of State may be appealed to the First Judicial District Court, which may also exercise the same extension remedy. Finally, the measure declares that all mechanical voting systems must meet or exceed the standards for voting systems set forth in federal law.

**A.B. 500 (Chapter 470)**

Assembly Bill 500 provides that polling places must not be established in any building or structure named for a candidate whose name appears on the ballot. Additionally, the measure requires county and city clerks to adopt rules or regulations setting forth the criteria for selecting early voting polling places and to inform the local governing body of the location of each polling place for early voting.

The bill requires the Secretary of State to maintain on his Web site various documents, which must include the Voters' Bill of Rights, campaign contributions and expenses reports, and the abstract of votes. If a county or city clerk maintains a Web site, the site must include a searchable listing of polling locations and the abstract of votes. Hyperlinks to this information may also be maintained on the Web sites maintained by the Secretary of State and the county and city clerks. On or before October 1, 2005, the Secretary of State must submit a report to the Fiscal Analysis Division of the Legislative Counsel Bureau for transmittal to the next meeting of the Interim Finance Committee (IFC) concerning the establishment and maintenance of the Web site. With the approval of the IFC, the Secretary of State may pay for the cost of establishing and maintaining the Web site from the Account for Special Services of the Secretary of State in the State General Fund.

Assembly Bill 500 clarifies that identification used by a candidate when filing a declaration of candidacy must include the candidate's residential address. Finally, the bill requires a candidate to report certain information concerning a loan he receives from a third party and prohibits a county clerk from canceling the registration of an ex-felon if the person's right to vote has been restored.

ELECTIONS (continued)

The provisions requiring the Secretary of State to report to the IFC are effective on June 17, 005. The sections requiring the Secretary of State and allowing county and city clerks to post certain information on their respective Web sites are effective on January 1, 2006. The remainder of the measure is effective on October 1, 2005.

## FAMILY TOPICS

### **A.B. 35 (Chapter 306)**

Assembly Bill 35 authorizes an officer or employee of a county having custody of a minor to sign and verify the minor's application for a driver's license or instructional permit. The bill also provides that no action may be commenced against a county officer or employee for damages caused by the negligence or willful misconduct of a minor driver whose application was signed by the officer or employee while the minor was in the legal custody of the county.

The bill is effective on June 8, 2005.

### **A.B. 42 (Chapter 455)**

Assembly Bill 42 relates to child welfare and certain child care facilities. The bill defines an "accommodation facility" as a child care facility operated by a business not otherwise licensed to care for children as an auxiliary service for its customers. In order for a child to be admitted to an accommodation facility, his parent or guardian must submit written documentation showing proof of the child's immunization. If a parent or guardian has not established permanent residence in the county, the child may enter the accommodation facility conditionally if the parent or guardian provides proof that he has not established permanent residence and agrees to submit evidence of the child's immunization within 15 days. Before December 31 of each year, every accommodation facility must report to the Health Division regarding the number of children who have been admitted conditionally to the facility and completed the required immunizations. If a business operates more than one accommodation facility, all relevant proof of immunizations may be kept at a single location, as long as the documentation is accessible by each facility.

The bill further directs local licensing agencies to appropriately adjust for accommodation facilities any regulations requiring a minimum number of toilets per child. Also, in satisfying any requirements regarding a minimum amount of space per child, an accommodation facility may include space occupied by recreational toys. Accommodation facilities must allow a child's parent or guardian to attend to the needs of the child in an area of a bathroom facility designed for use by one person.

In addition, A.B. 42 requires a juvenile court—when determining the placement of a child in need of protection who is not permitted to remain with his parent or guardian—to presume it is in the best interests of the child to be placed with his siblings. The measure requires the agency with custody of the child to report to the court on the status of efforts to place the child with siblings. If the child is not placed with siblings, the report must include a plan for visitation which, when approved by the court, must be implemented by the agency and enforced by court order. If a person refuses to comply with or disobeys this court order, he may be punished for being in contempt of court.

The bill also provides that if a governmental entity fails to provide care, treatment, or service to the child pursuant to a legal obligation or court order, the court may issue an order to join the entity in proceedings to enforce the legal obligation. Prior to issuing this order, the court must provide the entity notice and an opportunity to be heard.

Assembly Bill 42 further requires child welfare agencies to train employees concerning the legal rights of persons who are responsible for a child's welfare and who are either under investigation for child abuse or party to an abuse-related proceeding. The bill also specifies that when a child welfare agency initially contacts a person who is under investigation for child abuse or neglect, the agency must inform the individual of any allegations made against him, but not of who made the allegations.

Finally, the bill requires the Division of Child and Family Services to adopt certain regulations regarding a pamphlet provided to individuals who are responsible for a child's welfare. The pamphlet must: (1) contain information about the legal rights of individuals who are under investigation for child abuse; (2) be written in language that is easy to understand; (3) be available in English and any other appropriate language; and (4) include contact information for agencies that assist individuals who are responsible for a child's welfare.

Sections of the bill regarding training for child welfare agency staff and the pamphlet provided to persons responsible for a child's welfare are effective on June 17, 2005, for the purpose of adopting regulations, and on July 1, 2006, for all other purposes. The remaining provisions of the bill are effective on October 1, 2005.

**A.B. 51 (Chapter 413)**

Assembly Bill 51 expands the list of factors that the court must consider when determining the custody of a child, and requires the court to set forth specific findings in determining the best interest of the child.

This bill also provides that agreements for postadoptive contact are enforceable only if they are included in the adoption decree, in writing, and signed by the parties. Also, the bill clarifies the agreement does not affect the rights of an adoptive parent as the legal parent, and failure to comply with an agreement will not affect the adoption. Adoptive parents, the adoption agency, and the attorneys must inform the court if the parties have such an agreement. Further, the court must inquire whether there is an agreement. If the court determines one exists, the court must include the agreement in the adoption decree.

Assembly Bill 51 specifies that only the adoptive parents can petition for modification or termination of the agreement. If an adoptive parent requests a modification or termination of the agreement, the bill provides a presumption that the change is in the best interests of the child. Any order to modify the agreement may only limit or restrict the contact. The court may consider the wishes of the child in determining whether to modify or terminate the agreement.

Under the bill, a natural parent may petition the court to prove that there was an agreement and to enforce the agreement. Finally, a natural parent who has entered into an agreement may bring a civil action for damages and reasonable attorney's fees if the adoptive parent provided false information in response to questions from the court regarding the existence of the agreement, and that information caused the court not to incorporate the agreement into the adoption decree.

**A.B. 126 (Chapter 38)**

Assembly Bill 126 authorizes a parent or guardian of a minor with a disability to direct the care given by the personal assistant. This bill also authorizes a parent, spouse, guardian, or adult child of a person with a disability who suffers from a cognitive impairment to direct the care given by the personal assistant. The measure also prohibits a personal assistant from performing services for a person with a disability in the absence of that person's parent or guardian, if the person with a disability is not able to direct his or her own services, unless the person with the disability is in an educational setting.

**A.B. 473 (Chapter 115)**

Assembly Bill 473 prohibits the addition of a penalty on a delinquent installment of child support if the court determines the employer of the responsible parent or the agency enforcing the child support obligation is at fault.

**S.B. 43 (Chapter 124)**

Senate Bill 43 repeals the current Interstate Compact on Juveniles and replaces it with a new Compact. The bill also establishes an Interstate Commission to administer the Compact, create policies and rules, enforce compliance, and institute a mandatory funding mechanism. Under the new Compact, the Interstate Commission will continue to facilitate cooperation among states in tracking and supervising juveniles who move across state borders. Further, the bill creates the Nevada State Council for Interstate Juvenile Supervision that has policymaking and oversight authority concerning the operation of the Compact in Nevada.

The bill is effective on July 1, 2006, or upon enactment of the Interstate Compact for Juveniles into law by the 35th jurisdiction, whichever is later.

**S.B. 353 (Chapter 230)**

Senate Bill 353 provides that a private professional guardian, if a natural person, must be qualified to serve as a guardian and must be a registered guardian or master guardian. The bill further provides that if the private professional guardian is an entity it must be qualified to serve as a guardian and must have a registered guardian or master guardian involved in the entity's day-to-day operations. An exception is provided if a court finds that good cause exists to waive these requirements.

In addition, S.B. 353 requires that a guardianship petition include proof of such qualifications, and if the petitioner is not a private professional guardian, the petition must include a statement that the guardian is currently not receiving compensation for services as a guardian to more

than one unrelated ward. Further, a private professional guardian may not receive compensation or expenses for services incurred as a result of a petition to have him removed as the guardian. Finally, the bill adds a private professional guardian to the list of persons who may be appointed by the court to serve as a guardian of a minor.

The provisions of the bill apply to a person appointed as a guardian on or after October 1, 2005. A person who receives compensation for services as a guardian to three or more wards who are not related to the person by blood or marriage on October 1, 2005, and who is not a private professional guardian, is exempt from the requirements until October 1, 2006.

## **Domestic Violence and Child Abuse**

### **A.B. 21 (Chapter 51)**

Assembly Bill 21 prohibits a civil compromise of a misdemeanor offense of battery that constitutes domestic violence and of a misdemeanor violation of an order for protection against domestic violence.

This bill is effective on May 9, 2005.

### **A.B. 219 (Chapter 263)**

Assembly Bill 219 creates the Nevada Council for the Prevention of Domestic Violence within the Office of the Attorney General. The Council's duties include increasing public awareness of domestic violence, recommending necessary legislation relating to domestic violence, and providing financial support to programs for the prevention of domestic violence. The expenses incurred by the Council in carrying out its duties will be paid from money received by the Council from gifts, grants, donations, contributions, and from other money expended from the Account for Programs Related to Domestic Violence.

Assembly Bill 219 also requires the Council to study issues pertaining to the administration of the criminal justice system in rural Nevada with respect to offenses involving domestic violence and to submit a report regarding the study to the Director of the Legislative Counsel Bureau on or before February 1 of each odd-numbered year for transmittal to the next regular session of the Legislature.

### **A.B. 237 (Chapter 149)**

Assembly Bill 237 authorizes most justice's courts to issue an order for protection against domestic violence in all counties except Washoe County and in the townships of Henderson, Las Vegas, and North Las Vegas.

Further, a justice's court may not issue an order for protection against domestic violence if a party to the action is also a party in another action pending in a district court.

The bill is effective on January 1, 2006.

**S.B. 77 (Chapter 162)**

Senate Bill 77 authorizes a court to require a person convicted of domestic violence, who lives more than 70 miles from the nearest location at which counseling services are provided, to participate in counseling sessions every other week, so long as the number of hours of counseling is not less than six hours per month.

This bill requires the Court Administrator to submit a report to the Director of the Legislative Counsel Bureau prior to each regular legislative session concerning the effectiveness of participation in counseling programs by persons who commit domestic violence. The report submitted in 2007 and 2009 also must include information concerning the effectiveness of biweekly counseling sessions. Finally, S.B. 77 requires the Division of Mental Health and Developmental Services to submit a report to the Director of the Legislative Counsel Bureau on or before February 15, 2009, concerning the efforts and progress made in certifying programs for the treatment of persons who commit domestic violence provided by rural mental health clinics.

This measure is effective on July 1, 2005. The amendatory provisions allowing biweekly counseling expire by limitation on June 30, 2009.

**S.B. 296 (Chapter 442)**

Senate Bill 296 makes changes relating to the information that must be retained in the Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. The measure also makes various changes concerning the maintenance of records of persons requesting or receiving information from the Central Registry. The bill revises the provisions concerning the release and expungement of information from the Central Registry. In addition, S.B. 296 authorizes the Division of Child and Family Services to release certain Registry information to employers regarding the subject of a background investigation, if the employer is legally required to conduct the investigation or if the employment could involve regular and substantial contact with children or elderly persons requiring assistance and care. The subject of the background investigation must provide written authorization for the release of the information.

The bill requires certain persons to report newborn infants who are identified as being affected by substance abuse or exposure to illegal substances or alcohol. Additionally, the measure revises the provisions governing when a child is in need of protection because he is affected by illegal substance abuse or alcohol abuse or has withdrawal symptoms resulting from prenatal exposure to such substances. The measure prohibits a child welfare agency from reporting to the Central Registry any information concerning a child identified as being affected by prenatal illegal substance abuse or as having withdrawal symptoms resulting from prenatal illegal substance abuse unless the agency determines that the person has abused or neglected the child.



## GAMING

### **A.B. 471 (Chapter 219)**

Assembly Bill 471 authorizes the use of mobile communication gaming devices in public areas of establishments with nonrestricted gaming licenses that operate at least 100 slot machines and at least one table game. The State Gaming Control Board may adopt regulations governing the operation and licensing of mobile gaming after first determining that the systems are secure and reliable and that mobile gaming can be operated in a manner which complies with all applicable laws.

Finally, A.B. 471 increases from 9 to 11 the number of members of the Off-Track Pari-Mutuel Wagering Committee.

The bill is effective on June 1, 2005.

### **A.B. 574 (Chapter 460)**

Assembly Bill 574 provides that the Nevada Gaming Commission may only approve a nonrestricted license for an establishment that is not a resort hotel at a new location if:

- The establishment was acquired or displaced pursuant to a redevelopment project and in accordance with a condemnation order entered on or after the bill's effective date; and
- The new location is within the same redevelopment area as the former location of the establishment.

This bill also limits the Gaming Control Board's discretion to allow licensees to move locations and transfer their restricted or nonrestricted licenses based upon the date of the condemnation and the county in which the licensee is located. Furthermore, the measure expands the exemption from these provisions to include establishments located in counties or towns that have established one or more gaming enterprise districts.

The bill is effective on June 17, 2005.

### **S.B. 357 (Chapter 394)**

Senate Bill 357 creates the Advisory Committee on Problem Gambling and a revolving account within the State General Fund to support programs for the prevention and treatment of problem gambling. The account is supported by certain fees collected by the Nevada Gaming Commission, as well as gifts, grants, or donations. In addition, this measure authorizes the Department of Health and Human Services to award grants or contracts for services to provide programs for the prevention and treatment of problem gambling.

The bill is effective on July 1, 2005, and expires by limitation on June 30, 2007.

**See also Assembly Bill 2 (Chapter 1) of the 22nd Special Session.**

**S.B. 444 (Chapter 359)**

Senate Bill 444 requires the Nevada Gaming Commission, with the advice and assistance of the State Gaming Control Board, to adopt regulations authorizing a gaming licensee to charge a fee for admission to an area where gaming is conducted. The regulations must grant the Chairman of the State Gaming Control Board sole discretion to grant, deny, limit, condition, restrict, revoke, or suspend a request by a gaming licensee to charge a fee, but, in considering such a request the Chairman of the Board shall consider all relevant factors.

This measure is effective on June 13, 2005, for the purpose of adopting regulations, and on October 1, 2005, for all other purposes.

## HEALTH CARE AND HUMAN SERVICES

### A.B. 84 (Chapter 333)

Assembly Bill 84 prohibits the State Registrar and a person or governmental organization authorized to issue certified copies of birth certificates from charging a fee for issuance of such copies to a homeless person who signs an affidavit stating that he is homeless. The bill also provides that a person or governmental organization authorized to issue certified copies of birth certificates is not required to remit a fee to the State Registrar for such copies issued to such homeless persons.

In addition, A.B. 84 prohibits the Department of Motor Vehicles from charging a fee for issuance of a duplicate driver's license or duplicate identification card to such homeless persons. The measure specifies that a qualifying person may only receive the waived fee for a duplicate license or identification card one time. A vendor that has entered into an agreement with the Department to produce photographs for driver's licenses or identification cards may waive the cost it charges the Department to produce the photographs of homeless persons. However, if the vendor does not waive the cost and the Department has waived the fee for producing the photograph, the homeless person is required to reimburse the Department in an amount equal to that fee if the person applies for the renewal of his driver's license or identification card and is employed at the time of the application. The bill also provides that the Department may accept gifts, grants, and donations of money to fund the provision of duplicate driver's licenses and identification cards without a fee to homeless persons.

Finally the measure requires the Department to provide to the 74th Session of the Nevada Legislature a report concerning the provision of duplicate driver's licenses and identification cards without a fee to homeless persons.

The bill is effective on July 1, 2005.

### A.B. 118 (Chapter 135)

Assembly Bill 118 removes the authority of a child care facility to designate a smoking area. For purposes of this provision, a child care facility is one that furnishes care to five or more children. The bill also prohibits smoking in video arcades that have at least 10 pinball or video machines.

### A.B. 126 (Chapter 38)

Assembly Bill 126 authorizes a parent or guardian of a minor with a disability to direct the care given by the personal assistant. This bill also authorizes a parent, spouse, guardian, or adult child of a person with a disability who suffers from a cognitive impairment to direct the care given by the personal assistant. The measure also prohibits a personal assistant from performing services for a person with a disability in the absence of that person's parent or guardian, if the person with a disability is not able to direct his or her own services, unless the person with the disability is in an educational setting.

**A.B. 127 (Chapter 400)**

Assembly Bill 127 provides that the 30 percent of revenues reserved from the Fund for a Healthy Nevada to pay for prescription and pharmaceutical services for senior citizens also may be used, to the extent money is available, for other benefits for senior citizens, including dental and vision benefits. The bill authorizes the Department of Health and Human Services to enter into contracts with private health insurers to provide coverage for these other benefits, including dental and vision benefits, for persons who meet Senior Rx eligibility criteria. The Department may also use money from the Fund to subsidize the cost of the additional coverage.

In addition, A.B. 127 deletes provisions authorizing the State Dental Health Officer and the State Public Health Dental Hygienist to engage in academic instruction, research, and studies at the Nevada System of Higher Education. The measure further provides that the Health Division may solicit and accept gifts and grants to pay the costs of oral health programs, instead of the costs solely associated with position of the State Dental Health Officer.

The bill is effective on July 1, 2005.

**A.B. 380 (Chapter 483)**

Assembly Bill 380 creates a health district in Clark County consisting of a district health officer and a district board of health. The bill abolishes any county, city, or town board in existence when the district board of health is created. The measure provides that the district board of health shall consist of:

- Representatives selected by the following entities from among their elected members: two representatives of the board of county commissioners; two representatives of the governing body of the largest incorporated city in the county; and one representative of the governing body of each other city in the county; and
- Representatives selected by the elected representatives of the district board of health to represent the health district at large, as follows: two physicians licensed to practice medicine in the State, one of whom must have expertise in providing health care services to members of minority groups and other medically underserved populations; one nurse licensed to practice nursing in the State; one representative with expertise in environmental health or environmental health services; and one representative of a business or from an industry that is subject to regulation by the health district.

The powers and duties of the health district are set forth, along with operational and jurisdictional matters. The measure also establishes the qualifications and authority of the district health officer, who must be licensed to practice medicine or osteopathic medicine in the State, must hold a master's degree in an appropriate field, and must have at least ten years of management experience in a public health organization. In addition, A.B. 380 requires the district board of health to ensure that any clinical program requiring medical assessment is

carried out under the direction of a physician. The measure further directs the board of county commissioners to annually allocate to the health district an amount not exceeding 3.5 cents per \$100 of assessed valuation of all taxable property in the county.

The bill is effective on July 1, 2005.

**A.B. 569 (Chapter 296)**

Assembly Bill 569 changes the date by which managed care organizations must file certain annual written reports with the Office for Consumer Health Assistance from January 31 to December 31.

The measure is effective on June 6, 2005.

**S.B. 22 (Chapter 377)**

Senate Bill 22 creates an Interagency Advisory Board on Transition Services within the Office of Disability Services, Department of Health and Human Services (DHHS), to study and report on services for persons with disabilities who are transitioning from secondary school to adult living. The measure defines transition services and enumerates the individuals authorized to be members of the Board.

In addition, the measure removes the authority of the Governor to create a Committee on Employment of Persons with Disabilities for the purpose of establishing a Program to Encourage and Facilitate Purchases by Agencies of Commodities and Services from Organizations. Instead, the Rehabilitation Division of the Department of Employment, Training and Rehabilitation is required to establish and administer the program.

This bill also appropriates from the State General Fund to the DHHS \$25,909 in Fiscal Year (FY) 2005-2006 and \$26,254 in FY 2006-2007 to carry out the provisions of this bill.

This measure is effective on June 13, 2005, and expires by limitation on June 30, 2013; however, amendatory provisions regarding the appropriations are effective on July 1, 2005. Additionally, provisions requiring submission of an annual report on services to persons with disabilities become effective on July 1, 2007.

**S.B. 23 (Chapter 83)**

Senate Bill 23 authorizes the use of signature stamps by persons with physical disabilities who are unable to write, and creates an exception to any law that requires a handwritten signature. In addition, the bill requires the Office of Disability Services in the Department of Health and Human Services to adopt standards regarding the use of signature stamps. Further, the bill requires the Department to adopt regulations regarding the use of signature stamps, including regulations concerning the extent to which certain persons and governmental entities may incur liability related to the use of signature stamps.

The measure is effective on May 10, 2005, for the purpose of adopting regulations, and on October 1, 2005, for all other purposes.

**S.B. 24 (Chapter 81)**

Senate Bill 24 increases the period of validity for an expedited service permit from two years to ten years. Existing law requires the Department of Motor Vehicles to issue an expedited service permit to a qualified person with a permanent disability which limits or impairs the person's ability to walk. An expedited service permit requires a state officer or employee who is providing services to the public for a state agency to serve or accommodate the permit holder before servicing any other person who is waiting to receive services.

**S.B. 126 (Chapter 314)**

Senate Bill 126 requires the Director of the Office for Consumer Health Assistance to employ at least two persons who have experience in workers' compensation, including claims administration, representing employees in contested claims, or advocating for the rights of injured employees. The bill authorizes a transfer of \$171,070 from the Fund for Workers' Compensation and Safety to the Office for Consumer Health Assistance to pay the costs of the positions.

The bill is effective on July 1, 2005.

**S.B. 187 (Chapter 315)**

Senate Bill 187 entitles members of the Advisory Committee on Traumatic Brain Injuries engaged in the business of the Committee to receive the per diem allowance and travel expenses provided for State officers and employees generally to the extent that these expenses are included in the budget of the Department of Health and Human Services.

This measure is effective on July 1, 2005.

**S.B. 235 (Chapter 378)**

Senate Bill 235 amends the process by which a hospital district in a county whose population is less than 400,000 (all counties except Clark County) may be dissolved. The bill provides that the Board of County Commissioners shall set forth by ordinance the dissolution of a hospital district if a majority of the members determine it is in the best interests of the county and the district. The ordinance must state that all outstanding indebtedness of the district has been paid and the services of the hospital district are no longer needed or can be more effectively performed by an existing unit of government. Senate Bill 235 sets forth the criteria the County Commission must consider when determining whether the dissolution is in the best interests of the county.

The measure stipulates that if the territory of the hospital district is located in more than one county, the Board of Commissioners in each county must agree to dissolve the district. The bill also provides that qualified electors who reside within a hospital district slated for dissolution may file a written protest against the dissolution with the appropriate county clerk.

Senate Bill 235 sets forth this protest procedure and explains how the County Commission must address these protests. Until paid, all unpaid tax sales and levies and all special assessments within a dissolved hospital district remain a lien against the property upon which they are levied. The County Commission, after dissolution of the district, has the same power to enforce the collection of all taxes, debt, and assessments as the hospital district, had it not been dissolved.

**S.B. 357 (Chapter 394)**

Senate Bill 357 creates the Advisory Committee on Problem Gambling and a revolving account within the State General Fund to support programs for the prevention and treatment of problem gambling. The account is supported by certain fees collected by the Nevada Gaming Commission, as well as gifts, grants, or donations. In addition, this measure authorizes the Department of Health and Human Services to award grants or contracts for services to provide programs for the prevention and treatment of problem gambling.

The bill is effective on July 1, 2005, and expires by limitation on June 30, 2007.

**See also Assembly Bill 2 (Chapter 1) of the 22nd Special Session.**

**Health Care Professions**

**A.B. 208 (Chapter 489)**

Assembly Bill 208 requires an applicant for a license to practice as a physician or an osteopathic physician to submit to a criminal background check. The measure also requires a licensed physician to submit to a criminal background check upon initiation of disciplinary action against his license.

The Board of Medical Examiners and the State Board of Osteopathic Medicine may deny licensure if an applicant has been convicted of an act that is punishable as a felony. If a criminal background check of a licensee reveals a conviction for which an applicant would be denied licensure, the Boards are required to initiate disciplinary proceedings. In addition, the measure stipulates that the Board of Medical Examiners may initiate disciplinary action or deny licensure for any offense involving moral turpitude.

The bill also creates the Nevada Institutional Review Board to protect the public by exercising control of research studies using devices, therapies, and substances regulated by the Board of Homeopathic Medical Examiners.

The portions of the bill concerning the appointment of members to the Nevada Institutional Review Board and the adoption of regulations are effective on June 17, 2005. The balance of the measure is effective on July 1, 2005.

**A.B. 555 (Chapter 487)**

Assembly Bill 555 provides technical clarification for the Board of Medical Examiners regarding its oversight of medical professionals. The bill clarifies provisions regarding administrative physicians and licensed physician assistants, and enables practitioners of respiratory care to perform certain medically related procedures. The measure also requires licensees and inactive registrants to maintain a permanent mailing address with the Board to facilitate communications, and provides for fines and disciplinary actions in the event of noncompliance.

Assembly Bill 555 requires medical doctors and osteopathic physicians to report annually to their respective licensing board information concerning certain types of office-based surgeries. The report must include information concerning surgeries that required sedation or general anesthesia and any unexpected occurrence involving death or injury. The appropriate board is required to establish by regulation the format of the report. Information collected in a report is confidential and not subject to subpoena, discovery, or inspection by the general public. Further, this bill provides that the failure to submit a report or knowingly filing false information in a report constitutes grounds for initiating disciplinary action.

The measure also requires the Board of Medical Examiners and the State Board of Osteopathic Medicine to include in their biennial reports to the Governor and Legislature information received from licensees regarding office-based surgeries involving sedation or general anesthesia.

Also, A.B. 555 adds medical review committees of a county or district board of health that certifies, licenses, or regulates providers of emergency medical services to the list of review committees whose information is deemed privileged under certain discovery proceedings.

Finally, A.B. 555 removes a requirement that, in order for a person licensed to practice medicine or dentistry who renders care to a governmental entity or nonprofit organization to receive immunity from civil liability, the care must have been rendered at a health facility.

The provisions of this bill that make technical changes and affect the oversight functions of the Board of Medical Examiners are effective on July 1, 2005. The remainder of the bill is effective on October 1, 2005.

**S.B. 37 (Chapter 406)**

Senate Bill 37 requires an applicant for a license as a wholesaler to submit a complete set of his fingerprints to the State Board of Pharmacy for a criminal background check. If the Board determines that certain persons have the power to exercise significant influence over the operation of the applicant as a licensed wholesaler, the Board may require those persons to also submit a complete set of fingerprints for a criminal background check.

Each wholesaler is required to submit, on an annual basis, an updated list of employees, agents, independent contractors, consultants, guardians, personal representatives, lenders, and

holders of indebtedness. The Board may require persons identified on the updated list to submit a complete set of fingerprints for a criminal background check.

This bill also requires an applicant for an initial license or renewal of a license as a wholesaler to file a bond or other form of security. This requirement does not apply to publicly traded corporations.

The Board is required to ensure the safe and efficient operation of wholesalers and the integrity and propriety of transactions involving wholesalers, including, without limitation, ensuring the circumstances under which a wholesaler must prepare, deliver, acquire, and maintain a statement identifying prior sales. Before January 1, 2007, the statement must be in either written or electronic form. On and after January 1, 2007, the statement must be in electronic form unless the Board determines that the technology is not reasonably available or that the wholesalers require additional time to provide the statements in electronic form.

This bill provides penalties if a wholesaler fails to comply with the requirements related to the statement identifying prior sales of prescription drugs and if the wholesaler knowingly destroys, fails to authenticate, forges, or falsifies a statement or fails to record material information in such a statement. A wholesaler who violates these provisions is guilty of a category C felony. In addition, the bill requires that the Executive Secretary employed by the Board have experience as a licensed pharmacist in this State or in another state with comparable licensing requirements.

Lastly, the bill amends the provisions governing the sale and purchase of prescription drugs by revising the descriptions of a “bona fide sale” and a “bona fide purchase” in transactions involving wholesalers.

### **S.B. 85 (Chapter 21)**

Senate Bill 85 requires an applicant for licensure to practice dentistry to either:

- Successfully complete a clinical examination given by the Board of Dental Examiners of Nevada, which includes a practical examination that demonstrates the applicant’s skill in dentistry; or
- Present a certificate from the Western Regional Examination Board indicating the applicant has passed a clinical examination administered by that board, within the five years immediately preceding the application.

The bill also authorizes the dental board to issue various types of dental and dental hygienist licenses to applicants without a clinical examination, if certain conditions are met.

Finally, S.B. 85 provides that the dental board shall not issue any additional temporary licenses to practice dentistry on or after July 1, 2006. Any person who holds a temporary license on

July 1, 2006, may continue to practice under that license until December 31, 2008, or the person is issued or denied a permanent license, whichever period is shorter.

The bill is effective on July 1, 2005.

**S.B. 174 (Chapter 502)**

Senate Bill 174 requires a person who practices chiropractic without maintaining professional liability insurance to conspicuously post a notice to that effect or give patients a written disclosure form advising that the practitioner does not maintain such coverage.

The bill also requires the Chiropractic Physicians' Board to have two members who represent the general public.

Senate Bill 174 authorizes the Board to disclose information relating to a complaint filed against a licensee to certain other governmental agencies investigating the licensee, including a law enforcement agency.

Finally, the measure increases certain fees the board may charge.

**S.B. 250 (Chapter 99)**

Senate Bill 250 makes various changes to the provisions governing the practice of dentistry and dental hygiene including:

- Authorizing all members of the Board of Dental Examiners of Nevada to participate in grading examinations for licensing of dentists, except for the clinical examination portion, which must only be graded by members who are dentists;
- Authorizing the performance of certain procedures, such as dispensing certain teeth whitening agents, by persons who are not licensed as dentists, with Board approval;
- Providing that the standard of proof in disciplinary proceedings is "substantial evidence";
- Establishing criteria for issuance of a limited license to practice dentistry or dental hygiene;
- Authorizing two or more boards of county commissioners to submit a joint request that the Board waive certain licensure requirements for an applicant intending to practice in rural areas of those counties that are underserved by Board licensees; and
- Authorizing the Board to increase the maximum amount of certain licensure fees and to establish biennial renewal of licenses.

Portions of the bill concerning biennial renewal of licenses and increases in fees are effective on May 16, 2005. The remaining sections are effective on July 1, 2005.

## Health Care Services and Facilities

### **A.B. 176 (Chapter 444)**

Assembly Bill 176 reserves up to \$350,000 annually from the Fund for a Healthy Nevada for allocation by the Director of the Department of Health and Human Services (DHHS). Of this total, \$200,000 is to be allocated to: (1) provide funding to finance assisted living facilities certified by the Housing Division; and (2) fund such facilities and assisted living supportive services provided pursuant to certain provisions of the Medicaid waiver. The remaining \$150,000, if available, must be allocated by the Aging Services Division to provide funding through grants or contracts for existing or new programs that provide dental benefits to certain persons who are Nevada residents and 62 years of age or older.

The measure requires DHHS to submit an annual report regarding grants for existing or new programs that assist senior citizens with independent living and existing or new programs that provide dental benefits to certain persons who are Nevada residents and 62 years of age or older.

The provisions related to the \$200,000 reserve of revenue in the Fund for a Healthy Nevada are effective on June 15, 2005. All other provisions are effective on July 1, 2005.

### **A.B. 183 (Chapter 390)**

Assembly Bill 183 prohibits a medical facility or its agent or employee from retaliating against a nurse or nursing assistant who refuses to provide services to a patient, in accordance with certain established policies, if the nurse reports to his supervisor that he does not possess the knowledge, skill, or experience to comply with an assignment.

A nursing professional who believes he has been retaliated against may file an action in court for appropriate relief.

### **A.B. 271 (Chapter 141)**

Assembly Bill 271 defines “terminally ill,” with regard to hospice care, as a physician’s diagnosis that a person has an anticipated life expectancy of not more than 12 months. The bill amends the definition of palliative services to include minimizing the adverse effects of the services and treatments and minimizing the side effects of medications given or administered. In addition, A.B. 271 provides that the Department of Health and Human Services must pay for hospice care under the State Plan for Medicaid only to the extent that the federal government provides matching federal money.

### **A.B. 327 (Chapter 492)**

Assembly Bill 327 revises provisions governing compensation of physicians by authorizing county hospitals to compensate physicians for services rendered to indigent patients.

The bill also removes a requirement that, in order for a person who provides gratuitous care through the use of an automated external defibrillator (AED) to receive immunity from civil

liability, the person must have completed a course in cardiopulmonary resuscitation and training in the operation of an AED.

This bill is effective on July 1, 2005. The provisions related to limiting liability only apply to a cause of action that accrues on or after July 1, 2005.

**A.B. 337 (Chapter 458)**

Assembly Bill 337 requires agencies that provide certain nonmedical personal care services in the homes of elderly persons and persons with disabilities to be licensed by the Health Division. The bill excludes natural persons from the definition of agencies providing personal care services in the home and classifies these agencies as facilities for the dependent. Further, A.B. 337 makes these agencies subject to surety bond requirements, employee criminal background checks, and property damage claims by patients.

This measure further revises provisions related to the licensure of residential facilities for groups that provide assisted living services. Additionally, the bill authorizes the Health Division to grant certain exceptions for residential facilities for groups that provide assisted living services, to allow for shared toilet facilities, provided the facilities meet the specified criteria.

The bill is effective on June 17, 2005, for the purpose of adopting regulations by the State Board of Health, and on July 1, 2005, for all other purposes.

**A.B. 342 (Chapter 418)**

Assembly Bill 342 changes the information hospitals must provide to the Department of Health and Human Services (DHHS). The changes include requiring a hospital, at least annually, to provide:

- A capital improvement report;
- The corporate home office allocation methodology of the hospital, if any;
- The expenses the hospital has incurred for providing community and in-kind benefits to the community in which the hospital is located;
- A statement of the hospital's policies and procedures for providing certain discounted services to persons without health insurance; and
- A statement regarding the hospital's debt collection policies.

The measure further requires that a complete current charge master be available for review at the hospital by a payor and any State agency authorized to review the information.

Additionally, the measure revises the classification of hospitals that are required to provide the information from hospitals with 200 or more beds to hospitals with 100 or more beds. The measure authorizes the exemption of certain hospitals from the requirement that the data be reported in a specified format, if doing so will cause the hospital financial hardship.

In addition, the bill requires the DHHS to include in its annual report specified analyses of information received by hospitals and adds the requirement that the DHHS provide this report to the Legislative Committee on Health Care. The bill further requires the Legislative Committee on Health Care to develop a comprehensive plan concerning the provision of health care in the State.

The bill is effective on June 14, 2005.

**S.B. 68 (Chapter 500)**

Senate Bill 68 amends the definition of facilities for refractive surgery, which are licensed and regulated by the Health Division. The bill removes the listed surgical treatments that were previously specified for refractive errors of the eye that may be performed at these facilities.

The bill is effective on June 17, 2005, for the purposes of adopting regulations, and on October 1, 2005, for all other purposes.

**S.B. 120 (Chapter 356)**

Senate Bill 120 transfers the responsibility for establishing a program for treating trauma victims, and for transporting and admitting them to trauma centers, from the State Board of Health to the Clark County District Board of Health.

The measure also requires that a proposal to designate a hospital in Clark County as a trauma center be approved by the Clark County District Board of Health and the Administrator of the Health Division. The proposal must not be approved unless the District Board of Health has adopted a comprehensive trauma system plan for Clark County. Further, the amendatory provisions of the bill do not affect any hospital designated as a trauma center before October 1, 2005.

**S.B. 155 (Chapter 267)**

Senate Bill 155 revises provisions governing patients' rights. This measure requires each hospital to provide to a patient or his legal representative, upon the admission of the patient, written information explaining the existence of the Bureau for Hospital Patients within the Office for Consumer Health Assistance, the services provided by the Bureau, and the manner in which the Bureau may be contacted.

Senate Bill 155 also requires each major hospital to provide to a patient or his legal representative, upon discharge of the patient, written disclosure of the discount policy the major hospital must provide pursuant to law and the criteria a patient must satisfy to qualify for this discount. In addition, every hospital must provide written disclosure of information about

any discounts it offers pursuant to its own charity care policy. The measure further requires every hospital to post in each public waiting room a sign that describes, in easily understood English and Spanish, information about any discounted services or reduced charges the hospital offers.

This measure is effective on July 1, 2005.

**S.B. 281 (Chapter 379)**

Senate Bill 281 relates to certain payments to hospitals for treating a disproportionate share of Medicaid patients, indigent patients, or other low-income patients. Senate Bill 281 requires the Division of Health Care Financing and Policy to determine for each hospital in a county whose population is 100,000 or more (Clark and Washoe Counties) the uncompensated care percentage of the hospital. The Division is also required to determine the arithmetic mean of the percentages of all hospitals in the county. Additionally, the measure requires the hospitals to submit any information requested by the Division to make the determinations.

Finally, the bill requires the Division to submit an annual report outlining this information to the Legislative Commission, the Interim Finance Committee, and the Legislative Committee on Health Care.

The bill is effective on June 13, 2005, for the purpose of adopting regulations and collecting information for making the required determinations, and on July 1, 2005, for all other purposes.

**S.B. 458 (Chapter 382)**

Senate Bill 458 requires a hospital to ensure that persons who are transported to the hospital are transferred to an appropriate place in the hospital to receive emergency services and care in a timely manner. The measure specifies that the transfer of care should take place as soon as practicable, but not later than 30 minutes after the time at which the person arrives. The measure also requires the Health Division to adopt regulations concerning the tracking of the person's time of arrival and the time of transfer to an appropriate location to receive emergency services and care at the hospital.

The measure further requires the Health Division to conduct a study concerning the cause of excessive waiting times for a person to receive emergency services and care from a hospital after being transported to the hospital by a provider of emergency medical services. The measure requires Clark County to participate in the study and provides an option for participation in all other counties. If Washoe County does not exercise this option, and if the State Board of Health determines that waiting times for emergency services and care are excessive in the county's hospitals, the Board may require Washoe County to participate in the study.

This measure is effective on June 13, 2005, for the purpose of adopting regulations, and October 1, 2005, for all other purposes. The sections that authorize a study expire by limitation on December 31, 2006.

**S.B. 514 (Chapter 292)**

Senate Bill 514 revises the amount of the annual assessment of hospitals for the support of the Bureau for Hospital Patients within the Office for Consumer Health Assistance. Specifically, the bill changes the amount of the assessment from \$100,000 (adjusted for inflation) to not more than \$100,000 (adjusted for inflation).

This measure is effective on June 6, 2005.

**Mental Health**

**A.B. 40 (Chapter 161)**

Assembly Bill 40 adds “community triage center” to the list of medical facilities subject to licensure and regulation by the State Board of Health. The bill defines a community triage center as a facility providing 24-hour medical assessments and short-term monitoring services to mentally ill persons and alcohol and drug abusers. In addition, the measure appropriates \$370,000 from the State General Fund to the Division of Mental Health and Developmental Services to establish a mental health screening and stabilization component for a community triage center in Clark County.

The bill is effective on May 26, 2005, for the purpose of appropriating funds and adopting regulations. The remainder of the bill is effective on July 1, 2005.

**A.B. 369 (Chapter 351)**

Assembly Bill 369 prohibits a child welfare services agency that has custody of a child from placing the child, except under an emergency admission, in certain mental health facilities without petitioning a court for a court-ordered admission. The bill establishes procedures for the information the court may consider in making its original determination and periodic renewals of the order of admission into a hospital or facility that is capable of being locked. The measure specifies the professionals who may examine the child, or who are familiar with the child, and may provide suggestions to the court. In addition, A.B. 369 authorizes the court to allow the child to oppose the petition and to permit a second examination at the child’s or the child’s attorney’s request. The measure also requires the child welfare services agency to present information to the court about whether the facility is the appropriate environment for treating the child or whether a less restrictive environment would serve the child’s needs.

The measure further provides for the conditional and unconditional release of a child from a facility before the end of the court-ordered period of treatment when an evaluation team and the medical director of the facility authorize the release and provide proper notice to the court before the release of the child.

The bill is effective on July 1, 2005.

**A.B. 454 (Chapter 366)**

Assembly Bill 454 provides for certification by the Division of Mental Health and Developmental Services, Department of Health and Human Services, of entities providing supported living arrangement services to mentally retarded persons in their homes. The bill also requires natural persons providing these services to be certified if they are not employees of a certified entity.

The measure authorizes the Division to: (1) establish fees for certification and renewal; (2) issue regulations relating to standards for quality of care, requirements for issuance and renewal of certification, and rights of consumers; (3) conduct necessary investigations; and (4) enjoin the provision of supportive living arrangement services without a current certificate.

Finally, the bill specifies that when the required regulations governing supported living services for mentally retarded persons are submitted to the Legislative Commission for review, the Division must also supply information regarding any services that may be provided by persons other than licensed nurses under the adopted policies.

Most provisions of this bill are effective on June 13, 2005, for purposes of adopting regulations, and on October 1, 2005, for all other purposes.

**S.B. 21 (Chapter 111)**

Senate Bill 21 revises certain provisions related to providing services to persons who are mentally ill or mentally retarded or have related conditions. This bill requires the input and participation of the client receiving mental health services in the development and maintenance of an individualized written plan of mental health or mental retardation services or a plan of services for a related condition. The measure requires input and participation of the client's parent or guardian if the client is a minor and is unable to participate. The legal guardian of a client adjudicated as incompetent participates if the client is unable to do so.

**S.B. 131 (Chapter 168)**

Senate Bill 131 increases the number of members of the Commission on Mental Health and Developmental Services from eight to nine and stipulates that the new member be a current or former recipient of mental health services. The bill also provides that the Nevada State Psychological Association is responsible for submitting certain lists of candidates to the Governor for appointment to the Commission.

**Prescriptions and Pharmaceuticals**

**A.B. 276 (Chapter 65)**

Assembly Bill 276 requires a pharmacist to transmit a patient's prescription to another pharmacist if requested by the patient. The pharmacist transferring the prescription must comply with the regulations of the State Board of Pharmacy, any Nevada state law or regulation, and any federal law or regulation.

The bill is effective on May 9, 2005.

**A.B. 495 (Chapter 353)**

Assembly Bill 495 creates a prescription drug and pharmaceutical program for certain persons with disabilities. The measure requires the Department of Health and Human Services (DHHS) to coordinate certain administrative procedures and adopt necessary regulations to carry out the provisions of the bill. The bill also establishes the qualifications for a person's participation in the program.

The bill revises certain provisions governing the Fund for a Healthy Nevada to allow the Fund to subsidize the cost of providing prescription drugs and pharmaceutical services to persons with certain disabilities. The measure further revises the portion of money in the Fund for a Healthy Nevada that may be used to pay certain administrative cost incurred by the DHHS. The bill eliminates the requirement that the DHHS seek a Medicaid waiver from the federal government for the Nevada Senior Rx Program.

Lastly, the measure directs the DHHS to develop a plan to coordinate state prescription drug and pharmaceutical assistance programs with the Medicare Part D benefit and submit the plan to the Interim Finance Committee for approval before the Department coordinates those programs and benefits.

The bill is effective on July 1, 2005. The provisions requiring the DHHS to develop a benefits coordination plan with Medicare Part D are transitory and expire on July 1, 2007.

**A.B. 519 (Chapter 210)**

Assembly Bill 519 requires the State Department of Agriculture to immediately revoke the registry identification card of a participant in the State's medical marijuana program if the person has been convicted of knowingly or intentionally selling a controlled substance or has provided to the Department falsified information on his application. The bill also provides that the Department must send notice to the person whose registry identification card has been revoked that the person must return the registry identification card to the Department within seven days of receiving the notice. Further, a person whose registry identification card has been revoked may not reapply for a registry identification card for 12 months after the date of revocation unless the Department or a court authorizes reapplication in a shorter time.

The bill is effective on July 1, 2005.

**A.B. 524 (Chapter 342)**

Assembly Bill 524 requires the Department of Health and Human Services to coordinate the federal Medicare Part D prescription drug program with each State program providing pharmaceutical or medical assistance to persons in Nevada. The bill establishes criteria for coordinating these benefits, requires the Department to submit a coordination plan to the Interim Finance Committee for prior approval, and authorizes the Department to adopt any necessary regulations.

The measure provides that not more than 2.025 percent of the money in the Fund for a Healthy Nevada may be allocated for administrative expenses of the Department, including the Aging Services Division, concerning various programs that receive money from the Fund. In addition, A.B. 524 provides that not more than 1.5 percent of the money in the Fund may be allocated to the Department for expenses to administer the Senior Rx Program. Further, the measure revises the manner in which the Department may subsidize the cost of drugs and pharmaceutical services for senior citizens.

The bill is effective on June 10, 2005. The section of the bill relating to the coordination of Medicare Part D benefits with various State programs expires by limitation on July 1, 2007.

**S.B. 37 (Chapter 406)**

Senate Bill 37 requires an applicant for a license as a wholesaler to submit a complete set of his fingerprints to the State Board of Pharmacy for a criminal background check. If the Board determines that certain persons have the power to exercise significant influence over the operation of the applicant as a licensed wholesaler, the Board may require those persons to also submit a complete set of fingerprints for a criminal background check.

Each wholesaler is required to submit, on an annual basis, an updated list of employees, agents, independent contractors, consultants, guardians, personal representatives, lenders, and holders of indebtedness. The Board may require persons identified on the updated list to submit a complete set of fingerprints for a criminal background check.

This bill also requires an applicant for an initial license or renewal of a license as a wholesaler to file a bond or other form of security. This requirement does not apply to publicly traded corporations.

The Board is required to ensure the safe and efficient operation of wholesalers and the integrity and propriety of transactions involving wholesalers, including, without limitation, ensuring the circumstances under which a wholesaler must prepare, deliver, acquire, and maintain a statement identifying prior sales. Before January 1, 2007, the statement must be in either written or electronic form. On and after January 1, 2007, the statement must be in electronic form unless the Board determines that the technology is not reasonably available or that the wholesalers require additional time to provide the statements in electronic form.

This bill provides penalties if a wholesaler fails to comply with the requirements related to the statement identifying prior sales of prescription drugs and if the wholesaler knowingly destroys, fails to authenticate, forges, or falsifies a statement or fails to record material information in such a statement. A wholesaler who violates these provisions is guilty of a category C felony. In addition, the bill requires that the Executive Secretary employed by the Board have experience as a licensed pharmacist in this State or in another state with comparable licensing requirements.

Lastly, the bill amends the provisions governing the sale and purchase of prescription drugs by revising the descriptions of a “bona fide sale” and a “bona fide purchase” in transactions involving wholesalers.

**S.B. 410 (Chapter 204)**

Senate Bill 410 exempts the Nevada System of Higher Education from purchasing prescription drugs, pharmaceutical services, medical supplies, and related services through the Purchasing Division of the Department of Administration.

Due to changes made during previous legislative sessions, sections of the measure which set forth definitions for Chapter 333 of the *Nevada Revised Statutes* expire by limitation on June 30, 2009, and parallel sections become effective on July 1, 2009. The remaining portions of the measure are effective on May 31, 2005.

**See also Senate Bill 5 (Chapter 11) of the 22nd Special Session.**

**Public Health and Disease Prevention**

**A.B. 59 (Chapter 191)**

Assembly Bill 59 adds a facility-acquired infection to the definition of a sentinel event. The bill defines a facility-acquired infection as a localized or systemic condition that: (1) results from an adverse reaction to an infectious agent or its toxins; and (2) was not detected when a patient was admitted to a medical facility. The measure includes certain categories of infection in the definition, as well as other categories that may be established by regulation.

**S.B. 98 (Chapter 448)**

Senate Bill 98 creates the Task Force on Cervical Cancer consisting of 11 members with administrative support by Nevada’s Department of Health and Human Services. In addition to compiling relevant information concerning cervical cancer, the Task Force is responsible for identifying and evaluating methods to increase: public awareness regarding risk, prevention, and treatment; communication among various entities; and funding for cancer research. The Task Force may also identify and evaluate ways in which to increase the number of Nevada women who are regularly tested for cervical cancer. Although members of the Task Force serve without compensation, they are entitled to receive a per diem allowance and travel expenses.

The bill also revises provisions concerning the existing Task Force on Prostate Cancer to allow each member to receive a per diem allowance and travel expenses while engaged in the business of the Task Force.

Finally, S.B. 98 provides an appropriation of \$50,000 from the State General Fund to Nevada’s Department of Administration for each Task Force, for a total appropriation of \$100,000.

This measure is effective on June 15, 2005.

**S.B. 197 (Chapter 82)**

Senate Bill 197 directs the Health Division of the Department of Health and Human Services to establish, within the limits of available funding, the State Program for Fitness and Wellness to increase public knowledge and raise public awareness relating to physical fitness and wellness and to educate the public concerning physical fitness, proper nutrition, and the prevention of obesity, chronic diseases, and other diseases. The measure also requires the Health Division to establish, within the limits of available funding, the Advisory Council on the State Program for Fitness and Wellness. The Advisory Council will provide the Division with recommendations on the development, implementation, and administration of the Program.

This measure requires the Health Division, with the advice and recommendations of the Advisory Council and within the limits of available funding, to develop and coordinate model programs to encourage proper nutrition, physical fitness, and health for state employees, school children, and other residents of the State. The measure further requires that the Health Division work with the Department of Education to develop the model program for school children and perform other specific duties in support of the Program.

Finally, the measure directs the Health Division to submit an annual report to the Governor and to the Legislature summarizing the findings and recommendations of the Advisory Council and reporting the status of the Program.

This measure is effective on July 1, 2005.

**Welfare**

**A.B. 13 (Chapter 14)**

Assembly Bill 13 revises the qualifications of Nevada's Welfare Administrator. The bill deletes requirements that the State Welfare Administrator must have a degree in public or business administration, must have acquired at least three years' experience in public welfare administration, and must possess leadership qualities in the field of human welfare and health. Instead, this measure requires the Director of the Department of Health and Human Services, when appointing the Welfare Administrator, to give preference to a person with a degree in social science, public administration, business administration, or a related field. In addition, the person must have acquired the necessary experience by administering a public agency and possess leadership qualities.

This bill is effective on April 6, 2005.

**A.B. 493 (Chapter 412)**

Assembly Bill 493 requires the Department of Health and Human Services (DHHS) to apply for a Health Insurance Flexibility and Accountability (HIFA) initiative waiver to provide certain health care benefits through Medicaid and the Children's Health Insurance Program. The waiver will be applied to provide:

- Coverage for medical services to pregnant women who have household incomes that are between 133 percent and 185 percent of the federal poverty level;
- A subsidy of up to \$100 per month towards an insurance policy purchased by an employee or the employee's spouse under certain circumstances; and
- Coverage for people with high medical expenses who are otherwise ineligible for Medicaid.

If the HIFA waiver is approved by the federal government, the Director of the DHHS must adopt regulations to implement the waiver. The Director is also required to submit a quarterly report to the Interim Finance Committee and the Legislative Committee on Health Care concerning the program's benefits.

The bill requires that the Board of Trustees of the Fund for Hospital Care for Indigent Persons set forth circumstances that will allow counties to apply for reimbursements for unpaid charges incurred by an indigent person. The bill further requires that the balance in the Supplemental Account for Medical Assistance to Indigent Persons be transferred into the HIFA Holding Account. Any funds not expended from transfers at the end of the fiscal year will be returned in equal portions to the Fund for Hospital Care for Indigent Persons and to the State General Fund.

The provisions pertaining to the application for the HIFA waiver are effective on July 1, 2005. All other provisions are effective upon the approval of the waiver by the federal government.

### **S.B. 297 (Chapter 137)**

Senate Bill 297 creates the Grants Management Advisory Committee within the Department of Health and Human Services to provide guidance and oversight concerning awards of money. The measure requires that the Committee review all requests received by the Department for awards of money, including those made to the Children's Trust Fund Account.

Additionally, S.B. 297 revises certain provisions governing family resource centers, and replaces the concept of "neighborhood" plans and councils with "community" plans and councils. The measure also requires that each family resource center establish a family resource center council. In addition to other items, the measure specifies that family resource centers must provide referrals to programs that assist senior citizens.

Finally, the bill abolishes the Committee for Protection of Children.

The measure is effective on May 24, 2005, for the purposes of adopting regulations and appointing members to the Grants Management Advisory Committee, and on July 1, 2005, for all other purposes.



## HOUSING AND REAL PROPERTY

### A.B. 114 (Chapter 202)

Assembly Bill 114 removes the requirement that licensed real estate brokers and their licensed salesmen obtain an additional license from the Manufactured Housing Division to sell used manufactured homes or used mobile homes. However, a real estate licensee is required to make certain disclosures to a purchaser of a used manufactured or used mobile home.

This bill increases the minimum balance that must be maintained in the Real Estate Education, Research and Recovery Fund to \$300,000 and provides that only balances over \$300,000 remaining in the Fund at the end of a fiscal year may be used for real estate education and research. This bill also increases the amount that a person may recover from the Fund to \$25,000 per judgment and increases the maximum liability of the Fund with respect to any real estate licensee to \$100,000.

### A.B. 201 (Chapter 348)

Assembly Bill 201 allows certain nonprofit organizations classified as exempt from federal income taxation to apply for loans to rehabilitate substandard or abandoned residential property. These nonprofit organizations may also apply to receive title to abandoned residential properties from a local government for the purpose of rehabilitating the property and providing affordable housing.

The legislative findings in the measure clarify that the provisions of Chapter 279A (Residential Neighborhoods) and Chapter 279B (Abandoned Residential Property) of the *Nevada Revised Statutes* do not limit the authority of counties and cities to develop affordable housing or rehabilitate residential properties through other programs.

In addition, the bill clarifies that the local government shall ensure that the rent or mortgage payments of rehabilitated residential property shall be affordable for the period of the rehabilitation loan to persons making less than 80 percent of the median gross income as defined by the U.S. Department of Housing and Urban Development.

### A.B. 248 (Chapter 250)

Assembly Bill 248 requires the Department of Health and Human Services (DHHS) to apply to the U.S. Secretary of Health and Human Services to amend the State's Home and Community-based Services Waiver under Medicaid. The amendment must, in addition to providing Medicaid coverage for home and community-based services in effect on the bill's effective date, authorize the Department to cover assisted living supportive services for senior citizens residing in assisted living facilities certified by the Housing Division. Such facilities must also meet licensure requirements of the Bureau of Licensure and Certification.

Further, A.B. 248 reserves up to \$50,000 annually from the Fund for a Healthy Nevada for allocation by the Director of the DHHS to: (1) provide funding to finance assisted living

facilities certified by the Housing Division; and (2) fund such facilities and assisted living supportive services provided pursuant to the amended Medicaid waiver.

The bill is effective on June 4, 2005.

**A.B. 278 (Chapter 117)**

Assembly Bill 278 authorizes a tenant to terminate his lease, under certain circumstances, if the tenant or cotenant is at least 60 years of age or disabled and develops a mental or physical condition requiring him to relocate because of a need for care that cannot be provided in the dwelling. A tenant has 60 days after the relocation to terminate the lease. In addition, certain tenants have three months to terminate a lease upon the death of a spouse or cotenant. Lastly, the bill defines “cotenant” as a tenant who is entitled to occupy the same dwelling as another tenant who is 60 years of age or older or who has a physical or mental disability.

**A.B. 355 (Chapter 265)**

Assembly Bill 355 provides that the decision of a housing authority to terminate a person’s housing assistance is a final decision for the purpose of judicial review. The bill clarifies that a person may seek judicial review of such a decision in accordance with the Nevada Administrative Procedures Act. The bill defines a “housing authority” and also defines “housing assistance” as assistance received under section 8 of the U.S. Housing Act of 1937.

The measure requires the person appealing the housing authority’s decision to continue to pay rent during the period of the appeal if the person retains possession of the residential unit that is the subject of the appeal. However, if the person is evicted, the authority is not required to issue a new voucher to the person unless and until he prevails in the action for judicial review.

**A.B. 372 (Chapter 77)**

Assembly Bill 372 expands the area of operation of the Rural Housing Authority to include any area of the State that is not included within the corporate limits of a city or town having a population of 100,000 or more, thereby allowing the Authority to operate in the portions of Washoe and Clark Counties that are not served by other housing authorities. The bill also provides that the Authority may make mortgage loans to low or moderate income persons, borrow money or issue bonds, and enter into agreements and accept grants in furtherance of the goals of the Authority.

The measure is effective on May 10, 2005.

**A.B. 404 (Chapter 289)**

Assembly Bill 404 relates to landlords. This bill removes the exemption of a person who owns and manages four or fewer dwelling units from certain provisions of the Residential Landlord and Tenant Act, including provisions governing security deposits, warranties of habitability, and illegal lockouts.

**S.B. 315 (Chapter 199)**

Senate Bill 315 defines “business broker” as a real estate broker, real estate broker-salesman, or real estate salesman who:

- Sells, exchanges, options, or purchases a business;
- Negotiates or offers, attempts, or agrees to negotiate the sale, exchange option, or purchase of a business; or
- Lists or solicits prospective purchasers of a business.

The bill establishes a permitting process for business brokers under the auspices of the Real Estate Commission. Additionally, the measure makes it unlawful to engage in the business of a business broker in Nevada without first obtaining the appropriate license and permit.

Senate Bill 315 also requires a real estate licensee to provide a disclosure form specified in statute to each party for whom the licensee is acting as an agent and each unrepresented party in a transaction.

A person possessing an appropriate real estate license on or before October 1, 2005, may lawfully engage in business as a business broker without a permit until January 1, 2007. A licensee who is initially exempt from the educational requirements of the bill may satisfy those requirements on or before January 1, 2007, by passing a test on business brokerage principles established or adopted by the Commission.

**S.B. 332 (Chapter 347)**

Senate Bill 332 modifies the licensing requirements for a real estate salesman, broker-salesman, and broker. This bill allows the licensing examination to be waived for persons licensed in another state, territory, or the District of Columbia and also allows reciprocal licensing. In addition, a licensee from another jurisdiction may receive credit toward educational requirements as a result of work experience. Senate Bill 332 revises the provisions requiring applicants to submit fingerprint cards for licensure as a salesman, broker-salesman, broker, qualified intermediary, appraiser, inspector, or sales agent.

The measure allows the Administrator of the Real Estate Division to charge and collect any costs and fees incurred for conducting an audit of a licensee. Failure to remit payment for those costs is grounds for disciplinary action.

Senate Bill 332 prescribes qualifications for a sales manager of an owner-developer and places restrictions on the compensation a salesman or broker-salesman may receive while licensed under an owner-developer.

The bill specifies that a licensed residential appraiser may not perform an appraisal of a complex property and extends from three to five years the period for which a disciplinary action may be brought against a licensee. Finally, the measure requires the Commission of Appraisers of Real Estate to adopt regulations concerning the education and experience required for certificate or license issuance or renewal.

The sections of the bill pertaining to the submission of fingerprint cards are effective June 10, 2005. The sections pertaining to sales managers operating under the license of an owner-developer are effective on January 1, 2006. The remaining sections are effective on October 1, 2005.

**See also Assembly Bill 5 (Chapter 4) of the 22nd Special Session.**

### **Common-Interest Communities (Homeowners' Associations)**

#### **S.B. 153 (Chapter 415)**

Senate Bill 153 prohibits a common-interest association from applying any part of a payment for an assessment, fee, or other charge to a fine imposed against a unit's owner for violation of the association's governing documents, unless the owner agrees in writing.

A community manager is prohibited from accepting or soliciting any form of compensation based on the number or amount of fines imposed against owners or their guests or any percentage or proportion of those fines. A community manager may be compensated pursuant to a contract with an association if the contract complies with standards of practice adopted by the Commission for Common-Interest Communities. The compensation must be for management services and must not be structured in a way to violate the prohibition against payment based on the number or percentage of fines.

Finally, S.B. 153 provides that an association and its board members, officers, employees, and units' owners are not required to be licensed as collection agencies when they are acting in accordance with the laws governing common-interest communities and the governing documents of the association. However, this bill provides that a community manager must be licensed as a collection agency if the community manager, or any employee, agent, or affiliate of the community manager, performs or offers to perform any act associated with the nonjudicial foreclosure of a lien against a unit's owner.

The bill is effective on June 14, 2005.

#### **S.B. 325 (Chapter 494)**

Senate Bill 325 revises administrative procedures relating to the Commission for Common-Interest Communities. The measure also prohibits a person from acting as a community manager or a reserve specialist without the required certification or permit. Senate Bill 325 also authorizes the use of drought tolerant landscaping; prohibits certain

restrictions on the rental of units; requires audits of financial statements at certain intervals; and requires reserve studies to be conducted at least once every five years.

In addition, S.B. 325 provides that an association may not prohibit the display of certain political signs; requires executive boards to disclose the terms and conditions of any settlement of a legal action; requires 24-hour notice before towing improperly parked vehicles; and makes other changes relating to common-interest communities.

The bill is effective on June 17, 2005, for the purpose of adopting regulations, and on October 1, 2005, for all other purposes.

## **Eminent Domain**

### **A.B. 143 (Chapter 461)**

Assembly Bill 143 requires a redevelopment agency to follow certain procedures before exercising the power of eminent domain to acquire property for a redevelopment project, including negotiating in good faith with the property owner and attempting to reach an agreement with the owner concerning the amount of compensation to be paid for the property. A redevelopment agency is required to provide a written offer of compensation and notice to the owner that the property is necessary for redevelopment, and the agency must give an owner at least 30 days to accept or reject a written offer of compensation before the agency may commence an eminent domain proceeding.

The bill also adds environmental contamination of buildings or property and the existence of an abandoned mine to the factors that characterize a blighted area, and increases from one to four the minimum number of factors necessary to constitute a blighted area. In addition, A.B. 143 adds factors that characterize a blighted area if the subject of the redevelopment is an eligible railroad or facilities related to an eligible railroad. Further, the bill extends to all counties in the State an existing law that imposes more restrictive procedures before a redevelopment agency can exercise the power of eminent domain.

Assembly Bill 143 prohibits a governmental entity from exercising the power of eminent domain to acquire property that is more than 40 acres for the purpose of open-space use unless certain conditions are met, including negotiating in good faith with the property owner for a period of not less than 24 months.

Finally, the bill amends the section of S.B. 326 of the 2005 Regular Session that specifies an owner whose property was acquired by eminent domain must be given the right of first refusal to purchase the land under certain circumstances to specify that this provision does not apply to property that is acquired through the use of federal funds or purchased as an early or total acquisition at the request of the owner of the property.

The bill is effective on June 17, 2005. The section that revises the provisions of S.B. 326 concerning the right of first refusal expires by limitation on July 1, 2007.

**A.B. 341 (Chapter 152)**

Assembly Bill 341 exempts a person who makes an assessment of the value of property in connection with an eminent domain proceeding in a judicial action from the State licensing and disciplinary provisions that are otherwise applicable to real estate appraisers.

**S.B. 326 (Chapter 423)**

Senate Bill 326 prohibits an agency from using eminent domain for the purpose of acquiring open space except in certain circumstances. The measure also specifies that an owner whose property was acquired by eminent domain must be given the right of first refusal to purchase the land under certain circumstances if it is not used for the purpose for which it was acquired within 15 years. Further, S.B. 326 requires that a business owner be compensated for the loss of goodwill.

Finally, the measure restricts the power of eminent domain by a redevelopment agency to projects where the agency adopts a resolution that includes a written finding that a condition of blight exists for each individual parcel of property. If an agency desires to acquire a parcel of property that is not blighted, the agency must adopt a resolution that includes a written finding that a condition of blight exists for two-thirds of the property within the redevelopment area at the time the redevelopment area was created.

This measure is effective on June 14, 2005, and only applies to an eminent domain action filed on or after that date.

**See also Assembly Bill 143 (Chapter 461) of the 73rd Regular Session.**

**Homestead Exemptions and Miscellaneous Interests and Transactions**

**A.B. 215 (Chapter 190)**

Assembly Bill 215 provides an exception to the requirement that a seller complete a form disclosing the condition of residential property and serve the form on a purchaser at least ten days prior to the conveyance of the property. This exception applies to transactions by foreclosure pursuant to provisions governing deeds of trust. However, the bill also requires that for such transactions by foreclosure, the trustee and the beneficiary of the deed of trust must provide written notice of any defects of which they are aware. The notice must be provided to the purchaser before the property is conveyed to the purchaser.

**A.B. 365 (Chapter 464)**

Assembly Bill 365 increases the amount of the homestead exemption from \$200,000 to \$350,000. The bill also clarifies that a person is not required to provide a renunciation of a declaration of homestead or to refile the declaration to obtain financing.

**S.B. 64 (Chapter 270)**

Senate Bill 64 authorizes an owner of real property to convey his interest to a grantee or multiple grantees, without the necessity of having the spouse of any grantee file a quitclaim deed or disclaimer. Additionally, the bill provides that the last recorded deed before the death of the owner is the effective deed, and that the deed must be executed and recorded in the office of the county recorder where the property is located. The measure also exempts a deed that becomes effective upon the death of the grantor from the real property transfer tax.

Lastly, the bill extends the time within which a nonvested property interest must vest or terminate, to a period within 365 years after its creation.

This measure is effective on July 1, 2005.

**S.B. 172 (Chapter 407)**

Senate Bill 172 provides that the sale of real property, as a result of a violation of a covenant or a breach in the performance of an obligation, for which the real property is held as security in a deed of trust, must be made during certain hours and in the county where the property is located. In counties with a population of less than 100,000 (all counties except Clark and Washoe Counties), the sale must be made at the county courthouse. In Clark and Washoe Counties, the sale must be made at the public location designated by the governing body of the county for that purpose.

This bill also revises the provisions relating to the notice of the sale of real property under a deed of trust. The measure provides that any person who willfully removes or defaces a notice of sale before the sale is complete or before the satisfaction of the default may be held liable.

This bill further provides that all sales of real property under a deed of trust must be made at auction to the highest bidder, and that such a sale may be postponed by oral proclamation and imposes certain requirements for the postponement of a sale. Lastly, S.B. 172 establishes procedures for the sale of property and the recovery of certain losses when a purchaser refuses to pay the amount he bid at the auction.

**S.B. 173 (Chapter 290)**

Senate Bill 173 increases the amount of equity protected by the homestead exemption from \$200,000 to \$350,000. This bill increases and expands other exemptions from a writ of execution applicable to private libraries, works of art, musical instruments, jewelry, necessary household goods, electronics, certain business inventory, equipment, and supplies.

This bill also expands the property eligible for the exemption from writ of execution for money held in certain types of federally authorized savings accounts to include money held in a Roth Individual Retirement Account.

Lastly, the bill defines “earnings” as compensation paid or payable for personal services performed by a judgment debtor in the course of regular business, such as income, wages, tips,

a salary, a commission, or a bonus, and allows for an exemption from a writ of execution on 75 percent of disposable earnings for any workweek.

This measure is effective on July 1, 2005.

**S.B. 343 (Chapter 428)**

Senate Bill 343 revises provisions concerning mechanics' and materialmen's liens. The bill requires a lessee to record a notice of posted security before the lessee may improve, alter, or repair the property that he is leasing and either establish a construction disbursement account and obtain the services of a construction control or record a surety bond for the prime contract. The bill also establishes requirements for administering a construction disbursement account and for the notice of posted security. In addition, a lien claimant has a lien against a construction disbursement account if established pursuant to these provisions. Exceptions to these provisions are provided for certain ground lessees and owners that file a written notice of waiver of certain rights.

Finally, the bill also requires that for a notice of nonresponsibility to be effective, the notice must be served by personal delivery or certified mail upon the lessee and upon the prime contractor within certain timeframes.

**Manufactured Homes and Mobile Home Parks**

**A.B. 343 (Chapter 473)**

Assembly Bill 343 prohibits a person from performing repairs in a manufactured home park that affect life, health, or safety unless licensed to perform such repairs. Similarly, a tenant or landlord, or an agent of either, may not connect certain utilities, except as authorized by law. The bill also requires a landlord to post or provide each tenant with a copy of the utility bill if the landlord bills the tenants individually from a utility bill that includes multiple tenants.

A manufactured home rental agreement must contain certain information about the owner of the unit and prior inspections. Additionally, the Division of Manufactured Housing must prepare a checklist of manufactured housing laws and provide an updated copy to each park owner. If a park is condemned by a local government for health or safety reasons, the landlord must pay certain amounts to tenants to assist with relocation. Alternatively, the landlord must compensate a tenant for the fair market value of the home if it cannot be moved or the tenant chooses not to move it.

Upon applying for an initial business license, a landlord shall notify the local fire department which must inspect the park and notify the Division of any violations. No license may be issued until the applicant furnishes proof from appropriate agencies that the park complies with all applicable fire, health, and safety codes.

An enforcement agency may inspect a manufactured home or park if it has cause to believe substandard conditions or health and safety violations exist. A park may not be built or

expanded unless the appropriate board of health has issued a permit certifying that the water, septic, and sanitation services do not endanger residents or the public.

The bill is effective on July 1, 2005.

**A.B. 427 (Chapter 408)**

Assembly Bill 427 defines the occupations of general serviceman and specialty serviceman. A general serviceman, formerly defined as a rebuilder, is a person responsible for the installation, repair, or reconstruction of a manufactured home, its accessories, and systems. A specialty serviceman, formerly defined as a limited serviceman or installer, is a person responsible for installation or repair of manufactured home accessories such as plumbing, electrical, or heating and air conditioning systems. The former definitions of installer, rebuilder, and serviceman are repealed.

The bill requires a business that conducts transactions involving the manufacture, sale, or service of manufactured homes to display certain notices. It also expressly prohibits a licensee from assigning, transferring, or otherwise authorizing use of a license to another person. Assembly Bill 427 makes it unlawful for any person to engage or offer to engage in a business or act in the capacity of a licensee without having an appropriate license and requires the Administrator of the Manufactured Housing Division to issue a cease and desist order to a violator. Violators are also subject to prosecution by the Attorney General or district attorney and may be responsible for paying court costs, investigation costs, and damages. The Administrator is also allowed to assess administrative fines and request the Attorney General or district attorney to apply on the Division's behalf to the district court for an injunction or restraining order.

**A.B. 437 (Chapter 405)**

Assembly Bill 437 revises provisions governing manufactured home parks and the rights and obligations of landlords and tenants. The landlord is required to post or provide each tenant with a copy of the utility bill if the landlord bills the tenants individually from a utility bill that includes multiple tenants, and provide a statement indicating the portion of the bill for which a tenant is responsible. A representative of the manufactured home park with working knowledge of the park must meet with the tenants if a meeting has been requested by the tenants. A landlord must approve or deny a completed application within ten days if he requires the approval of a prospective buyer and tenant.

The measure provides that a landlord must pay certain costs of relocating a mobile home, or disposing of the home and paying the tenant the fair market value of the home, only if he is required to close a park because of health and safety code reasons. A written notice of the closure of the park is required to be served to each tenant within three days of the landlord learning of the closure.

The bill provides for the selection of the board of directors or trustees that controls a mobile home park owned or leased by a nonprofit organization. In addition, the measure gives the

Attorney General the authority to investigate and institute proceedings relating to provisions governing manufactured home parks.

Lastly, regulations adopted by the Manufactured Housing Division concerning the issuance and renewal of a limited dealer's license must not require more than two hours of continuing education per year and the required continuing education must be limited to topics relating to the processes and procedures for the sale of a manufactured home.

The sections of the bill that allow for the adoption of regulations are effective on June 14, 2005. All other sections of the bill are effective on July 1, 2005.

**S.B. 381 (Chapter 226)**

Senate Bill 381 allows the Administrator of the Manufactured Housing Division of the Department of Business and Industry to adopt regulations concerning the installation, design, approval, or modification of manufactured homes, mobile homes, or commercial coaches. The measure also requires that a county or city building department have the written approval of the Division before enforcing regulations and making inspections regarding the installation and tie down of those structures.

The bill is effective on June 2, 2005, for purposes of adopting regulations and on July 1, 2005, for all other purposes.

## INSURANCE

### A.B. 137 (Chapter 281)

Assembly Bill 137 requires an insurer to provide written notice of payment to a claimant if the insurer is paying a claim of \$5,000 or more to a person other than the claimant when the claimant is a natural person. Violation of this provision is a misdemeanor.

### A.B. 338 (Chapter 456)

Assembly Bill 338 revises various provisions governing insurance. The bill requires the Commissioner of Insurance to provide for the regulation of:

- Medical discount plans;
- Credit personal property insurance;
- Consumer credit insurance;
- Sponsored captive insurers; and
- Branch captive insurers.

In addition, A.B. 338 amends provisions regarding risk retention groups by reducing the tax rate, and decreasing registration and annual certificate fees. The bill restricts the payment of commissions to insurance producers and establishes regulations and standards for a licensed producer of insurance to sell a viatical settlement agreement. Further, a producer of insurance may qualify for a license in more than one line of insurance as permitted by statute or regulation under certain circumstances. The bill also provides for administrative remedies and criminal penalties regarding criminal acts of fraudulent insurance.

Finally, A.B. 338 permits a health insurance carrier to offer a high-deductible health plan with a health savings account if the plan complies with federal law.

Certain provisions of this measure are effective on June 17, 2005, for the purposes of adopting regulations and performing other administrative tasks. All other provisions are effective on October 1, 2005.

### S.B. 432 (Chapter 276)

Senate Bill 432 revises the exemption for money, benefits, privileges, or immunities accruing in a life insurance policy when the annual premium paid does not exceed \$1,000. The bill increases the threshold amount from \$1,000 to \$15,000.

## **Health Insurance**

### **A.B. 63 (Chapter 475)**

Assembly Bill 63 repeals a section in the Uniform Health Policy Provision Law (UPPL) that allows certain health insurers to deny claims involving losses sustained by an insured while intoxicated or under the influence of a narcotic. This bill prohibits certain health insurers from canceling or refusing to issue a policy solely because an insured person or a person eligible to apply for the policy has made such a claim. However, the bill allows for the denial of insurance payments for the treatment of injuries sustained as a consequence of the insured's commission of or attempt to commit a felony.

This measure is effective on July 1, 2006.

### **S.B. 29 (Chapter 440)**

Senate Bill 29 requires health insurers to provide certain coverage for individuals participating in clinical studies or trials for the treatment of cancer. In order to qualify for the mandatory coverage, the treatment must be conducted at an authorized facility or an affiliate of an authorized facility. A policy must cover the costs of routine health care services that would otherwise be covered under a health insurance policy for Phase I studies or trials. For Phase II, III, and IV studies or trials, a policy must cover health care services that are required for the clinically appropriate monitoring of the policyholder or subscriber during the clinical trial or study and which are not directly related to the clinical trial or study.

The bill is effective on January 1, 2006.

### **S.B. 116 (Chapter 73)**

Senate Bill 116 modifies the responsibilities of the Labor Commissioner to investigate and penalize employers for violations of laws governing prevailing wages and employment practices on public works projects. It requires the Labor Commissioner to provide notice and an opportunity for hearing before imposing a fine for a violation and allows the Commissioner to impose fines on governmental entities that violate the law. It also allows the Attorney General to decide whether or not to prosecute violators.

Senate Bill 116 also amends the law regarding the discontinuation of health insurance coverage. If an employer knowingly and willfully stops paying health insurance premiums without notifying the employees and, prior to receiving notification of the non-payment, those employees incur health care costs that would have been covered, the employer must pay the claims up to the amount of the unpaid premiums.

The bill is effective on May 10, 2005.

## **Workers' Compensation**

### **A.B. 58 (Chapter 49)**

Assembly Bill 58 requires the Administrator of the Division of Industrial Relations of the Department of Business and Industry to prepare an annual report concerning the use of fines and benefit penalties to enforce the laws governing workers' compensation. The Chief of the Hearings Division of the Department of Administration is also required to prepare an annual report containing information about the disposition of cases involving claims for workers' compensation benefits.

This bill entitles certain injured employees to be paid an additional amount of workers' compensation to cover their lost wages if they must miss work and travel more than 50 miles one way from their workplace to receive medical treatment for their injury or disease. In addition, an employer is prohibited from requiring the injured employee to use sick leave or any other type of personal leave while the employee is receiving such medical treatment. The Administrator must adopt regulations to carry out the provision of this bill concerning payment to an injured employee for missed work to receive medical treatment.

This bill is effective on May 9, 2005, for the purpose of adopting regulations and on January 1, 2006, for all other purposes.

### **A.B. 186 (Chapter 350)**

Assembly Bill 186 authorizes a payment of compensation to each injured employee who suffers from a permanent total disability and who is not entitled to receive an annual cost-of-living increase. The Administrator of the Division of Industrial Relations is required to withdraw from the Uninsured Employers' Claim Account the amount of interest earned from the account to fund the compensation payment each year; the administrator is also required to adopt regulations necessary to carry out the provisions of the bill. The first payment to eligible injured employees must be made no later than December 31, 2005.

This bill is effective on July 1, 2005.

### **A.B. 254 (Chapter 322)**

Assembly Bill 254 increases the maximum administrative fines and benefit penalties that the Administrator of the Division of Industrial Relations may impose against an insurer, managed care organization, health care provider, third-party administrator, or employer for violating certain provisions of existing law. In addition, this bill expands the violations for which a benefit penalty may be imposed to include intentionally failing to comply with any provision of, or regulation adopted pursuant to, the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act.

**A.B. 364 (Chapter 386)**

Assembly Bill 364 requires an insurer to send to an injured employee an annual accounting of compensation for a permanent total disability; it also allows the injured employee to obtain more frequent accountings upon request. The measure makes changes to the claim reopening process by requiring an insurer to reopen a claim to consider the payment of compensation for a permanent partial disability if certain conditions are met. The bill revises the provisions governing vocational assessments by making the assessments voluntary instead of mandatory. Finally, the bill requires a vocational rehabilitation counselor who is employed by an insurer or claims administrator to disclose that relationship to an injured employee. The injured employee is allowed to request and be assigned an alternate counselor who is not affiliated with the insurer or claims administrator.

**S.B. 66 (Chapter 76)**

Senate Bill 66 authorizes an injured employee who resides in Nevada to receive vocational rehabilitation services outside of the state at a location within 50 miles from the worker's residence. An insurer may not unreasonably deny a request for such services.

**S.B. 121 (Chapter 84)**

Senate Bill 121 allows a health care provider to accept payment from a health or casualty insurer on behalf of an injured employee for treatment that the injured employee alleges is related to an industrial injury or occupational disease. In the event that denial of a workers' compensation claim is overturned on appeal, the workers' compensation insurer or administrator must reimburse directly the party that paid for medical treatment while the claim was being adjudicated. The measure also allows an injured employee or health or casualty insurer to recover from the health care provider the difference between the amount paid and the amount that the provider was entitled to receive for the treatment pursuant to the medical fee schedule.

**S.B. 203 (Chapter 465)**

Senate Bill 203 expands the applicability of certain accident benefits for police officers and firefighters to game wardens. The bill requires employers of police officers and firefighters to perform a test to screen for contagious diseases upon termination of employment unless the employee was previously screened and tested positive for a particular disease. The measure also extends the benefits and compensation regarding hepatitis to certain police officers employed by the State.

**S.B. 225 (Chapter 228)**

Senate Bill 225 makes changes to the rights and responsibilities of vocational rehabilitation counselors evaluating injured employees in an industrial insurance claim. The measure specifies that the primary obligation of a vocational rehabilitation counselor is to the injured employee. The bill also removes the limit on the number of open cases that a vocational rehabilitation counselor may manage and requires that a counselor have knowledge of the labor market within the geographical area where the injured employee resides. It eliminates the requirement that an insurer cause a written assessment to be prepared for any injured employee

who will receive temporary total disability benefits for more than 90 days, instead allowing the injured employee or insurer to request such an assessment. The measure requires that the written assessment be signed by a certified vocational rehabilitation counselor. Finally, the bill prohibits a vocational rehabilitation counselor from providing services to an injured employee if the counselor's employer administers the claim.

The bill is effective on July 1, 2005.

**S.B. 226 (Chapter 344)**

Senate Bill 226 limits the amount a health care provider may collect from an injured worker to no more than the amount the provider would have received had the claim been approved upon appeal. This limitation applies to all providers of health care except hospitals. The bill also requires the entity found responsible for payment of a workers' compensation claim to reimburse an injured worker or health or casualty insurer that paid for treatment or other services on behalf of the injured worker. Finally, the bill allows an injured worker or insurer to recover from a health care provider any amount paid in excess of the amount the provider was entitled to under the Nevada Medical Fee Schedule or the provider's agreement with the insurer. The bill does not apply to treatment or other services provided by a provider of health care to an injured worker before July 1, 2005.

The bill is effective on July 1, 2005.



## LABOR AND MANAGEMENT

### **Employers and Employees**

#### **A.B. 44 (Chapter 488)**

Assembly Bill 44 provides that disputes regarding overtime involving employees who earn at least one and one-half times the minimum hourly wage are subject to the jurisdiction of the Labor Commissioner.

The measure is effective on July 1, 2005.

#### **A.B. 483 (Chapter 231)**

Assembly Bill 483 changes the dates by which certain steps in the collective bargaining process must take place. Overall, A.B. 483 substitutes deadlines described as a number of days from a certain event rather than the current specific dates.

Assembly Bill 483 allows a dispute to be submitted to a mediator anytime before March 1 if the parties agree, and further allows either party to request a mediator anytime after March 1. The bill also changes the timeframes for selection of a mediator and for bringing the parties together in an attempt to settle the dispute. The deadline for submittal of the mediator's report to the Commissioner is changed from August 15 to within 15 days after the last meeting between the parties. Assembly Bill 483 sets a five-day deadline for selecting a fact-finder and a ten-day deadline for establishing a schedule of dates and times for a hearing. The bill also changes several deadlines related to the panel formed to determine whether the recommendations of the fact-finder shall be final and binding.

The measure is effective on July 1, 2006.

#### **S.B. 116 (Chapter 73)**

Senate Bill 116 modifies the responsibilities of the Labor Commissioner to investigate and penalize employers for violations of laws governing prevailing wages and employment practices on public works projects. It requires the Labor Commissioner to provide notice and an opportunity for hearing before imposing a fine for a violation and allows the Commissioner to impose fines on governmental entities that violate the law. It also allows the Attorney General to decide whether or not to prosecute violators.

Senate Bill 116 also amends the law regarding the discontinuation of health insurance coverage. If an employer knowingly and willfully stops paying health insurance premiums without notifying the employees and, prior to receiving notification of the non-payment, those employees incur health care costs that would have been covered, the employer must pay the claims up to the amount of the unpaid premiums.

The bill is effective on May 10, 2005.

**S.B. 339 (Chapter 389)**

Senate Bill 339 provides that the average hourly wage paid by a business seeking a partial abatement of certain taxes may be the lesser of the average countywide hourly wage or the average statewide hourly wage in a county under certain circumstances. The bill also requires the Commission on Economic Development to obtain a letter of acknowledgement of the request from affected local governments, including the county, school district, any cities or towns, prior to approving an application for abatement of taxes.

In addition, the bill requires the Employment Security Division to determine the average hourly wage for nonmanagerial employees for the purpose of eligibility for the partial abatement of certain taxes. The Division shall report recommendations concerning the average hourly wage required for the partial abatement of taxes to the 74th Session of the Legislature.

This bill is effective on July 1, 2005.

**Unemployment**

**A.B. 502 (Chapter 129)**

Assembly Bill 502 revises the provisions governing unemployment compensation. This bill amends provisions of the State Unemployment Tax Act (SUTA) to be in compliance with federal law. These mandatory provisions relate to the establishment of procedures to identify or detect rate manipulation activities, commonly referred to as “SUTA dumping.” The Administrator of the Employment Security Division may make a determination on the existence of common ownership, management, or control between two or more employers. If there is substantially common ownership, and an employer transfers all or part of its trade or business to another employer, the experience record of the trade or business must be transferred from the predecessor to the successor. In addition, the Administrator has the authority to deny a transfer of experience if it is determined that the sole or primary purpose of the acquisition was to obtain a more favorable contribution rate. The bill provides for criminal penalties for SUTA dumping and felony penalties for attempting to use a plan or scheme to reduce any required payment or avoid being subject to the provisions of Nevada’s Unemployment Compensation Law.

Lastly, A.B. 502 increases from 10 days to 11 days deadlines related to certain reporting requirements and appeals decisions, and specifically allows for payment of contributions with drafts.

Sections of the bill relating to the modification of deadlines are effective on May 19, 2005. Provisions concerning drafts are effective on July 1, 2005. All other sections are effective on January 1, 2006.

**S.B. 111 (Chapter 72)**

Senate Bill 111 requires the two most recent employers of a claimant for unemployment insurance to submit to the Employment Security Division all relevant facts which may affect the claimant's rights to benefits. The bill also requires the Division to include in its notice of filing of claim the reason for separation from the affected employers, the date of separation, and any other information it deems proper.

The bill is effective on July 1, 2005.



## LEGISLATURE

### A.B. 415 (Chapter 256)

Assembly Bill 415 requires each legislator who requests the drafting of a legislative measure to disclose his or her name on the list of requests prepared by the Legislative Counsel. The bill also requires the Legislative Counsel to add the name of the committee or legislator who agrees to become the primary requester of a bill draft if the original primary requester will not be returning to the Legislature.

### S.B. 17 (Chapter 498)

Senate Bill 17 requires that the Legislative Commission review every permanent regulation unless: (1) the Commission refers the regulation to a subcommittee; or (2) the agency has an emergency that requires the regulation to become effective before the next scheduled meeting of the Commission. In either case, S.B. 17 provides for review by a subcommittee of the Commission, and the appointment of a subcommittee to review regulations is mandatory. The bill also changes, from ten to three, the number of working days before a meeting that a regulation must be received in order for it to be reviewed by the Commission.

If the Commission or its subcommittee objects to a regulation, the agency must revise the regulation within 60 days to conform to the statutory authority pursuant to which the regulation was adopted and to carry out the legislative intent. If the Commission or its subcommittee objects to the resubmitted regulation, the Legislative Counsel shall promptly return the regulation to the agency along with a written notice of and rationale for the objection. The agency shall continue to revise the regulation and resubmit it within 30 days after the objection notice is received from the Legislative Counsel. Finally, S.B. 17 removes the requirement that the Legislature ratify an objection to a regulation by the Legislative Commission or its subcommittee.

The measure is effective on June 17, 2005.

### S.B. 19 (Chapter 167)

Senate Bill 19 changes the name of the Northern Nevada Senatorial District to the Rural Nevada Senatorial District.

This measure is effective on May 31, 2005.

### S.B. 303 (Chapter 360)

Senate Bill 303 provides that a person appointed to the National Conference of Commissioners on Uniform State Laws who attends an annual meeting of the Conference is entitled to receive reimbursement from the Legislative Fund for expenses incurred to attend the annual meeting. In order to receive reimbursement, the appointed Commissioner must provide advance written notice to the Director of the Legislative Counsel Bureau of his or her intentions to actively participate in the meeting and carry out the duties of Commissioner.

The measure also directs the Legislative Commission to appoint two members of the faculty of the William S. Boyd School of Law of the University of Nevada, Las Vegas, as recommended from a list of names submitted to the Commission by the Dean of the Law School. Each member so appointed serves for a term of four years. Commissioners appointed from the Law School are entitled to receive reimbursement from the School for any expenses incurred in carrying out their duties as Commissioners, including travel and per diem expenses.

The measure is effective on July 1, 2005.

**S.B. 311 (Chapter 479)**

Senate Bill 311 relates to members of the Nevada Legislature. The bill changes, from \$6,800 to \$10,000, the maximum supplemental allowance to which a legislator is entitled during a regular legislative session. The measure also modifies the maximum supplemental allowance of \$1,000 for a special session to a minimum of \$1,200.

The measure is effective on June 17, 2005, and applies to reimbursement expenses for the 73rd Legislative Session.

**S.B. 346 (Chapter 380)**

Senate Bill 346 provides that a Legislator may, within 30 days after he is first elected or appointed, choose not to participate as a member of the Legislators' Retirement System by notifying in writing the Public Employees' Retirement Board and the Director of the Legislative Counsel Bureau. A sitting Legislator may also terminate, in the same manner, his participation as a member of the System. Finally, the bill provides that a Legislator who terminates his participation as a member of the Legislators' Retirement System is not eligible thereafter to participate as a member of the System.

The measure is effective on June 13, 2005.

**A.J.R. 13—72nd Session (File No. 31)**

Assembly Joint Resolution No. 13 of the 72nd Session proposes to amend the *Constitution of the State of Nevada* to allow the Nevada Legislature to call itself into a special session. This measure provides that a special session of the Legislature may be convened, on extraordinary occasions, by a petition signed by two-thirds of the members of each House of the Legislature. This resolution specifies that during a special session, the Legislature may only consider matters for which it was called into session. Finally, A.J.R. 13 of the 72nd Session limits special sessions called by the Legislature or the Governor to 20 calendar days.

This measure was approved in identical form during both the 2003 and 2005 Sessions of the Nevada Legislature. The proposal will be submitted to the voters for final approval or disapproval at the 2006 General Election.

**S.J.R. 11—72nd Session (File No. 74)**

Senate Joint Resolution No. 11 of the 72nd Session proposes to amend the *Nevada Constitution* to provide that members of the Nevada Legislature are paid for each day of service during regular and special sessions. Additionally, S.J.R. 11 proposes another amendment to provide “reasonable allowances” to legislators for expenses incurred for postage, express charges, newspapers, telecommunications, and stationery.

The measure was approved in identical form by the 2003 and 2005 Sessions of the Nevada Legislature. The proposal will be submitted to the voters for final approval or disapproval at the 2006 General Election.

**Legislative Counsel Bureau and Legislative Building****A.B. 542 (Chapter 215)**

Assembly Bill 542 revises provisions governing the temporary transfer of employees from the Legislative Counsel Bureau to the Senate or Assembly. This bill allows the Secretary of the Senate and the Chief Clerk of the Assembly to adjust the compensation of these employees, under certain circumstances, so the employees are not subject to a reduction in pay while working during a legislative session.

The bill is effective on June 1, 2005, and applies retroactively to any person who transferred from the LCB to the Senate or Assembly for the 73rd Regular Legislative Session.

**S.B. 40 (Chapter 2)**

Senate Bill 40 removes the requirement that the State Printing Office prepare one copy of any legislative bill or resolution on heavy, buff-colored paper. The measure requires the Legislative Counsel to bind one copy of each measure in a cover and designate it as the original version. Finally, S.B. 40 directs the Legislative Counsel to develop a suitable method for designating original legislative measures and ensuring the authenticity and preservation of the originals.

This measure is effective on March 3, 2005.

**S.B. 477 (Chapter 338)**

Senate Bill 477 provides that the Director of the Legislative Counsel Bureau, rather than the Legislative Commission, may set prices for various publications and services. The measure revises the procedures for the appointment of committees for the fundamental review of base budgets and deletes the authority of the Commission to fix the compensation of the Director of the Legislative Counsel Bureau and the various Division Chiefs. In addition, S.B. 477 allows the Interim Finance Committee to perform the same duties during a special session that they are allowed to perform during a regular session.

The measure shifts, from February 1 to July 1 in each even-numbered year, the dates for the appointment of the members of the Economic Forum. Finally, the bill repeals provisions concerning the two-week adjournment of the Legislature during the legislative session.

The measure is effective on July 1, 2005.

**S.B. 520 (Chapter 318)**

Senate Bill 520 creates the State Printing Office within the Legislative Counsel Bureau. The measure removes all references to the State Printing Division of the Department of Administration throughout the *Nevada Revised Statutes*. The bill also removes provisions requiring the printing or presetting of type for printing legislative measures before introduction and deletes other antiquated printing requirements for legislative measures.

In addition, the bill declares that a governmental entity is not required to use the services of the State Printing Office, and the Office is not required to produce any work for a governmental entity, except for work statutorily required for the Nevada Legislature, the Legislative Counsel Bureau, or the Supreme Court of Nevada. The measure permits the State Printer to accept all government work and clarifies that state government agencies and divisions which are required to solicit bids for printing services must solicit a bid from the State Printing Office or may use the Office without soliciting bids. Finally, S.B. 520 eliminates the State Printing Fund and establishes a revolving account in the Legislative Fund for purposes of printing services.

The measure is effective on June 8, 2005.

**See also Assembly Bill 1 (Chapter 6) of the 22nd Special Session.**

**Legislative and Other Studies Directed by the Legislature**

**A.B. 498 (Chapter 430)**

Assembly Bill 498 extends the expiration date of the Legislative Committee on Taxation, Public Revenue and Tax Policy to June 30, 2007. The measure also directs the Committee to study franchise fees, business license fees, and all other fees and taxes imposed upon providers of telecommunication, video, data, electric, and natural gas services. In addition, the Committee shall review the price and availability of renewable alternative fuels and consider the distribution methods of fuel tax revenue to local governments.

The bill is effective on June 15, 2005.

**S.B. 31 (Chapter 134)**

Senate Bill 31 authorizes the President of the Nevada Silver Haired Legislative Forum, at his discretion, to excuse absences from meetings. The measure also provides that officers of the Forum serve a one-year term beginning on July 1 of each year. In addition, the bill authorizes the Forum to hold three or more public hearings in the State when the Legislature is not in a regular session and removes the requirement that meetings be held in different areas of the

State. Finally, the measure revises the date by which the Forum may submit any recommendations for legislation to the Governor and the Legislative Commission to September 1 of each even-numbered year.

This measure is effective on July 1, 2005.

**S.B. 70 (Chapter 305)**

Senate Bill 70 authorizes the Legislative Committee on Public Lands to review and comment on any matter relating to the preservation, conservation, use, management, or disposal of public lands that the Committee's chairperson or a majority of its members deems appropriate.

The bill is effective on June 8, 2005.

**S.B. 71 (Chapter 187)**

Senate Bill 71 eliminates the requirement that the Interim Retirement and Benefits Committee of the Legislature approve the annual salaries of certain unclassified employees of the Public Employees' Benefits Program, including the Executive Director.

The measure is effective on July 1, 2005.

**A.C.R. 10 (File No. 99)**

Assembly Concurrent Resolution No. 10 directs the Legislative Commission to appoint an interim committee to conduct a study of the adequacy of Nevada's school finance system. The committee shall contract with a consultant to assist with an analysis of Nevada's system of financing public elementary and secondary education and the costs of providing adequate educational opportunities to all Nevada public school pupils. The committee shall recommend legislation to correct any identified inadequacies or inequities in the Nevada Plan for School Finance.

**A.C.R. 11 (File No. 97)**

Assembly Concurrent Resolution No. 11 directs the Legislative Commission to conduct an interim study on the availability and inventory of affordable housing in Nevada. The resolution urges local governments to participate in the study by providing information, including any programs the local government currently provides to assist persons in locating affordable housing. The Legislative Commission must submit a report of the results of the study and any recommendations for legislation to the 74th Session of the Nevada Legislature.

**A.C.R. 17 (File No. 98)**

Assembly Concurrent Resolution No. 17 directs the Legislative Commission to appoint an interim committee to conduct a study of the sentencing of convicted persons and of the pardons, parole, and probation services provided by the State. The resolution directs the Administrative Office of the Courts, the Department of Corrections, and the Division of Parole and Probation of the Department of Public Safety to provide information and assistance to the

committee. The Legislative Commission must submit a report of the results of the study and any recommendations for legislation to the 74th Session of the Nevada Legislature.

**S.C.R. 26 (File No. 100)**

Senate Concurrent Resolution No. 26 directs the Legislative Commission to appoint an interim committee to study the use, management, and allocation of water resources in Nevada. The resolution provides for a committee of eight legislators that will undertake an analysis of existing laws, regulations, policies, reports, and studies concerning water. The committee is further required to evaluate the need for additional information, develop appropriate recommendations, evaluate relevant issues, and consider the feasibility of creating a permanent Legislative Committee on Water Resources.

The measure also authorizes appointment of a subcommittee to study the advisability of consolidating water-related services in Washoe County, and describes the appointment of members and duties of the subcommittee.

Finally, a report of the results and recommendations of the studies authorized by S.C.R. 26 will be submitted for consideration by the 74th Session of the Nevada Legislature.

**S.C.R. 35 (File No. 101)**

Senate Concurrent Resolution No. 35 describes the diverse natural treasures of Nevada, as well as their unique characteristics and contribution to the quality of life and economic prosperity of this State. The resolution directs the Legislative Commission to conduct an interim study of any measures necessary for the protection and maintenance of Mount Charleston and Walker Lake, and any other area of the State the interim committee deems is appropriate. The Legislative Commission must submit a report of the results of the study and any recommendations for legislation to the 74th Session of the Nevada Legislature.

**See also Assembly Bill 342 (Chapter 418) of the 73rd Regular Session.**

**See also Assembly Bill 489 (Chapter 20) of the 73rd Regular Session.**

**See also Assembly Bill 580 (Chapter 482) of the 73rd Regular Session.**

**See also Senate Bill 134 (Chapter 271) of the 73rd Regular Session.**

**LOCAL GOVERNMENTS, SPECIAL DISTRICTS,  
AND MISCELLANEOUS MATTERS RELATING TO GOVERNMENT  
AND PUBLIC AFFAIRS**

**Bills Applying Generally to Local Governments**

**A.B. 31 (Chapter 304)**

Assembly Bill 31 prohibits the disclosure of names, addresses, telephone numbers, and other personal information collected by local governments. The measure protects information related to natural persons from disclosure if the information is provided to the local government in connection with registration for a recreational or instructional activity, event, or facility. The bill expressly prohibits a local government from requiring a Social Security number from a person registering for such activities, events, or facilities. Finally, A.B. 31 allows disclosures pursuant to a court order, a subpoena, a pre-litigation investigation with an affidavit from an attorney, and to members of the media.

**A.B. 142 (Chapter 384)**

Assembly Bill 142 allows peace officers and judges to request that their personal information contained in county assessor records be made confidential. Such a request must be made in an application to the appropriate court upon a sworn affidavit that sets forth sufficient justification for the confidentiality request. Upon receipt of a court order, the county assessor is required to keep such personal information confidential subject to certain exceptions.

The bill authorizes the county assessor to establish a program by which certain governmental entities, private investigators, public administrators or guardians, or journalists may obtain complete lists of the assessor's roll. In addition, persons involved in: (1) statistical research; (2) administrative, arbitration, civil, or criminal proceedings; or (3) the bulk distribution of surveys, may participate in the program established by the county assessor. The county assessor must obtain a signed and notarized affidavit from a person participating in the program. The affidavit must state that the person understands the authorized uses of such information, the requirement to provide records of the disclosure of such information, and the penalties for violation.

The county assessor may deny certain requests to participate in the program if he reasonably believes the information will be used in an unauthorized manner and may also revoke participation for a violation of the law. Violations by the county assessor or persons participating in the program are punishable as a misdemeanor and a court may also impose a civil penalty of up to \$2,500.

The measure is effective on July 1, 2005.

**A.B. 179 (Chapter 79)**

Assembly Bill 179 relates to local government purchasing. The bill adds “response agencies” to the entities that are exempt from competitive bidding requirements when purchasing personal safety equipment. The bill also expands the definition of “personal safety equipment” to include equipment used in recovery or relief services during emergencies, acts of terrorism or disasters, or equipment used in preventing such situations.

**A.B. 187 (Chapter 67)**

Assembly Bill 187 allows a governing body to adopt a streamlined procedure for minor amendments to local government master plans. If a streamlined procedure is adopted, the local government may exempt minor amendments from a hearing before the planning commission. In addition, minor amendments will not be subject to the annual limit on master plan amendments.

A “minor amendment” is defined as: (1) a change in a boundary to correct an error in geographical mapping; (2) an update that reflects a change in the name of another entity; and (3) an update of statistical data.

The measure is effective on May 9, 2005.

**A.B. 188 (Chapter 307)**

Assembly Bill 188 requires a governmental entity to maintain a secure database of electronic mail addresses and telephone numbers of persons who provide such information to the entity. Under this measure, the database is not considered a public book or record and must not be disclosed in its entirety as a single unit.

The bill permits the database to be disclosed in response to a court order or by the governmental entity upon a finding that such disclosure is necessary to protect the public safety or to assist in a criminal investigation. Moreover, an individual electronic mail address or telephone number may be disclosed if the address or number was provided in the course of an existing business or contractual relationship or in the course of establishing such a relationship. Finally, the bill clarifies that “telephone number” includes the number for a facsimile machine or telecopier.

This measure is effective on June 8, 2005.

**A.B. 312 (Chapter 381)**

Assembly Bill 312 requires, with some exceptions, that the disposal of real property by the State of Nevada and local governments must be accomplished through sale or lease upon sealed bids, followed by oral offers. Two appraisals must be made on the property at least six months before the sale. The appraisers must be selected pursuant to regulations adopted by the Administrator of the Division of State Lands or through ordinances adopted by the local governing body. The measure clarifies that a local governing body may sell, lease, or otherwise dispose of real property for the purposes of redevelopment or economic development

without first offering the property to the public and may sell or lease the property for less than fair market value. The bill sets forth a procedure and process for land disposal under these circumstances and defines “economic development” for this purpose.

The bill stipulates that a county commission or city council may sell or lease to an adjacent property owner any land owned by the county or city without complying with the disposal requirements if the property is a parcel remnant, too small for an economically viable use, or subject to a deed restriction prohibiting its use by anyone other than the adjacent owner. The local governing body may also sell land without complying with the disposal requirements if the sale restricts the use of the real property to a public use and the council or board adopts a resolution finding that such a sale would be in the best interests of the county or city.

Assembly Bill 312 sets forth a procedure for land sale or lease if the state, county, or city land is not sold or leased at the initial or second offering. Finally, the measure requires the disposal, through public auction, of airport property owned by local government or airport property under the jurisdiction of the Airport Authorities of Battle Mountain, Carson City, and Washoe County.

The measure is effective on July 1, 2005.

**See also Senate Bill 394 (Chapter 496) of the 73rd Regular Session.**

**A.B. 477 (Chapter 209)**

Assembly Bill 477 clarifies that the appointment of a deputy by certain public officers does not confer policymaking authority upon the deputy. The affected offices are the county clerk, county recorder, sheriff, constable, coroner, county treasurer, county assessor, district attorney, public administrator, public guardian, and public defender.

The measure is effective on May 31, 2005.

**S.B. 52 (Chapter 367)**

Senate Bill 52 authorizes a local governing body to designate additional persons charged with enforcing county or city ordinances to prepare, sign, and serve written citations for violations of county or city ordinances. These designated individuals may remove a motor vehicle from public property, if there is reason to believe that the vehicle has been abandoned on the property. The measure increases, from \$500 to \$1,000, the maximum civil penalty a city may impose for the violation of a city ordinance ordering the owner of commercial property to repair, safeguard, or eliminate a dangerous structure or condition or clear debris, rubbish, litter, garbage, noxious weeds, and abandoned or junk vehicles and appliances.

Senate Bill 52 provides that if the county, city, or district board of health located in the city has adopted a definition of “garbage,” that definition must be used by the city as part of its nuisance ordinance concerning garbage. Finally, the bill adds the welfare of the general public

and the failure to meet minimum maintenance requirements as factors when determining whether a dangerous structure or condition exists.

The measure is effective on July 1, 2005.

**S.B. 118 (Chapter 311)**

Senate Bill 118 authorizes an additional \$1 fee to be charged by a district health officer or the State Registrar for a certified copy of a record of death originating in a county that chooses to participate in a program to support the county office of the coroner. The bill provides that any money collected from these fees be remitted to the county treasurer of the participating county in which the record of death originates, for deposit to a separate account created in the county general fund. These funds may be used for specified purposes, including the support of programs involving youth visitation to coroners' offices, the purchase of equipment, and the training of ex officio coroners and other personnel. Any money remaining in the account at the end of each fiscal year does not revert to the county general fund and must be carried forward to the next fiscal year.

The measure also authorizes a pharmacist to release the contents of a prescription to a county coroner, medical examiner, or investigator employed by a county coroner in order to identify a deceased person, determine cause of death, or perform other duties authorized by law. Finally, the bill repeals the expiration of the county coroner visitation program, thereby continuing the program that allows juvenile courts to conduct programs of visitation of delinquent youth to the offices of the county coroners.

**S.B. 180 (Chapter 170)**

Senate Bill 180 increases the maximum salary that may be authorized for members of a county board of equalization, who are not elected public officers, from \$40 to \$125 per day.

The measure is effective on May 31, 2005.

**S.B. 184 (Chapter 178)**

Senate Bill 184 requires a local government that establishes an enterprise fund exclusively for building, barricade, and encroachment permit fees to also create an advisory committee to provide recommendations relating to the operation of the fund. The bill sets forth the composition and the duties of the committee and authorizes it to issue opinions and recommendations concerning the adequacy of the fees charged for permits, the budget of the program for the issuance of permits, and other matters related to the fund.

The measure provides that the Nevada Tax Commission shall exempt a local government from the limitation on the increase of its building permit basis if, among other things, the local government meets certain conditions in the operation of an enterprise fund exclusively for building, barricade, and encroachment permit fees. These conditions include maintaining a balance in the fund that does not exceed a certain amount of unreserved working capital and expending money in the fund only for expenditures related to the permit program. The bill

revises the maximum amount of unreserved working capital that may be maintained in an enterprise fund exclusively for building, barricade, and encroachment permit fees. If the enterprise fund maintains a balance that exceeds the unreserved working capital for two consecutive fiscal years, the local government is required to reduce the fees it charges for the program or services associated with the enterprise fund.

The measure is effective on July 1, 2005.

**S.B. 218 (Chapter 221)**

Senate Bill 218 prohibits a local government from requiring a business license or payment of a license tax for certain licensed employees. In order to qualify for the exemption, a professional must: (1) hold a license, certificate, or similar authorization from a regulatory body in Title 54 of the *Nevada Revised Statutes* or be regulated by the *Nevada Supreme Court Rules*; and (2) be practicing his profession as an employee of another person or firm.

The measure is effective on July 1, 2005.

**S.B. 262 (Chapter 278)**

Senate Bill 262 provides that, if a city or county constructs a sound wall or similar structure in a freeway right-of-way that obstructs the visibility of a billboard, the governing body shall:

- Authorize the owner, with the consent of the Nevada Department of Transportation (NDOT) and at no cost to the government, to adjust the billboard's height or angle;
- Authorize the owner, with NDOT's consent and at no cost to the government, to relocate the billboard to another location on the same parcel of land or another parcel where the owner has secured the right to construct the structure, provided the relocation is permitted under the local ordinances in effect at the time of the relocation;
- Evaluate the impact of the wall and, at its discretion, implement design modifications;
- Authorize any other relief consistent with the public health, safety, and welfare, that is agreed upon by the governing body, the NDOT, and the owner.

If none of these solutions is feasible, the bill specifies that the billboard may remain obstructed. The bill authorizes local governments to adopt ordinances or variances to address these matters and provides several exemptions, including signs obstructed prior to enactment of the bill. In addition, these remedies do not imply that the owner can increase the size of the area of the display and there are no additional implied rights to regulate air, light, or view over a freeway. Finally the measure specifies that all the provisions that apply to local governments also apply to the NDOT and the State of Nevada.

This measure is effective on June 6, 2005.

**S.B. 422 (Chapter 474)**

Senate Bill 422 authorizes the governing body of a local government to adopt an ordinance requiring a person to obtain a certificate to manage certain hotels, motels, and apartment complexes. The measure also authorizes the governing body to require, by ordinance, that such properties located within the jurisdiction of the local government be managed by a person who has been issued a certificate by the governing body. The governing body may set forth additional parameters, including the collection of a fee, for the issuance of the certificate and stipulate other requirements as necessary to carry out the ordinances. Ordinances adopted regarding these matters must not apply to a person engaged in managing a property where gaming is conducted under a nonrestricted license and must not apply to real estate brokers and other persons licensed pursuant to Chapter 645 of the *Nevada Revised Statutes*.

The measure also prohibits a governing body of a local government from requiring that a licensed contractor obtain more than one business license in the area of contracting or pay more than one license tax related to engaging in the business of contracting. This prohibition applies regardless of the number of classifications or subclassifications of licensing for which the person is licensed.

The measure is effective on July 1, 2005.

**S.B. 424 (Chapter 172)**

Senate Bill 424 reduces, from three to two, the minimum number of abandoned nuisance activities that must be present on private property before a certified mail notice is sent to the property owner requesting abatement of the nuisance. The measure also changes, from 2 years to 12 months, the time period during which a property must be vacant or substantially vacant before that property falls under the category of abandoned nuisance.

The measure is effective on July 1, 2005.

**S.B. 466 (Chapter 368)**

Senate Bill 466 revises the authority of a public body to sell or lease water rights. The measure provides that a public body may not sell, or lease for a term longer than five years, a water right unless it makes certain written findings after holding at least one public hearing soliciting public comment. The findings relate to:

- the consistency of the sale or lease with long-term management of water resources within the jurisdiction;
- an assurance that the action will not deprive residents and businesses of reasonable access to water resources for growth and development;
- the reasonableness of the action in relation to promoting development and use of the water right; and

- a reasonable assurance that the public body will receive the actual value of the water right or comparable economic benefits.

The bill exempts water districts and water authorities from these requirements.

The measure is effective on June 13, 2005.

**S.B. 488 (Chapter 383)**

Senate Bill 488 requires a local government to give trade associations and businesses that are likely to be affected by a proposed rule at least 15 working days to submit arguments as to whether the rule will impose a significant economic burden or directly restrict the formation, operation, or expansion of the business. If no responses are received, a rebuttable presumption is created that the proposed rule will not impose a burden or restrict businesses. Senate Bill 488 further requires that the adoption of a proposed rule cannot appear on an agenda for action by a local government unless a business impact statement has been prepared and is available for public inspection when the agenda is posted.

This measure also requires any state agency wishing to hold a workshop on or act upon a regulation to prepare a statement that identifies the methods used by the agency in determining the impact of a proposed regulation on a small business.

This measure is effective on July 1, 2005.

**Bills Applying to Specific Local Entities**

**A.B. 164 (Chapter 52)**

Assembly Bill 164 increases the terms for municipal judges in the City of Sparks from four to six years.

**A.B. 165 (Chapter 159)**

Assembly Bill 165 relates to planning commissions in Clark County. The measure defines “good cause” in the context of requesting continuances as including, without limitation, the redrawing of plans, engaging in negotiations, retention of legal counsel, and circumstances beyond the applicant’s control.

The planning commission may grant more than two continuances for either good cause or at the request of an applicant on behalf of another person, such as a city or county employee or officer, a commissioner, or an affected property owner. If a continuance is granted for good cause, A.B. 165 requires that the person who requested the continuance make a good faith effort to resolve the issues that justified the continuance.

The measure is effective on July 1, 2005, and the provisions apply to matters pending or filed on or after July 1, 2005.

**A.B. 235 (Chapter 78)**

Assembly Bill 235 provides that ward boundaries within general law cities must be changed whenever the population of a ward exceeds the population of any other ward by more than 5 percent, as determined based on the last decennial census. The bill further provides that ward boundaries may be changed due to annexation or a change in population between wards greater than 5 percent based on a reliable measure as determined by the city council.

The measure is effective on May 10, 2005.

**A.B. 380 (Chapter 483)**

Assembly Bill 380 creates a health district in Clark County consisting of a district health officer and a district board of health. The bill abolishes any county, city, or town board in existence when the district board of health is created. The measure provides that the district board of health shall consist of:

- Representatives selected by the following entities from among their elected members: two representatives of the board of county commissioners; two representatives of the governing body of the largest incorporated city in the county; and one representative of the governing body of each other city in the county; and
- Representatives selected by the elected representatives of the district board of health to represent the health district at large, as follows: two physicians licensed to practice medicine in the State, one of whom must have expertise in providing health care services to members of minority groups and other medically underserved populations; one nurse licensed to practice nursing in the State; one representative with expertise in environmental health or environmental health services; and one representative of a business or from an industry that is subject to regulation by the health district.

The powers and duties of the health district are set forth, along with operational and jurisdictional matters. The measure also establishes the qualifications and authority of the district health officer, who must be licensed to practice medicine or osteopathic medicine in the State, must hold a master's degree in an appropriate field, and must have at least ten years of management experience in a public health organization. In addition, A.B. 380 requires the district board of health to ensure that any clinical program requiring medical assessment is carried out under the direction of a physician. The measure further directs the board of county commissioners to annually allocate to the health district an amount not exceeding 3.5 cents per \$100 of assessed valuation of all taxable property in the county.

The bill is effective on July 1, 2005.

**A.B. 418 (Chapter 249)**

Assembly Bill 418 authorizes the Clark County Commission to increase sales and use taxes for the purpose of employing and equipping additional police officers for the police departments in Boulder City, Henderson, Mesquite, and North Las Vegas, and the Las Vegas Metropolitan Police Department. The first one-quarter cent sales tax increase shall be imposed on October 1, 2005, by an ordinance of the County Commission. The second one-quarter cent increase requires the consent of the Legislature and may not be imposed earlier than October 1, 2009.

Allocation of the increased sales tax revenues shall be based on the populations served by the participating police departments. In order to ensure that the sales tax proceeds will not replace or supplant existing funding, the measure also requires the body designated in A.B. 418 for each police department to determine whether the amount approved for expenditure for support of the police department is equal or greater to the amount approved for expenditure in the preceding fiscal year. The County Commission must obtain voter approval of any proposed change in the use of the sales tax proceeds prior to seeking legislative consent.

The provisions related to passage of ordinances and other preparatory tasks are effective on June 3, 2005. The remaining provisions are effective on October 1, 2005. The act expires by limitation on October 1, 2025.

**A.B. 425 (Chapter 404)**

Assembly Bill 425 requires certain regional planning entities to continue to study and develop methods to improve incentives for: (1) mixed-use and transit-oriented development; (2) brownfield site development; (3) development that minimizes the negative impact on the environment; and (4) large commercial developments with off-site employee parking. The measure also amends the charters of the Cities of Las Vegas, North Las Vegas, and Reno to include the development of mixed-use and transit-oriented communities and authorize the issuance of city bonds or other securities to defray the cost of such development.

Further, A.B. 425 provides that zoning regulations adopted by a governing body must be designed to consider existing views and access to solar resources by studying building height and reduce the consumption of energy by encouraging the use of products and materials which maximize energy efficiency in building construction. Additionally, the bill provides that before a local governing body in Clark or Washoe County holds a hearing on a master plan amendment, the person who requested the amendment must hold a neighborhood meeting to provide an explanation of the proposed amendment. The bill allows a local government to establish an ordinance setting forth a procedure whereby the applicant may, in lieu of holding the neighborhood meeting, present the information regarding the proposed amendment at a public hearing.

**A.B. 440 (Chapter 462)**

Assembly Bill 440 changes the boundary line between Lyon County and Washoe County. The boundary line is to be adjusted so that approximately 5,100 acres of undeveloped land will be transferred to Lyon County from Washoe County.

**A.B. 456 (Chapter 362)**

Assembly Bill 456 authorizes the Clark County Board of County Commissioners to enter into a cooperative agreement with another governmental entity to receive the proceeds from the rental car fee if the other governmental entity agrees to be responsible for the operation and financing of a performing arts center. In addition, the governmental entity may delegate one or more responsibilities to a nonprofit organization. The bill also provides that the performing arts center may be constructed using a design-build team.

The bill further clarifies that the funds from the rental car fee may also be used for the construction of a vocational training facility at the Culinary and Hospitality Academy of Las Vegas.

The measure is effective on June 13, 2005.

**A.B. 509 (Chapter 208)**

Assembly Bill 509 amends the charter of the City of North Las Vegas to extend the time the City Council may have to act on an ordinance. The bill allows the City Council to act on an ordinance no later than the second regular meeting after the ordinance is proposed. Currently, the City Council must act at the next meeting after an ordinance is proposed.

The measure is effective on July 1, 2005.

**S.B. 20 (Chapter 499)**

Senate Bill 20 increases, from 13 to 14, the membership of the county fair and recreation board in Clark County. The additional board member serves a two-year term and must be a member of the governing body of the incorporated city with the smallest population in the county. The measure removes provisions for a rotating schedule to determine representation of incorporated cities. Instead, the bill provides that if more than one incorporated city is eligible to appoint a member, the Board of County Commissioners must facilitate a biennial appointment rotation among the eligible cities.

This measure also requires that at the November 7, 2006, General Election, the City of North Las Vegas City Council must submit to the registered voters of the City the question of whether the City Councilmen must be voted for and elected only by the registered voters of the ward that they will represent. If the question is approved, then the city councilmen who are in office on December 1, 2006, shall be deemed to represent only the wards in which they reside for the remainder of their respective terms of office.

The provisions relating to the appointment of a new county fair and recreation board member are effective on June 17, 2005, and the other provisions relating to the board are effective on July 1, 2005. The provisions requiring the North Las Vegas City Council to submit a ballot question to voters is effective on June 17, 2005. The provisions revising the North Las Vegas City Council are effective on December 1, 2006, provided that the voters approve the question on the November 7, 2006, ballot

**S.B. 30 (Chapter 145)**

Senate Bill 30 authorizes the city council of a general law city in Clark County, with a population less than 50,000 (currently only the City of Mesquite), to impose and collect a surcharge on local telephone service within the city for the enhancement of the service for reporting an emergency. The measure declares that the city may not impose a surcharge unless the city council first adopts a five-year master plan for the enhancement of the system that includes a cost estimate and proposed sources of funding. The monthly surcharge must not exceed 25-cents for each access line. Senate Bill 30 also sets forth a mechanism for resolving disputes between a customer and the telephone service provider over the amount collected for the surcharge.

If a surcharge is imposed, the measure requires the city council to establish an advisory committee to develop a plan to enhance the telephone system and oversee any money allocated to the system. Finally, the city council must create a special revenue fund for the deposit of money collected through the surcharge. The money in the fund must be used to enhance the telephone system so that the number and address from which a call is received by the system can be determined. These funds may also be used for the necessary operational, training, purchasing, leasing, and maintenance costs of the system.

The measure is effective on May 24, 2005.

**S.B. 110 (Chapter 369)**

Senate Bill 110 amends the Airport Authority Act for Washoe County to change the name of the Authority to the Reno-Tahoe Airport Authority. The measure exempts the Airport Authority from complying with provisions requiring public bidding and other requirements on certain public contracts, projects, acquisitions, works, or improvements. This exemption applies to a contract entered into by the Board of Trustees of the Airport Authority if the Board finances the contract, project, or improvement by revenue bonds issued by the Authority or through certain installment agreements. All contracts falling under this exemption must state that Nevada's prevailing wage provisions shall apply to any construction work performed under the contracts. Furthermore, the measure requires contracts involving a design professional who is not part of a design-build team to comply with the corresponding Nevada law concerning design professionals.

The measure requires the Board, for contracts entered into that are exempt from public bidding and other requirements, to adopt regulations establishing a competitive procurement process and provide, when the contract exceeds \$250,000, a 5 percent bidding preference to a

contractor who qualifies for such a preference under Nevada law. When adopting these regulations, the Board must issue public notices; solicit public comments; set forth a notice of intent; determine the impact on small business; hold a public hearing on the competitive bidding process being considered; and allow for small businesses, through a petition, to object to the process determined.

The measure is effective on July 1, 2005.

**S.B. 169 (Chapter 173)**

Senate Bill 169 allows a county whose population is less than 100,000 (all counties except Clark and Washoe Counties) to expend monies from its infrastructure fund for the operation and maintenance of projects to manage floodplains or prevent floods or for solid waste disposal facilities. The bill also allows such counties to use their infrastructure funds for the construction or renovation of facilities with cultural or historic value.

The measure is effective on July 1, 2005.

**S.B. 170 (Chapter 371)**

Senate Bill 170 authorizes all counties, except Clark and Washoe Counties, to impose a sales and use tax of not more than one-quarter of 1 percent to fund libraries, parks, recreational facilities, service for seniors, and to protect and preserve agriculture. The sales tax may not be imposed for a period greater than 30 years. The measure authorizes the issuance of bonds for the same purposes for which the tax is imposed except that recreational programs may not be funded through bonds. Finally, S.B. 170 clarifies that the \$1,500 limit on county general fund appropriations for the encouragement of agricultural associations does not restrict the appropriation of funds from the sales tax revenues.

**Improvement and Special Districts**

**A.B. 167 (Chapter 66)**

Assembly Bill 167 adds wastewater authorities to the list of municipalities that may issue bonds for holding, sale, or purchase by a county or the State Treasurer. "Wastewater authority" is defined as an entity formed by a local government cooperative agreement and whose functions include sanitation and sewerage, treatment, and disposal of wastewater, or the development and reclamation of water resources.

The measure is effective on July 1, 2005.

**A.B. 475 (Chapter 220)**

Assembly Bill 475 amends the definition of publication for general improvement districts (GIDs) to require publishing notice once in a newspaper of general circulation. For GIDs that provide water, sewer, and garbage service, A.B. 475 raises the cap on trustees' annual salaries from \$6,000 to \$9,000. Any such increase must be approved by a majority of the board of trustees and shall not take effect until January 1 following the next biennial election.

The measure also authorizes a board of trustees to determine the date when a fee or charge becomes delinquent. Finally, if a county wishes to consolidate or dissolve a GID that was providing water, sewer, and garbage collection services on October 1, 2005, the bill requires the consent of the board of trustees of the GID prior to the dissolution, merger, or consolidation of the GID.

**S.B. 82 (Chapter 239)**

Senate Bill 82 authorizes the staff of the Comstock Historic District Commission to approve and issue certificates of appropriateness as to the architectural style, general design, and general arrangement of the exterior of the structure for specific categories and types of applications if those applications comply substantially with statutory requirements. If an application does not fall within one of the categories or types of applications that the staff is authorized to approve, or if the staff of the Commission determines that a particular project is inappropriate, the staff must forward the application to the Commission for a hearing and determination.

This bill also reduces the notice requirements for public hearings of the Commission from 10 days to 3 working days.

This measure is effective on July 1, 2005.

**S.B. 235 (Chapter 378)**

Senate Bill 235 amends the process by which a hospital district in a county whose population is less than 400,000 (all counties except Clark County) may be dissolved. The bill provides that the Board of County Commissioners shall set forth by ordinance the dissolution of a hospital district if a majority of the members determine it is in the best interests of the county and the district. The ordinance must state that all outstanding indebtedness of the district has been paid and the services of the hospital district are no longer needed or can be more effectively performed by an existing unit of government. Senate Bill 235 sets forth the criteria the County Commission must consider when determining whether the dissolution is in the best interests of the county.

The measure stipulates that if the territory of the hospital district is located in more than one county, the Board of Commissioners in each county must agree to dissolve the district. The bill also provides that qualified electors who reside within a hospital district slated for dissolution may file a written protest against the dissolution with the appropriate county clerk. Senate Bill 235 sets forth this protest procedure and explains how the County Commission must address these protests. Until paid, all unpaid tax sales and levies and all special assessments within a dissolved hospital district remain a lien against the property upon which they are levied. The County Commission, after dissolution of the district, has the same power to enforce the collection of all taxes, debt, and assessments as the hospital district, had it not been dissolved.

**S.B. 306 (Chapter 477)**

Senate Bill 306 expresses the intent of the Legislature to assist in the promotion of economic development and tourism in the State of Nevada and sets forth new statutory provisions known as the Tourism Improvement District Law. The measure authorizes the governing body of a municipality to create, by ordinance, a tourism improvement district in order to acquire, improve, equip, operate, and maintain an economic development project within the district boundaries. The project may be owned by the municipality, another governmental entity, any other person, or any combination thereof. Prevailing wage provisions apply to the construction, improvement, repair, or demolition of any project within the district that is paid for using bonded funds or a reimbursement agreement.

The measure stipulates that a portion of the sales tax increment received in the district, not to exceed 75 percent, may be applied to the costs of certain infrastructure, tourism, entertainment, and land improvements within the district. The sales tax increment area created by the ordinance automatically terminates at the end of the fiscal year on the 20th anniversary of the approval of the ordinance.

This bill is effective on July 1, 2005. Provisions concerning the pledge of money to property located within an existing improvement district do not apply to any pledge made before July 1, 2005. The terms of any ordinance adopted to create a Tourism Improvement District do not require the distribution of any money remitted to the State before July 1, 2006, unless the Department of Taxation determines that it is reasonably feasible to make such a distribution.

**S.B. 389 (Chapter 420)**

Senate Bill 389 relates to tax increment areas. Senate Bill 389 creates a new chapter in the *Nevada Revised Statutes* providing for the creation of a tax increment area by a municipality. The bill authorizes a county or city to designate a tax increment area comprising a specially benefited zone for the purpose of creating a special account for the payment of bonds or other securities issued to defray the costs of certain undertakings. An “undertaking” includes the acquisition, improvement, or equipment of a project for drainage and flood control, sewerage, streets, or water.

A tax increment area may not be created within a redevelopment area and may only include a railroad right-of-way with the consent of the railroad company. Further, a tax increment area may not include property previously within a tax increment area until 50 years after the effective date of the prior area.

The measure provides that a governing body shall, by resolution, direct the preparation of, among other things, preliminary plans and estimates for the undertaking; a statement of the proposed tax increment area; the last finalized amount of assessed valuation and related tax information; an estimate of the amount of tax to be credited to the tax increment account; and information on other sources of financing and security for the undertaking. After consideration, the governing body may issue a provisional order and hold a hearing to receive objections, protests, and comments. Senate Bill 389 sets forth the provisions for making a

complaint or protest and providing notice to owners of taxable property within the tax increment area. The governing body may not make substantial changes to the undertakings, preliminary estimates, and tax increment area after the first notice unless additional notice and a hearing is provided, although an undertaking or portion thereof, or a portion of the tax increment area, may be deleted without additional notice.

If the governing body determines that the undertaking is in the public interest, it may adopt an ordinance creating the tax increment area. With certain exceptions, the bill provides that taxes, in excess of amount collected based upon the assessed valuation as shown on the assessment roll in existence on the 15th day of March immediately preceding the effective date of the ordinance, shall be paid into the tax increment account.

Exceptions to the deposit of the tax increment into the special account include: (1) the assessed valuation in the area has not increased; (2) the amount of the increment exceeds the amount required for annual debt service on the undertaking; (3) the collection of any taxes for the support of the public schools; (4) the collection of taxes pursuant to a measure approved by the voters after the effective date of the tax increment area ordinance; and (5) any revenue needed for maintaining the debt service fund of a taxing agency. Senate Bill 389 also limits the revenue payable to tax increment areas and redevelopment districts depending upon the population of the county and clarifies that the allowed revenue limitation applicable to property taxes in NRS 354.59811 does not apply to tax increment areas.

The bill makes various provisions for the issuance of securities and clarifies that prevailing wage provisions apply to any undertaking by a governing body within a tax increment area. Finally, the existence of a tax increment area is limited to not more than a 30-year term and any securities issued in connection with a tax increment area must be mature and fully paid before the expiration of the tax increment area.

The measure is effective on July 1, 2005.

**S.B. 408 (Chapter 97)**

Senate Bill 408 amends the Virgin Valley Water District Act to provide that any bill for water or services furnished by the District which is delinquent for 60 days must be listed on a delinquent list prepared by the District. The properties described on the list are subject to a lien for nonpayment of the delinquent amounts and such amounts may be included by the County Tax Collector on the next tax bill. The measure sets forth a process whereby the lien, if left unpaid, may be foreclosed upon. Before such lien can be foreclosed, the Board must hold a hearing on the matter and send and post notice of the hearing to the last known owner of the property. The act also requires the governing board of the District to prescribe and enforce regulations concerning the connection with and disconnection of properties and the collection of charges. Finally, S.B. 408 prescribes a legal remedy for the District in the collection of dues and unpaid charges by providing that an action may be brought in the name of the District in any court of competent jurisdiction against a person or property owner who fails to pay his bill.

**S.B. 411 (Chapter 426)**

Senate Bill 411 revises various provisions concerning local improvements and the payment of assessments related to local improvements. It sets the levy of assessments on land owned by a municipality within an improvement district at not more than 15 percent of the total amount of all assessments within the district and revises the definition of an “improvement district” to include the assessment of tracts used for a specific project. The bill also adds certain tracts of land owned by a municipality to the list of properties that are not considered “assessable property,” unless the municipality’s governing body determines that the tract is specifically benefited by the project. With regard to notification of a project, the bill allows a municipality to post such notification on its Web site.

A property owner who pays the whole unpaid principal and interest due under an installment plan may be required by the governing body to pay a premium of 5 percent of the installment of any prepaid principal, rather than the 3 percent of the Index of Twenty Bonds previously in effect.

The bill extends to 30 years the period of time in which installments for deferred payments may be paid and requires the governing body to fix the rate of interest on the unpaid balance of the assessment before bonds are issued. The governing body is further authorized to assign various duties to the chief financial officer with regard to assessments, the rate of interest of certain bonds, and the designation of delinquent payments.

Senate Bill 411 revises provisions concerning the use of a governing body’s surplus and deficiency funds by permitting their use for paying costs associated with the issuance of refunding bonds or the collection of delinquent assessments. The measure also increases from \$10,000 to \$25,000, the amount of surplus that must be deposited to the surplus and deficiency fund before the balance may be apportioned among the tracts of land assessed in the district.

The bill provides for the adoption of various ordinances to reduce or waive the collection of certain penalties and interest from the levy of assessments, and to establish procedures for selling property.

Finally, S.B. 411 permits the use of assessments and penalties to pay certain administrative costs associated with assessments and increases the maturation time for certain bonds.

**Local Government Financial Administration**

**A.B. 16 (Chapter 50)**

Assembly Bill 16 changes the date by which a metropolitan police department must submit its annual operating budget to the local governments within its jurisdiction. The bill changes the date from April 1 to May 1.

The measure is effective on May 9, 2005.

**A.B. 39 (Chapter 491)**

Assembly Bill 39 makes a number of changes to local government purchasing provisions. The bill creates a process for a bidder to file a notice of protest on certain contracts and permits local governments to use qualified newspapers for publication purposes. The bill clarifies that proprietary information is confidential subject to existing exceptions for disclosure and that bidders may not take advantage of advance disclosures of proprietary or any other information. Further, the measure authorizes local governments to include additional criteria when determining the lowest responsive and responsible bidder.

The bill exempts contracts relating to communications systems from the competitive bidding requirements. In addition, the measure clarifies that local governments may join in existing contracts with other governmental entities, including the State of Nevada, and federal and out-of-state governmental entities.

Finally, A.B. 39 requires, with some exceptions, the Attorney General to defend any present or former state officer or employee who is alleged to have violated a provision of Chapter 281 of the *Nevada Revised Statutes*. Such defense shall occur if the state officer or employee submits a written request to the Attorney General and the Attorney General determines the act or omission appears to be within the course and scope of public duty or employment and appears to have occurred in good faith.

The measure is effective on July 1, 2005. Additionally, the provisions concerning the authority of the Attorney General to defend state officers or employees, or to employ special counsel to defend state officers or employees, do not apply to any present or former officer or employee concerning to whom a request for an opinion was submitted or initiated by the Commission on Ethics before July 1, 2005.

**A.B. 371 (Chapter 355)**

Assembly Bill 371 makes several changes to the financial practices of local governments and to the dissemination of audits by state agencies and local governments. The bill provides that audit reports may be disseminated by a state agency or local government without the consent of the auditor who prepared the report. In addition, the bill adds qualified trusts to the entities that may hold public investments provided the qualified bank or trust meets certain rating standards.

Assembly Bill 371 limits the fees that may be charged for locating and recovering property held in trust by the county treasurer. Further, the bill clarifies that deeds for unredeemed properties shall be conclusive evidence of the propriety of the proceedings except in the case of actual fraud. Finally, A.B. 371 increases the portion of the remaining excess proceeds from a sale of property that may be retained by the county treasurer from 10 percent of \$2,000 to 10 percent of \$10,000.

The measure is effective on June 10, 2005.

**A.B. 393 (Chapter 150)**

Assembly Bill 393 enables county treasurers to sell tax liens against real property. In order to offer tax liens for sale, a board of county commissioners must adopt a resolution setting forth the procedures for sale and transfer of tax liens by the county treasurer.

Tax liens may not be sold to other governmental entities or to insurers that do not have an office in Nevada or do not issue medical malpractice insurance in Nevada. Assembly Bill 393 further identifies the tax liens that may be sold and sets certain limits on the sale and redemption of the liens. The bill also limits the commencement of an action by the purchaser of a tax lien to collect the delinquent taxes.

The measure is effective on July 1, 2005.

**S.B. 67 (Chapter 370)**

Senate Bill 67 allows the governing body of a local government, if it is experiencing a severe financial emergency as a result of litigation or threatened litigation, to request the Nevada Tax Commission to issue an order directing the Department of Taxation to take over the management of the local government. If, due to the hardship, a creditor of the local government is allowed by law to commence or maintain an action of an attachment or garnishment against the government's assets, the action must be stayed until the creditor meets with the Department to set forth a program for the liquidation of debt and the Department adopts the program. The Department must formulate the program not later than 60 days after the meeting with the creditor.

This measure is effective on June 13, 2005.

**S.B. 354 (Chapter 227)**

Senate Bill 354 provides that, until paid, any fee or charge levied by a municipality for the collection and disposal of solid waste constitutes a perpetual lien against the property served. Such a lien is superior to all liens, claims, and titles other than those for general taxes and special assessments. The lien is not extinguishable by the sale of any property and may be foreclosed in the same manner as mechanics' liens. The measure declares that such a lien is not effective until proper notice is provided by mail to the property owner, delivered to and recorded by the County Recorder's office, and entered into the real estate index as required for deeds and other conveyances.

**S.B. 413 (Chapter 61)**

Senate Bill 413 changes, from July to August, the annual meeting of debt management commissions and authorizes counties to provide compensation to commission members of not more than \$40 per day for each day of attendance at a meeting, not to exceed \$400 per month. Counties may also reimburse members the per diem allowance and travel expenses generally provided to other county employees.

The measure changes, from 10 to 60, the number of days the commission may adjourn a meeting to consider a particular proposal. Such a meeting shall not be adjourned more than once and the commission must approve or disapprove a proposal at least 30 days before the date on which the governing body that submitted the proposal must submit it to the county or city clerk. Finally, S.B. 413 adjusts, from July 1 to August 1, the date by which local governments must submit an annual capital improvement plan to the Department of Taxation and the debt management commission of the county.

The measure is effective on May 9, 2005.



## MILITARY

### **S.B. 78 (Chapter 181)**

Senate Bill 78 removes the June 30, 2005, expiration date from a current statutory provision that authorizes the Board of Regents of the University of Nevada to grant waivers for registration and laboratory fees for active members of the Nevada National Guard.

This measure is effective on May 31, 2005.

### **A.J.R. 17 (File No. 102)**

Assembly Joint Resolution No. 17 urges the Base Realignment and Closure Commission to reconsider and reject the recommendations of the United States Department of Defense relating to the closure of the Hawthorne Army Depot, and the realignment of the Naval Air Station Fallon, and the Nevada National Air Guard, 152nd Airlift Wing in Washoe County.

The resolution is effective on June 22, 2005.

## **Veterans**

### **A.B. 26 (Chapter 160)**

Assembly Bill 26 requires the Executive Director of the Office of Veterans' Services to adopt rules and policies for the management, maintenance, and operation of veterans' homes in Nevada. The measure also requires the State Board of Examiners, upon recommendations made by the Executive Director, to establish an annual schedule of rates to be charged for the occupancy of rooms at veterans' homes. The Executive Director is required to make the recommendations to the Board on or before April 1 of each year and shall seek the advice of the Nevada Veterans' Service Commission when making such recommendations.

This measure is effective on July 1, 2005.

### **A.B. 130 (Chapter 16)**

Assembly Bill 130 assigns responsibility for recommending qualified nominees to the Governor for appointment to the Nevada Veterans' Services Commission. The bill transfers responsibility for making such recommendations from the Adjutant General to the Executive Director of the Office of Veterans' Services.

The measure is effective on April 6, 2005.

### **A.B. 131 (Chapter 17)**

Assembly Bill 131 eliminates the requirement that the Northern and Southern Advisory Committees for a Veterans' Cemetery hold two joint meetings each year.

The bill is effective on April 6, 2005.

**A.B. 145 (Chapter 184)**

Assembly Bill 145 clarifies that veterans with more than one permanent service-related disability may combine their percentages of disability to determine their total percentage of disability. The total percentage of disability shall be used in determining the disabled veteran's exemption from property taxes. The combined percentage shall not exceed 100 percent.

The measure is effective on July 1, 2005.

## NATURAL RESOURCES AND PUBLIC LANDS

### **A.B. 289 (Chapter 401)**

Assembly Bill 289 requires the Administrator of the Office of Historic Preservation to establish a stewardship program to protect cultural resources on public land in Nevada. The Administrator must select, train, and certify unpaid volunteers as well as coordinate the activities of federal agencies, private industries, Native American tribes, and local and state governmental agencies to carry out the program. Further, the measure requires the Commission on Tourism to transfer from the Fund for the Promotion of Tourism to the Office of Historic Preservation funding for the program in the amount of \$62,608 for Fiscal Year (FY) 2005-2006 and \$77,225 for FY 2006-2007.

This measure is effective on July 1, 2005.

### **S.B. 81 (Chapter 174)**

Senate Bill 81 authorizes the Office of Historic Preservation to enter into an agreement with State agencies or political subdivisions regarding land those agencies plan to acquire from the federal government. This agreement must:

- Ensure protection for any prehistoric or historic sites at a level equivalent to the protection that would have been provided if the land had remained under federal ownership;
- Require the managing agency to consult with the Historic Preservation Office if proposing a land use change or a new project on the land; and
- Require the managing agency to pay any expenses associated with implementing the agreement.

The measure further requires the agency or political subdivision to submit information related to the agreement to the Office. The bill also makes it a crime for a person knowingly and willfully to engage in such conduct with respect to a historic or prehistoric site on state land. It also makes it a crime to receive, traffic in, or sell cultural property appropriated from state land. A person who engages in such conduct is guilty of a misdemeanor for a first offense, punishable by a fine or \$500, and is guilty of a gross misdemeanor for a second or subsequent offense, punishable by imprisonment for up to a year, or a fine of not more than \$3,000, or both a fine and imprisonment. The person is also liable for the payment of civil damages to the state agency or political subdivision that has jurisdiction over the state land. A person or entity who is following an agreement made with the Office of Historic Preservation or who is acting in accordance with a permit is not subject to the criminal penalties.

### **S.B. 294 (Chapter 60)**

Senate Bill 294 expands the duties of the State Conservation Commission to include the authority to apply for available grants. The bill also revises the Commission's ability to provide grants to qualified conservation districts throughout Nevada. Existing law allows the

Commission to provide such grants from funds available through legislative appropriations. Senate Bill 294 authorizes the Commission to provide grants of money from sources other than legislative appropriations.

## **Agriculture and Ranching**

### **A.B. 181 (Chapter 140)**

Assembly Bill 181 removes the requirement that a cash buyer or the agent of a cash buyer of farm products or livestock obtain a license from the State Department of Agriculture.

The portion of this measure that exempts a cash buyer or his agent from being required to obtain a license is effective on July 1, 2005. Section 1 of this measure, which defines an “agent,” is effective on October 1, 2005.

### **A.B. 407 (Chapter 339)**

Assembly Bill 407 provides that if a governmental agency seizes any animals subject to a brand inspection, the State Department of Agriculture shall not issue a brand inspection clearance certificate to transfer, sell, or transport the animals unless the governmental agency obtains approval for the seizure from a court of competent jurisdiction before the animals are seized.

This measure further provides certain exemptions for the necessary seizure of stray and feral livestock, wild horses and burros, impoundments by the Department, and animals that must be seized to protect public health and safety or to prevent cruelty to animals.

## **Air Quality**

### **S.B. 26 (Chapter 240)**

Senate Bill 26 revises provisions governing the distribution of money in the Pollution Control Account. It requires that the revenue collected for emission control certification forms must be distributed quarterly to certain local governmental agencies in areas with high levels of air pollution, rather than requiring those agencies to apply for annual grants as provided in existing state law. The bill further requires these agencies to report annually to the Legislature on the use of the money received. Finally, local governments may continue to receive grants from excess funds remaining in the Account at the end of the fiscal year, but the excess reserve is increased from \$500,000 to \$1 million.

This bill is effective on July 1, 2005.

## **Environmental Matters Generally**

### **A.B. 220 (Chapter 144)**

Assembly Bill 220 clarifies that alternative fuels must comply only with any applicable regulations adopted by the United States Environmental Protection Agency pursuant to the standards established in the federal Clean Air Act Amendments of 1990. The measure also expands the types of finished diesel fuels that qualify as alternative fuels.

**S.B. 16 (Chapter 105)**

Senate Bill 16 allows the Division of Environmental Protection, State Department of Conservation and Natural Resources, to spend up to \$250,000 per year from the Fund for Cleaning Up Discharges of Petroleum to pay costs incurred by the Division for cleaning up discharges of petroleum from storage tanks and mobile tanks used to transport petroleum on roads and highways. These discharges involve petroleum as well as other hazardous materials if petroleum is also involved, but does not include discharges from pipelines. Senate Bill 16 further provides that money from the Fund must be used to augment, not replace, other sources of revenue. If the Division is reimbursed for the cleanup, it must deposit that money in the Fund.

Finally, the bill deletes a requirement that Nevada's Board for the Regulation of Liquefied Petroleum Gas notify licensees and applicants before adopting safety regulations.

The bill is effective on July 1, 2005.

**S.B. 73 (Chapter 25)**

Senate Bill 73 establishes a maximum reporting fee of \$15,000 per year for any person who is required by federal law to submit a toxic chemical release form. The bill also requires the State Emergency Response Commission (SERC) to establish a method for limiting the total amount of fees a person can be required to pay if they are subject to both the annual fee for storing an extremely hazardous material and the fee for toxic chemical release reporting. Combined, storage and reporting fees may not exceed \$15,000 in any calendar year. Finally, the measure directs the SERC to refund any fees in excess of \$7,500 paid by a person in the filing of toxic chemical release forms for calendar years 2003 and 2004.

This measure is effective on April 22, 2005.

**S.B. 263 (Chapter 363)**

Senate Bill 263 adopts the Uniform Environmental Covenants Act in Nevada with regard to contaminated property. It provides for a perpetual real estate interest, known as an environmental covenant, to regulate the use of contaminated land when ownership is transferred.

Senate Bill 263 provides necessary definitions and sets forth the terms and rules for the application of environmental covenants. Each covenant must include a legal description, use limitations, names of the holder(s), and information regarding environmental response projects. It may also include notification requirements, access rights, a description of the contamination, and other information. Environmental covenants and any amendment or termination must be recorded in the county or counties in which the land is located, and must be registered by the State Department of Conservation and Natural Resources.

Under S.B. 263, an environmental covenant remains with the property unless it is limited to a specific duration or terminated by various means. Finally, an environmental covenant does not

authorize a use of real property that is otherwise prohibited by zoning, another law, or a recorded instrument with priority over the covenant. However, the covenant may prohibit or restrict uses of real property authorized by zoning or by another law.

**S.B. 293 (Chapter 260)**

Senate Bill 293 provides that a portion of the money collected by the State Department of Agriculture for the registration of certain brands of pesticides may be used for the eradication and control of noxious weeds. Additionally, this measure expands the number of members that may serve on the board of directors of a weed district from three members to three or five members.

This measure is effective on July 1, 2005.

**S.B. 395 (Chapter 171)**

Senate Bill 395 transfers full responsibility for the Safe Drinking Water Program from the Health Division within the Department of Health and Human Services, to the Division of Environmental Protection within the State Department of Conservation and Natural Resources. Among the duties assumed by the Division of Environmental Protection are the certification of certain laboratories and water system operators, issuance of permits to operate water systems, inspection of water systems, review and approval of various plans and specifications, issuance of warnings and penalties for violation of drinking water standards, and participation on the Board for Financing Water Projects.

Finally, the measure adds necessary definitions and reassigns regulatory authority for drinking water standards from the State Board of Health to the State Environmental Commission.

**S.B. 396 (Chapter 387)**

Senate Bill 396 revises provisions for sanitation and recycling programs and grants, as administered through the State Department of Conservation and Natural Resources and its Division of Environmental Protection. Due to a recent United States Supreme Court decision, the bill eliminates the ability of the State Environmental Commission to establish fees for the importation of solid waste, and instead authorizes fees for the disposal of solid waste in areas under the jurisdiction of the Department. Because Clark and Washoe Counties have their own solid waste management authorities, this provision applies only to the remaining 15 counties. The bill similarly replaces outdated language to recognize the solid waste agencies in Clark and Washoe Counties throughout Chapter 444.

Senate Bill 396 requires the installation of a liner and leachate collection and removal system to hazardous waste disposal facilities, and adds relevant definitions to statute. The measure further defines the times and areas of a solid waste facility that can be inspected by the Department without a search warrant.

Under S.B. 396, municipal recycling programs in Clark and Washoe Counties must provide information about their programs to business license applicants. The frequency for review of

these programs is increased from every three to every two years. Finally, S.B. 396 gives the Division of Environmental Protection authority to award grants to enhance solid waste systems and to promote recycling, and eliminates a requirement that the Division develop recycling markets in Nevada.

## **Water**

### **A.B. 20 (Chapter 71)**

Assembly Bill 20 increases the dollar cap on the amount of general obligation bonds that may be issued by the State Board of Finance for the Fund for Grants for Water Conservation and Capital Improvements to Certain Water Systems. The bill raises the bond cap from \$90 million to \$125 million. The bill also changes the way the cap is applied. Under the provisions of the bill, the amount of bonds issued cannot exceed \$125 million outstanding at any one time.

The measure is effective on July 1, 2005.

### **A.B. 49 (Chapter 55)**

Assembly Bill 49 authorizes the Director of the Department of Administration to issue revenue or general obligation bonds to finance capital costs of improving and modernizing the Marlette Lake Water System. The aggregate principal amount of the bonds must not exceed \$25 million. Before any revenue bonds are issued, the bill requires the State Board of Finance to confirm the availability of sufficient revenue in the Marlette Lake Water System Fund to pay the interest and installments of principal as they become due. Finally, money in the Fund may be used to repay the bonds for which money has been pledged.

### **A.B. 80 (Chapter 130)**

Assembly Bill 80 requires the State Engineer to adopt regulations for the abandonment of wells that allows for a waiver of the regulation that otherwise requires the well to be plugged. The measure also requires the State Engineer to adopt regulations for continuing education requirements for well drillers.

The bill is effective on July 1, 2005.

### **A.B. 323 (Chapter 185)**

Assembly Bill 323 requires the Bureau of Consumer Protection in the Office of the Attorney General to conduct an audit and investigation of the rate-setting practices of the Truckee Meadows Water Authority. The cost of the audit and investigation shall not exceed \$100,000 and shall be paid for by the Truckee Meadows Water Authority. The results of the audit and investigation shall be reported to the Director of the Legislative Counsel Bureau no later than December 1, 2005, for transmittal to the Legislature.

The measure is effective on July 1, 2005.

**S.B. 18 (Chapter 273)**

Senate Bill 18 revises provisions concerning grants administered by the State of Nevada for capital improvements to certain water projects and water systems. The measure expands the list of projects eligible for grant awards to include the connection of a well to a municipal water system, if the well water quality fails to comply with the standards of the federal Safe Drinking Water Act.

The measure is effective on July 1, 2005.

**S.B. 35 (Chapter 146)**

Senate Bill 35 redesignates the tax on certain inter-county or inter-state transfers of water as a fee. The bill also increases the fee from \$6 to \$10 per acre-foot.

The provision redesignating the tax as a fee is effective on July 1, 2005. The provisions that increase the fee are effective on January 1, 2007.

**S.B. 62 (Chapter 493)**

Senate Bill 62 concerns the appropriation of water rights when water rights are conveyed and a conflict in the chain of title exists. The bill clarifies that confirmation of a report of conveyance is not a determination of ownership and only a court of competent jurisdiction may adjudicate conflicting claims to water rights. This measure requires that the State Engineer take appropriate administrative action to conform necessary records if a court of competent jurisdiction confirms or resolves a conflict over the chain of title. Further, any previously approved permit or certificate must be amended or withdrawn as a result of the judgment.

Subject to certain exceptions, the bill requires the State Engineer to approve or reject, within six months after the final date for filing a protest, an application to change a point of diversion to a location on the same parcel or to a contiguous parcel owned by the applicant.

Senate Bill 62 also creates a fund in the State Treasury designated as the Water Rights Technical Support Fund to be administered by the Board for Financing Water Projects. The Fund may be used to make grants to local governments for the purposes of obtaining expert and technical assistance or funding projects, to enhance or protect existing water rights. However, the funds may not be used only for collecting data or information that will be used in administrative or judicial proceedings. The bill appropriates the sum of \$1 million to the Fund.

Finally, S.B. 62 creates the Water Planning Section within the Division of Water Resources, State Department of Conservation and Natural Resources. The bill transfers most of the duties of the former Division of Water Planning to the Water Planning Section. Responsibility is assigned to a Section Chief, and duties focus primarily on planning, water policy recommendations, review of local and federal water planning documents, hydrographic data compilation, technical assistance, promotion of water conservation programs, administration of the Nevada Floodplain Management Program, and coordination with local governments.

The provisions relating to the State Engineer are effective on June 17, 2005, and apply retroactively. The provisions relating to the Fund are effective on July 1, 2005.

**S.B. 136 (Chapter 107)**

Senate Bill 136 revises the Interstate Compact for Jurisdiction on the Colorado River to provide law enforcement officers concurrent jurisdiction within five air miles of the Colorado River or any lake formed by the Colorado River. The measure also provides that any claim brought against a present or former officer or employee based on any alleged act or omission under the authority of the Compact is subject to the conditions and limitations on civil actions established by the party state of that officer or employee.

**S.B. 395 (Chapter 171)**

Senate Bill 395 transfers full responsibility for the Safe Drinking Water Program from the Health Division within the Department of Health and Human Services, to the Division of Environmental Protection within the State Department of Conservation and Natural Resources. Among the duties assumed by the Division of Environmental Protection are the certification of certain laboratories and water system operators, issuance of permits to operate water systems, inspection of water systems, review, and approval of various plans and specifications, issuance of warnings and penalties for violation of drinking water standards, and participation on the Board for Financing Water Projects.

Finally, the measure adds necessary definitions and reassigns regulatory authority for drinking water standards from the State Board of Health to the State Environmental Commission.

**Wildlife**

**A.B. 15 (Chapter 183)**

Assembly Bill 15 authorizes Nevada's Department of Wildlife annually to expend 75 percent of the money deposited in the Wildlife Heritage Trust Account during the previous year and the total interest earned on the Account during the previous year. Additionally, this measure expands the types of programs that may be funded from the Account to include programs for the management and control of predatory wildlife.

**A.B. 159 (Chapter 131)**

Assembly Bill 159 expands the number of members that may be appointed to the county advisory board to manage wildlife in large counties. In a county with a population over 400,000 (Clark County), the Board of County Commissioners may appoint five or seven members to the county advisory board to manage wildlife.

**A.B. 379 (Chapter 189)**

Assembly Bill 379 authorizes a person to act on behalf of another to obtain a license, tag, or permit from Nevada's Department of Wildlife if acting pursuant to a power of attorney that: (1) is written for the specific purpose of obtaining a license, tag, or permit; (2) is written for a

specific season; and (3) includes a jurat or other certification. Any license, tag, or permit obtained by a written instrument that does not comply with these provisions is void.

This measure is effective on July 1, 2005.

**S.B. 192 (Chapter 74)**

Senate Bill 192 prohibits the importation to Nevada of Rocky Mountain elk, mule deer, white-tailed deer, and other animals susceptible to chronic wasting disease. Due to their susceptibility to the disease, the bill further deletes Rocky Mountain elk from the list of “alternative livestock” currently defined in statute.

This bill is effective on May 10, 2005.

**S.B. 397 (Chapter 349)**

Senate Bill 397 authorizes Nevada’s Department of Wildlife to take any wildlife from any place, including private property with consent of the owner, for conservation purposes or to collect biological samples.

The measure increases the number of demerit points that may be accumulated before the Department is required to provide notification, establishes penalties for failing to appear in court, increases periods of suspension or revocation for a license or permit issued by the Department, and sets a penalty for violating wildlife laws by a person who does not hold the necessary license or permit.

Senate Bill 397 allows for seizure of certain property if information obtained from aerial sources is used to unlawfully kill big game mammals. Additionally, unclaimed property may be donated to programs benefiting children.

The measure also revises the provisions governing the licensure of master guides and sub guides. Specifically, the bill exempts certain sub guides from certain licensing requirements and requires the use of a special use permit to operate as a master guide in certain areas.

## OPEN MEETING LAW AND ETHICS

### **A.B. 39 (Chapter 491)**

Assembly Bill 39 makes a number of changes to local government purchasing provisions. The bill creates a process for a bidder to file a notice of protest on certain contracts and permits local governments to use qualified newspapers for publication purposes. The bill clarifies that proprietary information is confidential subject to existing exceptions for disclosure and that bidders may not take advantage of advance disclosures of proprietary or any other information. Further, the measure authorizes local governments to include additional criteria when determining the lowest responsive and responsible bidder.

The bill exempts contracts relating to communications systems from the competitive bidding requirements. In addition, the measure clarifies that local governments may join in existing contracts with other governmental entities, including the State of Nevada, and federal and out-of-state governmental entities.

Finally, A.B. 39 requires, with some exceptions, the Attorney General to defend any present or former state officer or employee who is alleged to have violated a provision of Chapter 281 of the *Nevada Revised Statutes*. Such defense shall occur if the state officer or employee submits a written request to the Attorney General and the Attorney General determines the act or omission appears to be within the course and scope of public duty or employment and appears to have occurred in good faith.

The measure is effective on July 1, 2005. Additionally, the provisions concerning the authority of the Attorney General to defend state officers or employees, or to employ special counsel to defend state officers or employees, do not apply to any present or former officer or employee concerning to whom a request for an opinion was submitted or initiated by the Commission on Ethics before July 1, 2005.

### **A.B. 64 (Chapter 402)**

Assembly Bill 64 allows Nevada's Commission on Ethics to request that the Attorney General appoint a deputy to act in place of the Commission's counsel or to employ outside legal counsel to act in place of the Commission's counsel if the counsel is unable to act on a particular matter. In addition, the measure exempts any elected supervisor of a conservation district from the requirement to file a financial disclosure statement.

Assembly Bill 64 also clarifies that a public official has NOT willfully violated Nevada's Code of Ethical Standards if he establishes by sufficient evidence that he:

- Relied in good faith upon the advice of the legal counsel retained by the public body that the public officer represents or upon the manual published by the Nevada Commission on Ethics;

- Was unable, through no fault of his own, to obtain an opinion from the Nevada Commission on Ethics before the action was taken; and
- Took action that was not contrary to a prior published opinion issued by the Nevada Commission on Ethics.

The bill provides that if all three of these criteria are not met, a public official has willfully violated Nevada's Code of Ethical Standards.

The provisions exempting a conservation district supervisor from filing a financial disclosure statement apply retroactively to January 1, 2004. The remainder of the measure is effective on June 14, 2005.

**S.B. 83 (Chapter 467)**

Senate Bill 83 relates to Nevada's Open Meeting Law. The measure requires a public body to allow a person, who is the subject of a closed meeting to consider his or her character, alleged misconduct, professional competence, or physical or mental health, to attend the meeting and present testimony and written evidence. The person may also have an attorney or other representative of his choosing present and may present witnesses. In its written notice to the person, the public body must include a list of general topics that will be considered at the meeting and a statement that the person has the right to attend and present testimony and evidence.

**S.B. 267 (Chapter 466)**

Senate Bill 267 makes various changes to Nevada's Open Meeting Law. The measure provides that any statement which is made by a member of a public body during the course of a public meeting is absolutely privileged. The measure further provides that a witness who is testifying before a public body is absolutely privileged to publish defamatory matter as part of a public meeting, except that it is unlawful to misrepresent any fact knowingly when testifying before a public body. The bill stipulates that a meeting agenda must contain the name of the person whose character, alleged misconduct, professional competence, or physical or mental health will be considered in a closed meeting. If, during any portion of the meeting, the public body will consider whether to take administrative action against a person, the name of the person against whom administrative action may be taken must appear on the agenda.

Senate Bill 267 declares that a public body must provide copies of supporting material supplied to the members of the public body, except for proprietary information and documents declared confidential by law. The measure stipulates that if supporting materials are given to a public body before a meeting, they must be made available to the public, upon request, at the same time the materials are given to the body. Furthermore, if supporting materials are given to a public body during a meeting, the materials must be provided at the meeting to the public.

Under the bill, a person whose character, alleged misconduct, professional competence, or physical or mental health is considered by the public body may waive the closure of the

meeting and request that all or a relevant portion of the meeting be open to the public. The bill provides that this waiver may be made at any time before or during the meeting and must be honored by the public body, unless the body's consideration involves another person who does not want the meeting open. A motion to close a meeting must cite the statutory authority under which the meeting is to be closed. Senate Bill 267 stipulates that each person to whom a notice was sent must be allowed to attend the closed meeting. Attendance by any other persons must be determined by the chairman or by a majority vote of the body.

The bill prohibits holding a closed meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of an appointed public officer or a chief executive or administrative officer who serves at the pleasure of the public body, such as a university or community college president, city or county manager, or school district superintendent. Further, the bill clarifies that the prohibition does not apply if that consideration does not pertain to the person's role as an elected member of the public body, an appointed public officer or employee, or a chief executive or administrative officer. Moreover, the measure stipulates that the written notice of a meeting may include a statement indicating that the body may, without further notice, take administrative action against the person if the body determines that such action is warranted.

Senate Bill 267 clarifies that any exceptions to the open meeting law requirements must not be used to act outside of an open and public meeting in an effort to circumvent the spirit of the law. Finally, the bill explains that "casual or tangential references" to a person during a closed meeting do not constitute consideration of the character, alleged misconduct, professional competence, or physical or mental health of that person.

### **S.B. 415 (Chapter 277)**

Senate Bill 415 relates to Nevada's Open Meeting Law. The bill authorizes a public body to hold a closed meeting to prepare, revise, administer, or grade examinations that are conducted by the public body. The measure provides that an appeal of examination results may also be conducted in a closed meeting, except that any action taken on the matter must be conducted during an open meeting. The identity of the appellant must remain confidential. Senate Bill 415 declares that the minutes of meetings closed for such purposes become public record when the public body determines that the issues discussed no longer require confidentiality. Finally, the measure repeals the statute that permits deliberation on a contested hearing by the Certified Court Reporters' Board in a closed meeting.

The measure is effective on July 1, 2005.

### **S.B. 421 (Chapter 373)**

Senate Bill 421 requires all public bodies to make and retain an audio recording or transcript of each of its meetings. A transcript must be made by a court reporter who is certified pursuant to Chapter 656 of the *Nevada Revised Statutes*. The audio recording or transcript shall be retained by the public body for at least one year after the adjournment of the meeting. In addition, S.B. 421 declares that if a public body makes a good faith effort to comply with these

requirements, but is prevented from doing so due to factors beyond the body's control, such as a power outage, mechanical breakdown, and other unforeseen events, the failure to record or transcribe a meeting does not constitute a violation of the Nevada Open Meeting Law.

Finally, if the Public Employees' Benefits Program causes a meeting to be transcribed by a certified court reporter, the bill requires the Program to post the transcript on its Web site no later than 30 days after the meeting.

The measure is effective on July 1, 2005.

## **PUBLIC SAFETY**

### **A.B. 112 (Chapter 143)**

Assembly Bill 112 requires vessels 16 feet or more in length to carry Type IV personal flotation devices approved by the United States Coast Guard, which are capable of being thrown and are readily accessible for use in an emergency. Under this measure, the length of throw line and number of flotation devices are determined by the size of the vessel:

- On vessels 16 feet or more but less than 26 feet in length, one flotation device that is capable of being thrown is required.
- For vessels 26 feet or more in length, the flotation device must have a throw line of at least 30 feet attached.
- Vessels 40 feet or more in length must carry the flotation device in both the fore and aft of the vessel.

This measure also clarifies what is required for personal safety devices on vessels to be “readily accessible for use in an emergency.”

This measure is effective on May 24, 2005.

### **S.B. 130 (Chapter 96)**

Senate Bill 130 repeals the expiration date of June 30, 2007, concerning the classification by the Director of the Department of Information Technology of confidential and sensitive documents.

During the 2003 Legislative Session, the Nevada Legislature considered numerous measures concerning homeland security and the confidentiality of sensitive documents. Assembly Bill 441 of the 2003 Legislative Session requires the Director of the Department of Information Technology to maintain a list of each record or portion thereof that he determines to be confidential based on a set of criteria provided in the measure. Under A.B. 441, this mandate expires on June 30, 2007. Senate Bill 130 removes this expiration date.

The measure is effective on July 1, 2005.

### **S.B. 136 (Chapter 107)**

Senate Bill 136 revises the Interstate Compact for Jurisdiction on the Colorado River to provide law enforcement officers concurrent jurisdiction within five air miles of the Colorado River or any lake formed by the Colorado River. The measure also provides that any claim brought against a present or former officer or employee based on any alleged act or omission under the authority of the Compact is subject to the conditions and limitations on civil actions established by the party state of that officer or employee.

**S.B. 417 (Chapter 125)**

Senate Bill 417 provides that each governing body of a city or county may, to protect the health and safety of the public, enact an ordinance to regulate the operation of an electric personal assistive mobility device within the city or county.

The measure is effective on May 19, 2005.

**S.B. 452 (Chapter 242)**

Senate Bill 452 removes the requirement for the establishment of an Advisory Committee to assist in carrying out the Uniform Program for Reporting Crimes, and requires the Director of the Department of Public Safety to establish within the Department the Advisory Committee on Nevada Criminal Justice Information Sharing. The new Advisory Committee must: (1) recommend policies and procedures for managing the Central Repository for Nevada Records of Criminal History; (2) advise on technological support for the Central Repository; and (3) advise on the integrated information sharing of statistical data relating to crime or the delinquency of children.

This bill also removes all references to the Nevada Highway Patrol Division. Although the Central Repository remains within the Department of Public Safety, it is not specifically within the Nevada Highway Patrol Division.

The provisions of the bill relating to the Advisory Committee on Nevada Criminal Justice Information Sharing are effective July 1, 2005. The remainder of the measure is effective on June 3, 2005.

**S.B. 472 (Chapter 59)**

Senate Bill 472 provides that, for a resident of Nevada who is found guilty of a first-time violation of Nevada's child safety seat provisions, a court may waive any penalties or fees associated with the violation. The person must prove to the court that he has completed a safety seat training program and has had an approved safety seat installed in his vehicle and inspected by a certified inspector.

The measure also directs the court to include with a list of approved entities that provide safety seat training courses the fees associated with those courses. Finally, the bill clarifies that safety seat training programs may not be operated for profit.

This bill is effective on July 1, 2005.

**S.B. 518 (Chapter 399)**

Senate Bill 518 replaces the Interstate Civil Defense and Disaster Compact with the Emergency Management Assistance Compact (EMAC). The EMAC provides for mutual assistance between states in managing any emergency or disaster that is duly declared by the Governor. It also provides for cooperation in the conduct of emergency-related exercises, testing, training, and other activities that may include the use of the member states'

National Guard forces. Further, the compact provides that the legally designated state official with responsibility for emergency management is responsible for the formulation of interstate mutual aid plans and procedures necessary to implement the compact.

The compact addresses, via 13 separate articles:

- State responsibilities in regard to hazard analyses, emergency planning, interstate identification, and mitigation of gaps and overlaps in planning;
- Uninterrupted delivery of necessary goods and services;
- Interstate loans of human and material resources and methods for repayment and forgiveness;
- Limitations on state responsibilities;
- Reciprocal licensing of certain individuals;
- Exemptions from liability for officers or employees of states acting in good faith;
- Supplementary agreements between states;
- Compensation for injury or death occasioned by actions taken pursuant to the compact;
- Reimbursement to a state for loss, damages, or expenses incurred through the provision of services or equipment under the compact;
- Planning for the orderly interstate evacuation and reception of persons affected by an emergency;
- Implementation of the EMAC;
- The validity of the compact; and
- The prohibition of the use of military force by a state's National Guard outside the state under certain circumstances.

This bill is effective on June 13, 2005.

## **Homeland Security**

### **S.B. 194 (Chapter 258)**

Senate Bill 194 requires the Nevada Homeland Security Commission to advise and make recommendations to the Governor on the compatibility and interoperability of communication

systems, with special emphasis on public safety radio systems used by the State's response agencies. This bill also postpones, from July 1, 2005, until October 1, 2005, the date on which state and local governmental agencies are prohibited from purchasing an information system or system of communication that does not comply with the state plan established by the Commission.

This bill is effective on July 1, 2005.

**S.B. 365 (Chapter 284)**

Senate Bill 365 requires the Nevada Commission on Homeland Security, to the extent money is made available, to establish a statewide system for mapping public buildings for use by emergency response agencies in the event of an emergency or act of terrorism. Also to the extent money is made available, state agencies and political subdivisions shall participate in the mapping system. The software that comprises the system must include: floor plans, fire protection information, evacuation plans, utility information, known hazards, and emergency personnel contact information.

The Commission must prescribe the manner in which this information will be transferred to the system by a participating state agency or political subdivision, and must develop software standards for participating entities, conditions for response agency use of the system, and guidelines for the accessibility of system information. A state agency or political subdivision utilizing its own mapping system before the Commission establishes the statewide system can continue to use that system unless money is provided to update or modify the system.

Each participating entity shall, on or before July 1 of each year that this measure is in effect, beginning in 2006, submit a progress report to the Commission with respect to its participation in the system. The Commission shall provide a summarized overview of these reports to the Legislative Commission on or before October 1 of each year that this measure is in effect, beginning in 2006.

This bill encourages retail establishments to adopt the "Code Adam" program as soon as practicable to enhance the safety of children.

This measure is effective on July 1, 2005, and expires by limitation on October 1, 2009.

**S.B. 380 (Chapter 395)**

Senate Bill 380 makes various changes to homeland security activities in Nevada. It authorizes the Director of the Department of Public Safety to employ necessary staff to carry out duties of the Nevada Commission on Homeland Security, to be paid from the State General Fund, federal grant money, or both.

The measure further requires that the Governor will appoint 14 voting members to the Commission, to include, among others, the Sheriff and Fire Chief of Clark and Washoe Counties, the head of Nevada's office of the Federal Bureau of Investigation, a

representative of the federal Department of Homeland Security, and a representative of the Clark County medical community. The bill also requires the Commission Chairman to appoint certain committees, and authorizes the appointment of others as necessary, each of which is subject to the Open Meeting Law.

The bill provides that emergency response agencies must submit funding applications relating to acts of terrorism for the Commission's review and approval, and must report on the use of those funds. These agencies must also adopt and implement certain national systems administered by the United States Department of Homeland Security.

This bill also excludes international airports from the list of public facilities for which the Commission must conduct an assessment of the security from acts of terrorism.

This measure is effective on June 13, 2005.

## **Police and Fire Protection**

### **A.B. 23 (Chapter 9)**

Assembly Bill 23 authorizes certain training academies for peace officers to receive background information from the Federal Bureau of Investigation on applicants to such academies. To be eligible to receive information on the background and personal history of applicants, the academies must be approved by the Peace Officers' Standards Training Commission.

This measure is effective on July 1, 2005.

### **A.B. 141 (Chapter 157)**

Assembly Bill 141 increases the maximum amount of money allowed in the emergency fund of certain fire protection districts from \$250,000 to \$ 1,000,000. Only fire protection districts created by a board of county commissioners are eligible for the increased amount.

The measure is effective on May 26, 2005.

### **A.B. 259 (Chapter 195)**

Assembly Bill 259 provides certain rights to a peace officer at the conclusion of an investigation, including the right to review the investigative and administrative files maintained by the law enforcement agency. The bill also restricts the information that may be placed in an administrative file and prohibits the use of evidence obtained in violation of the peace officer's statutory rights during certain civil and administrative proceedings.

The bill requires a law enforcement agency to inform the peace officer immediately before a hearing or interrogation that failure to provide a statement or answer questions related to the alleged misconduct may result in a charge of insubordination. Finally, the bill clarifies the right of a peace officer to have two representatives at an interrogation or hearing, and to copy

the entire file related to the investigation if the officer appeals a recommendation for punitive action.

**A.B. 346 (Chapter 341)**

Assembly Bill 346 authorizes the State Fire Marshal to adopt regulations for live fire training conducted by fire departments. The bill also requires the regulations to be based on nationally recognized standards. The measure further specifies that the State Fire Marshal may participate in local, state, and federal teams and task forces established to conduct enforcement and interdiction activities involving:

- Commerical trucking;
- Environmental crimes;
- Explosives and pyrotechnics;
- Drugs or other controlled substances; or
- Any similar activity specified by the State Fire Marshal.

**A.B. 368 (Chapter 54)**

Assembly Bill 368 authorizes designees of sheriffs, marshals, and policemen to remove abandoned vehicles from public property in their jurisdiction.

**A.B. 418 (Chapter 249)**

Assembly Bill 418 authorizes the Clark County Commission to increase sales and use taxes for the purpose of employing and equipping additional police officers for the police departments in Boulder City, Henderson, Mesquite, and North Las Vegas, and the Las Vegas Metropolitan Police Department. The first one-quarter cent sales tax increase shall be imposed on October 1, 2005, by an ordinance of the County Commission. The second one-quarter cent increase requires the consent of the Legislature and may not be imposed earlier than October 1, 2009.

Allocation of the increased sales tax revenues shall be based on the populations served by the participating police departments. In order to ensure that the sales tax proceeds will not replace or supplant existing funding, the measure also requires the body designated in A.B. 418 for each police department to determine whether the amount approved for expenditure for support of the police department is equal or greater to the amount approved for expenditure in the preceding fiscal year. The County Commission must obtain voter approval of any proposed change in the use of the sales tax proceeds prior to seeking legislative consent.

The provisions related to passage of ordinances and other preparatory tasks are effective on June 3, 2005. The remaining provisions are effective on October 1, 2005. The act expires by limitation on October 1, 2025.

**A.B. 507 (Chapter 118)**

Assembly Bill 507 changes the designation of “fireman” to “firefighter” in the *Nevada Revised Statutes*.

**S.B. 46 (Chapter 237)**

Senate Bill 46 increases the allowable maximum assumed wages for volunteer firefighters from \$750 to \$2000 per month for purposes of determining contributions to the Public Employees’ Retirement System.

The measure is effective on July 1, 2005.

**S.B. 132 (Chapter 24)**

Senate Bill 132 authorizes peace officers to issue traffic citations that are prepared electronically.

**S.B. 384 (Chapter 206)**

Senate Bill 384 expands the authority of certain personnel of the Nevada Highway Patrol. The measure also creates the Nevada Highway Patrol Revolving Account as a special account in the State Highway Fund. The Account must be used for making change in the main and branch offices of the Nevada Highway Patrol. The account must be administered by the Chief of the Highway Patrol, and the Board of Examiners shall determine the amount of money to be deposited. Finally, S.B. 384 requires that fees collected by the Nevada Highway Patrol for a permit for mounting a flashing amber light be deposited in the State Highway Fund instead of the Motor Vehicle Fund.

The measure is effective on July 1, 2005.

## **Weapons and Firearms**

**A.B. 88 (Chapter 34)**

Assembly Bill 88 allows the possession of short-barreled rifles or short-barreled shotguns that have been determined to be collector’s items, curios, or relics pursuant to federal law.

**A.B. 123 (Chapter 95)**

Assembly Bill 123 creates a new crime for unlawfully possessing an electronic stun device or using such a device on another person for any purpose other than self-defense. Possession of an electronic stun device by a person who has been convicted of a felony and has not received a pardon, is a fugitive from justice, has been judicially declared incompetent or insane, or has been admitted to a mental facility during the preceding five years is prohibited. The bill also prohibits a child from possessing an electronic stun gun device. A child who violates this provision commits a delinquent act and is subject to the jurisdiction of the juvenile court. Further, A.B. 123 prohibits a person from selling, giving, or otherwise providing an electronic stun device to any person he knows is prohibited from possessing an electronic stun device.

These prohibitions do not apply to a peace officer acting within the scope of his public duties. Finally, the bill provides penalties for violations of these provisions.

The bill is effective on May 12, 2005.

**A.B. 232 (Chapter 188)**

Assembly Bill 232 establishes procedures for a sheriff to provide the certification to a retired law enforcement officer that is necessary to become a qualified retired law enforcement officer under the federal Law Enforcement Officers Safety Act. The bill also provides that a law enforcement officer or retired law enforcement officer who is authorized by the federal Act to carry a concealed weapon is not prohibited by state law from doing so.

## PUBLIC UTILITIES

### **A.B. 125 (Chapter 213)**

Assembly Bill 125 clarifies that the Public Utilities Commission of Nevada (PUCN) must review tentative subdivision maps to determine if they are within the jurisdiction of the PUCN. If the subdivision map is within the PUCN's jurisdiction, the bill clarifies that the PUCN must approve the final map before the Health Division issues a certificate.

### **A.B. 236 (Chapter 425)**

Assembly Bill 236 concerns energy systems. This measure requires a utility to offer net metering systems to its customers until the cumulative capacity of all such net metering systems is equal to 1 percent of the utility's peak capacity. The bill authorizes a customer to use a net metering system that has generative capacity of not more than 150 kilowatts. Also, the measure establishes one formula for calculating the net cost of electricity for a customer whose net metering system has a capacity of 30 kilowatts or less and a different formula for a customer whose net metering system has a capacity greater than 30 kilowatts. A customer may carry forward excess electricity from one billing period to another. Additionally, the measure provides an exception from the permitting requirements for electric generating plants and their associated facilities if they use certain types of renewable energy as their primary source of energy to generate electricity and have a generating capacity of not more than 150 kilowatts.

The bill provides that an owner may not be prohibited or unreasonably restricted from using a wind energy system on his property. Further, the measure extends such protections to an owner who wants to improve his unit by adding a wind energy system that reduces the energy costs for the unit if the property where the wind energy system is located is at least two acres in size. However, a unit owner may not add such a wind energy system unless he obtains the consent of every person who owns property within 300 feet of this unit. Finally, the bill requires a local government to amend its building codes and, if necessary, zoning ordinances and regulations to permit a person to use solar energy systems and wind energy systems to reduce the energy costs for a structure to the extent the local climate allows for the use of such systems.

### **S.B. 3 (Chapter 108)**

Senate Bill 3 increases the maximum amount of civil penalties that the State may impose for violating any regulation of the Public Utilities Commission of Nevada adopted in conformity with the federal Natural Gas Pipeline Safety Act of 1968, as amended, and for violating a federal regulation adopted pursuant to that Act. The maximum penalty is increased from \$10,000 per day for each violation to \$100,000 per day, and from \$500,000 for any related series of violations to \$1 million.

Additionally, S.B. 3 provides that certain sections of the *Nevada Revised Statutes* addressing aspects of railroad regulation are suspended so long as they are preempted by federal laws. If the federal laws are subsequently repealed, the State provisions will again be enforceable.

**S.B. 146 (Chapter 243)**

Senate Bill 146 requires an operator of subsurface installations to install a permanent device to detect the installation from the ground surface through a noninvasive method under certain circumstances. The permanent device is required on installations placed in the subsurface on or after October 1, 2005. If the subsurface installation is constructed through the use of a material or a conductor capable of being detected from the ground surface, the operator is not required to install a permanent device.

Senate Bill 146 also requires an operator who marks the approximate location of a subsurface installation to use identifying criteria and colors set forth in regulations adopted by the Public Utilities Commission of Nevada. In developing these regulations, the Commission must use nationally accepted standards.

**S.B. 210 (Chapter 100)**

Senate Bill 210 provides that a county-owned telephone system is subject to an assessment by the Public Utilities Commission of Nevada for the purpose of maintaining the availability of telephone service. A county-owned system is also entitled to receive money from the fund created by such an assessment to the same extent as other public utilities.

The bill also authorizes a board of county commissioners to create a separate corporation to provide certain unregulated services. Additionally, if a county telephone system provides any communications service outside county boundaries, that service shall be subject to all federal, state, and local requirements to the same extent as a private company providing the same service. A county is prohibited from using general fund money for the provision of such service, and is further prohibited from engaging in any transaction between separate entities controlled by the county upon terms or conditions more favorable than provided to other entities.

Finally, S.B. 210 establishes a procedure for the valuation of a county-owned telephone system in the event such system is leased or sold, and also establishes procedures for conducting negotiations for its lease or sale.

The bill is effective on July 1, 2005.

**S.B. 238 (Chapter 429)**

Senate Bill 238 provides that a natural gas utility may submit a statement in a general rate case showing the annualized effects of changes, which may occur within 210 days of the general rate case filing. These changes must be reasonably known and measurable. The Public Utilities Commission of Nevada shall consider the statement as evidence in the general rate case. The utility has the burden of showing that the statement is reasonable.

The measure requires a public utility to adjust its natural gas rates on a quarterly basis. A utility has the burden of demonstrating that the rates are reasonable and prudent in its

required annual rate filing. The utility must also provide customer notification of any quarterly rate adjustment in a specified manner.

The annual rate adjustment proceeding before the Commission must include a review of the prudence of the fuel costs incurred in connection with any quarterly rate adjustments.

Finally, the Commission is required to open a docket to study the feasibility of adopting a projected test year methodology for rate cases. The Commission shall submit a report to the Director of the Legislative Counsel Bureau on or before October 1, 2006.

Portions of the bill concerning the study of a projected test year methodology are effective on June 14, 2005. Other provisions are effective on October 1, 2005.

**S.B. 256 (Chapter 346)**

Senate Bill 256 changes from June 1 to June 15 the date by which the Public Utilities Commission of Nevada (PUCN) must mail reporting forms to the public utilities and other providers. The information in the reporting forms is used by the PUCN to disclose information regarding gross operating revenue and to calculate the annual assessment levied on that revenue.

The bill requires the PUCN to approve or disapprove rate applications filed by public utilities within 210 days after the application is filed. However, if the application is filed by a utility that is a plan of alternative regulation carrier, the PUCN must issue an order within 180 days. Senate Bill 256 also establishes a schedule for electric utilities to file general rate applications and annual applications. The specific schedule that applies to a utility depends upon whether the utility primarily serves more densely populated counties or less densely populated counties. Lastly, the bill changes the definition of a “renewable energy system.”

The bill is effective on June 10, 2005.

**See also Assembly Bill 3 (Chapter 2) of the 22nd Special Session.**



## RESOLUTIONS AND MEMORIALS

### **Assembly Joint Resolutions**

#### **A.J.R. 4 (File No. 75)**

Assembly Joint Resolution No. 4 urges the federal government to recognize the unsuitability of Yucca Mountain as the site for a repository to store and dispose of spent nuclear fuel and high-level radioactive waste. The measure also notes the recommendation of Yucca Mountain as the repository is flawed because of the failure of the Department of Energy to conduct a comprehensive evaluation of the socioeconomic, environmental, and public health and safety impacts. This resolution also points out a recent court decision that found the Nuclear Regulatory Commission “breached its duty” to protect the health and safety of the public.

The resolution further discusses the numerous concerns related to the transportation of the waste to Yucca Mountain, which would impact at least 44 states and nearly 50 million Americans who reside within three miles of potential shipping routes. Finally, A.J.R. 4 relays the concern of the potential adverse affect the repository could have on Nevada’s unique reliance on the tourism industry.

This resolution is effective on May 23, 2005.

#### **A.J.R. 8 (File No. 86)**

Assembly Joint Resolution No. 8 proposes to amend the *Constitution of the State of Nevada* to specify that the number of signatures required on a petition for initiative or referendum will be determined when a copy of the petition is filed with the Secretary of State before circulating the petition for signatures.

If approved in identical form during 2007 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2008 General Election.

#### **A.J.R. 10 (File No. 76)**

Assembly Joint Resolution No. 10 proposes to amend the *Constitution of the State of Nevada* to provide that a person must be a resident of the State for 30 days before an election to be eligible to vote in that election.

If approved in identical form during the 2007 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2008 General Election.

#### **A.J.R. 12 (File No. 77)**

Assembly Joint Resolution No. 12 urges the United States Department of Transportation to issue an interpretation of the cargo securement regulations published by the Federal Motor Carrier Safety Administration on September 27, 2002. The interpretation should indicate that, when applied to the transport of bales of hay, the traditional use of longitudinal tiedowns and v-boards at the front and back of a load is allowed.

This resolution further requests that if such an interpretation cannot be rendered, the United States Department of Transportation should remove bales of hay from the general cargo category and create a regulation specific to the containment and securement of baled hay.

This resolution is effective on May 23, 2005.

**A.J.R. 14 (File No. 78)**

Assembly Joint Resolution No. 14 expresses the Legislature's support for a national registry of clinical trials and urges Nevada's Congressional Delegation to introduce and support federal legislation mandating registration of all clinical trials before they are begun and full disclosure of the results of those trials.

The resolution is effective on May 23, 2005.

**A.J.R. 16 (File No. 66)**

Assembly Joint Resolution No. 16 proposes to amend the *Constitution of the State of Nevada* to provide requirements for the enactment of property and sales tax exemptions. The Legislature shall not enact an exemption from any ad valorem tax on property or excise tax on the sale, storage, use, or consumption of tangible personal property sold at retail unless the exemption:

- Will achieve a bona fide social or economic purpose and the benefits are expected to exceed any adverse effects on services to the public; and
- Will not impair the ability of the State or a local government to pay all interest and principal on any outstanding bonds or any other obligations when due.

If the Legislature enacts an exemption, the Legislature shall:

- Ensure that the requirements for claiming the exemption are similar for similar classes of taxpayers; and
- Provide a specific date on which the exemption will cease to be effective.

If approved in identical form during the 2007 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2008 General Election.

**A.J.R. 17 (File No. 102)**

Assembly Joint Resolution No. 17 urges the Base Realignment and Closure Commission to reconsider and reject the recommendations of the United States Department of Defense relating to the closure of the Hawthorne Army Depot, and the realignment of the Naval Air Station Fallon, and the Nevada National Air Guard, 152nd Airlift Wing in Washoe County.

The resolution is effective on June 22, 2005.

**See also Assembly Joint Resolution No. 1 (File No. 8) of the 22nd Special Session.**

## **Assembly Joint Resolutions—72nd Session**

### **A.J.R. 13—72nd Session (File No. 31)**

Assembly Joint Resolution No. 13 of the 72nd Session proposes to amend the *Constitution of the State of Nevada* to allow the Nevada Legislature to call itself into a special session. This measure provides that a special session of the Legislature may be convened, on extraordinary occasions, by a petition signed by two-thirds of the members of each House of the Legislature. This resolution specifies that during a special session, the Legislature may only consider matters for which it was called into session. Finally, A.J.R. 13 of the 72nd Session limits special sessions called by the Legislature or the Governor to 20 calendar days.

This measure was approved in identical form during both the 2003 and 2005 Sessions of the Nevada Legislature. The proposal will be submitted to the voters for final approval or disapproval at the 2006 General Election.

## **Assembly Concurrent Resolutions**

### **A.C.R. 1 (File No. 7)**

Assembly Concurrent Resolution No. 1 adopts the Joint Rules of the Senate and Assembly for the 2005 Legislative Session.

### **A.C.R. 3 (File No. 12)**

Assembly Concurrent Resolution No. 3 declares February 13 through February 19, 2005, as Career and Technical Education Week and commends career and technical education student organizations. The measure commends SkillsUSA; the Distributive Education Clubs of America; Future Business Leaders of America—Phi Beta Lambda; the National FFA Organization, formerly Future Farmers of America; Family, Career and Community Leaders of America, Inc.; and similar organizations for their decades of fostering personal growth and community leadership among the young people of our country and emphasizing the achievement of excellence in whatever vocation they choose.

### **A.C.R. 4 (File No. 15)**

Assembly Concurrent Resolution No. 4 grants administrative leave to legislative employees in recognition of their service to the 73rd Session of the Nevada Legislature. The resolution recognizes the extraordinary talents, patience, flexibility, and tireless work ethic provided by the employees of the Legislature and Legislative Counsel Bureau to the 2005 Session of the Nevada Legislature. Each employee of the Legislature and the Legislative Counsel Bureau who is employed on the last day of the 2005 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 seven days of administrative leave.

**A.C.R. 5 (File No. 47)**

Assembly Concurrent Resolution No. 5 encourages school districts to offer the federal breakfast program in every school with more than 100 students. It also urges districts to increase student participation in the program by 15 percent in 2005 and in 2006. The measure requests that each school district report participation progress to select policy and budget committees of the 74th Session of the Legislature.

**A.C.R. 6 (File No. 16)**

Assembly Concurrent Resolution No. 6 recognizes March 2, 2005, as “Read Across America” Day in Nevada in commemoration of Dr. Theodor Seuss Geisel’s birthday. Better known by his pen name of Dr. Seuss, Geisel was inspired by reports of illiteracy among school children and began to write books encouraging children to read. Among his most popular books, *The Cat in the Hat* and *Green Eggs and Ham* became instant successes and have been read by generations of children. Although Theodor Seuss Geisel died in 1991, his legacy will forever inspire children to learn to read and share in the laughter, enjoyment, and knowledge that a book can bring. In his honor, A.C.R. 6 encourages children and adults to read a favorite book together on this date and share in the joy of reading.

**A.C.R. 7 (File No. 20)**

Assembly Concurrent Resolution No. 7 offers the Legislature’s congratulations to the City of Sparks on its 100th anniversary and acknowledges the City’s history as an important railroad town. The resolution further commends the City of Sparks for its involvement and support of many special events throughout the year, as well as for its public activities and facilities that contribute to northern Nevada’s quality of life.

**A.C.R. 9 (File No. 23)**

Assembly Concurrent Resolution No. 9 designates March 21 to 25, 2005, as Law Enforcement Youth Drug Education Week in Nevada. With this resolution, the Legislature commends the Drug Abuse Resistance Education (D.A.R.E.) program for its part in lowering the percentage of drug use and participation in gangs and violent activities among the youth of our nation while providing them with positive and healthy alternatives. Further, the residents of Nevada applaud the dedication of the Nevada law enforcement officers whose expertise in classrooms throughout the State while presenting the D.A.R.E. program is critical to the well-being of our children and their future.

**A.C.R. 10 (File No. 99)**

Assembly Concurrent Resolution No. 10 directs the Legislative Commission to appoint an interim committee to conduct a study of the adequacy of Nevada’s school finance system. The committee shall contract with a consultant to assist with an analysis of Nevada’s system of financing public elementary and secondary education and the costs of providing adequate educational opportunities to all Nevada public school pupils. The committee shall recommend legislation to correct any identified inadequacies or inequities in the Nevada Plan for School Finance.

**A.C.R. 11 (File No. 97)**

Assembly Concurrent Resolution No. 11 directs the Legislative Commission to conduct an interim study on the availability and inventory of affordable housing in Nevada. The resolution urges local governments to participate in the study by providing information, including any programs the local government currently provides to assist persons in locating affordable housing. The Legislative Commission must submit a report of the results of the study and any recommendations for legislation to the 74th Session of the Nevada Legislature.

**A.C.R. 12 (File No. 24)**

Assembly Concurrent Resolution No. 12 recognizes March 25, 2005, as Greek Independence Day in Nevada. The resolution calls upon the residents of Nevada to remember and cherish our democratic principles and love of freedom that was shaped by our ancient Greek heritage and to show appreciation for the many contributions that Greek Americans have made to the Country and Nevada.

**A.C.R. 13 (File No. 25)**

Assembly Concurrent Resolution No. 13 recognizes the contributions of the Hellenic Macedonian people to the creation, preservation, and enhancement of the Hellenic culture of Greece throughout the world.

**A.C.R. 16 (File No. 30)**

Assembly Concurrent Resolution No. 16 recognizes efforts of governmental agencies and nonprofit organizations to help homeless children in Nevada, and describes issues associated with this problem. The resolution further expresses the Nevada Legislature's commitment to creating a greater public awareness of homeless children in Nevada, and to working cooperatively to address this issue. In recognition of this subject, A.C.R. 16 designates April 12, 2005, as Homeless Youth Awareness Day in Nevada.

**A.C.R. 17 (File No. 98)**

Assembly Concurrent Resolution No. 17 directs the Legislative Commission to appoint an interim committee to conduct a study of the sentencing of convicted persons and of the pardons, parole, and probation services provided by the State. The resolution directs the Administrative Office of the Courts, the Department of Corrections, and the Division of Parole and Probation of the Department of Public Safety to provide information and assistance to the committee. The Legislative Commission must submit a report of the results of the study and any recommendations for legislation to the 74th Session of the Nevada Legislature.

**A.C.R. 18 (File No. 32)**

Assembly Concurrent Resolution No. 18 commends Bob Tallman, "The Voice of Professional Rodeo," for his many contributions to the world of rodeo and the State of Nevada. In addition to his many rodeo-related achievements, Bob has established his own foundation, Bob Tallman's Charities. The foundation benefits two charities, the Justin Cowboy Crisis Fund and the Pediatric Programs at the University of Texas M.D. Anderson Cancer Center.

**A.C.R. 19 (File No. 33)**

Assembly Concurrent Resolution No. 19 recognizes the value of the study of art in public education due to the correlation between art and aptitude in other subjects, as well as the overall development of young people. The resolution further encourages a coalition of educators, artists, parents, children, and community leaders to create a network supporting art in public education.

**A.C.R. 21 (File No. 34)**

Assembly Concurrent Resolution No. 21 recognizes the generosity of Evelyn Mount and her volunteers at Community Outreach. The resolution commends Mrs. Mount for her benevolent and tireless efforts throughout the year to distribute food to families, low-income seniors, and grandparents raising grandchildren on tight budgets. The measure further acknowledges Mrs. Mount's many other community activities.

**A.C.R. 22 (File No. 36)**

Assembly Concurrent Resolution No. 22 commemorates the 85th anniversary of the League of Women Voters as a national organization. It recognizes the organization's valuable work since its inception, as well as its ongoing contributions to the elective process in Nevada. Finally, the measure commends the League for its dedication and perseverance in encouraging active participation in government.

**A.C.R. 23 (File No. 39)**

Assembly Concurrent Resolution No. 23 identifies strokes as the third leading cause of death and a leading cause of serious, long-term disability in the United States. The measure addresses a coordinated system of care that integrates services for the prevention and treatment of strokes, as recommended by the Institute of Medicine. In Nevada, the Health Division of Nevada's Department of Health and Human Services is working cooperatively with the American Stroke Association to establish a systems approach for assisting stroke patients. Assembly Concurrent Resolution No. 23 urges public and private entities to work toward implementing a cohesive statewide care system.

**A.C.R. 24 (File No. 43)**

Assembly Concurrent Resolution No. 24 memorializes Thomas Eugene Swart as a pillar of humanitarianism in Nevada. A native of Sparks, Mr. Swart was a lifelong resident of Nevada and passed away in his home at the age of 92. The measure highlights his many contributions including his many years serving on the Board of the Shriners Hospital for Children, his participation in community service projects and programs with the Reno Kiwanis Club, as well as being instrumental in the founding of the Sparks Heritage Foundation and Museum. Mr. Swart will be remembered for his tremendous memory and his love for storytelling. Further, the resolution extends the Nevada Legislature's sympathy to his family and friends.

**A.C.R. 25 (File No. 44)**

Assembly Concurrent Resolution No. 25 commemorates the 20th anniversary of the sister-state relationship between the State of Nevada and the Republic of China on Taiwan. The resolution

expresses the Legislature's sincere gratitude and appreciation to the people of the Republic of China on Taiwan for 20 years of enlightenment, friendship, and mutual economic growth as Nevada's sister state. Further, the State of Nevada looks forward to many more rewarding years as a sister state with the Republic of China on Taiwan.

**A.C.R. 26 (File No. 45)**

Assembly Concurrent Resolution No. 26 recognizes the sister-state relationship between the State of Nevada and the Republic of China on Taiwan, and the dedication and leadership of Director General Matthew S. Lee of the Taipei Economic and Cultural Office in California. With Director General Lee's departure on June 10, 2005, Deputy Director General Mark W.P. Liao assumes the position of Director General. The measure expresses the Nevada Legislature's appreciation for the efforts of Director General Lee and congratulates him for his new assignment in Latvia. The resolution further welcomes Mr. Liao to the position of Director General and looks forward to a continued positive relationship between the Republic of China on Taiwan and the State of Nevada.

**A.C.R. 27 (File No. 53)**

Assembly Concurrent Resolution No. 27 recognizes May 4, 2005, as Peace Officers' Memorial Day and May 15 through 21, 2005, as Peace Officers' Memorial Week in the State of Nevada. The Legislature urges all residents to remember and attend ceremonies honoring those who have given their lives while preserving our safety and to express appreciation to those who continue to dedicate their lives to making Nevada a safer place to live.

**A.C.R. 28 (File No. 95)**

Assembly Concurrent Resolution No. 28 urges the Commission on Economic Development to establish a special program to stimulate business growth and effect revitalization in older neighborhoods in depressed regions of Nevada. The Commission is encouraged to focus its initial efforts on the area in Assembly District 6 that is known as "Old West Las Vegas."

**A.C.R. 29 (File No. 59)**

Assembly Concurrent Resolution No. 29 designates May 9, 2005, as "Vintage Car Day" at the Nevada Legislature in recognition of all that automobiles and the automobile industry have done to shape the State of Nevada and the United States of America. This resolution further expresses appreciation to Battle Born Regional Group #12 of the Early Ford V-8 Club of America for organizing a nostalgic display on the legislative grounds in commemoration of this event.

**A.C.R. 30 (File No. 62)**

Assembly Concurrent Resolution No. 30 designates April 28, 2005, as Workers Memorial Day in Nevada. This is a day to honor and remember the workers who have succumbed to occupational diseases, or been injured or killed in work-related accidents. Additionally, this resolution urges residents to recognize the need for strengthening safety and health protections in the workplace to prevent future tragedies.

**A.C.R. 31 (File No. 64)**

Assembly Concurrent Resolution No. 31 recognizes the month of May as Older Americans Month in Nevada and pays tribute to the older residents of the state for their many contributions to our country, state, communities, and families. This resolution further urges all Nevadans to treat older Americans with respect and to ensure that they enjoy active, productive, and healthy lives.

**A.C.R. 32 (File No. 65)**

Assembly Concurrent Resolution No. 32 memorializes Supreme Court Justice Myron E. Leavitt, who will long be remembered for his professional integrity, the encouragement he offered others, his dedication to public service, his passion for Nevada, and his love for his family.

**See also Assembly Concurrent Resolution No. 1 (File No. 4) of the 22nd Special Session.**

**Senate Joint Resolutions**

**S.J.R. 1 (File No. 58)**

Senate Joint Resolution No. 1 urges Congress to work with all interested Nevadans, land managers, affected parties, local governments, special interest groups, and members of the public in addressing issues concerning the designation of Wilderness Areas in Nevada. Specifically, the resolution requests that Congress continue the policy of releasing or disposing of federal lands that are no longer suitable for wilderness designation and doing so in a timely manner, as well as considering military operations in determining whether to designate land as a Wilderness Area.

This measure is effective on May 9, 2005.

**S.J.R. 2 (File No. 10)**

Senate Joint Resolution No. 2 addresses proposed changes to the federal Southern Nevada Public Land Management Act of 1998. The resolution urges the President of the United States to reverse his position on, and alternatively urges Congress to reject, his federal budget proposal to use 70 percent of the profits derived from the sale of public land in Nevada to lower the federal deficit.

This resolution is effective on February 22, 2005.

**S.J.R. 12 (File No. 88)**

Senate Joint Resolution No. 12 urges the President of the United States to direct the Secretary of the Interior to provide full funding for the Clark County Sport Shooting Park from revenue generated under the Southern Nevada Public Lands Management Act of 1998. The resolution cites considerable community support and previous federal support for the project. Specifically, federal support has included transfer of 2,880 acres of federal land to Clark County, funding of the park's phase one construction, and a recommendation for

\$33.6 million in additional funding from the federal Parks, Trails, and Natural Areas Subgroup. Senate Joint Resolution No. 12 encourages the federal government to authorize this expenditure.

This measure is effective on May 27, 2005.

**S.J.R. 13 (File No. 73)**

Senate Joint Resolution No. 13 urges Congress to preserve the Community Services Block Grant program as an independent federal program administered by the U.S. Department of Health and Human Services and to appropriate money for the program in Fiscal Year 2005.

This measure is effective on May 16, 2005.

**Senate Joint Resolutions—72nd Session**

**S.J.R. 11—72nd Session (File No. 74)**

Senate Joint Resolution No. 11 of the 72nd Session proposes to amend the *Nevada Constitution* to provide that members of the Nevada Legislature are paid for each day of service during regular and special sessions. Additionally, S.J.R. 11 proposes another amendment to provide “reasonable allowances” to legislators for expenses incurred for postage, express charges, newspapers, telecommunications, and stationery.

The measure was approved in identical form by the 2003 and 2005 Sessions of the Nevada Legislature. The proposal will be submitted to the voters for final approval or disapproval at the 2006 General Election.

**Senate Concurrent Resolutions**

**S.C.R. 1 (File No. 8)**

Senate Concurrent Resolution No. 1 authorizes the State Controller to pay \$35 per service from the Legislative Fund to clergy members who performed religious services for the Senate and Assembly during the 21st Special Session and who perform those services during the 73rd Session of the Nevada Legislature.

**S.C.R. 2 (File No. 9)**

Senate Concurrent Resolution No. 2 declares 2005 to be “The Year of Languages.” The measure recognizes the efforts of organizations, such as the Sierra Nevada World Language Collaborative, to promote the study of foreign languages in our schools and to share teaching ideas. The year-long celebration of language education programs is being guided by the American Council on the Teaching of Foreign Languages.

**S.C.R. 3 (File No. 52)**

Senate Concurrent Resolution No. 3 designates the second Wednesday in April as “Service Animal Recognition Day.” The resolution requests that the Northern Nevada Center for

Independent Living and the Southern Nevada Center for Independent Living coordinate activities to encourage residents to recognize and celebrate Service Animal Recognition Day. The resolution urges chambers of commerce, local governmental organizations, and law enforcement agencies to provide certain training regarding the rights of persons with disabilities who utilize service animals. In addition, the resolution advises local governments and other organizations that the Nevada Equal Rights Commission has jurisdiction over the resolution of complaints of unlawful discriminatory practices related to housing, employment, and public accommodations.

**S.C.R. 4 (File No. 11)**

Senate Concurrent Resolution No. 4 designates February 17, 2005, 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.

**S.C.R. 5 (File No. 13)**

Senate Concurrent Resolution No. 5 commemorates the 100th anniversary of Las Vegas and designates the year 2005 as the “Las Vegas Centennial Celebration.” The measure commends the Las Vegas Centennial Celebration Committee for its efforts to ensure that the residents of Nevada are aware of the historic events that established and developed Las Vegas, for preserving the history of Las Vegas through Centennial legacy projects that honor the past, and for establishing endowments for historic preservation projects in the future. In addition, the measure urges the Las Vegas Centennial Celebration Committee to continue the year-long celebration of Las Vegas as one of the great American cities, as documented by Insignia Films in their award-winning *American Experience* series. The measure notes the Centennial Celebration event is meant to include both residents and tourists by creating a wide range of activities, projects, and events.

**S.C.R. 6 (File No. 14)**

Senate Concurrent Resolution No. 6 acknowledges February 23, 2005, as Rotary International Day in the State of Nevada. The resolution honors Rotary International for its many contributions and notes that Rotary International has contributed to many health-oriented projects, is the world’s largest privately funded source of international scholarships, provides postsecondary education in conflict resolution at eight prestigious universities worldwide, and is currently providing aid to the victims of the tsunami in Asia. In addition, the gift to the Legislature of the four-sided Centennial Rotary Clock will serve as a constant reminder of Rotary’s past accomplishments and as a harbinger of future service. Further, the resolution expresses admiration and appreciation for Rotary International and for the Rotary Club of Carson City for the humanitarian efforts offered to the community and the world.

**S.C.R. 7 (File No. 17)**

Senate Concurrent Resolution No. 7 recognizes and commemorates the month of February as African-American History Month, in honor of the contributions of African Americans to the Nation’s success and prosperity and in acknowledgement of the importance of minorities to Nevada’s history and future. The measure encourages the residents of the State to join in

celebration of this observance and reflect on the past successes and challenges of African Americans.

**S.C.R. 9 (File No. 18)**

Senate Concurrent Resolution No. 9 offers the Nevada Legislature's congratulations to Dr. Donald K. Grayson for his selection as the 2005 recipient of the Nevada Medal awarded by the Desert Research Institute. The resolution recognizes Dr. Grayson for his scientific contributions in the fields of archaeology, paleoecology, and biogeography. Specifically, S.C.R. 9 acknowledges his studies of the natural prehistory of the Great Basin, the effects of climatology on the current landscape, the importance of biological predictors of mortality as they relate to the famous Donner Party, and the interrelationships between people and their biotic landscapes. Dr. Grayson is further recognized for his support of graduate students and their ongoing research in these areas.

**S.C.R. 11 (File No. 19)**

Senate Concurrent Resolution No. 11 amends Joint Standing Rule No. 14.2. The resolution provides that the last day for introduction of a bill or joint resolution that was requested by a legislator is the 47th calendar day of the 73rd Regular Session of the Legislature.

**S.C.R. 14 (File No. 26)**

Senate Concurrent Resolution No. 14 commends the Boys and Girls Clubs in this state for their contributions to the lives of young people by enabling them to realize their full potential as productive, responsible, and caring citizens. In recognition of these contributions, the resolution proclaims March 29, 2005, as Boys and Girls Club Day in Nevada.

**S.C.R. 15 (File No. 48)**

Senate Concurrent Resolution No. 15 expresses the Legislature's gratitude and recognition of the many groups, organizations, policymakers, and stakeholders involved in preventing the sage grouse from being listed as a threatened or endangered species by the United States Fish and Wildlife Service. The resolution also commends and encourages the continuation of efforts to restore sage grouse populations and habitat.

**S.C.R. 16 (File No. 29)**

Senate Concurrent Resolution No. 16 recognizes the creation and unveiling of the statue of Sarah Winnemucca and its inclusion in the National Statuary Hall Collection at the United States Capitol. This measure also celebrates the unveiling of a replica of the statue at the Nevada State Capitol. The resolution describes the life and achievements of Sarah Winnemucca as an interpreter, writer, spokeswoman, and advocate for Native Americans during the 19th Century. The resolution further recognizes the creativity of artist Benjamin Victor and the efforts of Nevada's First Lady Dema Guinn, the Sarah Winnemucca Selection Committee, the Nevada Women's History Project, and Nevada's Department of Cultural Affairs in their cooperative efforts to see this project through to completion.

**S.C.R. 18 (File No. 35)**

Senate Concurrent Resolution No. 18 commends the Health Division of Nevada's Department of Health and Human Services, the Clark County Health District, and the Washoe County District Health Department for their vision and cooperation in forming the Nevada Alliance for Chronic Disease Prevention. The resolution recognizes the effects of chronic disease on Nevada and the nation, and praises the Alliance for its ongoing efforts to promote health and wellness through partnership with organizations that encourage healthy lifestyles. The measure further encourages continued efforts in the prevention of chronic disease in Nevada, and acknowledges contributions by the Nevada System of Higher Education, the Department of Education, HealthSmart in Carson City, Great Basin Primary Care Association, members of the Intertribal Council of Nevada, and other entities throughout the State.

**S.C.R. 19 (File No. 37)**

Senate Concurrent Resolution No. 19 commends Dean Richard Morgan and the administrators, faculty, graduates, students, and supporters of the William S. Boyd School of Law for the school's success and contributions to the betterment of the State of Nevada. The resolution acknowledges Dean Morgan for his commitment and vision to the creation of the school, and recognizes the school as an outstanding center for legal education and scholarship.

**S.C.R. 20 (File No. 38)**

Senate Concurrent Resolution No. 20 designates April 21, 2005, as Kiwanis Day in the State of Nevada. The resolution acknowledges the six principles of membership and recognizes the generous contribution of Kiwanis members to their communities, state, and nation.

**S.C.R. 21 (File No. 84)**

Senate Concurrent Resolution No. 21 urges Washoe County and the City of Reno to study the feasibility of collocating or unifying justices and municipal courts. The measure further urges the parties to report the results of their fiscal and legal study to the next regular session of the Nevada Legislature.

**S.C.R. 23 (File No. 41)**

Senate Concurrent Resolution No. 23 memorializes Sparks Mayor Tony Armstrong. The resolution expresses the Nevada Legislature's condolences and deep sorrow on the passing of Tony Armstrong, Mayor of the City of Sparks, on January 29, 2005. The measure acknowledges Mayor Armstrong's humble beginnings, strong work ethic, and dedication to the City of Sparks through many endeavors and community events.

**S.C.R. 24 (File No. 42)**

Senate Concurrent Resolution No. 24 expresses the Nevada Legislature's support for social studies curriculum in Nevada schools. The measure recognizes the need for all students to learn and experience the fundamental ideas, principles, and values on which the United States was founded in order to ensure the health of American democracy and to prepare for the responsibilities of citizenship. The resolution urges every school district to provide rigorous civil learning experiences, support this mission with adequate resources, and maintain standards for civic learning. The resolution further expresses the Legislature's commitment to the Campaign

for the Civic Mission of Schools and declares its support for the activities of the Advisory Committee on Participatory Democracy. Finally, S.C.R. 24 honors Larry Struve and Mark Peplowski for their exemplary service in promoting participatory democracy in Nevada as the first two recipients of the Jean Ford Democracy Award.

**S.C.R. 25 (File No. 49)**

Senate Concurrent Resolution No. 25 commends the administrators, faculty, staff, parents, and friends of Frank Lamping Elementary School in Henderson, Nevada, for the school's visionary and ambitious science program. The school is applauded for involving the entire community in its mission to give its students an advantage in science, for building the Christa McAuliffe Observatory, for raising nearly \$90,000 to bring the Space Explorers Program to southern Nevada, and for its current goal of raising funds to build the William McCool Science Center.

**S.C.R. 26 (File No. 100)**

Senate Concurrent Resolution No. 26 directs the Legislative Commission to appoint an interim committee to study the use, management, and allocation of water resources in Nevada. The resolution provides for a committee of eight legislators that will undertake an analysis of existing laws, regulations, policies, reports, and studies concerning water. The committee is further required to evaluate the need for additional information, develop appropriate recommendations, evaluate relevant issues, and consider the feasibility of creating a permanent Legislative Committee on Water Resources.

The measure also authorizes appointment of a subcommittee to study the advisability of consolidating water-related services in Washoe County, and describes the appointment of members and duties of the subcommittee. Finally, a report of the results and recommendations of the studies authorized by S.C.R. 26 will be submitted for consideration by the 74th Session of the Nevada Legislature.

**S.C.R. 27 (File No. 50)**

Senate Concurrent Resolution No. 27 memorializes eminent educator and coach Bud Beasley. The resolution acknowledges that Bud Beasley was a teacher and coach for 70 years who truly cared about his students and their futures, and that he will long be remembered and greatly missed by his many thousands of students. Additionally, Bud Beasley is recognized as having set the standard that all educators and coaches should strive to meet.

**S.C.R. 28 (File No. 51)**

Senate Concurrent Resolution No. 28 commends the California/Nevada Automotive Wholesalers' Association on 50 years of distinguished service to its members and its advocacy on behalf of the automotive aftermarket industry and motorists in general. The Legislature applauds the Association's accomplishments including its "Be Car Aware" campaign, the establishment of the Multiple Employer Welfare Association, and the creation of the Automotive Parts Association Federal Credit Union.

**S.C.R. 29 (File No. 54)**

Senate Concurrent Resolution No. 29 commends various entities in Nevada that are dedicated to the prevention of obesity. The resolution commends the Health Division of Nevada's Department of Health and Human Services, the Department of Education, and the Nevada Public Health Foundation for vision in planning efforts to gather information and engage organizations dedicated to the prevention of obesity. The Legislature applauds the public and private partnerships formed to protect the health of Nevadans and prevent chronic disease. The Legislature further supports the Health Division as it prepares the State Obesity Plan.

**S.C.R. 30 (File No. 56)**

Senate Concurrent Resolution No. 30 expresses the Legislature's respect and admiration for Carolyn Randall O'Callaghan, wife of former Governor Mike O'Callaghan. The measure acknowledges Mrs. O'Callaghan's service to Nevada as First Lady from 1971 to 1979, her graciousness and hospitality, her dedication to her family, and her athleticism. Mrs. O'Callaghan died on August 7, 2004.

**S.C.R. 31 (File No. 57)**

Senate Concurrent Resolution No. 31 expresses the Legislature's condolences at the death of Donald Neil "Mike" O'Callaghan, who served as Governor of Nevada from 1971 to 1979. The Legislature further expresses its admiration, respect, and veneration for Governor O'Callaghan, who rose from an impoverished childhood in Wisconsin to become one of Nevada's most beloved figures. The measure acknowledges Governor O'Callaghan's military honors, his compassion for the injured and disadvantaged, and his devotion to young people throughout Nevada.

**S.C.R. 32 (File No. 60)**

Senate Concurrent Resolution No. 32 commends Dr. Claude Perkins for his dedicated service and many accomplishments as a school administrator for the Clark County School District and encourages the Clark County School Board to name a school in his honor.

**S.C.R. 33 (File No. 61)**

Senate Concurrent Resolution No. 33 recognizes 5-year-old Jake Waters for his courage and strength in battling lymphoblastic leukemia, and for the inspiration and hope he represents to those facing adversity. The measure cites Jake's selection by Washoe Medical Center as the Children's Miracle Network Champion Child for Nevada, and urges all Nevadans to support the Children's Miracle Network, and nonprofit children's hospitals that serve seriously ill children.

**S.C.R. 34 (File No. 63)**

Senate Concurrent Resolution No. 34 memorializes former First Lady of the State of Nevada Jackalyn Ross Laxalt who passed away on July 17, 2004.

**S.C.R. 35 (File No. 101)**

Senate Concurrent Resolution No. 35 describes the diverse natural treasures of Nevada, as well as their unique characteristics and contribution to the quality of life and economic prosperity of this State. The resolution directs the Legislative Commission to conduct an interim study of any measures necessary for the protection and maintenance of Mount Charleston and Walker Lake, and any other area of the State the interim committee deems is appropriate. The Legislative Commission must submit a report of the results of the study and any recommendations for legislation to the 74th Session of the Nevada Legislature.

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

Senate Concurrent Resolution No. 36 memorializes former Assemblywoman Eileen Brookman, who died in her home in Las Vegas on July 1, 2004, after a battle with cancer. Eileen demonstrated her dedicated service to the people of the State of Nevada not only by her participation on many different committees in the Assembly, but also by participating in numerous civic organizations. Eileen was a dedicated, energetic, caring woman who fought for “the little people.” She was an advocate for senior citizens, persons with disabilities, minorities, persons with low incomes, women, and children. Many honors have been bestowed upon Eileen including Woman of the Year for Clark County, the Nevada Distinguished Citizen Award from the Board of Regents of the University of Nevada, and the Brotherhood Award of the National Conference of Christians and Jews. The members of the 73rd Session of the Nevada Legislature offer their sincerest condolences and heartfelt sympathy to the family and many friends of Eileen.

**S.C.R. 37 (File No. 68)**

Senate Concurrent Resolution No. 37 congratulates the Virginia City High School boys’ basketball team for winning the 2005 Nevada Interscholastic Activities Association 1A State Basketball Championship. The resolution notes that on February 26, 2005, Mich McDowell of the Virginia City Muckers made the game-winning shot in the last five seconds of play to lift the Muckers to a 63 to 61 victory over the Lake Mead Eagles in the 1A boys state basketball championship game in Las Vegas. The academic and athletic achievements of the members of the Muckers basketball team are recognized as an example for their schoolmates and all young people of Nevada as they strive for excellence in their lives.

**S.C.R. 38 (File No. 69)**

Senate Concurrent Resolution No. 38 expresses support for international education and foreign exchange student programs. The Nevada Legislature recognizes that the international students and scholars of this State contribute significantly to the cultural diversity of Nevada’s educational institutions and, through their representation, they enhance the educational experience of all students while making important contributions. Thereby, the Nevada Legislature supports the participation of Nevada’s students, teachers, administrators, and educational policymakers in international studies, international exchange programs, and other activities that advance cultural awareness and promote mutual understanding and respect for citizens of other countries. The resolution encourages Nevada’s colleges and universities to:

- Develop courses of study in as many fields as possible to increase students’ understanding of global issues and cultural differences;

- Further develop courses in foreign languages;
- Provide opportunities for all students to participate in programs to study abroad;
- Provide opportunities for domestic and international students to interact effectively; and
- Develop innovative public educational forums and venues to explore global issues and showcase world cultures.

**S.C.R. 39 (File No. 70)**

Senate Concurrent Resolution No. 39 memorializes noted philanthropist and Nevada gaming pioneer Warren Nelson for his contributions to the gaming industry, sense of humor, and generosity to the community, particularly in founding the Truckee Meadows Boys and Girls Clubs. The resolution cites Mr. Nelson's many accomplishments and his strong belief in education.

**S.C.R. 40 (File No. 71)**

Senate Concurrent Resolution No. 40 commends the Las Vegas Dispensing Pharmacy for Medco Health Solutions for its magnanimous contribution of medicine to the relief effort that followed the earthquake and resulting tsunami in the Indian Ocean in December 2004. The resolution describes the relief effort and Medco's timely and responsive donation of medicine to millions of people who faced risk of disease and compromised water and sanitary conditions.

**S.C.R. 41 (File No. 72)**

Senate Concurrent Resolution No. 41 commends Ryan Moore for his amateur and collegiate victories in golf, his selection for a fourth time to the Mountain West Conference's All-Conference Team (including being named Player of the Year for the second time), and becoming the winningest golfer in the history of the golf program at the University of Nevada, Las Vegas. The measure further notes Mr. Moore's dedication to academic studies.

**S.C.R. 42 (File No. 96)**

Senate Concurrent Resolution No. 42 declares that certain executive agency regulations will not become effective. The resolution identifies three executive agency regulations that will not become effective because the Legislative Commission objected to them for failing to conform to the statutory authority pursuant to which they were adopted or failing to carry out the intent of the Legislature. The following regulations will not become effective:

- The regulation adopted by the Taxicab Authority of the Department of Business and Industry concerning the use of camera systems in taxicabs;
- The regulation adopted by the State Board of Health concerning the provisions governing "assisted living services" provided by residential facilities for groups; and
- The regulation adopted by the Commissioner of Mortgage Lending concerning the requirements for the establishment of signs for mortgage brokers.

**S.C.R. 43 (File No. 87)**

Senate Concurrent Resolution No. 43 memorializes former District Court Judge John W. Barrett. Judge Barrett is best remembered for his strong sense of fairness and adherence to the law, his instrumental role in working with Judge Tom Craven to bring the National Judicial College to Reno, and for being a founding member of the Nevada Judicial Historical Society. The legacy of Judge Barrett's exemplary judicial career and tireless effort to preserve the history of the courts of Nevada will continue to inspire judges for generations to come. The members of the 73rd Session of the Nevada Legislature offer their sincere condolences to the family and many friends of Judge Barrett.

**S.C.R. 44 (File No. 90)**

Senate Concurrent Resolution No. 44 describes the current problem of child abuse in Nevada and the need for preventive strategies through education and community outreach. The measure recognizes the Southern Nevada Area Health Education Center for its contributions in child abuse prevention, education, and intervention throughout the State. The resolution further congratulates the Center for becoming an official chapter of Prevent Child Abuse America, and acknowledges an ongoing need to support efforts to prevent child abuse and neglect.

**S.C.R. 45 (File No. 93)**

Senate Concurrent Resolution No. 45 offers the Nevada Legislature's support of federal legislation that would repeal the Wright Amendment of 1979, which was passed by Congress to restrict travel into and out of Love Field in Dallas, Texas. The resolution cites the history of the amendment and its effect on the airline industry and specifically Southwest Airlines. It further states that experts anticipate the repeal of the Wright Amendment will increase competition in the airline industry, thereby benefiting the public by lowering air fares and offering customers more options.

**S.C.R. 46 (File No. 94)**

Senate Concurrent Resolution No. 46 encourages the Public Utilities Commission of Nevada (PUCN) to actively participate in discussions that seek to upgrade the electric transmission system in the Western Interconnection. Generally, the discussions are intended to produce regional solutions to growing demands for electric energy, and to accommodate Nevada's desire for a reliable, efficient network providing market access to new generation sources. Specifically, the resolution lists four key objectives in these discussions:

- Fair market access to new renewable and clean fossil generation;
- A transmission infrastructure that will allow renewable generators in Nevada to serve Nevada and interstate customers;
- Potential equity participation by Nevada's electric utilities both in the transmission system upgrades and in the renewable and clean fossil generation constructed; and
- Electrical interconnection of Sierra Pacific Power Company and Nevada Power Company.

RESOLUTIONS AND MEMORIALS (continued)

The measure urges that these discussions occur with other state utilities commissions through the National Association of Regulatory Commissioners and similar organizations, with transmission system developers, and with developers of renewable and clean fossil generation systems both inside and outside of Nevada.

Finally, S.C.R. 46 encourages the PUCN to assess the extent to which *Nevada Revised Statutes* and *Nevada Administrative Code* would need to be revised to implement proposed agreements that result from the discussions described.

## **22ND SPECIAL SESSION**

**June 7, 2005**

**(See also Appropriations and Authorizations Chapter)**

### **A.B. 1—22nd Special Session (Chapter 6)**

Assembly Bill 1 makes technical corrections to the following measures from the 73rd Session of the Nevada Legislature:

- Assembly Bill 203: Changes are made to Sections 3 and 3.5 relating to the authority of the State Board of Osteopathic Medicine.
- Assembly Bill 334: Sections 1, 4, and 6 relating to public records are deleted, and the effective date of Section 8 is changed.
- Assembly Bill 384: In Section 29, the penalty of a misdemeanor is added for violating licensing provisions. Changes are made to Sections 49, 50, 53.5, 55, 65, 68, and 73.5 relating to the procedure and cost of licenses for check-cashing, deferred deposit loan, short-term loan, or title loan services. Two new sections are added providing penalties and fines for failing to obtain a license or submit required reports.
- Assembly Bill 421: Technical corrections are made to Sections 3 and 9 relating to penalties for driving under the influence of alcohol or a controlled or prohibited substance.
- Assembly Bill 550: A technical correction is made to Section 3 relating to driving under the influence of alcohol or a controlled or prohibited substance.
- Assembly Bill 576: Section 41 is amended to require compliance with public works provisions in certain projects undertaken by the Legislative Counsel Bureau.
- Senate Bill 276: Technical changes are made to Sections 104, 106, and 109 relating to disciplinary proceedings before the State Board of Osteopathic Medicine.
- Senate Bill 347: In Section 21, “employer identification number” is removed from the definition of “personal information” relating to trade regulations and practices.
- Senate Bill 431: Section 33, Sections 35-54, and part of Section 115 relating to the Commissioner of Financial Institutions and the licensing of check-cashing and deferred-deposit services are deleted.
- Senate Bill 520: Technical corrections are made to Sections 29 and 31 relating to the State Printing Office, and Section 43 relating to the State Printing Fund is deleted.

The majority of A.B. 1 is effective on June 17, 2005. The sections relating to disciplinary hearings and occupational licensing are effective on October 1, 2005.

**A.B. 2—22nd Special Session (Chapter 1)**

Assembly Bill 2 changes the name of the Department of Human Resources to the Department of Health and Human Services (DHHS). The measure also changes the name of the Welfare Division to the Division of Welfare and Supportive Services. In addition, A.B. 2 rearranges certain statutory provisions to accomplish the following:

- Divide provisions relating to the Welfare Division and the Division of Health Care Financing and Policy into two separate chapters, each devoted to one Division; and
- Move certain sections relating to the Division of Child and Family Services and the Division of Health Care Financing and Policy from Chapter 232 (State Departments) to Chapters 432 (Public Services for Children) and 422 (Administration of Welfare Programs), respectively.

Assembly Bill 2 provides for the transfer of administrative responsibility for the Bureau of Alcohol and Drug Abuse (BADA) from the Health Division to the Division of Mental Health and Developmental Services. The Department must, by March 31, 2006, submit to the Governor and the Legislative Committee on Health Care for their approval a plan for the transfer of BADA services. The bill requires the Legislative Committee on Health Care to conduct an interim study of the organizational and delivery structure of services for the treatment and prevention of substance abuse in the State. The Committee must submit its report and any recommendations for legislation to the 74th Session of the Nevada Legislature.

Further, the measure provides that the Director of the Department is responsible for appointing and removing officers and employees of the agency, except for the Administrator of the Division of Mental Health and Developmental Services, the Executive Director of the Nevada Indian Commission, and the State Public Defender. The bill eliminates various provisions relating to the Chief Research and Statistical Analyst position, Children's Homes, and the Community Services Block Grant program. In addition, the Department of Employment, Training and Rehabilitation is no longer required to employ job development coordinators to promote employment for persons who receive public assistance.

The bill revises certain provisions relating to property tax assistance for senior citizens. Finally, the measure clarifies that existing provisions concerning the recovery of benefits paid for Medicaid apply only to the Division of Health Care Financing and Policy, not to the Welfare Division.

This measure is effective on October 1, 2005, except that sections of the bill providing for the transfer of administrative responsibility for BADA are effective on July 1, 2007. Provisions requiring the DHHS to develop a transfer plan for substance abuse services are effective on June 17, 2005.

**A.B. 3—22nd Special Session (Chapter 2)**

Assembly Bill 3 provides incentives for energy efficient and green buildings. Qualifying buildings shall be granted a partial abatement from property tax, and the materials used to construct or remodel such a building are exempt from certain sales and use taxes.

The Director of the Office of Energy must: (1) adopt guidelines establishing Green Building Standards for all new building projects of occupied public buildings; (2) establish a process for adopting the Leadership in Energy and Environmental Design Green Building Rating System, or its equivalent; (3) prepare a state energy reduction plan to reduce grid-based energy purchases for state-owned buildings; (4) adopt regulations that include the most recent version of the International Energy Conservation Code; and (5) prepare a report summarizing a review of model commercial standards for appliances by July 2006.

Additionally, the Division of Industrial Relations is required to adopt standards and procedures for the licensure of persons in occupations involved in photovoltaic or solar energy system projects. A penalty is provided for anyone engaged in a solar energy project without a license.

This measure also makes various changes concerning the portfolio standard for renewable energy systems, the Solar Energy Systems Demonstration Program, and the Task Force for Renewable Energy. It also provides funding for the Trust Fund for Renewable Energy and Energy Conservation from the Public Utilities Reserve Account.

Assembly Bill 385 allows a provider of electric service to receive credits toward meeting the portfolio standard for renewable energy if the provider pays part of the costs for certain energy efficiency measures that save electricity.

The measure also modifies the portfolio standard by increasing the percentage of the total amount of electricity sold by a provider that must be generated, acquired, or saved from portfolio energy systems or efficiency measures. Additionally, not more than 25 percent of the total amount of electricity that is generated, acquired, or saved under the portfolio standard may be based on energy efficiency measures.

This bill authorizes the Public Utilities Commission of Nevada to adopt regulations establishing a temporary renewable energy development program to assist with the completion of new renewable energy projects. The Commission is also required to adopt regulations establishing methods to classify the financial impact of certain long-term contracts, which are entered into in order to comply with the portfolio standards, as additional imputed debt of the provider.

The bill increases from 3 percent to 5 percent the amount of money allocated to the Division of Welfare and Supportive Services for energy assistance programs that the Division may use to administer the programs.

This measure is effective on June 17, 2005, for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this bill. The solar project licensing provisions are effective on July 1, 2006.

Provisions pertaining to the certification of certain occupied public buildings are effective on July 1, 2007. All other provisions of the bill are effective on October 1, 2005.

**A.B. 4—22nd Special Session (Chapter 3)**

Assembly Bill 4 appropriates \$22 million from the State General Fund to the Department of Education for Fiscal Year 2006-2007 to enable school districts to provide all-day kindergarten at certain schools. The Department must prioritize schools on the basis of the percentage of pupils enrolled in the school who are eligible for free or reduced price lunches. The measure provides that, if a school that is required to offer full-day kindergarten pursuant to this measure is already providing full-day instruction with money that it receives from the federal government or other funding sources, it may redirect that money to other programs of remediation and use the money provided by the Department to provide full-day classes.

A school district is not required to submit an application for an allocation of money or provide full-day kindergarten. A school may opt out of providing full-day kindergarten, even if it is otherwise required to provide such instruction. A parent or legal guardian may request that a pupil not be enrolled in a full-day kindergarten program. The school district is required to grant that request and must allow a pupil to attend kindergarten for less than a full day, regardless of attendance zone restrictions.

The measure is effective on July 1, 2005.

**A.B. 5—22nd Special Session (Chapter 4)**

Assembly Bill 5 expressly prohibits the Nevada Equal Rights Commission from entering into a contract or memorandum of understanding with the U.S. Department of Housing and Urban Development for the purpose of investigating or enforcing laws related to fair housing unless the Legislature authorizes the Commission to do so.

The bill also defines “sexual orientation” and adds sexual orientation to the list of prohibited discriminatory practices in public accommodations. The deadline for filing a complaint alleging unlawful discriminatory practices in employment or public accommodations is increased from 180 to 300 days after the occurrence of the alleged practice.

**A.B. 7—22nd Special Session (Chapter 5)**

Assembly Bill 7 appropriates \$100,000 to the Nevada Commission on Sports to fund the operation of the Commission. The measure also appropriates \$25,000 to the Big Brothers and Big Sisters of Northern Nevada, Inc., to be used toward the payment of the cost of a facility for use by the organization.

Both organizations must submit reports on the expenditures of the funds to the Interim Finance Committee no later than December 15, 2006. Any funds not committed for expenditure by June 30, 2007, shall revert to the State General Fund on or before September 21, 2007.

The measure is effective on July 1, 2005.

**S.B. 1—22nd Special Session (Chapter 7)**

Senate Bill 1 makes various changes relating to state financial administration. The bill establishes the Nevada Economic Development Fund and specifies that the Nevada Commission on Economic Development will administer the fund. The measure provides that the Commission may make grants from the fund to a public agency or a nonprofit entity for economic development projects in rural or blighted urban areas. The bill sets forth additional eligibility criteria and reporting requirements for such grants and appropriates \$500,000 for each year of the biennium for this purpose.

In addition, the bill authorizes a study by the Department of Transportation of funding sources to sustain the Fund for Aviation, including a summary of needs of rural airports. The measure also creates the Nevada War on Terrorism Medal for certain Nevada National Guard and Reserve members and specifies the criteria for awarding the medal. The bill provides that the Office of the Military shall design, order the manufacture of, and award the Nevada War on Terrorism Medal. An appropriation is included for the medal.

In addition to the appropriations already listed, the measure contains appropriations to the Trust Fund for the Education of Dependent Children; City of Fernley (Veterans' Cemetery roadway); Nevada Alliance of Boys and Girls Clubs (for the SMART Moves Program); Division of State Library and Archives (rural bookmobiles); Nevada System of Higher Education (Pediatric Dentistry Residency Program); Division of State Library and Archives (for Radio Reading Service); City of Reno (Community Assistance Center); Nevada Cancer Institute (for cancer research); Nevada Cancer Institute (Pain Management Study); White Pine County (Regional Juvenile Detention Facility); State Department of Agriculture (farmers markets); Department of Transportation (Fund for Aviation Study); Fund for Aviation (for rural airport improvements); Center for Basque Studies at the University of Nevada, Reno (for a Basque Genealogy Center); Department of Cultural Affairs (Nevada Online Encyclopedia); Division of Forestry (wildfire threat reduction program); Desert Research Institute (groundwater study); Nevada's Safe Place (outreach to minors); VSA Arts of Nevada (restoration of the Lake Mansion in Reno); Interim Finance Committee (RSCVA for Truckee River Recreational Master Plan); Department of Cultural Affairs (artifact purchases); Nevada Commission for the Reconstruction of the V & T Railway; Interim Finance Committee (Douglas County for China Springs Youth Camp); Department of Administration (Opportunity Village); Advisory Council on the State Program for Fitness and Wellness; Clark County Museum Guild (moving and repairing the Clark County Museum); Legislative Counsel Bureau (consultant for deconsolidation of Clark County School District); Interim Finance Committee (brochures reporting statewide public education test scores); and the Interim Finance Committee (Department of Taxation for additional costs of implementing property tax relief measures passed by the 2005 Legislature).

Sections of the bill making appropriations from surplus funds from the 2003-2005 biennium are effective on June 17, 2005. All other sections are effective on July 1, 2005.

**S.B. 2—22nd Special Session (Chapter 8)**

Senate Bill 2 appropriates \$433,550 for security enhancements in the Office of the Attorney General, the Capitol Building, and the Supreme Court Building. Any remaining balance must revert to the State General Fund on or before September 21, 2007.

**S.B. 3—22nd Special Session (Chapter 9)**

Senate Bill 3 provides for various technical and policy changes related to selected tax measures approved in the 2003 Session.

The measure revises the business license fee by:

- Specifying that a natural person is required to obtain only one business license for multiple business activities;
- Providing that operators of a facility where craft shows, exhibitions, trade shows, conventions, or sporting events are held are responsible for the business license fee for those persons who do not have a business license;
- Providing an exemption for a person who derives rental income from four or fewer dwelling units; and
- Requiring that a business or natural person must perform a service or engage in a trade for profit to be subject to the requirements to obtain a business license.

In addition, S.B. 3 revises the provisions of the modified business tax. These changes include:

- Requiring that an entity must be conducting an activity for profit to be subject to the modified business tax; and
- Providing an exemption from the branch bank excise tax for one branch office maintained by a bank in each county. This provision replaces the previous exemption of only one branch office.

The major provisions in S.B. 3 affecting the live entertainment tax include:

- Providing the Nevada Gaming Commission with regulatory authority over the gaming portion of the live entertainment tax;
- Specifying that the tax is based on maximum occupancy of the facility, not maximum seating capacity;
- Providing an exemption for food and product demonstrations conducted at shopping malls, craft shows, membership stores, and similar facilities; and

- Exempting a nonprofit organization from the tax on the purchase price of a ticket to a live entertainment event when a for-profit entity sells tickets at a discount to the nonprofit organization for resale by the nonprofit, with the difference benefiting the nonprofit organization.

Lastly, S.B. 3 makes various changes to the Nevada Taxpayers' Bill of Rights, including:

- Making the Nevada Taxpayers' Bill of Rights applicable to the insurance premium tax, the short-term car rental tax, and the fuel taxes administered by the Department of Motor Vehicles;
- Eliminating the provision that requires a pamphlet on the Nevada Taxpayers' Bill of Rights be distributed to each taxpayer; and
- Requiring that the Nevada Taxpayers' Bill of Rights be made available on certain Web sites and at the offices of the Department of Taxation, the Department of Motor Vehicles, and at public libraries.

The bill is effective on July 1, 2005.

**S.B. 4—22nd Special Session (Chapter 10)**

Senate Bill 4 changes the name of the Millennium Scholarship to the Governor Guinn Millennium Scholarship. The measure further revises provisions relating to qualifications and funding.

The measure requires the University of Nevada Board of Regents to establish criteria that exempt students with previously documented physical or mental disabilities or who previously had an individualized education program from the 6-year limitation on application for the scholarship and from the minimum credit-hour enrollment provisions. These criteria shall apply to students currently enrolled and receiving the scholarship. The measure provides that students may use the scholarship during the summer academic term. It further limits the financial assistance to a maximum of 12 credits per semester and provides that no student may be awarded a scholarship to pay for remedial courses. To retain eligibility, a student, who graduated from high school after May 1, 2003, must maintain a grade point average (GPA) of 2.60 on a 4.0 grading scale in each semester of the first year and a 2.75 GPA each semester after that. A student who fails to maintain the required GPA will not be eligible to receive the scholarship in the succeeding semester. If a student fails to satisfy the required GPA for a second time in any subsequent semester, the student will forfeit the scholarship. The limitation on the number of semester credits for which a student is eligible and the GPA required in the second and subsequent years of enrollment do not apply until January 1, 2006.

Senate Bill 4 requires the Board of Regents to establish procedures to ensure that any refund of a scholarship must be refunded to the Millennium Scholarship Trust Fund and not to the student. The measure provides that the first \$7.6 million in the Abandoned Property

Trust Fund must be transferred to the Millennium Scholarship Trust Fund, while the remainder will be transferred to the State General Fund. The measure appropriates from the State General Fund to the Millennium Scholarship Trust Fund the amount of \$35 million.

The provisions relating to the transfer of funds from the Abandoned Property Trust Fund are effective on July 1, 2005. All other provisions are effective on June 17, 2005.

**S.B. 5—22nd Special Session (Chapter 11)**

Senate Bill 5 authorizes Canadian pharmacies that are licensed by the State Board of Pharmacy to provide prescription drugs by mail order to residents of Nevada. This measure also requires the Office for Consumer Health Assistance to establish and maintain an Internet Web site that includes certain information for consumers concerning the Canadian pharmacies approved by the Board and the Web links of those pharmacies. The Board must notify the Office for Consumer Health Assistance each time it licenses a Canadian pharmacy and recommend that the pharmacy be included on the Web site. In addition, this bill limits the drugs that such pharmacies may sell, distribute, or furnish to residents of Nevada through mail order service.

This measure is effective on July 1, 2005.

**A.J.R. 1—22nd Special Session (File No. 8)**

Assembly Joint Resolution No. 1 proposes to amend the *Constitution of the State of Nevada* to remove provisions requiring that a statewide initiative petition be signed by at least 10 percent of the voters who voted at the last preceding General Election in at least 75 percent of the counties in the State. Instead, the resolution declares that an initiative petition shall be proposed by a number of registered voters from each congressional district in this State equal to 10 percent or more of the number of voters who voted at the last General Election in the congressional district. Finally, the resolution specifies that the number of signatures required on a petition for initiative or referendum will be determined when a copy of the petition is filed with the Secretary of State before circulating the petition for signatures.

If approved in identical form during the 2007 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2008 General Election.

**A.C.R. 1—22nd Special Session (File No. 4)**

Assembly Concurrent Resolution No. 1 adopts the Joint Rules of the Senate and Assembly for the 22nd Special Session of the Nevada Legislature.

## STATE GOVERNMENT

### A.B. 29 (Chapter 5)

Assembly Bill 29 removes property and buildings that are owned or leased by boards exempt from the State Budget Act, from the jurisdiction of the Buildings and Grounds Division, Department of Administration. In addition, the measure removes responsibility of the Buildings and Grounds Division for leasing or assigning office space to these exempt boards.

This measure is effective on March 21, 2005.

### A.B. 178 (Chapter 36)

Assembly Bill 178 allows an attorney who is also a notary to notarize documents or pleadings prepared by the attorney. An attorney may not notarize a document if the attorney is named in the document.

The measure is effective on July 1, 2005.

### A.B. 227 (Chapter 37)

Assembly Bill 227 prohibits a notary public who is not an attorney licensed to practice law in Nevada from using the terms “notario,” “notario publico,” or any other equivalent non-English term in any communication that advertises his services, including business cards, stationery, notices, and signs. Further, a notary public who violates this prohibition is subject to the same penalties imposed on a notary public who is not a licensed attorney in Nevada relating to advertising his services in a language other than English.

### A.B. 234 (Chapter 88)

Assembly Bill 234 transfers certain duties relating to anatomical gifts from the Bureau of Consumer Protection in the Office of the Attorney General to the University of Nevada School of Medicine. In addition, A.B. 234 requires the Department of Motor Vehicles to contract with an organ donor registry. The measure replaces references to a specific organ donor registry with references to the registry with which the Department has a contract at the time.

The bill is effective on January 1, 2006.

### A.B. 299 (Chapter 358)

Assembly Bill 299 authorizes the State of Nevada, with the approval of the Interim Finance Committee, to enter into a contract with the Reno-Sparks Indian Colony to exchange parcels of land for the purpose of constructing a restitution center for the Department of Corrections on lands currently held by the Reno-Sparks Indian Colony. The new restitution center will be built through a lease-purchase agreement. The contract for the restitution center must be a turn-key contract with the contractor completing all phases of design and construction so that the center is ready for occupancy at the end of the contract. The construction contract shall include a provision that prevailing wages will be paid on the restitution center project.

The contract for the exchange must also provide for a revenue-sharing agreement for sales tax received from a retail project to be built on lands owned by the Reno-Sparks Indian Colony. The funds from the revenue-sharing agreement shall be used to finance the construction of the restitution center and to benefit the Washoe County School District program for rehabilitating older schools.

In exchange, the State of Nevada shall grant title to the Reno-Sparks Indian Colony of the land on which the Northern Nevada Restitution Center is currently located.

The measure is effective on July 1, 2005.

**A.B. 345 (Chapter 323)**

Assembly Bill 345 expands the membership of the Peace Officers' Standards and Training Commission from seven members to nine. Two of the nine members must be from Clark County, one of which must be from a metropolitan police department. Additionally, this measure increases the number of members from counties other than Clark and Washoe Counties to three.

Finally, the measure removes provisions in Chapter 289 of the *Nevada Revised Statutes* declaring that Agriculture Inspectors within the State Department of Agriculture must not retire before the age of 60.

This measure is effective on July 1, 2005.

**A.B. 474 (Chapter 64)**

Assembly Bill 474 expands the definition of a "sports official" to include any person who serves as a timekeeper, inspector, or judge for the purpose of exemption from civil liability for certain acts or omissions while officiating a sporting event. The bill also specifies penalties for a person who is convicted of assault or battery that is committed upon a sports official based on the performance of his duties at a sporting event. Finally, the bill extends the time to 20 days for paying certain licensing fees to the Nevada Athletic Commission.

**S.B. 4 (Chapter 241)**

Senate Bill 4 provides that members of the Commission on Cultural Affairs, who advise the Department of Cultural Affairs, are entitled to receive the per diem allowance provided for state officers and employees generally.

Further, the measure increases the amount of financial assistance that may be granted to governmental entities and nonprofit corporations annually from the Fund for the Preservation and Promotion of Cultural Resources from \$2 million to \$3 million and increases the maximum amount of such financial assistance over a ten-year period from \$20 million to \$30 million.

The measure is effective on June 3, 2005.

**S.B. 130 (Chapter 96)**

Senate Bill 130 repeals the expiration date of June 30, 2007, concerning the classification by the Director of the Department of Information Technology of confidential and sensitive documents.

During the 2003 Legislative Session, the Nevada Legislature considered numerous measures concerning homeland security and the confidentiality of sensitive documents. Assembly Bill 441 of the 2003 Legislative Session requires the Director of the Department of Information Technology to maintain a list of each record or portion thereof that he determines to be confidential based on a set of criteria provided in the measure. Under A.B. 441, this mandate expires on June 30, 2007. Senate Bill 130 removes this expiration date.

The measure is effective on July 1, 2005.

**S.B. 209 (Chapter 293)**

Senate Bill 209 exempts any distribution of capital credit, by a nonprofit electric cooperative, from the Uniform Disposition of Unclaimed Property Act if the credit remains unclaimed for one year after the date authorized for distribution. The unclaimed capital credit reverts to the cooperative, if notice of the capital credit was mailed to the owner not more than six months after the capital credit is authorized for distribution, and the member fails to respond to the notice within 30 days of receipt. Lastly, the measure defines “capital credit” as money credited to the capital account of a member of a nonprofit electric cooperative after deducting the member’s share of the operating costs.

This measure is effective on July 1, 2005.

**See also Assembly Bill 3 (Chapter 2) of the 22nd Special Session.**

**Administrative Rules and Procedures****A.B. 32 (Chapter 155)**

Assembly Bill 32 makes confidential certain information collected by the State Department of Agriculture. Unless disclosure is necessary to protect public health, other animals, or wildlife, proprietary information collected from a person, company, corporation, or other nonpublic entity that relates to the number of animals, quantity of production, fiscal or tax matters, or facility security is confidential. Additionally, this measure expands the audience for whom the Department collects and disseminates information to include the general public.

This bill is effective on July 1, 2005.

**A.B. 158 (Chapter 205)**

Assembly Bill 158 requires a state agency to notify an officer, employee, or contractor of the agency if it accesses a computer assigned to that person. The notice must be provided within

48 hours before or after the access occurs. For purposes of this bill, “state agency” includes the executive, legislative, and judicial branches of state government.

The bill provides exceptions to the advance notice requirement if the access occurs in the course of an internal state agency investigation or an investigation by a state or federal law enforcement agency. Access for routine maintenance and upgrades may also be exempt from the notice requirements provided a record of such access is maintained in a log and further provided that the state agency has adopted regulations setting forth a procedure for maintaining such a log. Access logs are confidential and shall not be disclosed except under a court order.

If an employee discovers an inappropriate use of a computer during routine access, then he shall notify the appropriate persons within the state agency and record the access in the log. A state agency shall adopt regulations for responding to reports of inappropriate use of computers. “Inappropriate use” is defined as any use in violation of the use policies adopted by the state agency, or in violation of state or federal law.

**A.B. 188 (Chapter 307)**

Assembly Bill 188 requires a governmental entity to maintain a secure database of electronic mail addresses and telephone numbers of persons who provide such information to the entity. Under this measure, the database is not considered a public book or record and must not be disclosed in its entirety as a single unit.

The bill permits the database to be disclosed in response to a court order or by the governmental entity upon a finding that such disclosure is necessary to protect the public safety or to assist in a criminal investigation. Moreover, an individual electronic mail address or telephone number may be disclosed if the address or number was provided in the course of an existing business or contractual relationship or in the course of establishing such a relationship. Finally, the bill clarifies that “telephone number” includes the number for a facsimile machine or telecopier.

This measure is effective on June 8, 2005.

**A.B. 312 (Chapter 381)**

Assembly Bill 312 requires, with some exceptions, that the disposal of real property by the State of Nevada and local governments must be accomplished through sale or lease upon sealed bids, followed by oral offers. Two appraisals must be made on the property at least six months before the sale. The appraisers must be selected pursuant to regulations adopted by the Administrator of the Division of State Lands or through ordinances adopted by the local governing body. The measure clarifies that a local governing body may sell, lease, or otherwise dispose of real property for the purposes of redevelopment or economic development without first offering the property to the public and may sell or lease the property for less than fair market value. The bill sets forth a procedure and process for land disposal under these circumstances and defines “economic development” for this purpose.

The bill stipulates that a county commission or city council may sell or lease to an adjacent property owner any land owned by the county or city without complying with the disposal requirements if the property is a parcel remnant, too small for an economically viable use, or subject to a deed restriction prohibiting its use by anyone other than the adjacent owner. The local governing body may also sell land without complying with the disposal requirements if the sale restricts the use of the real property to a public use and the council or board adopts a resolution finding that such a sale would be in the best interests of the county or city.

Assembly Bill 312 sets forth a procedure for land sale or lease if the state, county, or city land is not sold or leased at the initial or second offering. Finally, the measure requires the disposal, through public auction, of airport property owned by local government or airport property under the jurisdiction of the Airport Authorities of Battle Mountain, Carson City, and Washoe County.

The measure is effective on July 1, 2005.

**See also Senate Bill 394 (Chapter 496) of the 73rd Regular Session.**

**A.B. 371 (Chapter 355)**

Assembly Bill 371 makes several changes to the financial practices of local governments and to the dissemination of audits by state agencies and local governments. The bill provides that audit reports may be disseminated by a state agency or local government without the consent of the auditor who prepared the report. In addition, the bill adds qualified trusts to the entities that may hold public investments provided the qualified bank or trust meets certain rating standards.

Assembly Bill 371 limits the fees that may be charged for locating and recovering property held in trust by the county treasurer. Further, the bill clarifies that deeds for unredeemed properties shall be conclusive evidence of the propriety of the proceedings except in the case of actual fraud. Finally, A.B. 371 increases the portion of the remaining excess proceeds from a sale of property that may be retained by the county treasurer from 10 percent of \$2,000 to 10 percent of \$10,000.

The measure is effective on June 10, 2005.

**A.B. 426 (Chapter 203)**

Assembly Bill 426 clarifies that payments made for litigation expenses from the Revolving Account for the Office of Attorney General must be reimbursed from the Attorney General account for which the litigation expense was incurred. The measure also allows non-General Fund revenues to be used to reimburse the Revolving Account.

**S.B. 112 (Chapter 186)**

Senate Bill 112 relates to public financial administration. The bill requires the State Controller to adopt regulations applying the \$25 returned check fee charged by certain state agencies to

other methods of payment that are returned or dishonored due to insufficient funds or stopped payments. The measure also provides that certain Executive Branch agencies, divisions, and boards, which are specifically authorized by statute to assess this \$25 returned check fee and are not covered under the State Controller's regulations, must apply the fee to other methods of payment that are returned or dishonored due to insufficient funds or stopped payments.

This measure is effective on July 1, 2005.

**S.B. 301 (Chapter 62)**

Senate Bill 301 requires the Director of the Department of Health and Human Services to adopt, as a condition for the receipt of federal financial assistance, state plans mandated by the federal government for the administration of any program governed by the Department or its divisions. These state plans must set forth the requirements for federal funds eligibility, the nature and amounts of grants and other assistance which may be provided, the conditions imposed on the federal money, and other provisions relating to the development and administration of the program.

When developing and revising a state plan for a particular program, the Director must consider the amount of available federal money, the conditions attached to the money, and the legislative limitations of the appropriation. Finally, S.B. 301 provides that if the program must apply statewide, the Director may adopt regulations creating formulas for the distribution of the federal money and the assessment of penalties or sanctions against the program.

The measure is effective on May 9, 2005.

**S.B. 318 (Chapter 182)**

Senate Bill 318 creates the Account for Maintenance of State Park Facilities and Grounds within the State General Fund. The interest and income earned on money in the Account does not lapse at the end of any fiscal year and may be used to repair and maintain state park facilities and grounds.

The measure also authorizes the Administrator of the Division of State Lands to make a direct sale of approximately 80 acres of land within the Red Rock Canyon National Conservation Area. The sale must ensure that the parcel will be administered by the United States Bureau of Land Management. Senate Bill 318 also provides that money received from the land sale must be deposited in the Account for Maintenance of State Park Facilities and Grounds.

The measure is effective on May 31, 2005.

**Organization**

**A.B. 28 (Chapter 57)**

Assembly Bill 28 abolishes the positions of Chief of the Bureau of Services to the Blind and Visually Impaired and Chief of the Bureau of Vocational Rehabilitation and transfers the

powers and duties of those positions to the Administrator of the Rehabilitation Division. In addition, the bill makes other changes consistent with the reorganization of the Division, such as substituting the Administrator or his designee, for the Bureau Chief of Services for the Blind, as a member of the advisory committee of the Legislative Committee on Persons with Disabilities. Finally, the bill clarifies that the Rehabilitation Division is the “designated state unit” for purposes of certain independent living programs.

This measure is effective on July 1, 2005. The section of the bill that provides for the Administrator or his designee to serve on the advisory committee to the Legislative Committee on Disabilities expires on June 30, 2007.

**A.B. 416 (Chapter 255)**

Assembly Bill 416 transfers the Advisory Board on Automotive Affairs from the Division of Insurance of the Department of Business and Industry to the Department of Motor Vehicles (DMV). The bill requires the Board to study the regulation of garagemen, automobile wreckers, and operators of body shops and salvage pools. Additionally, the Board must analyze and advise the DMV concerning consumer complaints received through the DMV or from the Consumer Affairs Division of the Department of Business and Industry regarding garagemen, automobile wreckers, or operators of body shops or salvage pools. Finally, the bill requires the Board to recommend necessary regulations and proposed legislation. The Board must prepare a biennial report of its activities and submit it to the Governor and the Legislature on or before January 15 of each odd-numbered year.

This measure is effective on July 1, 2005.

**A.B. 445 (Chapter 30)**

Assembly Bill 445 transfers the Committee on Testing for Intoxication from the Department of Motor Vehicles to the Department of Public Safety.

This measure is effective on May 3, 2005.

**A.B. 527 (Chapter 119)**

Assembly Bill 527 changes the name of the University and Community College System of Nevada to the Nevada System of Higher Education. The *Nevada Revised Statutes* are amended throughout to include state colleges within the System.

The measure is effective on May 18, 2005.

**S.B. 12 (Chapter 45)**

Senate Bill 12 creates a new division within the Department of Motor Vehicles (DMV). The bill adds the Motor Carrier Division as a division of the DMV.

This measure is effective on May 9, 2005.

**S.B. 62 (Chapter 493)**

Senate Bill 62 concerns the appropriation of water rights when water rights are conveyed and a conflict in the chain of title exists. The bill clarifies that confirmation of a report of conveyance is not a determination of ownership and only a court of competent jurisdiction may adjudicate conflicting claims to water rights. This measure requires that the State Engineer take appropriate administrative action to conform necessary records if a court of competent jurisdiction confirms or resolves a conflict over the chain of title. Further, any previously approved permit or certificate must be amended or withdrawn as a result of the judgment.

Subject to certain exceptions, the bill requires the State Engineer to approve or reject, within 6 months after the final date for filing a protest, an application to change a point of diversion to a location on the same parcel or to a contiguous parcel owned by the applicant.

Senate Bill 62 also creates a fund in the State Treasury designated as the Water Rights Technical Support Fund to be administered by the Board for Financing Water Projects. The Fund may be used to make grants to local governments for the purposes of obtaining expert and technical assistance or funding projects, to enhance or protect existing water rights. However, the funds may not be used only for collecting data or information that will be used in administrative or judicial proceedings. The bill appropriates the sum of \$1 million to the Fund.

Finally, S.B. 62 creates the Water Planning Section within the Division of Water Resources, State Department of Conservation and Natural Resources. The bill transfers most of the duties of the former Division of Water Planning to the Water Planning Section. Responsibility is assigned to a Section Chief, and duties focus primarily on planning, water policy recommendations, review of local and federal water planning documents, hydrographic data compilation, technical assistance, promotion of water conservation programs, administration of the Nevada Floodplain Management Program, and coordination with local governments.

The provisions relating to the State Engineer are effective on June 17, 2005, and apply retroactively. The provisions relating to the Fund are effective on July 1, 2005.

**S.B. 165 (Chapter 393)**

Senate Bill 165 creates a separate account in the State General Fund into which an existing inspection fee for certain motor vehicle fuel or lubricating oil is deposited. The fee is collected by the Department of Motor Vehicles and used by the Division of Measurement Standards within the State Board of Agriculture. Under S.B. 165, the funds must be used to administer the Nevada Petroleum Products Inspection Act and other duties of the State Sealer of Weights and Measures.

The bill also provides that the Department of Motor Vehicles may recover its administrative costs for collection of the inspection fee from the separate account.

This bill is effective on July 1, 2007.

**S.B. 443 (Chapter 169)**

Senate Bill 443 revises provisions governing the Department of Public Safety. The bill eliminates the provision requiring the principal office of the Chief Parole and Probation Officer to be in Carson City, Nevada, and repeals the provisions governing the Committee for Public Safety Telecommunications Operators.

The bill is effective on July 1, 2005.

See also **Assembly Bill 2 (Chapter 1) of the 22nd Special Session.**

**State Employees****A.B. 13 (Chapter 14)**

Assembly Bill 13 revises the qualifications of Nevada's Welfare Administrator. The bill deletes requirements that the State Welfare Administrator must have a degree in public or business administration, must have acquired at least three years' experience in public welfare administration, and must possess leadership qualities in the field of human welfare and health. Instead, this measure requires the Director of the Department of Health and Human Services, when appointing the Welfare Administrator, to give preference to a person with a degree in social science, public administration, business administration, or a related field. In addition, the person must have acquired the necessary experience by administering a public agency and possess leadership qualities.

This bill is effective on April 6, 2005.

**A.B. 462 (Chapter 329)**

Assembly Bill 462 provides for increases in the salaries of the Governor, the Lieutenant Governor, the Secretary of State, the State Treasurer, the State Controller, and the Attorney General on the first Monday in January 2007.

Further, the bill requires that the salaries of these constitutional officers and the State's legislators must be increased in the future by an amount equal to the cumulative percentage increase in the salaries of the State's classified employees during the immediately preceding term of the respective office. For the constitutional officers, this increase is effective on the first Monday in January 2011 and on the first Monday of every fourth year thereafter. For Senators and Assemblymen, this increase is effective on the first day of each term of a legislator beginning on or after November 8, 2006.

**S.B. 122 (Chapter 268)**

Senate Bill 122 allows persons with at least five years of service credit in the Public Employees' Retirement System to purchase additional service credits based on service on active military duty during Operation Desert Storm, Operation Enduring Freedom, or Operation Iraqi Freedom. Eligible public employees, including volunteer firefighters, may purchase a number of months equal to the number of full months served on active military duty

during those Operations, not to exceed three additional years of service credit. The member must have been honorably discharged or released from active duty. The member must pay the full actuarial cost of the service credit.

The measure is effective on June 6, 2005.

**S.B. 328 (Chapter 312)**

Senate Bill 328 makes two changes to the Public Employees' Retirement System (PERS). The bill deletes the requirement to include social security numbers in domestic relations orders designating an alternate payee. The bill also provides that a child who ceased being a full-time student after qualifying for survivor benefits may have his benefit payments resumed when he returns to full-time enrollment status in an accredited high school, vocational or technical school, or college or university prior to his 23rd birthday.

With respect to the Judicial Retirement System administered by PERS, the bill declares that a judge who is a member of PERS will remain in PERS unless PERS receives a written notice of the judge's intention to join the Judicial Retirement System (JRS). Senate Bill 328 also directs the Administrative Office of the Courts to conduct an interim study of the salaries paid to Supreme Court justices, district judges, and judicial officers, including an evaluation of the fiscal impacts on such persons and the Judicial Branch if contributions to the JRS are required in the same manner and at the same rate as those of regular members of PERS. The report and any findings shall be submitted to the Director of the Legislative Counsel Bureau on or before November 1, 2006.

The measure is effective on July 1, 2005.

**S.B. 485 (Chapter 316)**

Senate Bill 485 addresses the Public Employees' Retirement System (PERS). The bill extends from June 30, 2005, to June 30, 2009, the provisions allowing the reemployment of certain retired public employees without a loss of retirement benefits in positions designated a "critical labor shortage."

The measure also extends to December 31, 2008, the due date for the PERS study on the reemployment of retired persons.

This bill is effective on June 8, 2005.

## TAXATION

### **A.B. 67 (Chapter 101)**

Assembly Bill 67 authorizes the Department of Taxation to suspend or revoke the business license of a person who does not comply with the applicable laws and regulations concerning business licenses. A hearing must be conducted before suspending or revoking the license. The Department must also give at least 10 days written notice of the hearing.

This bill also authorizes the Department to issue a new business license to a person whose license has been revoked if the Department is satisfied that the person will comply with the applicable laws and regulations.

This bill is effective on July 1, 2005.

### **A.B. 68 (Chapter 102)**

Assembly Bill 68 authorizes the Department of Taxation to refuse to issue or renew any license or permit if the applicant is delinquent in paying certain taxes, fees, penalties, and other obligations that are administered by or owed to the Department.

### **A.B. 163 (Chapter 103)**

Assembly Bill 163 allows a person who extracts minerals or receives royalties from extracting minerals to file an amended statement showing the gross yield and claimed net proceeds from each of the person's mining operations without filing a written application or obtaining approval from the Department of Taxation. In addition, the Department must mail the certificate of the amount of the net proceeds and the tax due to the owner or operator of the mine or to the person receiving a royalty no later than April 30.

### **A.B. 221 (Chapter 352)**

Assembly Bill 221 prohibits a supplier of certain liquors from engaging in the business of importing, wholesaling, or retailing alcoholic beverages in Nevada. The bill also includes "rectifiers" within the definition of a supplier. Further, the bill requires a person to obtain a certificate of compliance from the Department of Taxation before engaging in business as a supplier.

Assembly Bill 221 also prohibits the sale, purchase, or use of alcohol vaporizing devices. An "alcohol vaporizing device" is defined as any device, machine, or process that mixes spirits, liquor, or other alcohol product with pure oxygen or other gas to produce a vaporizing product for the purposes of inhalation.

The bill is effective on June 10, 2005.

### **A.B. 292 (Chapter 112)**

Assembly Bill 292 revises the date by which certain reports concerning proceeds of mines must be submitted to the Department of Taxation and to local governments. The bill provides that a

person extracting minerals in this State must submit to the Department of Taxation on or before March 1 of each year, instead of April 1, a statement showing the estimated gross yield, net proceeds, and royalties. The Department is required to submit these estimates to local governments by March 15 of each year, instead of April 25, for their use in preparing their budgets.

**A.B. 436 (Chapter 120)**

Assembly Bill 436 revises provisions under which tobacco manufacturers not participating in the Master Settlement Agreement must contribute to an escrow account and certify compliance with the Master Settlement Agreement provisions, as adopted under *Nevada Revised Statutes*. The Department of Taxation must establish a public directory listing all tobacco manufacturers who have complied with the certification requirements under the bill. This measure also prohibits affixing stamps to cigarette packages, or selling or possessing cigarettes of a tobacco manufacturer not included in the directory.

The provisions of this bill relating to escrow accounts are effective on May 18, 2005. The provision concerning affixing stamps to a cigarette package is effective on January 1, 2006. For all other purposes, this measure is effective on October 1, 2005.

**A.B. 464 (Chapter 330)**

Assembly Bill 464 prohibits possession of an unstamped cigarette package by any person other than a wholesale dealer. Manufacturers and wholesale dealers are required to provide periodic reports of shipments of cigarette packages to the Department of Taxation. The Department is authorized to adopt regulations establishing the reporting requirements and the procedures for submitting the reports. The bill prescribes procedures for accepting, mailing, or shipping orders of cigarettes in compliance with state licensing and reporting requirements. Certain retail dealers, wholesale dealers, and manufacturers must be licensed. Assembly Bill 464 authorizes the Department to impose civil penalties for failure to comply with these laws and criminal penalties for actions intended to defraud the State. Lastly, all personal property and specific conveyances used in the commission or attempted commission of a crime are subject to forfeiture.

The provisions authorizing the adoption of regulations are effective on June 10, 2005. The provision relating to a license issued by the Department is effective on July 1, 2007, and the provisions relating to engaging in business as a wholesale dealer are effective on January 1, 2006.

**A.B. 503 (Chapter 104)**

Assembly Bill 503 extends the period the Department of Taxation may issue a deficiency determination concerning the liability for taxes owed by a taxpayer who files a claim for a refund for the overpayment of taxes. The Department may not issue a deficiency letter until it makes a determination whether the taxpayer owes any taxes for the period for which the claim for a refund is filed, or issues and personally serves, or mails a notice of a deficiency determination to the taxpayer, whichever occurs later.

**A.B. 554 (Chapter 484)**

Assembly Bill 554 revises various provisions governing taxation. First, the bill clarifies the definition of “employer” to include a person who supplies a product or service, and not a person who only consumes a service. The bill also clarifies the definition of “live entertainment,” and adds several exemptions from the tax, including:

- A nonprofit organization that is registered by the Secretary of State;
- Live entertainment that is incidental to an amusement ride;
- Live entertainment that is provided to the public in an outdoor area;
- An outdoor concert; and
- The National Association for Stock Car Auto Racing Nextel Cup Series race events beginning July 1, 2007.

In addition, property that is worth \$100 or less and acquired free of charge at a convention, trade show, or other public event is exempt from the use tax. The measure also revises the real estate transfer tax for transfers between family members by modifying the exemption to apply to persons within the first degree of lineal consanguinity or affinity.

The measure clarifies provisions governing the administration of the exemption from the Sales and Use Tax Act of 1955 for certain farm equipment and for the trade-in value of a vehicle.

This measure further provides for the submission to the voters of the question of whether the Sales and Use Tax Act of 1955 should be amended to exempt from taxes the gross receipts from the sale, storage, use, or other consumption of farm machinery and equipment. The bill also proposes a ballot question on an exemption from the Sales and Use Tax Act of 1955 for the trade-in value of a vehicle. If the ballot question on the exemption fails, then the bill provides for the discontinuation of the local sales tax allowance on December 31, 2006.

The sections of the bill pertaining to farm equipment and the trade-in value of a vehicle are effective on October 1, 2005. The sections pertaining to the ballot question are effective on January 1, 2007, only if approved by the voters. All other sections of the bill are effective on July 1, 2005.

**A.B. 572 (Chapter 432)**

Assembly Bill 572 provides a one-time rebate to certain persons. The measure creates the Account for the One-Time Rebate and appropriates \$300 million to the Account. The measure provides for issuance of a rebate check to each owner of a vehicle registered in Nevada in calendar year 2004 and to each person 65 years or older on or before January 1, 2005, who held a valid Nevada identification card on or before that date.

The rebate check for owners of registered vehicles shall be \$275 or the amount of the basic governmental services tax and registration fees paid on the vehicle during the 2004 calendar year, whichever is less. However, in no event shall a rebate check be less than \$75. For persons 65 years or older with identification cards, A.B. 572 authorizes the issuance of a rebate check for \$75.

Rebates shall be issued on a per-vehicle basis but shall not include utility trailers or vehicles with a gross weight in excess of 26,000 pounds. The measure also provides that rebate checks shall be issued as soon as practicable but in no event later than December 31, 2005. In addition, rebate checks must be cashed within 180 days of issuance.

The Division of Emergency Management in the Department of Public Safety shall establish a revolving account in the State General Fund for grants to persons who own and occupy homes damaged by a disaster. Any remaining balance in the Account for the One-Time Rebate will revert to the State General Fund on September 1, 2006, and up to \$5 million of any reverted funds will be placed in the revolving account for use by the Division.

The measure is effective on June 15, 2005, and expires by limitation on February 28, 2006.

**S.B. 15 (Chapter 166)**

Senate Bill 15 provides that the Nevada Tax Commission may enter into a compromise to satisfy a taxpayer's liability for any tax, contribution, premium, fee, interest, or penalty if a majority of the members of the Nevada Tax Commission determine that:

- It is unlikely that the Department will be able to collect the entire amount of the liability of the taxpayer;
- The amount of the liability of the taxpayer is unclear; or
- Such a compromise is appropriate based upon considerations of equity and fairness.

The bill is effective on May 31, 2005.

**S.B. 38 (Chapter 7)**

Senate Bill 38 changes the distribution of the excess portion of the consolidated taxes within a county that, in the preceding five fiscal years, has either a negative average percentage change in population; or an average assessed valuation of taxable property attributable to the net proceeds of mines greater than \$50 million. In those eligible counties, the bill reinstates the "one plus" formula for distributing the excess portion in the consolidated taxes. The "one plus" formula uses the percentage of population growth plus a factor of one to distribute the excess portion.

The bill is effective on March 22, 2005. The provisions of the bill apply retroactively to January 1, 2005, but do not affect previous distributions to local governments.

**S.B. 45 (Chapter 313)**

Senate Bill 45 eliminates the requirement that copies of tax protest letters be sent by the county treasurer to the State Controller and Attorney General.

The measure is effective on July 1, 2005.

**S.B. 138 (Chapter 176)**

Senate Bill 138 relates to taxation. This bill establishes acts that disqualify a taxpayer from having an overpayment of taxes in one reporting period offset a shortage of taxes in another reporting period. These acts include:

- failing to file a report or return;
- filing a report or return late; or
- filing a report or return that erroneously indicates that no taxes are due.

The bill is effective on July 1, 2005.

**S.B. 307 (Chapter 274)**

Senate Bill 307 provides that a company that uses three or fewer fixed-wing aircraft with a weight of less than 12,500 pounds to provide transportation services may elect, in the form and manner prescribed by the Department of Taxation, to have the property of the company assessed by a county assessor.

This bill is effective on July 1, 2005.

**S.B. 339 (Chapter 389)**

Senate Bill 339 provides that the average hourly wage paid by a business seeking a partial abatement of certain taxes may be the lesser of the average countywide hourly wage or the average statewide hourly wage in a county under certain circumstances. The bill also requires the Commission on Economic Development to obtain a letter of acknowledgement of the request from affected local governments, including the county, school district, any cities or towns, prior to approving an application for abatement of taxes.

In addition, the bill requires the Employment Security Division to determine the average hourly wage for nonmanagerial employees for the purpose of eligibility for the partial abatement of certain taxes. The Division shall report recommendations concerning the average hourly wage required for the partial abatement of taxes to the 74th Session of the Legislature.

This bill is effective on July 1, 2005.

**S.B. 389 (Chapter 420)**

Senate Bill 389 creates a new chapter in the *Nevada Revised Statutes* (NRS) providing for the creation of a tax increment area by a municipality. The bill authorizes a county or city to designate a tax increment area comprising a specially benefited zone for the purpose of creating a special account for the payment of bonds or other securities issued to defray the costs of certain undertakings. An “undertaking” includes the acquisition, improvement, or equipment of a project for drainage and flood control, sewerage, streets, or water.

A tax increment area may not be created within a redevelopment area and may only include a railroad right-of-way with the consent of the railroad company. Further, a tax increment area may not include property previously within a tax increment area until 50 years after the effective date of the prior area.

The measure provides that a governing body shall, by resolution, direct the preparation of, among other things, preliminary plans and estimates for the undertaking; a statement of the proposed tax increment area; the last finalized amount of assessed valuation and related tax information; an estimate of the amount of tax to be credited to the tax increment account; and information on other sources of financing and security for the undertaking. After consideration, the governing body may issue a provisional order and hold a hearing to receive objections, protests, and comments. Senate Bill 389 sets forth the provisions for making a complaint or protest and providing notice to owners of taxable property within the tax increment area. The governing body may not make substantial changes to the undertakings, preliminary estimates, and tax increment area after the first notice unless additional notice and a hearing is provided, although an undertaking or portion thereof, or a portion of the tax increment area, may be deleted without additional notice.

If the governing body determines that the undertaking is in the public interest, it may adopt an ordinance creating the tax increment area. With certain exceptions, the bill provides that taxes, in excess of amount collected based upon the assessed valuation as shown on the assessment roll in existence on the 15th day of March immediately preceding the effective date of the ordinance, shall be paid into the tax increment account.

Exceptions to the deposit of the tax increment into the special account include: (1) the assessed valuation in the area has not increased; (2) the amount of the increment exceeds the amount required for annual debt service on the undertaking; (3) the collection of any taxes for the support of the public schools; (4) the collection of taxes pursuant to a measure approved by the voters after the effective date of the tax increment area ordinance; and (5) any revenue needed for maintaining the debt service fund of a taxing agency. Senate Bill 389 also limits the revenue payable to tax increment areas and redevelopment districts depending upon the population of the county and clarifies that the allowed revenue limitation applicable to property taxes in NRS 354.59811 does not apply to tax increment areas.

The bill makes various provisions for the issuance of securities and clarifies that prevailing wage provisions apply to any undertaking by a governing body within a tax increment area.

Finally, the existence of a tax increment area is limited to not more than a 30-year term and any securities issued in connection with a tax increment area must be mature and fully paid before the expiration of the tax increment area.

The measure is effective on July 1, 2005.

**S.B. 390 (Chapter 445)**

Senate Bill 390 makes various changes concerning transfers of real property. First, it requires a county recorder to request an opinion from the district attorney if there is a question of law regarding the imposition or collection of real property transfer taxes. The district attorney must request an opinion of the Attorney General if there is a conflict between two or more district attorneys in the State, if the district attorney chooses not to render a decision, or if he is unable to do so within a reasonable time. The bill prohibits any delay in the recordation of a real property transfer document pending the Attorney General's opinion if the appropriate fees and taxes have been paid. However, the bill requires that, if the amount of taxes received differs from the amount required by law as determined by the Attorney General, the county recorder must notify the taxpayer.

Second, S.B. 390 allows the county recorder of each county to withhold 1 percent from the real property transfer taxes collected to reimburse the cost of collecting the tax. Previously, Clark and Washoe Counties could collect 0.2 percent for cost recovery while all other counties could collect 1 percent.

Third, the bill amends the real property transfer tax to exempt the transfer or conveyance of real property if the owner is related to the person within the first degree of lineal consanguinity or affinity (spouses and immediate family members).

Fourth, the definition of "deed" is revised as it pertains to the real property transfer tax to exclude distributions of the separate property of a decedent pursuant to Chapter 134 of *Nevada Revised Statutes*, and conveyances of gas, oil, or mineral interests. Finally, a county recorder may not charge or collect a fee for recording a declaration of property value.

The measure is effective on July 1, 2005, except for the provisions pertaining to fees for recording a declaration of property value, which are effective on January 1, 2006.

**S.B. 398 (Chapter 207)**

Senate Bill 398 relates to taxation. This bill delays from June 30, 2005, to December 31, 2005, the expiration of the exemption from the Local School Support Tax and certain analogous taxes for certain products and systems that use renewable energy.

This bill is effective on May 31, 2005.

**S.B. 400 (Chapter 441)**

Senate Bill 400 requires Nevada's Department of Taxation to adopt regulations governing the authorization of an off-highway vehicle dealer to issue a Certificate of Operation for an off-highway vehicle in the form of a sticker to be placed upon the vehicle. An authorized dealer must issue the sticker upon the sale of a vehicle, or upon the request of the owner of a vehicle that was purchased prior to this bill taking effect. A dealer must also issue a sticker for a vehicle purchased outside this state after January 1, 2006, if the owner proves he has paid Nevada sales tax on the vehicle, or if he pays the tax when requesting a Certificate of Operation. A dealer is not entitled to any compensation for providing this service, nor may a dealer charge a fee for a Certificate of Operation.

The measure provides that no off-highway vehicle may be operated on a highway in Nevada unless the vehicle carries a Certificate of Operation sticker and is equipped with certain safety equipment.

A county or city may designate certain portions of a highway within the county or city as permissible for the operation of off-highway vehicles for the purpose of allowing off-highway vehicles to reach a private or public area that is open for use by off-highway vehicles. With the approval of the Department of Transportation, a county or city also may designate portions of a state highway for off-highway vehicle use in order to provide access to land open to these vehicles. A person may not operate an off-highway vehicle in a city whose population is 100,000 or more unless the highway is specifically designated by the city for such use. No governmental entity may designate any portion of an interstate highway for off-highway vehicle use. A local government that designates a portion of highway for off-highway vehicle use may adopt an ordinance requiring that any person under the age of 16 who operates such a vehicle on a highway must be under the direct visual supervision of a person who is at least 18 years of age. The driver of an off-highway vehicle may operate such a vehicle on a highway for up to two miles or, in order to cross the highway, to load or unload the vehicle for transport, and during an emergency if directed to do so by a peace officer.

Finally, the measure exempts from these provisions an off-highway vehicle that is owned by a federal, state, or local government entity; is engaged in work for or at the direction of a public utility; is part of an off-highway vehicle dealer's inventory; is registered in another state; or is used solely in relation to husbandry.

This bill is effective on January 1, 2006.

**S.B. 481 (Chapter 211)**

Senate Bill 481 eliminates the limit of \$130,000 that may be transferred to the Civil Air Patrol (CAP) Account from the proceeds of the excise tax on aviation fuel. The measure provides that the CAP may use aviation fuel tax revenues allocated to the Civil Air Patrol Account for homeland defense and narcotic interdiction missions. The bill further provides that the Legislature may appropriate money from the State General Fund to the CAP to support

federal, state, and local law enforcement agencies in homeland defense and narcotics interdictions missions.

This measure is effective on July 1, 2005.

**S.B. 483 (Chapter 175)**

Senate Bill 483 relates to taxation. This bill provides that a responsible person who fails to collect, fails to pay, or attempts to evade specified taxes or fees is jointly and severally liable with another person who is required to pay such taxes or fees.

**S.B. 523 (Chapter 451)**

Senate Bill 523 temporarily reduces the tax rate for the Modified Business Tax imposed on general businesses from 0.65 percent to 0.63 percent. The reduction is effective only for the 2005-2007 biennium; the tax rate will return to 0.65 percent in the 2007-2009 biennium.

This measure is effective on July 1, 2005, and expires on June 30, 2007.

**A.J.R. 16 (File No. 66)**

Assembly Joint Resolution No. 16 proposes to amend the *Constitution of the State of Nevada* to provide requirements for the enactment of property and sales tax exemptions. The Legislature shall not enact an exemption from any ad valorem tax on property or excise tax on the sale, storage, use, or consumption of tangible personal property sold at retail unless the exemption:

- Will achieve a bona fide social or economic purpose and the benefits are expected to exceed any adverse effects on services to the public; and
- Will not impair the ability of the State or a local government to pay all interest and principal on any outstanding bonds or any other obligations when due.

If the Legislature enacts an exemption, the Legislature shall:

- Ensure that the requirements for claiming the exemption are similar for similar classes of taxpayers; and
- Provide a specific date on which the exemption will cease to be effective.

If approved in identical form during the 2007 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2008 General Election.

**See also Senate Bill 3 (Chapter 9) of the 22nd Special Session.**

## Property Tax

### **A.B. 128 (Chapter 388)**

Assembly Bill 128 requires county assessors to provide a copy of a notice of assessed valuation, a tax bill, or tax notice, upon the request of the owner of the property. The bill also requires the county assessors to post the information included in such notices on the county Web site if the county maintains a Web site.

As part of the annual notice published in the newspaper and in each individual tax bill or notice, the ex officio tax receiver shall provide a telephone number and Internet Web site at which a person may obtain an explanation of each component of the tax being levied, the statutory authority for each component, the year in which the component tax was first collected, and the expiration date of the tax, if any.

Assembly Bill 128 states that the Department of Taxation shall provide information about property taxes on its Web site and shall do so in a format that is easily understood and readily accessible to the public. County assessors and treasurers shall also provide such information on their Web sites, if any. Further, the Department and the counties shall continue to improve the quantity and quality of the information provided to property owners about property taxes.

### **A.B. 392 (Chapter 142)**

Assembly Bill 392 relates to the assessment and valuation of real property. The bill requires the Nevada Tax Commission to adopt general and uniform regulations for the assessment of property by the county assessors, the county boards of equalization, the State Board of Equalization and the Department of Taxation. The bill also requires the county assessors, the county boards of equalization, the State Board of Equalization, and the Department of Taxation, to comply with the adopted regulations.

### **A.B. 489 (Chapter 20)**

Assembly Bill 489 relates to the abatement of property taxes. The measure defines “severe economic hardship,” as referenced in Section 1 of Article 10 of the *Nevada Constitution*, as a property tax increase in excess of 3 percent and caps property tax increases at no more than 3 percent annually, thereby granting a partial abatement of the taxes owed. The abatement may only be claimed by the owner of a single family residence that is owner-occupied, and only one residence may be claimed per person. The owners of residential units rented at or below the federal standard for affordable housing may also claim an abatement of a property tax increase in excess of 3 percent annually. The tax relief for renters is granted under the Legislature’s authority in the *Constitution* to grant tax exemptions for charitable purposes.

All other property, including centrally assessed property, is entitled to an abatement of taxes in excess of 8 percent or the average percent of change in the assessed valuation within the county over the past ten years, whichever is less. However, as a secondary calculation to provide stability for counties that experience very low or negative growth in assessed value, if the number obtained by multiplying the annual increase in the Consumer Price Index (CPI) times

two is greater than the amount obtained in the first calculation, then the abatement shall be for taxes in excess of two times the annual CPI increase. For properties experiencing a decline in assessed valuation greater than 15 percent, the measure allows recapture of the value of the property upon a subsequent increase in value. Properties or improvements that did not exist in the preceding year are not eligible for the abatements.

The bill directs the Nevada Tax Commission to adopt regulations setting forth a simple form and procedure for a business to follow when requesting to have its property valued using the income approach. The regulations shall simplify the income valuation approach to measure economic obsolescence thereby assisting small business owners in obtaining a reduction in the taxable value of their business.

In addition, before a taxing entity may increase property tax rates, it must find that an increase in the tax rate is necessary to satisfy the payment of an obligation which is secured by those taxes. Such an increase must be separately stated on the tax bill. The bill also authorizes voter-approved overrides that may exceed the property tax caps. Any future tax increases must be recommended by the Committee on Local Government Finance and approved by the Nevada Tax Commission. The Nevada Tax Commission is directed to adopt regulations to further implement the provisions of the bill.

An interim committee of six members shall be appointed by the Majority Leader of the Senate and the Speaker of the Assembly. The interim committee shall study property tax laws in Nevada and determine how those laws may be amended to ease taxpayers' burdens. The interim committee shall report its recommendations to the 2007 Legislature.

The bill also provides for severability so that if one of the tax caps is declared unconstitutional the remainder of the bill will not be affected.

The measure is effective on April 6, 2005.

**See also Senate Bill 509 (Chapter 419) of the 73rd Regular Session.**

**A.B. 570 (Chapter 385)**

Assembly Bill 570 eliminates the program for issuance of an allodial title and for transfer and reestablishment of an allodial title by an heir. The measure further eliminates the authority to add or delete allodial titleholders. County assessors may not accept applications for allodial titles after the effective date of the measure.

Upon the relinquishment of the last allodial title and completion of any refunds, the State Treasurer is directed to transfer the balance in the Allodial Title Account for Stabilization to the State General Fund.

The measure is effective on June 13, 2005.

**S.B. 358 (Chapter 337)**

Senate Bill 358 relates to ad valorem taxes. The bill makes certain findings regarding the taxation of common-interest communities, including recognition that the common elements of such a community are collectively taxed through the separate assessment and taxation of the individual units. The bill provides that property taxes and special assessments are assessed upon the community units and not the common-interest community as a whole. Further, a tax lien applies only to the individual unit assessed and not to any other portion of the common-interest community. The provisions of S.B. 358 apply beginning in the 2006-2007 tax year.

**S.B. 394 (Chapter 496)**

Senate Bill 394 makes various technical changes to the statutes governing the assessment and collection of property taxes. The bill clarifies provisions for time-share projects, garage units in condominium projects, and various exemptions for senior citizens, blind persons, veterans, disabled veterans, veterans' organizations, and surviving spouses. The measure exempts owners of agricultural or open-space lands from payment of deferred taxes if the land is transferred to a local government or the Nevada System of Higher Education and also exempts land donated to Habitat for Humanity and the Nevada Heritage Foundation. Senate Bill 394 clarifies that water rights are an attribute of real property. The measure also clarifies the basis for reopening the roll and permits assessors to exercise discretion in imposing certain penalties.

The bill makes changes related to appeals to the county boards of equalization, payment of taxes under protest, and determinations of personal property taxes as uncollectible. Senate Bill 394 also designates golf courses as open-space for purposes of assessment and taxation and provides that the taxable value shall not exceed \$2,860 per-acre plus the percentage change in the Consumer Price Index as compared to July 1, 2004. The Nevada Tax Commission is directed to prepare a manual for use in the valuation of golf courses.

The commission on net proceeds of mines and property taxes is increased by 2 percent for a two-year period. The additional funds must be accounted for separately and used for the acquisition and improvement of technology in the county assessors' offices. The assessors must report on the use of such funds and the increased funding must supplement and not supplant existing funding for technology.

Finally, the measure amends various sections of A.B. 312 (Chapter 381, *Statutes of Nevada 2005*) relating to the sale or lease of land by certain public entities. The amendments delete the requirement for appraisals to be confidential, change the number of days that a governing body has to accept a proposal to buy land, add an exception for residential leases with terms less than one year, and change the effective date of A.B. 312 from July 1, 2005, to October 1, 2005.

The measure is effective on July 1, 2005. The provisions relating to the disallowance of claims by senior citizens apply to claims filed on or after January 1, 2006. The provisions amending A.B. 312 are effective on June 17, 2005.

**S.B. 509 (Chapter 419)**

Senate Bill 509 clarifies various provisions of Assembly Bill 489 that provides for partial abatements of property taxes. The bill provides formulas for allocating tax revenues among taxing entities within redevelopment areas and for determining abatements for annexed properties. The bill defines “primary residence of the owner” and the priority for application of the abatements. Persons who falsely claim a partial abatement shall pay a penalty of three times the amount of the tax deficiency plus any tax due and other penalties provided by law. Further, if legislation places a duty on local governments to impose a new tax rate or to raise an existing tax rate, the new tax or rate increase is exempt from the abatements. An exemption is also granted to tax levies for the satisfaction of obligations secured by property taxes.

In addition, S.B. 509 sets forth procedures for review of abatement determinations relating to centrally assessed property or a failure to claim the abatement. The date by which each county assessor must provide information to the Department of Taxation on each unit of taxable property is changed to March 5 of each year and the Department of Taxation must provide revenue projections to the local governments by March 25. Finally, the requirement that the Nevada Tax Commission approve increases in property tax rates is repealed.

The measure is effective on June 14, 2005, except for the provisions relating to the March deadlines, which are effective on January 1, 2006.

**Sales and Use Tax****S.B. 170 (Chapter 371)**

Senate Bill 170 authorizes all counties, except Clark and Washoe Counties, to impose a sales and use tax of not more than one-quarter of 1 percent to fund libraries, parks, recreational facilities, service for seniors, and to protect and preserve agriculture. The sales tax may not be imposed for a period greater than 30 years. The measure authorizes the issuance of bonds for the same purposes for which the tax is imposed except that recreational programs may not be funded through bonds. Finally, S.B. 170 clarifies that the \$1,500 limit on county general fund appropriations for the encouragement of agricultural associations does not restrict the appropriation of funds from the sales tax revenues.

**S.B. 321 (Chapter 212)**

Senate Bill 321 provides that the exemption for the sale of tangible personal property from state and local sales and use taxes for certain nonprofit organizations includes the sale or lease of a motor vehicle. The bill clarifies that the exemption applies even if the title to the motor vehicle does not pass to the nonprofit organization.

The measure is effective on July 1, 2005.

**S.B. 515 (Chapter 421)**

Senate Bill 515 defines terms and revises provisions relating to the administration of sales and use taxes and the Streamlined Sales and Use Tax Agreement. The measure establishes requirements for the Department of Taxation's retention of personally identifiable information and public notice of the Department's practices for the collection, use, and retention of personally identifiable information.

Senate Bill 515 makes clear how a shipment of tangible personal property containing both taxable and exempt property is to be taxed and the procedure by which a purchaser may request a refund of any sales or use tax believed to be erroneously or illegally collected. Additionally, this measure revises the provisions governing sellers and purchasers of direct mail.

The Department of Taxation must adopt regulations outlined in this measure that require certain information from each seller who registers to collect and remit taxes. The measure also outlines the requirement that any invoice, billing, or other document given to a purchaser that indicates the sales price for tangible personal property must state separately any amount received for nontaxable items or services.

This measure also amends the *Statutes of Nevada 2003* so that the effective date for several provisions relating to sales and use taxes is changed from January 1, 2006, to June 15, 2005. Additionally, the measure amends the *Statutes of Nevada 2003* so that sellers are waived from owing sales and use taxes if they did not hold a seller's permit or were not registered as a retailer 12 months immediately preceding the effective date of Nevada's participation in the Streamlined Sales and Use Tax Agreement.

Certain provisions relating to storage and use expire by limitation on December 31, 2005, and other provisions relating to storage and use are effective on January 1, 2006. All other provisions are effective on June 15, 2005.

## TRANSPORTATION

### A.B. 82 (Chapter 39)

Assembly Bill 82 authorizes Nevada's Department of Transportation (NDOT) to designate a lane on a highway to be used for high-occupancy vehicles, also referred to as a car pool lane. This bill requires NDOT to establish the conditions for the use of any such lane, including the number of occupants required in a vehicle to use the lane and the hours of the day during which the use of lane is restricted. Unlawful use of a designated lane is a misdemeanor punishable by a fine of \$250.

This measure also requires farm tractors and other implements of husbandry to comply with the restrictions on size, weight, and load and special permits on an interstate highway and controlled-access highway. This bill further revises the formula used to determine the allowable gross weight on any group of two or more consecutive axles to the nearest 500 pounds. Finally, A.B. 82 applies the weight calculation to licensed garbage and refuse haulers.

### A.B. 239 (Chapter 472)

Assembly Bill 239 authorizes a person who is 18 years of age or older to file a report with the Department of Motor Vehicles (DMV) requesting that the DMV examine the person's close relative or spouse to determine the relative's or spouse's ability to safely operate a motor vehicle. The measure also requires that a person filing a report provide to the DMV an affidavit from a physician concurring that the licensee should be examined or information concerning an investigation by a law enforcement officer. The DMV may, after the examination, allow the relative or spouse to retain the license, or may suspend, revoke, or restrict the license. The bill prohibits a person from filing more than one report within a 12-month period concerning the same licensee.

Further, the bill allows the DMV to adopt regulations establishing a program for printing coded medical alert information on drivers' licenses and identification cards at the request of the licensee or cardholder. The bill allows the DMV to apply for and accept gifts, grants, appropriations, or any other donations that may assist in carrying out these provisions. The bill allows the DMV to no longer send a second certified insurance verification form to a person whose automobile liability insurance may have lapsed. Instead, the second notice will be a notice of vehicle registration suspension. The person will have 15 days from the date of mailing to return the completed form. If the person fails to do so, the registration on his vehicle will be suspended.

Assembly Bill 239 transfers the authority to provide for the construction and maintenance of benches and shelters for passengers of public mass transit in Clark County to the Regional Transportation Commission (RTC). The measure allows the RTC to provide these services on an exclusive basis, adopt a regulatory scheme governing the provision of these services, or grant a person an exclusive franchise to provide these services. Further, the measure prohibits any board of county commissioners, governing body of an incorporated city,

or town board from providing for the construction or maintenance of such benches and shelters.

Additionally, the measure provides that regulations adopted by the State Environmental Commission and the DMV must prohibit an authorized inspection station from installing, repairing, diagnosing, or adjusting any component or system of a motor vehicle that affects exhaust emissions unless specifically authorized by the Commission to perform such activities. The bill also clarifies that an authorized inspection station may service a fuel injection system using methods approved by the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

Finally, the bill requires the RTC to establish an advisory committee, which will provide information and advice concerning the construction and maintenance of benches and shelters for passengers of public mass transportation. The measure also requires that the RTC construct at least a total of 20 benches or shelters, or a combination thereof, during each fiscal year of the 2005-2007 biennium. Finally, A.B. 239 provides that the RTC must prepare and submit a report relating to the construction and maintenance of benches and shelters to the 2007 Legislature.

Provisions of the bill concerning the printing of coded medical alert information on drivers' licenses and identification cards are effective on July 1, 2006. Sections of the bill pertaining to bus shelters and benches are effective on July 1, 2005. Other provisions of the bill are effective on October 1, 2005.

**A.B. 255 (Chapter 327)**

Assembly Bill 255 expands circumstances under which the Department of Motor Vehicles (DMV) may order a business locked and sealed to include: (1) a person who knowingly sells at retail any fuel that is subject to taxation and does not pay the tax; or (2) a person who sells or otherwise distributes dyed special fuel and does not control access to it. The measure prohibits anyone who sells or distributes dyed special fuel from selling or distributing such fuel unless that person controls access to it.

Additionally, the bill clarifies that any person who sells or distributes dyed special fuel may only sell to an approved purchaser. To be approved, a purchaser must provide a written, signed statement of acknowledgement and intended use on a form provided by the DMV that includes: (1) the full name and address of the purchaser; (2) a description of the manner in which the purchaser intends to use the dyed special fuel; and (3) an attestation that the purchaser will only use the dyed special fuel for a nontaxable purpose and is aware of the penalties. A person who sells or distributes dyed special fuel must keep a completed statement on file for each approved purchaser, and the DMV may impose an administrative fine of up to \$10,000 for each violation. Further, the bill requires that records, receipts, invoices, and other pertinent papers must be preserved for four years.

Assembly Bill 255 also allows the DMV to establish regulations requiring the electronic submission of tax returns by fuel suppliers in accordance with federal law. Finally, the bill clarifies that the DMV may take disciplinary action against a person who misuses or alters exempt special fuel. A person who violates this provision is subject to an administrative fine and suspension of his license. A person who commits a third violation of this provision is subject to an administrative fine of \$10,000 and revocation of his license.

This measure is effective on June 10, 2005, for the purpose of adopting regulations, and on July 1, 2005, for all other provisions.

**A.B. 348 (Chapter 261)**

Assembly Bill 348 prohibits both the sale and use of a mobile transmitter or other device designed to alter or interfere with a traffic signal by anyone other than authorized law enforcement, response entities, or providers of mass transit. The bill also stipulates that a provider of mass transit cannot use a traffic signal prioritization device in any way that would impede the use of a traffic signal preemption device by a response agency or police officer.

The bill requires a police officer, without a warrant, to seize such equipment that is being operated by a driver or passenger of a motor vehicle. If the equipment cannot be removed from the motor vehicle by a police officer, he must impound the vehicle until the equipment is removed and the owner pays the cost of towing and impounding the vehicle. A person who violates these provisions is guilty of a misdemeanor.

**S.B. 175 (Chapter 216)**

Senate Bill 175 relates to motor vehicles. The bill requires the appropriate law enforcement agency, upon written request from a person who claims to have sustained damages resulting from a motor vehicle accident, or from his attorney or insurance agent, to provide within 7 days a copy of an accident report. The measure makes an exception to this provision for more serious motor vehicle accidents.

The measure also requires the Department of Motor Vehicles (DMV), upon written request, to conduct an investigation to determine whether a seller or person who holds a security interest in a vehicle has failed to provide the certificate of title to the appropriate party within 15 days after the contract or security agreement has been satisfied. If the DMV confirms that a violation has occurred, it must impose a \$25 administrative fine for each day that the seller or other secured party is in violation of this provision.

Finally, S.B. 175 increases the time for providing notice to 21 days if the vehicle was towed at the request of a law enforcement officer following an accident involving the motor vehicle. This bill also prohibits the person who stores the vehicle from imposing any administrative or processing fee or charge for 14 days after such a motor vehicle is placed in storage.

**S.B. 245 (Chapter 357)**

Senate Bill 245 provides that within any 24-hour period, an intrastate driver shall not be allowed or required to drive: more than 12 hours following 10 consecutive hours off duty; for any number of hours after having accrued more than 15 consecutive hours of on duty time; or within any period of 7 consecutive days, after having accrued 70 hours of on duty time. These limitations include those imposed by the Transportation Services Authority, the Department of Motor Vehicles, or the Department of Public Safety (DPS) in accordance with federal limitations on interstate drivers.

Senate Bill 245 also provides that hours of service limitations do not apply to an intrastate driver if the following conditions are satisfied: (1) the driver is transporting property or passengers during a state of emergency or declaration of disaster, which has been declared by an elected state official or an authorized elected local governmental official; (2) the employer of the driver is a public utility; (3) within 1 working day, the employer of the driver notifies the DPS or appropriate local governmental officials of the existence of a public utility emergency and the date and time at which the emergency commenced; and (4) within 10 working days after receiving such notification, an elected state or local governmental official, or his designee, declares that a public utility emergency exists.

Further, the measure provides that if an elected state official or local governmental official fails to make such a declaration within 10 days, it will be determined that a public utility emergency exists and that it justifies the transportation of property or passengers during the emergency. The bill requires an employer who notifies a public official of the existence of a public utility emergency to maintain documentation of the emergency for 6 months and to make such documentation available to a law enforcement officer upon request. Moreover, these provisions do not apply to the extent that they are preempted or prohibited by federal law or violate a condition to the receipt of federal money by the State of Nevada or a political subdivision of the State.

This measure is effective on July 1, 2005.

**S.B. 269 (Chapter 364)**

Senate Bill 269 provides that the Department of Motor Vehicles (DMV) must include an identification number and expiration date upon a temporary parking placard or temporary parking sticker issued to a person with a temporary disability. In addition, the measure requires the DMV to issue to a person receiving a temporary parking placard, temporary parking sticker, or special license plate, a letter including either an identification number and date of expiration, or the number of the special license plate, as appropriate. The letter, or a legible copy thereof, must be kept in the vehicle in which the disabled person is driving or is a passenger, or in the vehicle for which the special license plate has been issued.

The measure further provides that a person to whom a disability parking placard, sticker, or license plate has been issued may not allow any other person to park the vehicle displaying the

device in a handicap-designated space unless the disabled person is a passenger in the vehicle or is being dropped off or picked up by the driver.

Senate Bill 269 also raises the fine for a first time violation of illegally parking in a handicapped space from \$100 to \$250.

Provisions requiring the DMV to issue letters are effective on June 13, 2005. The remaining provisions are effective on October 1, 2005.

### **S.B. 295 (Chapter 201)**

Senate Bill 295 pertains generally to the inspection and advertisement of petroleum products, and to the administration of relevant statutes by the Division of Measurement Standards within the State Department of Agriculture.

With regard to the inspection of petroleum products, S.B. 295 adds definitions for alternative fuels, brands, and for various grades of fuel, as well as a broad definition of motor vehicle fuel that includes petroleum products or alternative fuels. As a result, motor vehicle fuel is added to existing statute where other specific fuels were previously described. The measure also provides that certain fines collected by the State Board of Agriculture for violations of motor vehicle fuel standards must be deposited in the State General Fund.

With regard to the advertisement of petroleum products, this measure provides for civil penalties for any violation of the advertising statutes, and makes several revisions as to how fuel prices, brands, and grades are displayed.

## **Drivers' Licenses and Vehicle Registration**

### **A.B. 52 (Chapter 471)**

Assembly Bill 52 prohibits a person who is under 16 years of age from obtaining a driver's license. A person who is 16 or 17 years of age is required to hold an instruction permit for at least six months before applying for a driver's license. When applying for a driver's license, the person must submit to the Department of Motor Vehicles a log book, signed by his parent or legal guardian, containing the dates and times he underwent the required hours of supervised driving experience. The person must not have been responsible for a motor vehicle accident or convicted of driving under the influence during the six months before applying for a driver's license.

Additionally, the measure requires a person who is 16 or 17 years of age to complete a course in driver's education. However, if a driver's education course is not offered within a 30-mile radius of a person's residence, an additional 50 hours of supervised driving experience may be substituted for the course in driver's education. Further, the bill stipulates that the 50 hours of supervised driving experience required under existing law must include 10 hours of driving at night. The measure also prohibits a driver who is 16 or 17 years of age from operating a motor vehicle between the hours of 10 p.m. and 5 a.m. unless the driver is driving to or from

a scheduled event. The bill clarifies that violating the curfew is a secondary rather than a primary offense.

The bill prohibits a driver who is 16 or 17 years of age from transporting any passenger who is under 18 years of age, except an immediate family member, for the first three months after receiving his driver's license. The measure clarifies that violating the passenger restriction is a secondary rather than a primary offense, is not a moving traffic violation, and is not grounds to suspend or revoke the driver's license. Further, a police officer must not cite a driver who offers satisfactory proof that he has held his driver's license for at least three months. The measure provides that a person who violates this provision is prohibited from transporting any passenger who is under 18 years of age, except an immediate family member, for six months after receiving his driver's license. For a second or subsequent offense, a person must pay a fine in an amount not to exceed \$250, or have additional time added, as determined by the court, that prohibits the person from transporting any passenger who is under the age of 18 years of age, or both.

Finally, the measure limits the number of hours of driver education training that may be taken in a motor vehicle, and sets a minimum number of hours for classroom training.

**A.B. 61 (Chapter 6)**

Assembly Bill 61 exempts from the governmental services tax all noncommercial vehicles owned by the governing body of an Indian reservation or Indian colony located in Nevada. In order to receive the exemption, the Indian tribe, reservation, or colony must be recognized by federal law and the governing body must be located on the reservation or colony.

This bill is effective on July 1, 2005.

**A.B. 169 (Chapter 334)**

Assembly Bill 169 requires a sheriff's office or other law enforcement agency to determine whether a vehicle is stolen and the identity of the vehicle's owner when it discovers or is notified of a vehicle abandoned on public lands. The measure provides that when a vehicle found abandoned on public lands is not stolen and ownership can be determined, the Department of Motor Vehicles (DMV) shall send a notice to the registered owner that the vehicle must be removed within 30 days. The bill requires the DMV to suspend the registration of each vehicle owned and registered by that person if the person fails to remove the abandoned vehicle. The DMV may reinstate the registration if the registered owner provides proof that he either removed the vehicle or paid to have the vehicle removed, and has satisfied any liens covering towing and storage costs.

Additionally, this measure provides two circumstances under which an owner may rebut the presumption that he abandoned a vehicle. First, he may show that he transferred his interest in the vehicle as indicated by a bill of sale signed by him. Second, he may submit evidence that before the vehicle was found abandoned, he had filed an affidavit with the DMV or a written report with an appropriate law enforcement agency alleging that the vehicle was stolen. If the

person takes either of these two actions before the 30 day period expires, the DMV will not suspend the registration on his currently registered vehicles.

Finally, the bill allows a vehicle dealer or rebuilder to provide one of the two identification cards issued to him by the DMV to a licensed employee of his business who may act as his agent in the purchase of a vehicle from the operator of a salvage yard.

**A.B. 307 (Chapter 447)**

Assembly Bill 307 requires a person to register each vehicle he owns and that is operated in Nevada within 60 days after becoming a resident of Nevada or at the time he obtains his driver's license, whichever occurs earlier. A person who violates this provision is guilty of a misdemeanor and must pay a fine of not less than \$250 or more than \$500. A citation may be issued only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. The bill also requires the Department of Motor Vehicles to inquire of each person who applies for an instruction permit, driver's license, or identification card whether he wishes to declare that he is a veteran of the Armed Forces of the United States. The Department must record the number of declarations and report that number quarterly to the Office of Veterans' Services.

This measure is effective on July 1, 2005.

**S.B. 34 (Chapter 294)**

Senate Bill 34 decreases from \$14.00 to \$13.50 the fee for an original or renewal driver's license for a person 65 years of age or older, and decreases from \$19.00 to \$18.50 the fee for an original or renewal license for a person under the age of 65.

This bill is effective on July 1, 2005.

**S.B. 49 (Chapter 4)**

Senate Bill 49 increases from 20 to 30 the number of days during which a short-term lessor of vehicles may operate certain unregistered vehicles under a temporary permit.

This measure is effective on July 1, 2005.

**S.B. 87 (Chapter 238)**

Senate Bill 87 eliminates the additional \$1.50 fee charged by the Department of Motor Vehicles for a driver's license renewed by mail.

This measure is effective on July 1, 2005.

**S.B. 251 (Chapter 279)**

Senate Bill 251 allows vehicles that are not manufactured with any bracket, device, contrivance, or other means by which to attach a front license plate to have only one license plate attached to the rear of the vehicle.

This bill is effective on July 1, 2005.

**S.B. 290 (Chapter 505)**

Senate Bill 290 requires the Department of Motor Vehicles, upon application for and payment of the prescribed fees, to issue a special license plate in support of veterans' homes. This special plate may only be issued to a veteran of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States, a reserve component thereof, or the National Guard, or to the spouse, parent, or child of such a veteran. The measure provides that a person may request a personalized license plate in combination with a special license plate in support of veterans' homes, if that person pays the fees for both types of license plates. Further, if, during a registration year, the holder of the special license plate disposes of the vehicle to which the plates are affixed, he must retain the plates and affix them to another vehicle if he pays the fee for the transfer of registration, and any registration fee or governmental services tax.

Senate Bill 290 removes the limitation on the issuance of special license plates commemorating the 100th anniversary of the founding of Las Vegas. The measure provides that funds generated by the continued sale of the plates that are not used to pay for the 100th anniversary celebration must be used to fund projects related to the history of Las Vegas, including erecting historical markers, improving or restoring historic buildings, and conducting tours of historic sites.

Finally, the measure allows the chairman of either legislative transportation committee to designate a member of that committee to serve in his place on Nevada's Commission on Special License Plates, and provides that any special license plate approved by the Legislature is subject to the statutory cap on the issuance of such license plates.

The bill is effective on July 1, 2005, except for the section providing that funds may be used for items other than the celebration of the 100th anniversary of the founding of the City of Las Vegas, which is effective on January 1, 2007.

**Driving Under the Influence**

**A.B. 256 (Chapter 63)**

Assembly Bill 256 establishes the crime of vehicular homicide, which is committed when a person who has previously committed at least three offenses of driving under the influence of intoxicating liquor or a controlled or prohibited substance drives while under the influence and proximately causes the death of another person. The bill also establishes the crime of homicide by vessel, which is committed when a person who has previously committed at least three

offenses of operating a vessel under the influence operates a vessel while under the influence and proximately causes the death of another person. Further, the bill specifies penalties for these crimes and provides that the number of offenses is determined in the same manner as for driving under the influence; however, the offenses are not restricted to offenses committed within the immediately preceding seven years.

The bill is effective on October 1, 2005. Sections of the bill relating to a blood alcohol concentration of 0.08 expires by limitation on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways. The sections of the bill concerning a blood alcohol concentration of 0.10 become effective on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways.

**A.B. 421 (Chapter 193)**

Assembly Bill 421 provides that once a person has been convicted of a felony offense of driving under the influence of alcohol or a controlled substance (DUI) in Nevada or another state, any subsequent DUI offense is punishable as a felony regardless of whether the subsequent offense occurred within the last 7 years. Under such circumstances, the person is guilty of a Category B felony punishable by imprisonment in the State prison for not less than 2 years and not more than 15 years. Similar penalties are established for a person convicted of a DUI offense while driving a vessel on the water.

The bill also requires the Department of Motor Vehicles to revoke for 3 years the drivers' license of a person who has been convicted of any offense involving DUI that is punishable as a felony. Assembly Bill 421 further specifies that only a person who is found guilty of a misdemeanor DUI may apply to the court to undergo a drug or alcohol treatment program and revises the circumstances under which the court is required to order evaluations.

Assembly Bill 421 is effective on October 1, 2005, and the amendatory provisions of the bill apply to offenses committed before the effective date for the purpose of determining whether a person is subject to the new felony penalties for subsequent DUI convictions.

**See also Assembly Bill 1 (Chapter 6) of the 22nd Special Session.**

**A.B. 550 (Chapter 443)**

Assembly Bill 550 provides that the time between two offenses of driving under the influence of intoxicating liquor or a controlled substance (DUI) during which the offender is imprisoned must be excluded when determining whether one offense occurs within seven years of the other offense. The bill also requires the installation of an ignition interlock device by a person convicted of a first or second offense of DUI if the person had a concentration of

alcohol of more than 0.18 in the blood or breath. The court may waive this requirement for a first offense in cases of economic hardship.

Assembly Bill 550 also requires those who administer blood tests in conjunction with this crime to have knowledge, skill, experience, training, and education in the practice. Finally, the bill limits the criminal proceedings in which affidavits and declarations of health care professionals may be admitted to a grand jury hearing or preliminary hearing.

**See also Assembly Bill 1 (Chapter 6) of the 22nd Special Session.**

## **Motor Vehicles and Motor Carriers**

### **A.B. 138 (Chapter 11)**

Assembly Bill 138 revises the manner in which the legal maximum width for recreational vehicles is determined. The legal maximum width of a recreational vehicle is 102 inches, excluding mirrors, lights, and other safety devices and an awning and awning hardware that is attached to the recreational vehicles but does not extend beyond the side mirror.

### **A.B. 240 (Chapter 264)**

Assembly Bill 240 requires an owner or operator of a charter bus, which is not a fully regulated carrier, to comply with the provisions of Chapter 706 of the *Nevada Revised Statutes* and any safety regulations adopted by the Transportation Services Authority (TSA) pursuant to that chapter. The bill also requires the owner or operator of a charter bus to provide satisfactory evidence that he has liability insurance in the form and amounts required by the TSA for other common carriers of passengers.

Additionally, the measure requires that an owner or operator submit a copy of the schedule or tariff that sets forth the rates established by the owner or operator no less than 5 days before the tariff takes effect. The same timeline applies to the submission of a schedule or tariff change. The measure also clarifies that the TSA does not have authority to hear or approve of the changes set forth in those documents.

Finally, if the owner or operator of a charter bus fails to comply with these provisions, he is guilty of a misdemeanor.

### **A.B. 249 (Chapter 340)**

Assembly Bill 249 authorizes the Director of the Department of Motor Vehicles (DMV) to impose a fine on any person who engages in a deceptive trade practice. For the purposes of this bill, a deceptive trade practice includes:

- Failing to return any down payment in full or not returning a trade-in vehicle when a customer exercises an option to cancel the vehicle sale;
- Using intimidation or coercion to induce a customer to sign another contract;

- Charging a fee to cancel the sale of vehicle;
- Threatening a customer with any type of adverse action;
- Entering into a contract with a customer when the dealer knows that the customer cannot qualify for financing; and
- Engaging in any other deceptive trade practice as defined by regulation.

Assembly Bill 249 authorizes a person who is injured by a bonded dealer, distributor, rebuilder, manufacturer, representative, or salesman to bring action in any court of competent jurisdiction, apply to the Director for compensation from the bond, or to settle the claim.

The bill authorizes the DMV to adopt regulations necessary to ensure compliance with laws relating to the processing of liens for storing, maintaining, keeping, or repairing vehicles. In addition, the DMV may impose fines, order injunctions, or initiate enforcement proceedings to compel compliance with these provisions. Further, an appropriation is made from the State Highway Fund to the DMV to defray any administrative costs incurred in enforcing these provisions.

The definition of “rebuilt vehicle” is also revised and provides that a rebuilt vehicle may not be registered unless it is inspected and certified by a garageman or owner of a body shop. In addition, the term “fair market value” is defined as the retail value of a motor vehicle motorcycle, trailer, or recreational vehicle established by certain criteria. The measure also authorizes the Department to adopt regulations necessary to ensure that persons who have liens for storing, maintaining, keeping, or repairing of vehicles comply with laws governing the processing of liens.

Lastly, the bill requires certain disclosures concerning reacquired vehicles that do not conform to express warranties.

The provisions of the bill relating to the processing of liens for storing, maintaining, keeping, or repairing vehicles are effective on July 1, 2005. All other provisions are effective on October 1, 2005.

### **A.B. 315 (Chapter 361)**

Assembly Bill 315 requires a manufacturer of a new motor vehicle that is sold or leased in Nevada and equipped with an event recording device to disclose that fact, along with the kinds of information the device will record, in the owner’s manual and on a label affixed in a prominent place on the motor vehicle. For the purposes of this bill, owner is defined to include a long-term lessee.

The bill also stipulates that the data recorded by an event recording device may not be retrieved by a person other than the registered owner of the vehicle except under the following

circumstances: (1) the registered owner consents to the retrieval of the data; (2) pursuant to a court order; (3) data is used for the purpose of conducting research to improve motor vehicle safety; (4) data is used by a motor vehicle dealer or garageman to diagnose, service, or repair the motor vehicle; or (5) pursuant to an agreement for a subscription service.

Finally, the bill provides that any person who violates these provisions is guilty of a misdemeanor.

This measure is effective on January 1, 2006. The provisions of this bill apply to all motor vehicles manufactured on or after January 1, 2006.

**A.B. 504 (Chapter 431)**

Assembly Bill 504 concerns limousines. The bill exempts an owner or operator of a motor vehicle that is used for the transportation of passengers or property from the provisions governing fully regulated carriers if the owner or operator: (1) holds a nonrestricted license and is a resort hotel; (2) is not in the business of transporting passengers or property; (3) does not charge a fee for transporting passengers or property; (4) provides transportation only to its customers, guests, officers, directors, key employees, and casino hosts; and (5) marks the vehicle with his name or logo. The exemption only applies if the use of the motor vehicle is related to the business of the resort hotel for which the nonrestricted license was issued. Additionally, the measure requires an exempt owner or operator to regularly inspect each such vehicle he operates and to maintain a record of the inspection for at least three years. The records are subject to inspection or audit by the Transportation Services Authority or its designated agent at any time during regular business hours.

The measure also requires the resort hotel industry to meet, confer, and report to the Legislature no later than February 1, 2007, on its practices regarding the employment and training of its drivers to include: (1) criminal background checks; (2) drug and alcohol testing; and (3) training in the safe operation of the vehicles. The industry must also include in its report information on the maintenance of its vehicles.

This bill is effective on June 15, 2005.

**S.B. 219 (Chapter 223)**

Senate Bill 219 provides that, in all counties but Clark County, Nevada's Department of Transportation (NDOT) will be the permitting authority for any oversized vehicle or load that exceeds the legal maximum width, length, or height for the vehicle and is operated on highways under its jurisdiction. The governing body of each county and city may issue permits, upon request, for such vehicles operated on roadways under the jurisdiction of the county or city. In Clark County, the Department will issue the permits for such oversized vehicles on any portion of a state highway unless it is determined that the operation would be a safety hazard or would unduly impede the flow of traffic.

The bill requires that, prior to issuing a permit, NDOT or the governing body must coordinate the issuance of the permit with each entity that will be affected by that action. The bill requires a governing body to issue single-trip permits and annual permits that are consistent with the regulations adopted by NDOT. Also, the measure requires local governments that adopt regulations pursuant to these provisions to ensure that those regulations are consistent with NDOT regulations to the greatest extent possible. Further, the bill requires NDOT and appropriate local governing bodies to meet periodically with affected parties to ensure that regulations remain consistent across jurisdictions and to consider proposed regulatory changes.

Finally, the measure requires NDOT and local permitting authorities to establish, to the greatest extent practicable, an expedited permitting process whereby a permit will be issued within one working day for a load 144 inches wide or less, and within two working days for a load over 144 inches wide but not more than 168 inches in width.

This measure is effective on July 1, 2005.

**S.B. 243 (Chapter 98)**

Senate Bill 243 revises provisions governing taxicabs regulated by the Taxicab Authority. This measure provides that a new vehicle acquired for use as a taxicab can remain in service for 67 months and that a used vehicle, initially put into service as a taxicab with not more than 30,000 miles on the odometer, can remain in service for 55 months.

The bill further provides that when a vehicle reaches the maximum period of service as a taxicab, the certificate holder will retire the vehicle from service and shall not permit it to be used as a taxicab in the certificate holder's operations thereafter.

This measure is effective on July 1, 2005.

**S.B. 280 (Chapter 272)**

Senate Bill 280 relates to the transport of allegedly mentally ill persons to a mental health facility or a hospital for emergency admission. The measure clarifies that nonprofit medical transportation services that are exempted from certain regulatory requirements of the Transportation Services Authority are authorized to transport an alleged mentally ill person to a mental health facility or hospital.

**S.B. 401 (Chapter 222)**

Senate Bill 401 revises provisions regarding certain transportation services. This measure requires the Department of Health and Human Services to contract for the provision of transportation services to recipients of Medicaid or the Children's Health Insurance Program who are traveling to and returning from appointments for services under those plans. The bill also exempts common motor carriers and contract motor carriers that contract with the Department from the requirement of obtaining a certificate of public convenience and necessity to operate as a common motor carrier and the requirement of obtaining a permit to operate as a contract motor carrier.

Finally, the measure exempts brokers of certain transportation services from certain provisions concerning the regulation and licensing of motor carriers.

This measure is effective on June 1, 2005.

## **Traffic Laws**

### **A.B. 295 (Chapter 40)**

Assembly Bill 295 provides that a driver commits the crime of vehicular manslaughter if he proximately causes the death of another person through an act or omission that constitutes simple negligence. The penalty for the crime is a misdemeanor. The bill requires the Department of Motor Vehicles to revoke the drivers' license, permit, or privilege of the person for one year and to cause an entry of the conviction to be made upon the person's driving record.

### **A.B. 381 (Chapter 114)**

Assembly Bill 381 provides that a vehicle must not travel more than 50 feet in a center turn lane after making a left-hand turn onto the highway before merging with traffic.

## **Transportation Fees and Taxes**

### **A.B. 547 (Chapter 164)**

Assembly Bill 547 revises the formula for the distribution of revenue from motor vehicle fuel tax and excludes roads that are not maintained by local governments from the formula for distributing fuel tax revenues among the local governments within a county.

This measure is effective on July 1, 2005.

### **A.B. 572 (Chapter 432)**

Assembly Bill 572 provides a one-time rebate to certain persons. The measure creates the Account for the One-Time Rebate and appropriates \$300 million to the Account. The measure provides for issuance of a rebate check to each owner of a vehicle registered in Nevada in calendar year 2004 and to each person 65 years or older on or before January 1, 2005, who held a valid Nevada identification card on or before that date.

The rebate check for owners of registered vehicles shall be \$275 or the amount of the basic governmental services tax and registration fees paid on the vehicle during the 2004 calendar year, whichever is less. However, in no event shall a rebate check be less than \$75. For persons 65 years or older with identification cards, A.B. 572 authorizes the issuance of a rebate check for \$75.

Rebates shall be issued on a per-vehicle basis but shall not include utility trailers or vehicles with a gross weight in excess of 26,000 pounds. The measure also provides that rebate checks

shall be issued as soon as practicable but in no event later than December 31, 2005. In addition, rebate checks must be cashed within 180 days of issuance.

The Division of Emergency Management in the Department of Public Safety shall establish a revolving account in the State General Fund for grants to persons who own and occupy homes damaged by a disaster. Any remaining balance in the Account for the One-Time Rebate will revert to the State General Fund on September 1, 2006, and up to \$5 million of any reverted funds will be placed in the revolving account for use by the Division.

The measure is effective on June 15, 2005, and expires by limitation on February 28, 2006.

**S.B. 34 (Chapter 294)**

Senate Bill 34 decreases from \$14.00 to \$13.50 the fee for an original or renewal driver's license for a person 65 years of age or older, and decreases from \$19.00 to \$18.50 the fee for an original or renewal license for a person under the age of 65.

This bill is effective on July 1, 2005.

**S.B. 87 (Chapter 238)**

Senate Bill 87 eliminates the additional \$1.50 fee charged by the Department of Motor Vehicles for a driver's license renewed by mail.

This measure is effective on July 1, 2005.

**S.B. 181 (Chapter 416)**

Senate Bill 181 provides that any county with a population of less than 400,000 (all counties except Clark County) may, upon a majority vote of the people, impose additional excise taxes by ordinance on certain motor vehicle fuels. The measure requires that in a county whose population is less than 100,000 (all counties except Clark and Washoe Counties), such additional excise taxes must be re-approved at least once every eight years by a majority of the registered voters of the county. Finally, the bill specifies that the amount to be charged the county in connection with the additional excise tax on motor vehicle fuel is 1 percent of the tax collected each month by the Department of Motor Vehicles.

This measure is effective on July 1, 2005.



## **VARIOUS OTHER BILLS**

### **A.B. 210 (Chapter 308)**

Assembly Bill 210 encourages women and members of certain minority groups to obtain skills and experience needed to work in the construction industry through employment, apprenticeship programs, and related training. The measure likewise urges the construction industry to encourage women and minorities to seek employment and training in the construction trade.

The bill highlights the importance of the construction trade in Nevada, cites an underrepresentation of women and minorities in the trade, and discusses the benefits these groups may bring to the industry.

Finally, A.B. 210 requires that the Director of the Legislative Counsel Bureau distribute copies of this bill to various chambers of commerce, high school vocation programs, community colleges, trade schools, and various industry-related labor organizations.

### **A.B. 351 (Chapter 158)**

Assembly Bill 351 encourages the Administrator of the Division of State Parks, the governing body of each city or town, each board of county commissioners, and each county park and recreation commission in Nevada to adopt regulations to facilitate the display and sale of artistic expressions protected by the First Amendment in public parks, public recreational and cultural facilities, and other public spaces within their jurisdiction.

### **A.B. 510 (Chapter 224)**

Assembly Bill 510 revises the definition of “publication” and “local government” for purposes of depositing documents with the State Publications Distribution Center at the State Library and Archives. The bill requires state or local governmental entities to notify the Center of the release of a publication that was produced in an electronic format, and to provide access to the publication. Further, the Center is required to make available on the Internet Web site of the State Library and Archives a list of the publications it receives.

The measure is effective on June 2, 2005.

### **S.B. 233 (Chapter 345)**

Senate Bill 233 authorizes an operator of a grocery store to serve samples of alcoholic beverages on the premises of the store to a person of legal age. A local governing board may adopt reasonable restrictions regarding this activity, but is prohibited from charging a fee.

Senate Bill 233 authorizes a person to operate an instructional wine-making facility if the person obtains a license from the Department of Taxation. The licensee is authorized to engage in the process of wine making and to serve wine by the glass for consumption on the premises of the facility. The wine produced on the premises of the facility must be used, consumed, or disposed of on the premises. A limited amount of the wine may be distributed to

VARIOUS OTHER BILLS (continued)

a person participating in the wine-making process for that person's household or personal use or as a gift under certain circumstances.

This bill makes it a misdemeanor to sell, offer to sell, or solicit the purchase or sale of wine produced on the premises of an instructional wine-making facility. It is also a misdemeanor to use wine produced on the premises for any purpose other than household or personal use or as a gift.

The bill is effective on June 10, 2005.

**S.B. 261 (Chapter 148)**

Senate Bill 261 revises the provisions governing skier safety to include snowboarding.

## VETOED BILLS

### A.B. 135 (Vetoed on April 7, 2005)

Assembly Bill 135 increases the annual maximum amounts that may be assessed against insurers and reinsurers. The assessments are deposited in the Special Investigative Account in the State General Fund and used to support the Fraud Control Unit for Insurance in the Office of the Attorney General.

(Veto sustained May 2, 2005.)

### A.B. 505 (Vetoed on June 14, 2005)

Assembly Bill 505 requires the Department of Motor Vehicles (DMV) to register a motor vehicle with a declared gross weight in excess of 26,000 pounds that is registered intrastate for a period of 12 consecutive months beginning on the day established by the DMV. The DMV may establish by regulation as many registration periods as are required. The bill also provides that registration fees for fleets of such vehicles may be paid in installments in accordance with DMV regulations. Finally, an application to register such a vehicle must be filed with the DMV before the time the fee becomes delinquent, and if the application is to renew a registration, the application must be filed on or before December 1 of the same year.

The measure also abolishes the Transportation Services Authority and transfers its powers and duties to the Public Utilities Commission of Nevada (PUCN). Further, this bill creates the position of Transportation Hearing Commissioner to be appointed by the Governor, who will act as the hearing officer on cases concerning transportation services. It also authorizes the PUCN to employ additional personnel in transportation-related positions and provides that any such personnel, with the exception of clerical staff, are unclassified employees of the state. The bill also requires that an appeal from a final decision of the Taxicab Authority must be made to the District Court of appropriate jurisdiction.

Additionally, A.B. 505 provides that the Administrator of the Taxicab Authority may impose a sanction against a driver who commits certain prohibited acts concerning passengers, including conveying a passenger to a destination other than the one directed by the passenger. Finally, the measure prohibits a driver of a taxi from accepting a tip, gift, gratuity, money, fee, or any other valuable consideration from a person who holds a license issued by the governing body of a city or county for taking a passenger to the location of the person who holds the license.

(Will be returned to the 2007 Legislature to be sustained or overridden.)

**S.B. 274 (Vetoed on June 17, 2005)**

Senate Bill 274 makes certain changes regarding state and local fire authorities, prevailing wage requirements, and the oversight of public school construction projects. With respect to the State Fire Marshal and local fire authorities, S.B. 274:

- Clarifies that the State Fire Marshal may adopt fire-related codes to be used as minimum standards throughout the State;
- Restricts the authority of the State Fire Marshal in consolidated municipalities and in counties with 100,000 or more residents, and instead provides that enforcement authority in these jurisdictions rests with the local fire authority;
- Clarifies that local fire authorities are responsible for inspecting State buildings and reviewing construction plans for such buildings in counties with populations of 100,000 or more and in consolidated municipalities;
- Specifies that when reviewing construction plans for State buildings, the relevant fire authority must evaluate certain fire code issues, including fire department access, fire flow, fire suppression systems, and fire alarm systems;
- Provides that local fire authorities and the State Fire Marshal will notify the Governor, rather than the State Public Works Board, when a State agency fails to correct any fire code deficiency; and
- Appropriates from the State General Fund to the State Fire Marshal \$163,198 in Fiscal Year (FY) 2006 and \$200,233 in FY 2007 for expenses related to carrying out the provisions of this bill.

Senate Bill 274 additionally requires that the Legislative Commission appoint a committee to conduct an interim study of the operations of the State Fire Marshal. The study must examine the manner in which the State Fire Marshal Division cooperates and interacts with local governments on matters relating to buildings, structures, public safety, and the prevention and suppression of fires. The Commission must report the results of the study and any recommendations for legislation to the 74th Regular Session of the Legislature.

The bill further provides that local governments no longer must obtain State approval before adopting ordinances that are more stringent than statutory provisions with regard to mandating fire-safety enhancements in existing structures.

Senate Bill 274 also changes certain statutory references to prevailing wage provisions in relation to counties, cities, redevelopment, and state obligations, among others.

In addition, S.B. 274 takes the State Public Works Board out of the process of approving plans for the construction and alteration of school buildings in counties whose populations are 30,000 or more but less than 400,000 (Carson City, Douglas, Elko, Lyon, Nye, and

Washoe Counties). Instead, school districts in these counties must work with local building departments for review, approval, and inspection of such projects. If a district is located in a county of this size that does not have a local building department, the district must contract with a private entity or with the building department of another local government.

In counties with populations of less than 30,000 or 400,000 or more (all remaining counties), school districts must work with the State Public Works Board for review, approval, and inspection of construction projects. The State Public Works Board may contract with a local building department to perform these functions if the board determines that the department has the necessary expertise.

If a local building department does not have adequate staffing to meet the inspection needs of a school district, the department may authorize the district's board of trustees to perform the necessary reviews and inspections; however, the building department is responsible for overseeing this work and verifying that inspections are conducted by qualified personnel.

School districts may be charged a reasonable fee for the required review of construction plans. Such reviews must ensure that the plans comply with applicable State and local codes, as well as the requirements of the Americans with Disabilities Act.

Finally, S.B. 274 repeals outdated sections of law relating to fire safety.

(Will be returned to the 2007 Legislature to be sustained or overridden.)



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## **SENATE STANDING COMMITTEES**

Seventy-Third Session—2005

(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, Hardy, Heck, Tiffany, Carlton, Lee, Schneider

### **FINANCE**

Raggio, Beers, Cegavske, Rhoads, Coffin, Mathews, Titus

### **GOVERNMENT AFFAIRS**

Hardy, Tiffany, Raggio, Townsend, Care, Lee, Titus

### **HUMAN RESOURCES AND EDUCATION**

Washington, Cegavske, Heck, Nolan, Horsford, Mathews, Wiener

### **JUDICIARY**

Amodei, Washington, McGinness, Nolan, Care, Horsford, Wiener

### **LEGISLATIVE OPERATIONS AND ELECTIONS**

Cegavske, Raggio, Beers, Hardy, Mathews, Titus, Wiener

### **NATURAL RESOURCES**

Rhoads, McGinness, Amodei, Beers, Carlton, Coffin, Schneider

### **TAXATION**

McGinness, Tiffany, Rhoads, Townsend, Care, Coffin, Lee

### **TRANSPORTATION AND HOMELAND SECURITY**

Nolan, Heck, Amodei, Washington, Carlton, Horsford, Schneider

### **PRESIDENT PRO TEMPORE**

Mark E. Amodei

### **MAJORITY FLOOR LEADER**

William J. Raggio

### **ASSISTANT MAJORITY FLOOR LEADER**

Dennis E. Nolan

### **MAJORITY WHIP**

Dean A. Rhoads

### **ASSISTANT MAJORITY WHIP**

Sandra J. Tiffany

### **MINORITY FLOOR LEADER**

Dina Titus

### **ASSISTANT MINORITY FLOOR LEADER**

Bernice Mathews

### **MINORITY WHIP**

Valerie Wiener



## ASSEMBLY STANDING COMMITTEES

### Seventy-Third Session—2005

(The Chairman is named first, the Vice Chairman is named second, then members are listed alphabetically by majority and minority party.<sup>1</sup>)

#### COMMERCE AND LABOR

Buckley, Oceguera, Anderson, Arberry, Conklin, Giunchigliani, McClain, Parks, Perkins, Allen, Gansert, Hettrick, Seale, Sherer

#### EDUCATION

Parnell, Smith, Atkinson, Horne, McCleary, Manendo, Munford, Angle, Hardy, Holcomb, Mabey

#### ELECTIONS, PROCEDURES, ETHICS, AND CONSTITUTIONAL AMENDMENTS<sup>1</sup>

Koivisto, Mortenson, Conklin, McCleary, Denis, Giunchigliani, McClain, Munford, Angle, Gansert, Holcomb, Seale, Sibley

#### GOVERNMENT AFFAIRS

Parks, Pierce, Atkinson, Claborn, Kirkpatrick, McCleary, Munford, Parnell, Christensen, Goicoechea, Grady, Hardy, Sibley

#### GROWTH AND INFRASTRUCTURE

Perkins, Giunchigliani, Anderson, Kirkpatrick, Leslie, Mortenson, Parks, Pierce, Allen, Grady, Hettrick, Sibley, Weber

#### HEALTH AND HUMAN SERVICES

Leslie, McClain, Gerhardt, Horne, Koivisto, Parnell, Pierce, Angle, Hardy, Mabey, Weber

#### JUDICIARY

Anderson, Horne, Buckley, Conklin, Gerhardt, Manendo, Mortenson, Oceguera, Ohrenschall, Allen, Angle, Carpenter, Holcomb, Mabey

#### NATURAL RESOURCES, AGRICULTURE, AND MINING

Claborn, Atkinson, Denis, Hogan, Kirkpatrick, Ohrenschall, Smith, Carpenter, Goicoechea, Grady, Marvel

#### TRANSPORTATION

Oceguera, Ohrenschall, Atkinson, Claborn, Gerhardt, Hogan, Manendo, Carpenter, Christensen, Goicoechea, Sherer

#### WAYS AND MEANS

Arberry, Giunchigliani, Denis, Hogan, Koivisto, Leslie, McClain, Perkins, Smith, Gansert, Hettrick, Marvel, Seale, Weber

#### SPEAKER

Richard D. Perkins

#### SPEAKER PRO TEMPORE

Chris Giunchigliani

#### MAJORITY FLOOR LEADER

Barbara Buckley

#### ASSISTANT MAJORITY FLOOR LEADER

John Oceguera

#### MAJORITY WHIP

Bernie Anderson

#### ASSISTANT MAJORITY WHIP

Sheila Leslie

#### ASSISTANT MAJORITY WHIP FOR PROCEDURE

Genie Ohrenschall

#### MINORITY FLOOR LEADER

Lynn Hettrick

#### ASSISTANT MINORITY FLOOR LEADER

Garn Mabey

#### MINORITY WHIPS

Valerie Weber and Heidi Gansert

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<sup>1</sup> Assemblywoman Koivisto and Assemblyman Mortenson served as Co-Chairmen and Assemblyman Conklin and Assemblyman McCleary served as Co-Vice Chairmen of the Elections, Procedures, Ethics, and Constitutional Amendments Committee.